

**1.0 Application Number:** WD/D/19/001056

**Site address:** Trafalgar farm, 34 Portesham, Weymouth DT3 4ET

**Proposal:** Erect single storey dwelling

**Applicant name:** Mr Coombes

**Case Officer:** Jo Riley

**Ward Member(s):** Cllr Bartlett, Cllr Gardner, Cllr Dunseith

This application has gone through the scheme of delegation and has been requested the application be heard at Planning Committee.

**2.0 Summary of Recommendation:** GRANT subject to conditions

**3.0 Reason for the recommendation:**

- Absence of 5 year land supply and the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable despite the sites location outside of but adjoining the defined development boundary of Portesham
- The design, layout, scale, mass, appearance access and materials are acceptable and would not have a negative impact on the setting of the street scene or nearby listed building.
- There is no significant harm to neighbouring residential amenity, nor to the character and appearance of the surroundings and AONB.
- There are no material considerations which would warrant refusal of this application

**4.0 Table of key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Presumption in favour of sustainable development despite the site being outside the defined development boundary for Portesham, for one modest private market dwelling.
Scale, design, impact on character and appearance	Access, Appearance, Landscaping, Layout, and Scale as per the submitted drawings are acceptable.
Impact on amenity	No impact on residential neighbours' amenities.
Impact on landscape or heritage assets	Site lies in the Dorset AONB and outside DDB for Portesham. It is well-

	screened by hedging from the setting of the listed building and would not have a detrimental impact on the conservation area. The development will have no materially adverse visual impact on the character of the conservation area and the AONB.
Economic benefits	The development phase will provide employment and post development there will be financial benefit in the local community through, holiday let income, the use of local services and payment of Council Tax.
Access and Parking	Existing access to be used – no highway objections
EIA (if relevant)	N/A
Climate Change	All new build housing would be expected to meet zero carbon measures

## 5.0 Description of Site

5.1 The application site is located off an existing access track behind metal gates that serves existing semi dilapidated farm buildings.

5.2 The site lies outside but adjacent to the Portesham Defined Development Boundary (DDB) which runs to the west of the application site. The site also lies within the Portesham Conservation Area and No. 34 Front Street (Trafalgar House) is a Listed Building, which has a curtilage to the west of the application site.

5.3 This is a full application for the erection of a single storey three bedroomed bungalow. The proposed materials for the bungalow are timber for the walls and slate for the roof with green UPVC windows.

5.4 The location for the proposed bungalow is to the south east of an existing metalled caravan/mobile home. The caravan has the benefit of a certificate of lawful use granted in 2017 (reference WD/D/16/002527).

5.5 At the time of the officer site visit, there was only one mobile home/caravan on the site.

## 6.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
WD/D/16/002527 Certificate of Lawful Use	Use of the land for the siting of a caravan for residential purposes	Approved	24.02.2017

## **7.0 List of Constraints**

Outside any Defined Development Boundary (DDB)

Within Portesham Conservation Area

Within the Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

Landscape Character Area: incorporating the West Dorset Landscape Character Assessment (2009).

## **8.0 Consultations**

**8.1 Chesil Bank Parish Council** – *‘There are issues regarding ownership and this should be resolved before any permission granted. Should ownership issues be resolved then the issues are:*

*The site is just outside the DDB, not isolated and near the centre of the village. The aim is to replace a dilapidated mobile home.*

*A new building within the listed building curtilage area would need appropriate consideration from heritage and conservation organisations.*

*The re-siting of the proposed new dwelling to replace the mobile home caravan to one of two alternative areas should be considered – build the dwelling within the area where the certificate of lawful use exists, or build the new dwelling to the north east of the lawful use area to the north of the track. Both options would be supported meeting the SUS2 policy requirements because; the areas are either of just inside the edge of the DDB not isolated, easily accessible close to the village centre.*

*The single storey dwelling could be considered to be affordable housing because of its design and material planned. It could be considered as rural workers dwelling because of the applicant’s form of employment.*

*Other benefits would be that Trafalgar House and its listed curtilage would be maintained until legal ownership of the property is resolved. The Grade II Listed Building could eventually be sold enabling it to be sympathetically renovated and saved. The needs of the applicant’s elderly mother would be met.*

*The parish does not support the planning application but supports alternatives sites for the dwelling which meet the requirements of SUS2. ‘*

**8.2 Dorset Council – Highways:** No objection.

**8.3 Conservation Officer Comments – Unable** to support

There is some considerable planning history for this site.

The principle of a new dwelling on the listed building and conservation area is less than substantial.

Even though this would be new development within a conservation area and something not usually supported in this case, the impact is considered to be on the low end of the scale. However the size of the proposed dwelling is very large and uninspiring; and in this degree the impact is severe, the footprint appears to dwarf the listed building.

A better design should be negotiated and justified – withdraw and scale down the proposed dwelling.

**8.4 Natural England** – Please refer to standing advice. If protected species or biodiversity interests are likely to be affected or the site exceeds 0.1ha then an approved Biodiversity Mitigation Plan is required. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

**All consultee responses can be viewed in full on the website.**

#### **Representations received**

One letter of support received – The dwelling would have a limited impact on the local environment, and would be better than a gigantic mobile home in full view of the road.

#### **9.0 Relevant Policies**

##### **Adopted West Dorset and Weymouth & Portland Local Plan (2015)**

As far as this application is concerned the following policies are considered to be relevant.

- INT1 Presumption in Favour of Sustainable Development.
- ENV1 Landscape, Seascape and Sites of Geological Interest.
- ENV4 – Heritage Assets
- ENV10 The Landscape and Townscape Setting
- ENV11 The Pattern of Streets and Spaces
- ENV12 The Design and Positioning of Buildings
- ENV16 Amenity
- SUS2 Distribution of Development
- COM7 Creating a Safe and Efficient Transport Network.
- COM9 Parking Standards In New Development

Long Bredy, Portesham, Chickerell, Abbotsbury, Langton Herring Conservation Area Appraisal 2008.

*The village shows a marked differentiation in the plot size and position between gentry houses and smaller cottages. The larger houses stand in large plots, usually set back from the street (although the Manor House stands on the road line and Portesham House has only a small front space, walled and railed, to the main road). The former Vicarage and Manor Farm have extensive gardens and the Manor House has a large rear garden. Manor Farm had an extensive working yard, with sheds and barns, now converted to housing. Trafalgar House also had a working yard to its north. Most of the cottages are in rows, on or near the road edge, originally with reasonably sized rear gardens. There is one planned terrace, set behind small front spaces, opposite the former School in Front St. The character and interrelationship of spaces may be described in the form of a short walk, describing topography, buildings, the spaces between and around them, colours and details and trees and other landscape features.*

### **National Planning Policy Framework – July 2018 (as amended)**

The NPPF was updated with a revised version published on 23 July, 2018, and a further update in February, 2019, made minor amendments. As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:

Section 2 ‘Achieving sustainable development’ advises at Paragraphs 8 and 9:

“8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable

solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

At paragraph 11, it advises of the ‘Presumption in favour of sustainable development’.

Section 6 ‘Building a strong, competitive economy’ advises generally on the requirement for planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Taking into account both local business needs and wider opportunities for development.

Section 12 ‘Achieving well designed places’ indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 124 – 131 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Further advice contained in the following sections of the NPPF is of relevance:

Section 14 – Climate change – and where applicable – flooding and coastal change.

Section 15– Conserving and enhancing the natural environment. Paragraph 172 is of relevance. This, in part, reads:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.”

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

### Other material considerations

Within the Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

Landscape Character Area: incorporating the West Dorset Landscape Character Assessment (2009)

Design and Sustainable Development Planning Guidelines (2009),

### **10.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### **11.0 Public Sector Equalities Duty**

11.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

11.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

### **12.0 Financial benefits**

#### Material considerations

In terms of the economic benefits of the proposals, the development phase will provide employment and post development there will be financial benefit in the local community.

#### Non-material considerations

Payment of Council Tax.

### **12.1 Climate Change Implications**

12.2 The proposal is considered to be in accordance with the Policies of the adopted Local Plan as regards open market housing given the proposal is on the edge of the village and as such comprises what is regarded as Sustainable

Development. The proposal would also have to meet modern Building Regulations standards as regards construction and energy efficiency.

## **13.0 Planning Assessment**

### **13.1 Principle of development**

13.1.1 Policy SUS2 of the Local Plan aims to focus residential, employment and other development to meet the needs of the local area within defined development boundaries (DDBs) and taking place at appropriate scales to the size of each settlement. The policy also indicates that outside the defined development boundary, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints. Open market houses can be acceptable under this policy but only when this involves the re-use of existing rural buildings.

13.1.2 However, the Council cannot demonstrate a 5 year housing land supply for the West Dorset, Weymouth & Portland plan area, which a recent inspector concluded is greater than 4.12 but less than 4.88 years, so less than the required 5 years. This means that para 11 footnote 7 of the NPPF is 'engaged' and Policy SUS2 can no longer be considered to be up to date. In such cases planning permission should be granted unless:

- i) The application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing development proposed, or*
- ii) Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole*

In this regard the main policy issues are:

- conflict with the spatial strategy of the Local Plan; and
- The impacts of the proposed development given its location outside a village that does not have a DDB.

13.1.3 Policy INT1 of the adopted Local Plan sets out the application of a presumption in favour of sustainable development (which is at the 'heart' of the NPPF), stating that:

*"There will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area. Where there are no policies relevant to an application, or relevant policies are out of date at the time of making the decision, the following matters will be taken into account:*

- 1. the extent to which the proposal positively contributes to the strategic objectives of the local plan;*
- 2. whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and*

3. *Whether the adverse impacts of granting permission could significantly outweigh the benefits."*

13.1.4 In terms of the strategic objectives of the local plan the three dimensions to sustainable development, which are also identified in the NPPF are: economic, social and environmental.

13.1.5 In terms of performing an economic role, the additional population would help generate spending in the local community, provision of infrastructure and services. The proposed development would also result in the creation of construction jobs during the build period. Officers therefore consider the proposal satisfies the economic dimension of sustainable development.

13.1.6 With regard to the social role, the provision of one additional dwelling would make a small but useful and positive contribution to the district's marginal housing shortage. Whilst the site does not fall within a DDB it does lie immediately adjacent to a village with a DDB.

13.1.7 In terms of the environmental dimension, Portesham is a rural village and has a DDB. Therefore the location of the new dwelling alongside the DDB would not be considered to be an isolated location, which would be unsustainable, but would relate well to the village and lies close to the village centre.

13.1.8 In light of the above, it is considered that the proposed development would enhance and maintain the vitality of this rural community and, thus, satisfy the social dimension of sustainable development.

13.1.9 On the whole, officers are satisfied that the proposed development would improve the economic, social conditions in the area and the environmental dimension in terms of its location. Other aspects of the environmental dimension will be considered further below.

13.1.10 It should also be noted that another mobile dwelling has previously been accepted adjoining the DDB and the application site, by the granting of a certificate of established use for the siting of the mobile home on the adjacent field.

13.1.11 The principle of the mobile home on the adjacent field has been legally established, separately from this application. Therefore its removal cannot be required as part of the consideration of this current application, as requested by the Parish Council. It is possible that the applicant may choose not to occupy the mobile home if a new dwelling is permitted and constructed on the site, and he may choose to remove it. However, there is no legitimate reason for this to be controlled through a planning condition.

### **13.2 Layout scale, design, Impact on the character and appearance of the AONB landscape.**

13.2.1. Local Plan Policy ENV1 – Landscape, Seascape and Sites of Geological Interest – indicates that development which would harm the character, special qualities or natural beauty of the Dorset AONB, including their characteristic landscape quality and uninterrupted panoramic views, will not be permitted. New development should also protect the visual quality of the local landscape. In the NPPF the advice at paragraph 172 gives great weight to “*conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*”, which it is considered has also been taken into account.

13.2.2 The design of the proposed single storey dwelling is such that it would be bungalow style of modest proportions, with a height of 6.5m to the ridge and 3m to the eaves. The proposed materials of timber and slate would sit well within the landscape context of the area, being set back from the street scene, to appear as rural outbuildings distinct from stone dwellings fronting the street.

13.2.3 The setting of the nearby listed building which sits along the street frontage and which is separated from the proposed dwelling by its garden and stone wall also lies within the AONB. It’s historic and landscape setting would not be considered to be any more harmfully affected from a new dwelling in the former farmyard, than by the existing mobile home and farm buildings, given its materials, scale and siting.

13.2.4 The dwelling would be screened from the wider landscape of the AONB by trees and shrubs and would therefore accord with the provisions of Adopted Local Plan Policies ENV10 - The Landscape and Townscape Setting; and, ENV12 – The Design and Positioning of Buildings; and, the advice contained in the NPPF 2018 (as amended).

### **13.3 Impact on the character of the conservation area.**

13.3.1 The site lies within the conservation area and in proximity to the listed building of Trafalgar House fronting the road. The proposal is considered to pass the tests set out in paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by paying special attention to the desirability of preserving a listed building and its setting and preserving or enhancing the character or appearance of the conservation area.

13.3.2 The Conservation Officer has raised concerns with the design and size of the proposed dwelling, but states that the principle of the dwelling as proposed would cause less than substantial harm at the lower end of the scale of harm to the significance and setting of the Listed Building of Trafalgar House.

13.3.3 The siting of the dwelling would not be considered to have a harmful impact on the street scene of Portesham, as it sits behind the curtilage of the Listed Building of Trafalgar House (referred to in the conservation appraisal as its working yard). There is a clear curtilage around Trafalgar House which is screened from the proposed location.

13.3.4 Given this historic context the proposed dwelling is considered to be both far enough away from the Listed Building to not affect its setting, and not so far away from the built up village centre to represent a sporadic intrusion into the wider landscape.

13.3.5 Timber and slate external materials proposed to be used in the construction of the bungalow would be appropriate, appearing as an outbuilding in the former working yard area, and would enable the simple bungalow structure to remain subordinate to and respectful of the historic context, significance and setting of the Trafalgar House listed building, which remains dominant on the street frontage.

#### **13.4 Impact on the amenity of neighbours**

13.4.1 Policy ENV16 – Amenity – of the Adopted Local Plan permits development provided that it has no significant adverse impact on neighbouring amenities through loss of privacy; loss of light or excessive overshadowing; or through a level of activity or noise that would detract from the quiet enjoyment of residential properties.

13.4.2 In this regard the scheme is considered to be acceptable. There are no immediate neighbours given the backland location and landscaped setting, and therefore no harmful impacts in relation to neighbouring amenities.

#### **13.5 Economic and Social benefits**

13.5.1 The NPPF was first published in March, 2012. It outlined Central Government Policy relating to planning and development, arguing in favour of and supporting sustainable development. In so doing, it based the achievement of sustainable development on three overarching objectives - which are: an economic objective; a social objective; and, an environmental objective. These objectives are maintained in the updated NPPF of February 2019, (as amended).

13.5.2 In terms of the economic benefits of the proposals, the development phase will provide employment. It is considered that the proposal accords with the provisions of Adopted Local Plan Policy ECON6.

13.5.3 The social objective of the NPPF would be met through the provision of additional support for local and community services and facilities in the village to enhance its vitality.

#### **13.6 Access, Highways & Parking**

13.6.1 There are no highway objections. Access to the site is to be derived from the existing farm track access off Front Street. No highways conditions have been suggested. There is sufficient plot size for turning and parking.

### **13.7 Other Matters**

13.7.1 The comments received from the Parish Council regarding ownership are noted. The applicants agent has confirmed the correct certificate has been included with the planning application, as such all other matters of ownership and rights are private matters.

13.7.2 It is important to note that the red line surrounding the application site does not include the land of the mobile home established by a Certificate of Lawful Use and Development, which lies with the adjacent blue line of ownership but not on the application site.

13.7.3 The proposal would be CIL liable– the estimated charge is £14,690.00 plus index linking.

### **14.0 Conclusion**

14.1.1 The location, layout, appearance, size and scale of the proposed, single storey dwelling are considered to be acceptable within the Area of Outstanding Natural Beauty on the edge of the village settlement boundary. There would be no material harm to neighbouring amenities. The details of timber and slate as external materials to be used on the proposed dwelling in this location, would ensure acceptable impacts on the adjacent listed building and adjoining landscape and can be agreed through a planning condition.

14.1.2 Although there would be harm to the setting of the listed building of Trafalgar House due to the size and design of the single storey dwelling proposed, this would be at the low end of the scale of less than substantial harm. This harm is afforded great weight in the planning balance. However, when considering the distance from the Listed Building, the position close to the former farmyard buildings, the intervening screening, and the significantly greater height and presence of the listed building itself, this harm would be outweighed by the public benefits of the proposal.

14.1.3 Overall, officers are satisfied that there are no material harmful effects that would significantly and demonstrably outweigh the social, economic and environmental benefits of the development, as detailed in the main body of the report. The proposed development is not within but is adjacent to a village with a DDB but has good pedestrian connectivity to the facilities on offer in Portesham. In the light of the current housing land supply position the proposal would make a small but positive contribution to the supply of housing where there are no other obvious and adverse planning impacts to justify a refusal of planning permission.

14.1.4 The proposed development is acceptable and therefore recommended for approval.

## **15.0 RECOMMENDATION GRANT, SUBJECT TO CONDITIONS:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plans and elevations 16/004/002 REV C

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby approved shall be constructed of natural timber and natural slate roof. No development shall be commenced until details and samples and details of colour of stain or finish of the timber shall have been submitted to, and approved in writing by the Local Planning Authority and shall be constructed and retained as agreed.

REASON: In the interest of visual amenity.

4. No development shall take place until full details of hard and soft landscape proposals including boundary treatments have been submitted to and approved in writing by the Local Planning Authority (L.P.A). These details shall include planting plans, written specifications and schedules of plants, noting species, planting sizes, proposed numbers/densities where appropriate and implementation timetables. A schedule of landscape maintenance proposals shall also be submitted to and approved in writing by the L.P.A prior to commencement of the development and the said maintenance shall be carried out in accordance with the approved schedule for a minimum period of 5 years following completion of the dwelling hereby approved.

REASON: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

5. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other Order revoking or re-enacting that Order with or without modification) no roof enlargement or alteration shall be carried out to the dwelling

without a further application for planning permission being approved by the Local Planning Authority.

Reason: In order to protect neighbouring residential properties from the possible impact of such enlargements or alterations in terms of possible overlooking.

## **Informative Notes**

### **National Planning Policy Framework Statement**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

### **Community Infrastructure Levy**

This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.