

Application Number:	P/FUL/2022/00197
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	The Stables Long Mead Melway Lane Child Okeford DT11 8EW
Proposal:	Demolition of existing stables & erection of 1no dwelling
Applicant name:	Mrs Kay Gairdner
Case Officer:	Philip Longhurst
Ward Member(s):	Cllr Jespersen

1.0 This application is referred under the Council's Scheme of delegation due to contrary opinion from the Parish Council.

2.0 Summary of recommendation:

Grant subject to conditions

3.0 Reason for the recommendation:

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- Minimal impact on the character of the area or the setting of the AONB.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable due to distance from settlement boundary and public services.
Scale, design, impact on character and appearance	Modest scale and appropriate design.
Impact on amenity	No immediate neighbours.
Impact on landscape or heritage assets	Minimal impact on landscape or AONB.
Access and Parking	Use of existing access.
Ground water flooding	No concerns raised by Wessex Water

5.0 Description of Site

The application site consists of an existing stable building located roughly 200 metres to the south of the Child Okeford Settlement Boundary along a single track unclassified road known as Melway Lane. The site is accessed via a small spur lane

that serves access to this and neighbouring fields. The site falls just outside the AONB and it largely concealed by trees and hedgerow.

6.0 Description of Development

Demolition of the existing stable building and the erection of a two bedroom one and a half storey dwelling.

7.0 Relevant Planning History

None

8.0 List of Constraints

North Dorset Local Plan Part 1 (2011-2031); Adopted; Outside settlement boundaries (countryside); Policy 2, 20.

Right of Way: Footpath N35/36;

Areas Susceptible to Groundwater Flooding; Clearwater and Superficial Deposits Flooding; $\geq 75\%$;

Areas Susceptible to Groundwater Flooding; Superficial Deposits Flooding; $< 25\%$;

SSSI impact risk zone;

SSSI (5km buffer): Hod and Hambledon Hills ;

SSSI (5km buffer): Shillingstone Quarry ;

SSSI (5km buffer): Piddles Wood ;

9.0 Consultations

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

Consultees

1. Child Okeford Parish Council – OBJECTION

- Isolated location, outside of settlement boundary, unsustainable location.
- More visual impact than the current structure, change in character of the site.
- Impact on the AONB and urbanisation of a rural location.
- Clearly visible from public viewpoints in the countryside including Hambledon Hill.
- Intensification of a narrow access lane.
- Ownership of the entrance to the site is not wholly owned by the applicant.
- No existing services.
- Unauthorised current usage of the site to house a caravan.

2. Ward Member - Hill Forts And Upper Tarrants Ward – No comment received

3. **Open Spaces Society** – No comment received
4. **DC – Landscape** – No comment
5. **DC - Natural Environment Team** – No comment received
6. **DC - Rights of Way Officer** – No comment received
7. **DC - Highways** – No objection subject to condition
8. **DC - Dorset Waste Partnership** – No comment received
9. **DC - Trees (Team B)** – No objection subject to condition
10. **DC - Economic Development and Tourism** – No comment received
11. **DC - Building Control North Team** - “Consideration to be given to ADB B5 access for the fire rescue service vehicles, Would recommend consultation with a structural engineer in regard to depth of foundations due to proximity of trees and soil type. Recommend a radon report for this address as radon levels appears slightly raised.”
12. **Wessex Water** – No objection

Representations received

Total - Objections	Total - No Objections	Total - Comments
7	0	0

10.0 Relevant Policies

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Adopted North Dorset Local Plan:

The following policies are considered to be relevant to this proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity
- Policy 4 - The Natural Environment
- Policy 20 - The Countryside

Other material considerations

Supplementary Planning Documents/Guidance:

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 4. Decision taking: 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...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.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 79-80 reflecting the requirement for development in rural areas.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- 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 126 – 136 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.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment' - In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

National Planning Practice Guidance

11.0 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.

12.0 Public Sector Equalities Duty

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.

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 Public Sector Equalities Duty.

The proposal would not raise any specific impacts on persons with protected characteristics.

13.0 Planning Assessment

Location of development

Policy 2 (Core Spatial Strategy) and Policy 6 (Housing Distribution) of the Local Plan require development to be located in accordance with the spatial strategy which directs development to the 4 main towns and larger villages. However, the council's Housing Delivery Test result is at 69%, and so the presumption in favour of sustainable development still applies in North Dorset. Policy 6 of North Dorset Local Plan is the most relevant housing policy. Policy 2 and 20 of the local plan are consistent with the aims of the NPPF. Policy 2 is the Council's Core Spatial Strategy, and follows national planning policy which seek to focus significant development on locations which are or can be made sustainable (NPPF para 105), respond to local circumstances and support housing developments that reflect local needs in rural areas (NPPF para 78) and recognise the intrinsic character and beauty of the countryside (NPPF para 174). In recent appeal decisions the strategy was deemed to be "broadly consistent with the Framework and still of significance", and it is not considered as out of date.

The site is located close to the settlement boundary of Child Okeford. However, in policy terms the site is within the 'countryside' and development would normally be strictly controlled, unless it is required to enable essential rural needs to be met. Policy 20 Countryside reiterates this and lists two criteria where development would be appropriate outside defined settlement boundaries, a) the type of development set out in local plan policies or b) there is an overriding need for it to be in the countryside. This proposal is contrary to these policies as it is outside the settlement boundary for Child Okeford and not specifically for essential rural needs.

Whilst Dorset Council, in the area covered by the North Dorset Local Plan, are now able to provide over 5 year of housing land supply the 2021 Housing Delivery Test result means that the tilted balance, identified in paragraph 11(d) of the NPPF, which applies the presumption that permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or there would be adverse impacts which would significantly and demonstrably outweigh its benefits.

In paragraph 7 of the NPPF it is identified that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF identifies that achieving sustainable development means that the planning system has three, interdependent, overarching objectives. These are identified as being economic, social and environmental. The proposal shall be considered, amongst other things, against these objectives.

The proposed development, by reason of its nature and scale, would: support and require a modest amount of labour from the construction industry during the phases of development; house a small number of people who would, in turn, make a small contribution, through expenditure, to the viability of local retailers and service providers; and also, once occupied, result in a slight increase in the amount of Council Tax, which contributes to the delivery of services and investment, received by the Council. Therefore, the proposal, by reason of its nature and scale, would

make a small but still beneficial contribution to the economy.

The proposal, by reason of its scale and nature, would make a small contribution to ensuring that a sufficient number and range of homes are provided to meet the needs of present and future generations. The proposal, by reason of its location in close proximity to green infrastructure, would support the health and social and cultural well-being of the occupants. Therefore, the proposal, by reason of its location and nature would support the strength and health of the community.

The application site falls approximately 200m from the Child Okeford Settlement Boundary and approximately 710m from the part of the settlement where a public house, church, convenience store and Post Office can be found. A second public house and the village hall can be found within the settlement further to the north/north-west, whilst the St Nicholas C of E Primary School is located approximately 430m to the north-west of the site. Child Okeford is served by buses running between Yeovil and Blandford. Whilst vehicular access to the site is obtained via a narrow single track, unlit road with no pavement future occupants of the site would have benefit of the public rights of way (N35/3 and N35/36) through neighbouring fields which lead directly into the Child Okeford Settlement Boundary, therefore, occupiers of the proposed dwelling would not have to be solely dependent on the private motor vehicle in order to reach services and facilities. In this respect, the proposal would allow for progress towards a low carbon economy and for the mitigation of climate change.

Scale, design, impact on character and appearance

Whilst the proposed building is an increase in scale over the existing stable building the overall scale and massing of the proposed dwelling remains reasonably modest. The structure would be roughly 67sqm in footprint with a dual pitch roof at approximately 6.7m in overall height with an eaves height of 3.2m.

Following a site visit it was clear that the building would remain largely obscured by existing tree and hedge screening when approached from Melway Lane, which is to be retained (wider views of the site are discussed in a below section of this report). The access lane is currently characterised by “modern” detached and semi-detached dwellings located within the settlement boundary followed by a couple of larger brick built properties with outbuildings set on large rural plots beyond the stream and the limits of the settlement boundary. The introduction of this dwelling would essentially serve as an ending point for development further from the village settlement boundary, with its reduction in scale, design and use of materials representing a natural transition between the residential built environment to the wider rural landscape.

The design incorporates a mixture of both traditional and modern elements which results in a simple yet characterful visual appearance. The building would be clad in feather edge timber atop a facing brick plinth with a natural slate roof covering, the overall design and use of materials are considered to respect and conform with the rural aesthetics of the site and locality. In view of this, the proposal is considered by officers to comply with the provisions of policy 4 and 24 of the Local Plan and the NPPF.

Impact on amenity

Policy 25 of the Local Plan deals with the issue of amenity in terms of: privacy and private open space; sunlight and daylight; artificial light intrusion; noise and vibration; and unpleasant emissions (such as odour and fumes).

The proposed site has no immediate neighbours whilst its modest scale would ensure that it would have no detrimental impact upon the current levels of residential amenity currently experienced by nearby residents. As such, officers consider that the proposal would comply with the requirements of policy 25.

Impact on landscape or heritage assets

The site sits roughly 350m from the village conservation area and there would be no harm to its setting. There are no listed buildings within close proximity to the proposed dwelling.

The site sits just outside the Dorset AONB however its setting must be considered. Concerns at the pre-application stage were raised in regard to the potential impact that the erection of a dwellinghouse in this location may have upon the setting of the AONB, as part of this application the applicant has submitted a Landscape Visual Appraisal. Following the submission of this appraisal it is considered that whilst views of the scheme may be possible from some public viewpoints particularly during times of the year where tree/hedge coverage may be reduced due to loss of leaf, the overall bulk of the proposal would still remain largely obstructed from view. Whilst some views may be obtained from Hambledon Hill, again the building would be largely obscured and read against the backdrop of natural screening whilst the modest scale, design and use of materials would ensure that its appearance would not be contrary to the rural nature of the site and its locality. As a result the dwelling would not adversely affect the setting of the AONB, and would comply with Policy 4 of the Local Plan and the NPPF.

Access and Parking

The proposed dwelling would utilise an existing vehicular access which currently serves the site. The existing access opens out onto a short spur lane who is shared by owners of the neighbouring fields and forms the start of the public right of way N35/36. Concerns have been raised by residents in regard to the applicant trying to obtain sole use of this small stretch of lane, however the submitted redline plan simply shows access to the site from the public highway, the scheme does not propose any development on this stretch of the lane. Private land ownership or rights of way are not planning issues. The council's highway officer was consulted on the application and raised no objections subject to condition. The proposal would comply with the requirements of Policy 23 and the NPPF.

Ground water flooding

Concerns have been raised in regard to potential flooding of the site, it is noted that the site forms part of an areas susceptible to groundwater flooding therefore Wessex Water have been consulted on the application. Wessex Water have responded with no objection to the proposed scheme.

14.0 Conclusion

For the reasons given in the above assessment it is considered that the application is acceptable. The benefit of providing a dwelling, in a sustainable location, would not be outweighed by any identified demonstrable harm.

15.0 Recommendation

Grant subject to conditions:

1. 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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: S2105 - dwg. no. 01, S2105 - dwg. no. 02, S2105 - dwg. no. 03, S2105 - dwg. no. 04, S2105 - dwg. no. 05, S2105 - dwg. no. 06, S2105 - dwg. no. 07, S2105 - dwg. no. 08

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

3. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 27/01/2022 must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion or the first bringing into use of the development hereby approved, whichever is the sooner. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

4. No external lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the external lighting scheme shall be installed operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

5. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

6. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the AMS must provide the following: a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing; b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012); c) a schedule of tree work conforming to BS3998; d) details of the area for storage of materials, concrete mixing and any bonfires; e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility; f) details of any no-dig specification for all works within the root protection area for retained trees; g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: To protect amenity and the character of the area.

8. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 02 must have

been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.