

Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report: To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.

Recommendations: **It is RECOMMENDED that:**
This report is for Information

Wards: Those covered by the area planning committee

2.0 APPEAL DECISIONS

Appeal Reference: APP/D1265/W/21/3284755

Planning Reference: WD/D/19/002903

Proposal: Use of land as a year round holiday park

Address: Osmington Mills Holidays, Mills Road, Osmington Mills, DT3 6HB

3.1 The planning application was considered by the Western and Southern Area Planning Committee in July 2021. The case officer for the application recommended to the committee that the application be approved. The committee decision was to refuse planning permission for the following reasons:

1. *The extended use of the holiday accommodation for an additional 2 months of the year would not represent sustainable development as it would increase the carbon footprint of the development with no evidence having been submitted to indicate to the contrary. The carbon footprint would increase as a result of additional heating, lighting and vehicle movements, particularly as the additional months of use would be during the winter. The proposed development is therefore considered to be contrary to Policy INT1 of the West Dorset, Weymouth and Portland Local Plan (2015).*
2. *In the absence of a satisfactory completed legal agreement there would be no mechanism to ensure payment of the required ecological contribution (£1,911- 30) in order to satisfactorily mitigate for the impacts of the*

development on the European protected heathlands. In these circumstances the scheme would be contrary to the Dorset Heathlands Planning Framework (2020-2025), Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan 2015 and the NPPF (2019).

- 3.2 The applicant subsequently appealed the refusal of planning permission. The appeal was dealt with by written representations and the Inspector allowed the appeal and planning permission
- 3.3 The Inspector said that whilst it was likely that the proposed changes would increase the number of trips to the holiday park throughout the winter season additional visits would support existing facilities within the Osmington Mills compound and the tourist industry at a time of the year when they are typically quieter. He commented that no substantive evidence had been presented by the Council to support the claim that visitors would not use nearby services and facilities.
- 3.4 The Inspector also commented that there was limited information before him to demonstrate that the occupation of the lodges for an additional two months would increase the carbon footprint of the development significantly. The Inspector considered that it could reasonably be expected that whilst visitors stay in the lodges the energy costs at their normal place of residence would in turn decrease whilst they are away. Additionally, the Inspector said his attention had not been drawn to a development plan policy restricting the use of existing holiday accommodation for such reasons. The Council's submissions refer to a Climate and Ecological Emergency Strategy and Action Plan but this document was not before the Inspector at the time of the appeal and he commented that there was no certainty that it would provide justification for resisting the proposed changes on this sole basis.
- 3.5 The Inspector was satisfied that the carbon footprint of the development would not increase significantly as a result of the proposed changes and it could not therefore be concluded that the proposed changes would have an adverse impact on climate change. The Inspector stated that the proposal would support the local tourist industry and represent a sustainable form of development and as such there would no conflict with Policy INT1 of the local plan, which sets out a presumption in favour of sustainable development.
- 3.6 A signed and dated unilateral undertaking which would provide the required financial contribution towards strategic access management and monitoring was submitted as part of the appeal and as such the contribution would ensure that there would be no likely significant effect on the integrity of the Dorset Heathlands as a result of the proposals and therefore there was no conflict with Policy ENV2 of the local plan.
- 3.7 The Inspector consequently allowed the appeal, imposing conditions regarding the relevant drawings, number of lodges and restricting their occupancy so that they are solely used for holiday purposes.