

Application Number:	P/FUL/2022/05509
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Scoutland, Land opposite Holy Trinity Burial Ground, Beaminster, DT8 3FF
Proposal:	Re-erection of open sided shelter sited adjacent to existing scout hut
Applicant name:	Mr Richard Hayden
Case Officer:	Charlotte Loveridge
Ward Member(s):	Cllr Knox

1.0 The application relates to land that is in Dorset Council ownership and the application is therefore being reported to Committee in accordance with Dorset Council's Constitution.

2.0 Summary of recommendation:

GRANT planning permission subject to conditions.

3.0 Reason for the recommendation:

- Para 11 of 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 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.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Policy COM4 provides principal support for new or improved open space or recreation facilities.
Scale, design, impact on character and appearance	The scale, design and impact on the character and appearance of the area is minimal and appropriate to the location.

Impact on amenity	The existing use of the site is for scout group activities and this structure will not create any additional impact on neighbouring amenity.
Impact on landscape or heritage assets	No harm is created to the setting of the Dorset AONB due to the scale, siting and materials used.
Economic benefits	Additional shelter for the scouts and no loss of facilities.
Access and Parking	No impact or change to the existing provisions.

5.0 Description of Site

- The application site is an area of field situated between Newtown Road at Beaminster (northern part of the town) and the access track to Whatley Mill (which services access to the burial ground). The site is outside of the defined development boundary for Beaminster but is within the Area of Outstanding Natural Beauty, the Beaminster Neighbourhood Plan area and Brit Valley Landscape Character Area. Footpath W21/1 runs along the access track.
- The field is a roughly rhomboid shape approximately 0.16 hectares in size.
- The established use of the site is for scout activities.
- There is a new purpose built timber clad scout hut, granted under WD/D/20/001617, which is sited in the northeastern corner of the site, with a hardstanding area laid from the access gate to the front of the hut, and a bank of Solar Panels on the roof of the hut.
- The site is level ground with a very gentle and barely discernible gradient from north to south. The access track on the eastern side is on slightly lower ground, and the properties on Newtown Road are also set very slightly lower
- There are established hedgerows on the north, east and south boundaries of the site. The western side has a post and rail fence boundary, with the residential property on the other side of the River Brit having an established hedgerow on their rear boundary. There are a number of matures trees in the northwestern corner and some younger ones along the western boundary.
- The residential properties to the west of the application site are bungalows/chalet bungalows that sit opposite the Beaminster School field which lies to the northwest of the application site. Further to the south are newer residential developments of The Orchard, Abbot Close and Fleet Street. To the east of the application site, on the other side of the access track lies the Holy Trinity Burial Ground and open fields. To the north of the site, is a new build property, Oak House, within the extensive grounds of Whatley Mill.

- The access track is accessed between 70 Fleet Street, and Trefoil House, and whilst the southern end of the track is tarmacked, this does not continue up as far as Scoutland which is then a mildly rutted track. However the site is already used for scouting activities, and the proposal will not intensify or change this existing use.

6.0 Description of Development

Re-erection of open sided shelter sited adjacent to existing scout hut

7.0 Relevant Planning History

1/W/06/001408 - Decision: Withdrawn - Decision Date: 13/09/2006
Erect storage unit for scout group equipment

1/W/06/002192 - Decision: Grant - Decision Date: 15/01/2007
Erect storage unit for scout group equipment

WD/D/20/001617 - Decision: Grant - Decision Date: 30/09/2020
Remove existing garage and erect new scout hut building

P/PDE/2022/00335 - Decision: Required - Decision Date: 17/08/2022
Erect shelter (*permitted development enquiry concluded planning permission IS required*)

8.0 List of Constraints

Outside of defined development boundary

Neighbourhood Plan Area; Name: Beaminster; Status Designated 11/12/2017

Area of Outstanding Natural Beauty: (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Right of Way Footpath W21/1 (from Fleet Street to just north of Whatley Farm)

9.0 Consultations

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

Consultees

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

1. **Highways** – the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.
2. **Trees** – trees to the north of the site not considered a restraint. No objection.

3. **Beaminster Town Council** – recommend approval, the proposed shelter would not impact on the neighbourhood.

Representations received

All representations can be viewed in full on the website.

Total - Objections	Total - No Objections	Total - Comments
1	0	0

One objection received from a neighbour regarding:

- Their neighbouring property is not shown on the plans, nor potential impact assessed.
- Preliminary work has commenced.
- The proposed shelter is much larger than existed previously.
- The lack of construction details, risk assessment or wind load calculation and potential impact to neighbouring amenity from risk of wind damage from the structure.

10.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV10 - The landscape and townscape setting
- ENV 16 - Amenity
- SUS2 - Distribution of development
- SUS5 - Neighbourhood development plans
- COM4 - New or improved local recreational facilities

Beaminster Neighbourhood Plan – In preparation – limited weight applied to decision making.

Material Considerations:

National Planning Policy Framework:

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 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 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.

Other material considerations:

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

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.

- Access - the access track to the site ensures that people with disabilities or mobility impairments can have vehicular access to the site.

13.0 Financial benefits

To provide additional shelter and resource for scouts using the site.

14.0 Environmental Implications

None.

15.0 Planning Assessment

15.1 Principle of development

Policy COM4 of the West Dorset, Weymouth & Portland Local Plan (2015) states: *COM4. NEW OR IMPROVED LOCAL RECREATIONAL FACILITIES*

- i) *Proposals for new or improved open space or recreation facilities will be permitted provided that:*
- *The proposal would be well-located to be accessible to its main catchment population and would not generate significant single purpose trips by private car; and*
 - *The proposal would not undermine the commercial viability of nearby community facilities which may be better placed to service the needs of the surrounding community.*

As such, in principle support for the siting of the shelter within the grounds of ‘Scoutland’ is gained from policy COM4. The use of the site is already established for scout group activities and will not generate any additional vehicular movements.

15.2 Scale, design, impact on character and appearance

The proposed structure is a simple 7.50m (l) x 3.10m (w) x 2.10m (h) shelter comprised of timber posts and metal profiled sheeting roof. The structure was previously erected on the site since at least 2009 in the northeastern corner, adjacent to the garage before both were dismantled for the build of the new scout hut (granted under WD/D/20/001617). The shelter is proposed to be re-sited on the western side of the new scout hut, which is roughly central along the northern boundary and is relatively unobtrusive.

Given the simple design of the shelter and its siting next to the new scout hut building (its length is approximately 1.5m less than the depth of the scout hut, and its height is nearly half that to the scout hut eaves) it will not harm the character of the Dorset AONB.

The representation received from a neighbouring property states that the proposed shelter is much larger than existed previously, however plans have been submitted that show the size and appearance of the proposed shelter which is to be constructed using the materials saved from the dismantled shelter.

15.3 Impact on amenity

There are no closely related neighbouring properties that will be adversely affected by this scheme. The existing use of the site is for scout activities and this will provide an additional resource for this use to enable shelter during outdoor activities as they cannot allow children in the hall when doing outdoor activities because of supervision and safety reasons; and also for use as a collection point as parents cannot congregate in the hall during scouting meetings. It is considered that it would not result in any significant additional activity or noise emanating from the site during the use of the site for scouting activities.

One objection has been received regarding a potential neighbouring amenity issue from wind damage. Construction details are not required when the size, appearance and materials for the proposed structure are given, and it is for the applicants to ensure that the structure is safe when constructed and remains safe throughout its lifetime.

15.4 Impact on landscape

The siting of the proposed structure within the existing 'Scoutland' grounds will not create any harm to the wider Dorset AONB given the modest proposal and design of the structure which is considered to be in accordance with Section 15 of the NPPF (2021). The tree coverage will screen the site through summer, and it is discreetly positioned on the western side of the new scout hut. As such it is considered that the AONB landscape character is preserved and the structure will not be visually isolated or in a prominent position such as to impact significantly on the natural beauty.

15.5 Other matters

The representation received from a neighbouring property states that the application is inaccurate as their property is not shown on the plans or any potential impact assessed. The property 'Oak House' on the northern boundary does not currently appear on all mapping systems but was taken into account for the assessment of the impacts of this application by the planning officer.

A concern was also raised that preliminary work has commenced; having viewed the site the proposed site for the shelter is fenced off with orange construction fencing and the materials to be used for the shelter are being stored within the fenced area.

A permitted development enquiry was submitted under P/PDE/2022/00335, and was given the following response:

“From the information provided I would advise that because the site is within the Dorset AONB which is classified as Article 2(3) land, the proposal would not meet the criteria of being permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Because it is Article 2(3) land it fails the criteria under Schedule 2, Part 7 (Non-domestic extensions, alterations etc), Class A (extensions etc of commercial, business or service premises) A.1(c)(i)(bb) & A.1(e).”

If the site was not within the Dorset Area of Outstanding Natural Beauty, then the proposed development would have come within the criteria of being permitted development.

The proposals will not have any impact on any existing trees or hedgerows on the site or protected species or biodiversity. There will be no impact or change to the existing provisions for parking/highways.

The scale of the site is below the threshold for requiring a biodiversity appraisal.

The site is not within a high flood risk zone.

16.0 Conclusion

It is considered having regard to the scale, mass and design of the proposed shelter that the development would have an acceptable impact on the visual amenity of the area and the residential amenity of neighbouring properties and provides a public benefit of creating an additional activities resource for scout groups at ‘Scoutland’. Hence the development accords with the National Planning Policy Framework (2021); and policies INT1, ENV1, ENV2, ENV10, ENV12, ENV16, SUS2 & COM4 of the West Dorset, Weymouth and Portland Local Plan (2015).

17.0 Recommendation

GRANT planning permission subject to the following 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:

Location & Block Plan
Proposed Floor Plan & Elevation – A 01

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

3. The reused metal sheeting roofing material to be used for the roof of the shelter is to remain the existing olive green colour; and the timber posts shall only be treated with clear, protective wood preservatives in order to retain the natural timber colour. Thereafter, the shelter shall be retained as such.

Reason: In the interests of visual amenity within the Dorset AONB .

Informative: 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.