

<b>Application Number:</b>	P/FUL/2021/04282		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land West And South Of Sandways Farm New Road Bourton Dorset		
<b>Proposal:</b>	Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.		
<b>Applicant name:</b>	T & A Land Ltd		
<b>Case Officer:</b>	Robert Lennis		
<b>Ward Member(s):</b>	Cllr Potheary, Cllr Walsh, Cllr Rideout		
<b>Publicity expiry date:</b>	19 April 2022	<b>Officer site visit date:</b>	10/12/2021
<b>Decision due date:</b>	2 March 2022	<b>Ext(s) of time:</b>	12/04/2022

### 1.0 Reason for Committee Decision:

The application is reported to Committee as the Parish Council has a contrary view to that of your Officers.

### 2.0 Summary of recommendation:

Refuse planning permission for the following reasons:

- the proposed development would have a detrimental impact on the setting of the adjacent listed building, leading to less than substantial harm that is not outweighed by public benefits.
- the design and layout of the proposal does not meet the aims and objectives of the Bourton Neighbourhood Plan for delivering a new village hall,
- the proposed development site is in the countryside and would exceed the area needed to deliver the aims and objectives of Policy 5 – New Village Hall in the BNP,
- the proposed provision of 3no. affordable houses rather than the policy compliant 40% (12no. affordable houses) is contrary to LPP1 Policy 8.
- the absence of a completed and signed S106 legal agreement to secure any affordable housing and off-site planning contributions

The reasons for refusal are set out in full at section 17.0 of this report.

### 3.0 Reason for the recommendation:

As set out in section 15.0:

- The principle of development is not acceptable. The proposed development would result in 30 dwellings in the countryside in excess of the Bourton Neighbourhood Plan (BNP) Policy 5 which envisaged approximately 10 dwellings and contrary to Policies 2, 6, and 20 of North Dorset Local Plan Part 1 (LPP1).
- The proposal would only provide 3no. affordable houses rather than the policy compliant 12no. (40%) contrary to LPP1 Policy 8: Affordable Housing.
- The proposed layout, design, and scale would be contrary to BNP Policy 5: New Village Hall. In particular, the Policy seeks 1.5ha of amenity space relatively level and immediately adjacent to the hall. The proposal would only provide less than 0.7ha at a distance from the hall. Furthermore, the proposal does not consist of mainly small family homes, and the overall layout and appearance are considered to be poor.
- The proposal would result in less than substantial harm to the designated heritage asset, Sandways Farmhouse, next-door contrary to Policy 5: The Historic Environment of the North Dorset Local Plan Part 1 with no clear or convincing justification why this has to be necessary.

### 4.0 Key planning issues

Issue	Conclusion
Principle of development	<p>The principle of development in the countryside is contrary to the Council's spatial strategy. Policy 5 of the BNP is permissive of some development in the countryside to enable the delivery of land for a village hall and amenity space: 0.3ha of land for the village hall, 0.3ha for housing (apprx 10no. houses), and 1.5ha for amenity space.</p> <p>The proposed development is contrary to this policy as it seeks to provide an excessive amount of land for housing (1.7ha), and an under provision of amenity space 0.7ha. While the proposed layout is considered to be poor as it does not meet the aim of the policy to put the</p>

	amenity space “immediately adjacent” to the hall.
Affordable Housing	The proposal is contrary to Local Plan Policy 8 as it requires 40% affordable housing to be provided but the proposal is only offering 10%.
Housing Delivery	Proposal would make a contribution towards housing delivery across the area of the former District.
Layout	The layout of the proposal is poor and does not meet the aims of BNP Policy 5 with some land unaccounted for, poor relationship between housing and parking, and the separation of the proposed community hall and amenity space.
Scale/Design	The scale of the dwellings seems large and does not meet the aims of the BNP to deliver small family homes. The design and detailing of the units results in blank elevations being provided, poor window proportions and dwellings that do not address the open space.
Impact on Residential Amenity	Proposal is not considered to have significant harm to residential amenity. Acoustic report has been assessed and is considered to be robust.
Highways	As submitted, the estate road layout is not suitable for adoption. There are also potential safety issues relating to the lack of forward visibility around bends.
Heritage	Proposal would result in less than substantial harm to Sandways Farm (designated heritage asset) and there is not considered to be sufficient public benefits to outweigh this harm.
Landscape	Proposals would not have an adverse impact on surrounding landscape. However, additional planting at this stage and should be conditioned.
Flooding/Drainage	Site is flood zone 1, no in-principle objection to the proposed scheme on flood or surface water management grounds.
Biodiversity	A Biodiversity Certificate of Approval has been issued by NET team.

## **5.0 Description of Site**

The application site is located centrally within Bourton and is accessed off the New Road. The site is approximately 3.10 hectares in size and comprises two fields connected with a stream running between them. There is a large agricultural barn with pig sties in the north-eastern section of the site adjacent to the main road, and a former hay barn in the lower field.

The application site is not located within the settlement boundary of Bourton, however 0.3ha of the site is allocated for residential development in conjunction with a village hall in the Bourton Neighbourhood Plan (adopted 2018).

There are two listed buildings located immediately northeast of the site, Sandways Farm (Grade II) and Sandways, 1-5 Main Road (Grade II).

The surrounding area is characterised by dwellings in a more linear pattern of development addressing the main road, with a largely undeveloped, agricultural character of open fields behind these dwellings.

## **6.0 Description of Development**

Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.

## **7.0 Relevant Planning History**

2/2017/1357/OUT – No decision issued, S106 not completed, resolution to Grant at Committee. Demolish agricultural buildings, carry out improvements to existing access points, provision of new access road and modification of existing access track. Develop land for residential purposes and a new Village Hall with associated parking (outline application to determine access).

## **8.0 List of Constraints**

SSSI impact risk zone;

- NE - SSSI (5km buffer): Dead Maid Quarry ;
- NE - SSSI (5km buffer): Heath Hill Farm ;
- NE - SSSI (5km buffer): Whitesheet Hill ;

Setting of Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Setting of the Area of Outstanding Natural Beauty - Name: Cranborne Chase & West Wiltshire Downs (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).

## **9.0 Consultations**

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

### **Consultees**

#### **1. Parish - Bourton Parish Council**

- Supports application - BPC consider that the pledge by T&A Land to provide/construct a New Village Hall, represents a generous and unique gift to the community, which more than outweighs the reduction in AH numbers within the proposed scheme of development. Given the situation relating to our existing village hall, BPC consider that the T&A Land offer represents the only viable opportunity that Bourton will have in the future to secure a new village hall/community hall.

#### **2. Ward Councillor - Gillingham Ward**

- No comments received

#### **3. Dorset Police Architectural Liaison Officer**

- In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements.

#### **4. Parish - Silton Parish Council**

- No comments received

#### **5. Dorset Council – Landscape**

- No objection subject to conditions.

#### **6. Dorset Council - Education Officer**

- No comments received

#### **7. Dorset Council - Natural Environment Team**

- No objection; Certificate of Approval issued for the biodiversity mitigation plan

#### **8. Dorset Council - Flood Risk Manager – Highways**

- No in-principle objection, subject to condition.

**9. Dorset Council - Highways**

- No objection subject to conditions.

**10. Dorset Council - Dorset Waste Partnership**

- Concerns have been addressed.

**11. Dorset Council - Conservation Officers**

- Unable to support application, reasons set out below.

**12. Dorset Council - Trees (North/West/Weymouth)**

- No comments received

**13. Dorset Council - Urban Design**

- Unable to support application, reasons set out below.

**14. Dorset Council - Housing Enabling Team**

- Unable to support, the provision of affordable homes on a scheme in Bourton should provide 40% (12 affordable units).

**15. Dorset Council - Planning Policy**

- Unable to support, contrary to BNP and LP policies as set out in this report.

**16. Public Health Dorset**

- No comments received

**17. Dorset Council - Economic Development and Tourism**

- No comments received

**18. Dorset Council - Environmental Services – Protection**

- No comments received

**19. Dorset Council - Building Control North Team**

- If clay soils are present, consideration to their depths should be suitable in regards to any existing or felled trees.
- Road layout to comply with ADB B5 access for the fire rescue service.
- Village Hall to comply with ADB B1 Means of escape

**20. Dorset Council – Libraries**

- No comments received

**21. Dorset Wildlife Trust**

- No comments received

**22. Dorset Council - Outdoor Recreation**

- No comments received

**23. Wessex Water**

- Wessex Water have formally agreed to a sewer diversion which deals with their initial holding objection.

**24. Natural England**

- Natural England note the submission of a Certificate of Approval (dated 30/11/21) from the DC NET.

**Representations received**

16 objections received for the following reasons:

- Proposal contrary to Policy 5b of the Adopted Bourton Neighbourhood Plan.
- The application proposes less than 1 ha of amenity allocated for amenity land against the 1.5 ha requirement under BNP Policy 5b
- No provision for local play
- Adverse impact on the Grade 2 Listed Sandways Farmhouse
- Lack of affordable housing
- Non-compliant viability report
- Impact on amenity land
- Drainage impacts of development
- Access issues
- Development outside development boundary
- Scale of development would negatively impact the visual character of the area
- Construction impacts on neighbouring amenity
- Impact on public footpaths
- Damaging impacts on greenfield site
- No justification for increase in housing from 9 to 30 dwellings
- Impact on wildlife and biodiversity
- Local services and facilities cannot cope with quantum of development
- Poor design of dwellings
- Limited amenity space outside the proposed hall

7 Letters of support received for the following reasons:

- New village hall is needed
- Application would provide new recreational space and wildlife areas
- Community does not have funds to build new village hall
- Parking for over 30 cars would ease congestion in the village
- Good mix of houses
- 3 affordable houses are a benefit
- Low density development appropriate to context
- Existing village hall is not fit for purpose

1 Letter made observations neither in support or against the proposal.

## **10.0 Relevant Development Plan Policies**

*North Dorset Local Plan Part 1 (LPP1) adopted January 2016:*

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Core Spatial Strategy
- Policy 3: Climate Change
- Policy 4: The Natural Environment
- Policy 5: The Historic Environment
- Policy 6: Housing Distribution
- Policy 7: Delivering Homes
- Policy 8: Affordable Housing
- Policy 9: Rural Exception Affordable Housing
- Policy 11: The Economy
- Policy 13: Grey Infrastructure
- Policy 14: Social Infrastructure
- Policy 15: Green Infrastructure
- Policy 23: Parking
- Policy 24: Design
- Policy 25: Amenity

*North Dorset District Wide Local Plan (1<sup>st</sup> Revision) Adopted 2003:*

- Policy 1.7- Development within Settlement Boundaries

*Bourton Neighbourhood Plan (2016-2031)*

The Bourton Neighbourhood Plan was 'made' on 26 January 2018, and forms part of the Development Plan. Relevant policies applicable to this outline applications are:



Policy 1: Landscape setting

Policy 2: Settlement Pattern and Character

Policy 3: Building Design and Form

Policy 4: Traffic and Parking.

Policy 5: New Village Hall

- a) Either of the two sites indicated on the proposals map is deemed to be suitable for the development of a village hall and the provision of associated amenity space. A small housing development may also be provided on the site in order to make the release of the land viable for the use of a village hall and associated amenity space.
- b) The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:
  - approximately 0.3 ha to the village hall and a parking and manoeuvring area, and;
  - approximately 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
  - approximately 0.3 ha to the housing development.
- c) The land for the village hall and amenity space, as specified in criterion b) above if not already transferred to the ownership of the Parish Council shall prior to any grant of planning permission on any part of the site for any aspect of the proposed development be transferred to the ownership of the parish Council as part of a S106 agreement or similar legal instrument. This process will be subject to an open table discussion between the LPA, the Parish Council and the applicant.
- d) The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.
- e) Development proposals for this site are required to include:
  - screening, using native species planting to lessen visual impact and to limit the impact of noise on neighbouring households;
  - the augmentation of ecological value on the site as discussed in the relevant Ecological Impact Assessment;
  - housing consisting mainly of small family homes;
  - measures that protect heritage assets and their setting.

- f) The decision-making process on Planning Applications for the proposed site options will be carried out by the Local Planning Authority in accordance with this policy as part of the plan-led process and having taken into account any other material considerations, including the identified planning considerations of the residents as expressed through the Parish Council.

## Policy 8 – Mitigating and adapting to Climate Change

### **Other material considerations**

#### *National Planning Policy Framework (NPPF):*

##### 1. Introduction

##### 2. Achieving sustainable development

Paragraph 11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8), granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

##### 4. Decision-making

Paragraph 57 - Planning obligations must only be sought where they meet all of the following tests<sup>1</sup>:

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.

##### 5. Delivering a sufficient supply of homes

##### 6. Building a strong, competitive economy

##### 8. Promoting healthy and safe communities

##### 9. Promoting sustainable transport

##### 10. Supporting high quality communications

##### 11. Making effective use of land

##### 12. Achieving well designed places

##### 14. Meeting the challenge of climate change, flooding and coastal change

##### 15. Conserving and enhancing the natural environment

##### 16. Conserving and enhancing the historic environment

#### *Officers note on the Council's current housing land supply:*

---

<sup>1</sup> Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

The Council' published housing land supply is 5.17 years. However, there subsequently has been two appeals where an Inspector has found the supply to be less than 5 years. Whilst these appeals are a snapshot in time, they are material considerations. Furthermore, the housing delivery rate is below the housing requirement over the previous three years (less than 75% of)<sup>2</sup>. Therefore, the presumption in favour of sustainable development applies as set out at paragraph 11d i) and ii) of the Framework. It states that where the (local) development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused.

The most relevant policies in this case are considered to be LPP1 Policies 2, 3, 6, 8, 14, 15, and 20, and BNP Policy 3, 5 (excluding the housing land element) , and 8.

In carrying out the decision-making process for this application, members will first need to consider whether the less than substantial harm to the adjacent heritage assets would be significantly and demonstrably outweighed by the public benefits of the scheme when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused. Then, if need, as a second balancing exercise, apply the 'presumption' and weigh up benefits and adverse impacts of the scheme.

#### *National Design Guidance*

Paragraphs 86, 100, 104, 107, 116, 129

#### *Community Infrastructure Levy Regulations 2010*

Regulation 122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

---

<sup>2</sup> Housing Delivery Test: Measures net homes delivered in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.

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 Council has considered matters such as disabled parking for the proposed hall, level access to be achieved on all the proposed new buildings, public transport links to services, footpath and pavement, and highway adoptable standards.

## **13.0 Financial benefits**

If members were to grant permission, a s106 obligation would be required to secure affordable housing and financial contributions towards destination play facilities maintenance, allotments, formal outdoor sports, formal outdoor sports maintenance, informal outdoor space maintenance, rights of way enhancements, education, and NHS/GP. These contributions were taken into consideration were taking into account in the viability assessment undertaken by the District Valuer.

The applicant has indicated that it would be willing to enter into a S106 agreement to secure these planning obligations.

## **14.0 Climate Implications**

The applicant submitted an Energy Strategy Statement (ESS). This document is a bit confusing as it seeks to address a West Dorset DC document rather than North Dorset DC’s Local Plan Policy 3 – Climate Change, and Bourton’s NP Policy 8 –

Mitigating and Adapting to Climate Change. As such it does not address, or adequately address, some of the policies objectives of the NDDC LP and BNP.

The ESS presents information related to: minimising carbon emissions, reducing re-using & recycling of waste, delivering sustainable design & construction. It states, amongst of other relevant details, that the proposed development will have a “fabric first” approach along with design standards that will exceed the minimum building regulation standards. The developer will seek to use locally sourced material wherever possible and locally based contractors. It also suggests each house would have an air source heat pump and PV system to match the needs of the dwelling type. However, these details are not shown on the proposed plans for any of the dwellings and would need to be secured either by conditions or a legal agreement.

The conclusions of the ESS are that by implementing the measures as set out the proposed dwellings would achieve a reduction in CO2 emissions below building regulations standards, and an A rating on the environmental impact scale of A-G.

The ESS fails to address anything about the proposed community hall, nor does it say anything about sustainable drainage across the development. It fails to make an assessment in the broader terms of sustainable development which should have regard to local services and shops that are accessible by public transport, walking and cycling. Neither does it provide any insight to how this development would make best use of passive solar design principles.

## **15.0 Planning Assessment**

### *Principle*

The proposed development site is located adjacent of the settlement boundary of Bourton. In policy terms the site is within the ‘countryside’ and any development would normally be strictly controlled, unless it is required to enable essential rural needs to be met. Policy 5 – New Village Hall of the BNP would allow for a small housing development to enable the transfer of land for a new village hall and amenity space.

Of relevance to this application is previous application 2/2017/1357/OUT which proposed a residential development of 9no. dwellings and made provision for a village hall (amenity space was shown on the proposed site layout but was not included in the description of development). The Planning Committee in May 2019 gave a resolution to grant subject to the completion of a section 106 legal agreement. However, the legal agreement was never completed.

This application is submitted in light of Policy 5 of the Bourton Neighbourhood Plan (listed above). This Policy sets out six tests by which proposals for a new village hall

are to be assessed. It is considered that there is little about this scheme which is compliant with this policy. Applying the tests of this Policy it is considered:

- i. Criteria a); is not met as this is not a small housing development. Further, anything over 10 dwellings is considered to be major development.
- ii. Criteria b); is not met as the proposed amenity space of 0.7ha is well below the 1.5ha, and the proposed housing development of approximately 0.3ha envisaged by the BNP is significantly larger at 1.7ha.
- iii. Criteria c); seeks only a transfer of land for the new village hall and amenity space to the Parish Council.
- iv. Criteria d); the applicant would be willing to enter into a legal agreement.
- v. Criteria e); requires housing consisting of mainly small family homes, however only 6 of the 30 dwellings proposed are considered to be small. This criteria also requires measures that protect heritage assets and their setting. The proposed layout does not do that.
- vi. Criteria f) aims to have a plan-led process taking account of other material considerations, but if this proposal cannot demonstrate compliance with this Policy then this criteria would not be met. There have been no material planning considerations advanced by the Parish Council which absolve the applicant from having to comply with LPP1 Policy 8, and the criteria of BNP Policy 5 listed above.

The applicant has not submitted a local needs assessment for the quantum of housing being proposed. As such, the housing element of this application is considered to be addressing a district wide need. Also, because the number of houses proposed greatly exceeds what was envisaged by Policy 5 of the BNP and would require more of the countryside to be lost, LPP1 Policies 2, 6, 8 and 20 should be considered. Policy 2 (Core Spatial Strategy) and Policy 6 (Housing Distribution) of the LPP1 require development to be located in accordance with the spatial strategy which directs development to the four main towns or to meet the local needs of our larger villages (Bourton is identified as one). Policy 20 (The Countryside) aims to strictly control development outside of the defined boundaries of these towns and villages unless it is required to enable essential rural needs to be met. Policy 8 (Affordable Housing) aims to secure 40% of the proposed total number of dwellings as affordable units, or the maximum level of provision achievable as demonstrated in a viability assessment.

At present the Housing Delivery Test for North Dorset DC (as was) is below the Government's requirement, therefore LPP1 Policies are considered to be out-of-date and the presumption in favour of sustainable development applies (paragraph 11d) of the NPPF). That does not mean that Policies are absent or silent and the weight to be given to them in decision-making is a matter for the decision-maker to decide. Officer's consider these Policies: 2, 6, and 20 should be given less than full weight but more than moderate in light of: the Council's Action Plan ([Decision - Dorset Council Housing Delivery Test Action Plan - Dorset Council](#)) to address our housing

delivery, recent appeal decisions, and our published housing land supply. However, Policy 8 (Affordable House) is not considered to be out of date and the objectives of this policy should be given full weight.

The Bourton Neighbourhood Plan was made in 2018 and forms part of adopted development plan. As this is over two years old and in light of the Council's lack of housing delivery no extra protection is afforded the BNP through paragraph 14 of the NPPF. Nonetheless, it is still a material consideration, and Policy 5 should not be seen as limiting housing development as it aims to deliver some housing along with a new village hall and can therefore be afforded full weight in the planning balance along with other BNP policies that do not limit housing development.

### *Affordable Housing*

The Planning Statement accompanying the application states that the quantum of affordable homes has been reduced to 3no. units (or 10% of the total) due to the cost of building the village hall, which will be gifted to the parish council. Therefore, there is a choice being made between the provision of 12no. affordable homes (40% of the total) and a new village hall.

The only requirement of BNP Policy 5 directly related to the provision of a new village hall is for a serviced plot of land to be transferred to the parish council. There is no policy requirement for a village hall to be built and gifted to the parish council.

LPP1 Objective 5 'Meeting the District's Housing Needs' is to deliver more housing, including more affordable housing, that better meets the diverse needs of the District (as was) by ensuring that all new dwellings contribute to overcoming the affordable housing shortfall. To achieve this LPP1 Policy 8 – Affordable Housing states that a development that delivers eleven or more net dwellings in the countryside will contribute 40% of the total number of dwellings as affordable. In cases where it can be demonstrated that a lower level of affordable housing provision can be justified on grounds of viability (taking account of grant funding or any other subsidy) an obligation will be required:

*d) to secure the maximum level of provision achievable at the time of the assessment.*

This application proposes 30no. dwellings comprised of the following mix: 6no. x 5 bed open market houses, 22no. x 3 bed open market houses, and 3no. x 3 bed 'First Home' (which are classified as affordable houses). Hence, the proposal is not compliant with Policy 8 as it only proposes 3no. affordable houses which would equate to 10% and would fall well below the AH requirement of 40% (12no.) being provided on site.

As such the applicant was invited to submit information to the District Valuer (DV) with a view to securing a mutually agreed level of affordable housing provision.

The DV's viability assessment is on the case-file. The summary conclusions are as follows:

"It is my considered and independent opinion that ..." the scheme assessed on a policy compliant basis, providing 40% affordable housing (12 units), S.106 contributions of £335,707 and a Village Hall is *not* financially viable.

Through gradual reduction of policy contributions, it was also considered by the DV that:

- Appraisal 2: a scheme providing 40 % affordable housing (12 units) with no Village Hall is *not* financially viable.
- Appraisal 3: a scheme providing a Village Hall and 3% affordable housing (1 social rented unit) *is* financially viable.
- Appraisal 4: a scheme providing 30% affordable housing (10 units) and no Village Hall *is* financially viable.
- Appraisal 5: the scheme proposed by the applicant, providing a Village Hall and 3 "First" homes at 70% of open market value, *is* financially viable.

As can be seen above the DV has concluded that appraisals 3, 4, and 5 would be financially viable. Note: appraisal 4 sought to find the maximum number of affordable units that could be delivered in a viable scheme with S106 contributions but no community hall. At this time, that would be 10no. affordable homes (or 30% of the total).

The maximum number of affordable housing achievable of the proposed development is 3no. "First" homes (or 10% of the total).

Whilst the DV appraisal is informative and useful, it is important to remember that viability is a single issue which tries to establish the amount of affordable housing a proposed development could provide. It does not take account of other Planning matters set out in this Planning Appraisal.

The Council's Housing Enabling Team, who oversee the provision and stock of social and affordable housing, do not support the proposed development as it stands. In particular, they have noted that there are currently over 3100 households on the Housing Register requiring accommodation across the Dorset Council area. This register demonstrates that there is a high level of housing need across the area with a range of dwelling sizes is required.



The community hall is part of the proposed development in lieu of providing the full policy requirement of affordable housing. The applicant has offered to secure construction of the community hall via a s106 obligation. If members were minded to approve the application then obligations should be in place for the construction of the village hall prior to the occupation of any dwelling and the transfer of amenity land prior to occupation of any dwelling.

### *Housing Delivery*

Notwithstanding the lack of affordable housing proposed, the proposed development would deliver 30no. open market homes and would contribute towards the housing needs of North Dorset. This should be given more than moderate weight in light of the Council's Housing Delivery Test and Housing Land Supply as it would make a valuable contribution towards boosting housing and to a lesser extent affordable housing supply. However, the weighting should be tempered as the proposed size and mix of housing (see below) is contrary to the aim of BNP Policy 5 that seeks to deliver a small family housing scheme.

### *Layout, Design, and Scale*

Your Urban Design Officer is unable to support the proposed development. The question she set out in her comments was *"Do proposals demonstrate that the quantum, layout and design of development is appropriate to the context of the area and accords with the provisions of well-designed places as set out in the National Design Guide and the North Dorset Local Plan, as well as relevant policies in the adopted Bourton Neighbourhood Plan?"*

Policy 5 (Bourton Neighbourhood Plan) states that a small housing development of 0.3ha will be acceptable to facilitate a new village hall. However, proposals include an area of approx. 1.7ha for housing. This is considerably larger than the space allocated within the BNP with 30 houses proposed. It is major development and would have a considerable impact on the rural character of the area and the overall quantum of development should be reduced to be more appropriate to its setting and in line with the provisions of the Neighbourhood Plan.

Additionally, Policy 5 states that the 1.5ha of amenity space should be 'a reasonably level gradient and quality immediately adjacent to the village hall building'. However, the proposed amenity space is approximately 0.7Ha, just under half the required size. It would be remote from the hall located to the south-eastern edge of the site. It also feels: removed from the community and hall it is meant to serve, difficult to access, and isolated with no causal surveillance from surrounding properties. These aspects will affect the use and attractiveness of the space in the future and do not meet the aims of LPP1 Policy 15 Green Infrastructure. The contour of the site is

noted however a better arrangement was presented in the previous outline application ref: 2/2017/1357/OUT.

Principles for creating a well-designed amenity space can be found in LPP1, and National Design Guide

- para 100 'Well-designed places include well-located public spaces that support a wide variety of activities and encourage social interaction, to promote health, well-being, social and civic inclusion' and para 104 'Well-designed public and shared amenity spaces feel safe for people who occupy the buildings around them, and also for visitors and passers-by. They help to overcome crime and the fear of crime'.

- para 107 'A well-designed public space that encourages social interaction is sited so that it is open and accessible to all local communities. It is connected into the movement network, preferably so that people naturally pass through it as they move around.'

While Figure 10.1 of North Dorset Local Plan states 'Where development creates a new, or affects, an existing public space, it should be safe, attractive, uncluttered and well related to the surrounding buildings.

Another important element of any housing layout which affects the character of the area is the building line. Policy 3 of the BNP states that 'All new development shall reflect or reinforce the existing road frontage where a clear historic building line has been established.' To the north of the site the historic buildings of Sandways sit tight against the pavement. This pattern is continued to a slightly lesser degree with the 3 detached properties to the south. While it is recognised that the footprint of the proposed village hall replicates the existing barn, there is the opportunity to reinforce the historic building line and thereby improve the character of the area.

"Development that is not well designed should be refused..." NPPF para 134

With regard to the size and mix of housing proposed, Policy 5 of the BNP requires "... housing consisting mainly of small family homes." The term 'mainly' is taken to mean more than 50% of the total dwellings. However, of the proposals 30no. dwellings only 6no. (House Type E) can be considered 'small' with the remaining 24 dwellings consisting of good-sized semi-detached, and large detached housing. This is in comparison to the 'nationally described space standard':

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

From this it can be seen that a large 3b dwelling of two-storey height would be 102 sqm. Therefore, it is considered that it is reasonable to say that a “small” family home would be 101sqm or less, and any dwelling 102sqm or greater is a large property. (Note: all of the proposed dwellings are two-storey.)

The size (expressed in square meters) of each house type proposed as set out in viability assessment is as follows:

- House Type A – 122.06 sqm
- House Type B – 113.82 sqm
- House Type C – 194.26 sqm
- House Type D – 194.26 sqm
- House Type E – 83.22 sqm
- House Type F – 102.66 sqm
- House Type G – 194.26 sqm
- House Type H – 194.26 sqm
- House Type J – 113.82 sqm

Six of the proposed dwellings are particularly generous with master bedroom suites containing dressing room and ensuite, and large double garages with space above to create a fifth bedroom/annexe/study. While some variation of housing sizes is considered acceptable, this proposal is tilted very much towards providing larger more expensive housing which is not in accordance with the aims of the BNP. Additionally, there is a vacant plot between the village hall and plot 7 which appears to have been left undeveloped for no particular reason.

The poor quality of the layout and inefficient use of land could lead to future applications to build additional dwellings on the vacant land or by subdividing the bigger plots. As such, it is considered that the proposal in terms of layout and housing scale would be an inefficient use of land which is contrary to LPP1 Policy 7 Housing Delivery and NPPF para 125 c) which states “local planning authorities should refuse applications which they consider to fail to make efficient use of land...”

Minor amendments that have been submitted include moving parking spaces for units 1-6 (which presumably include the affordable housing provision) from the rear of a parking court to abutting the rear garden boundaries of the dwellings. They are still poorly related to the units they serve and are not overlooked.

Parking space is a major component of any major residential development and the National Design Guide recognises that at:

- para 86 ‘Well-designed parking is attractive, well-landscaped and sensitively integrated into the built form...its arrangement and positioning relative to buildings limit its impacts, whilst ensuring its is secure and overlooked’ and
- para 116 ‘Where different tenures are provided, they are well integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged.’

The layout here should be reconsidered to in light of this guidance to include well designed and overlooked parking spaces.

In May 2019 Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning department will secure reductions in the carbon footprint of developments. BNP Policy 8 puts this into practice by stating “All new development within Bourton shall seek to achieve high standards of sustainability and, in particular, demonstrate in proposals how design, construction and operation has sought to:...

- c) Adopt and facilitate the flexible development of low and zero carbon energy through a range of technologies;
- d) Adopt best practice in sustainable urban drainage.”

Some information has now been submitted by the applicant with regard to this Policy. This information is considered above in section 14 - Climate Implications. At present it is lacking in details regarding the proposed new hall, passive solar measures, and sustainable urban drainage.

With regard to appearance, the proposed architecture is fairly simple and uninspiring. However, while the materials proposed appear to reflect the local vernacular the use of double roman tiles on house type A, B and E is not considered acceptable in the context which includes a listed building, as the prevailing roofing

material is plain tile and slate. This could be addressed by way of a bespoke condition.

The window detailing on the units is poor. The front elevations of plots, 15-16 and 27- 30, have a barn style window to their front elevation while use of soldier course bricks over windows on other dwellings is at odds with a more traditional architectural approach expected of dwellings in the setting of listed buildings.

The general appearance of the units is not considered to be acceptable. For example, Units 7-10 which are closest to Sandways Farm (Grade II listed building) have relatively blank side elevations with little architectural interest and are not considered to relate well to the listed building; this could also be said of units 17-22. In addition, no information has been provided as to where adequate space for cycle parking, storage for bins and recyclables will be accommodated as required by Policy 24 North Dorset Local Plan.

The village hall would be single storey in height and provides a large main hall that can be used for a range of activities or large community meetings. There are kitchen and storage areas and toilets including disabled cubicles. There is car parking provision for up to 30 cars next to the village hall. The proposed community hall is considered to be of a scale and design that would be appropriate to its function and site-specific context.

### *Impact on Residential Amenity*

The proposed built form, increased vehicular movement, increased domestic noise and activity would all have an impact upon the neighbouring dwellings and the level tranquillity currently enjoyed. However, this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application.

Objections have been received in relation to the noise impacts of the development, particularly noise arising from the village hall. The applicant has submitted an acoustic report, which concludes that the proposals would not be detrimental to the amenity of nearby occupants and the site is suitable for the proposed development. Dorset Council Environmental Protection Team have reviewed the submitted acoustic information and find this to be acceptable subject to condition.

Overall, it is considered that the amenity of adjacent residents can be sufficiently protected.

### *Highways*

Dorset Council Highways Engineers have no objections subject to conditions.

## *Heritage*

The Council has a duty set out in planning law to have special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest. These aims and objectives are also embodied in LPP1 and the NPPF.

Policy 5 (Historic Environment) notes that it is important that heritage assets are protected. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. Any harm to designated and significant undesignated heritage assets will need to be fully justified.

NPPF para. 199 requires that 'great weight' be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require 'clear and convincing justification'.

### *Sandways Farm House – Grade II Listed Building*

The proposals would result in a considerable amount of development on agricultural land which contributes to the setting of the asset insofar as it was historically (until recent years) associated; it illustrates its historic purpose and use; and it demarcates the asset's hamlet edge location between Sandway and Bourton.

The development would result in the loss of the latter. In addition, by virtue of its being undeveloped and in agricultural use, the current setting closely resembles the historic setting and use around the asset, certainly as was in evidence by the mid-19th century, since which time boundary changes have been minimal.

This would therefore result in permanent and irreversible changes to the asset's setting. The scheme is considerably larger than the previous scheme mentioned above and extends new development across the field to the south of the small stream and therefore 'behind' the Sandway plots.

There would also be some changes to the visual experience of the asset through the removal of the complementary (though without architectural and historical interest) barn on the application site. However, there can be no objection to the removal of the farm building in principle and it is felt that the design of the proposed village hall is sufficiently subservient and agricultural in character to permit this loss to be mitigated.

There is also an opportunity for the proposal to improve the historical character of the area through its layout and design as mentioned above.

Taking the above into account, it is considered that the proposals will result in less than substantial harm to this asset's significance.

#### *Sandways, 1-5 Main Road – Grade II Listed Building*

The contributory elements of setting of the asset primarily relate to the spatial relationship with Sandways Farmhouse and the associated visual experience from the road. In this context the surrounding agricultural setting is less relevant as a contributory element of their significance. With that in mind, it is not considered that the development will result in a detrimental impact on these identified elements of setting.

In summary, the proposals would result in less than substantial harm to the significance of a designated heritage asset, meaning that para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal (including, where appropriate, securing optimum viable use), though taking into account the need to give 'great weight' to the asset(s)' conservation. The public benefits of the scheme are the provision of 27no open market houses, 3no affordable houses, and a village hall. However, as set out above the scheme is contrary to the development plan and does not deliver policy compliant affordable housing.

Taking these considerations and the nature and extent of harm set out above, it is not considered that the harm would be outweighed by the public benefits of the scheme. Further regard is given to this in the 'planning balance' section at the end of this report.

#### *Landscape*

Your Landscape Officer has no objection to the proposal subject to conditions. A summary of his comments are as follows: The proposed development site consists of a group of three small pastoral fields to the south of New Road and the settlement of Bourton and the north of the A303. Ground levels rise to the north of the site towards the Cranborne Chase and West Wiltshire Downs AONB.

The majority of the site's boundaries are well treed, however framed and filtered views of the site are possible from adjacent roads, footpaths and bridleways. Middle distant views are also possible from footpaths on the rising slopes to the north of the site. Distant views from footpaths within the AONB are screened by intervening vegetation or diminished by distance.

In marked contrast to the originally submitted Visual Impact Assessment, the amended Landscape and Visual Appraisal complies with current best practice for Landscape and Visual Assessment and the visual representation of development proposals.

He has reviewed this document in detail and would agree with its conclusions that the proposed development would be both visually and physically connected to the existing settlement and would not, as a consequence, dominate or significantly influence landscape and visual character, be out of keeping with its surroundings or dominate key views.

However, he would defer to the Dorset Council Senior Conservation Officer's views that, the proposed development would result in less than substantial harm to the setting of the grade II listed Sandways Farmhouse (LENo.1110352) and as such it would not be sympathetic to local character and history.

He was not convinced that the proposed development would improve the character and quality of the area in which it is located. First because the existing farmland fields do not need 'improvement' per se and second because any associated landscape and visual benefits that would result from the tree, hedgerow and other planting proposed would come at the 'expense' of significant built development and could, in theory be achieved without it.

I would agree that the submitted Landscape Proposals do not include sufficient additional landscape planting to integrate the development into its surroundings or mitigate the proposed developments landscape and visual impact. As such any permission should be conditioned to supply details of hard and soft landscaping prior to commencement in order to meet the aspirations of national and local policy.

### *Flooding/Drainage*

The application site falls within flood zone 1 and is at a low risk of fluvial flooding. However, there is a theoretical flood risk from surface water given the watercourse which is aligned west-east through the centre of the site. The applicant has submitted a combined Flood Risk Assessment & Drainage Strategy (FRA/DS) which has been reviewed by Dorset Council LLFA. The surface water strategy is considered both viable and deliverable, which demonstrates that the proposed development and any adjoining property or infrastructure are not to be placed at increased risk, or worsening.

On the basis of the supporting Flood Risk Assessment & Drainage Strategy (FRA/DS), the LLFA have no in-principle objection to the proposed scheme on flood or surface water management grounds, subject to the attachment of pre-



commencement planning conditions in respect of detailed design and maintenance requirements, and informative.

### *Biodiversity*

The application is within the scope of the Dorset Biodiversity Appraisal Protocol (DBAP) criteria which includes all development sites of 0.1 ha and over or where there are known protected species or important habitats/habitat features.

All Local Authorities have a duty to consider the conservation of biodiversity when determining a planning application. This is in accordance with policies within the local plans and national policy guidance, as well as the duty placed on local authorities under Section 40 of the Natural Environment and Rural Communities Act (2006) to have regard for biodiversity.

Dorset Council Natural Environment Team has assessed the application and has issued a Biodiversity Certificate of Approval. The proposed development would therefore avoid, mitigate and compensate impacts on biodiversity and will provide enhancements and a biodiversity net gain on the site. The proposal is in accordance with Policy ENV2 of The Local Plan, Paragraph 180 of the NPPF and a condition would be needed if permission is granted.

### *Planning Balance*

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes the Government's national policy and is a material consideration in determining applications.

This proposal is driven by the proposed trade-off of affordable homes for a new village hall. We know from representations received that BPC has funding and a program in place to refurbish their existing hall, and that their current village hall is rented from the Diocese of Salisbury with the lease due for renewal in 12 years' time. Bourton has set out through BNP Policy 5 how it aims to deliver a new village hall and noted that this has been a long-standing ambition of the Parish Council.

One particular criteria of BNP Policy 5 that still needs to be reconciled is criteria f) which is predicated on a "plan-led" process. BPC Policy 5 was developed through a plan-led system and went through public examination and placed in their neighbourhood plan to help them achieve their aims of building a new village hall.

The Policy could have been written differently to include additional housing to pay for the entire construction of a new village hall, affordable housing, and the other Policy criteria currently imposed on the site. But, it was not, and, it is questionable whether such a policy would have made it through examination if there was a direct trade-off between a new village hall and a reduced amount of affordable housing.

This is a speculative application that circumvents the “plan-led” process. At the heart of this application are the questions ‘Do you give more weight to the provision of affordable housing?’ or ‘Do you give more weight to the provision of a new village hall?’ Both questions have points that weigh for and against these them, but some of these points are not planning matters and therefore should not be taken into consideration.

The points that come to mind that are material planning matters are:

- There is a great and pressing need for affordable housing in Dorset;
- Bourton PC has a policy to help deliver a new village hall;
- The current village hall is rented and needs refurbishment;

The points that come to mind that are not material planning matters are:

- There are some funds for the village hall to use for either refurbishment or to put toward a new hall;
- The cost of building a new hall will be very expensive and the Parish cannot see how they will be able to finance it;
- The Parish has long-standing ambition to have a new village hall;

On a weighting scale of: significant, moderate, and no weight, it is considered that the where there is a great and pressing need for affordable housing it should be given weight. Your Policy 8 is written to secure the maximum level of affordable housing on the grounds viability; which in this case indicates 10no. dwellings could be provided with a more policy compliant scheme. This is a stated objective of the Council. It is considered that these would be homes for families and people and should not be seen as a bargaining chip in the delivery of more sustainable communities.

BPC’s viewpoint on this matter is noted, “...a sprinkling of ‘affordable housing’ is of less value to the community...”

The provision of 3 affordable housing units can be given some weight in the planning balance. However, as this is substantially less than the policy requirement only moderate weight should be given.

Bourton currently rents their hall and representations received indicate that the Parish has funding in place to refurbish it. Hence, Bourton is not without a hall and

would remain a sustainable location with or without a new hall. That said, a hall, new or old, will always represent some form of a financial burden on a parish. It is noted that the hall lease is due to expire in 12 years but there is no indication that this will not be renewed.

It is understood from a news article sent in, dated Friday 21<sup>st</sup> August 2020, that a three phase refurbishment programme was ready to commence presumably with the blessing of the leaseholder. This article states that the Bourton Village Hall team *"...Having sought professional advice on feasibility, costs and timings we now believe that the present hall with a secure long-term lease, suitably refurbished and with it predictable and low cost-base, is now our preferred way forward..."*. On these points we can ascertain that BPC will not be without a high quality hall. They have a program in place to refurbish the existing hall, subject to a lease extension which presumably was discussed as part and parcel of the refurbishment plans.

The intention of BNP Policy 5 is stated to be "to provide a new village hall with amenity land while respecting the policy requirements for a village in the countryside." Justification for this Policy is stated to be, in part, due to the age of the existing hall and its many limitations. With this clear intention and justification, it is considered that moderate weight could be given to the provision of a new village hall.

It is acknowledged that the cost of building a new village hall will be expensive. It is also acknowledged that Bourton PC has had want of a new village hall for quite some time. However, these two points must be considered separately for rational decision making. Want of an object, no matter how great or long-standing, is not a planning matter.

The expense of having to build a new hall can be great but this needs to be looked at in the round. Funding does come about and Bourton is not the only village that has want of a new hall. Just because funding is not available today does not mean it will not be available tomorrow. The trade-off of building a new hall which would be nice to have but is not absolutely necessary instead of providing more affordable homes is considered to be too steep as it directly effects the lives of those less fortunate. It would also set a poor precedent the ability to use affordable housing as a bargaining tool. On these points it is considered that no weight can be given.

#### *Planning balance - heritage assets*

We have set out above that the proposed development would result in less than substantial harm to the significance of Sandways Farmhouse therefore para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal. In light of BNP Policy 5 the benefits are considered to be: some additional open market housing, and 3no. affordable houses, and the construction of a village hall. Set against would be the harm to the setting of the listed build, a non-

compliant scheme (lacking amenity space, and lacking small family houses) which is also considered to be poorly designed in terms of layout (inefficient use of land) and appearance (not improving the character of the area).

As this is a speculative application it is considered that the open market housing should be given moderate weight as BNP Policy 5 would also be delivering some open market houses on this site.

Para 199 of the NPPF requires 'great weight' to be given to heritage assets' conservation including where there is less than substantial harm to its significance. For the purposes of weighting this harm, significant weight (ie 'great weight') should be given to the less than substantial harm to the significance of Sandways Farmhouse.

There is no justification for a poorly designed, non-complaint scheme. This may seem like simple matters in the overall scheme of things but the harm would be enduring with no recourse. We are encouraged to improve character and appearance of development, and BNP Policy 5 explicitly seeks "measures that protect heritage assets and their setting". Therefore, it is considered that significant weight should be given to each of these matters.

Therefore, in the planning balance on Heritage Assets it is considered that the harm would not be outweighed by the public benefits of the scheme. This provides a clear reason for refusing the application under paragraph 11 footnote 7 of the NPPF where the tilted balance is not engaged.

If members were to come to a different conclusion on the harm to heritage assets or to the level of public benefit, then it would be necessary to engage the 'presumption in favour' and weigh up the benefits and adverse impacts of the proposed development in light of other policy considerations.

*Planning balance - without heritage assets and the tilted balance is engaged*

LPP1 Policies 2, 6 and 20 are consistent with the aims of the NPPF. In recent appeal decisions the Council's spatial strategy was deemed to be broadly consistent with the Framework and still of significance. However, in light of the Council's Housing Delivery, at this time, these should only be given moderate weight.

Other relevant policies that do not restrict the delivery of housing can be given full weight. These include BNP Policy 5 (excluding the housing land element), BNP Policies 3 and 8, and LPP1 Policies 3, 5, 8, 14, 15, and 24.

The proposal conflicts with the Council's spatial strategy particularly with regard to the quantum of proposed housing in countryside without a local need. This could be afforded moderate weight.

As set out above in the appraisal, the proposal is contrary to a number of your development plan policies. These points relate to a non-compliant scheme (lacking amenity space, and lack of small family homes), poor design in terms of layout (inefficient use of land) and appearance (not improving the character of the area). These matters should be given significant weight as the relate policies which help guide these matters are not out-of-date nor do they restrict the development of houses.

The proposal has a number of off-site impacts which need to be mitigated through a s106 legal agreement as set out in section 13 above. The applicant has not provided, nor has the Council offered to enter into, a legal agreement at this time. Therefore, this should also be a reason for refusal. However, the applicant has indicated they are willing to enter into a legal agreement and so this could be overcome.

The development does not comply with the development plan. There are no material considerations which indicate permission should be granted and the harm identified would not be outweighed by benefits.

## **16.0 Conclusion**

There are numerous elements of this scheme which weigh against it. The proposal is not policy compliant particularly when considering: the site is in the countryside, there is a lack of affordable housing being provided, and the proposed layout and design is considered to be poor. Further, the proposed layout and design would also result in harm to the setting of a heritage asset a matter which carries great weight. While the absence of a signed legal agreement to secure affordable housing and community benefits (as set out above) is a reason in itself for refusal. As a result, the application is far from complying with the development plan as a whole and the benefits of the proposal would not outweigh the significant conflict with the Development Plan.

## **17.0 Recommendation**

**Refuse planning permission** for the following reasons:

1. The proposed development would have an adverse impact resulting in less than substantial harm to the setting of Sandways Farmhouse which is not outweighed by public benefits contrary to Bourton Neighbourhood Plan Policy 5, and Policy 5 of the adopted North Dorset Local Plan Part 1 (2016), and section 16 of the National Planning Policy Framework.

2. The proposed development site is located in the countryside adjacent to settlement boundary designated for Bourton in the adopted Local Plan and would greatly exceed the area needed to deliver the aims of the Bourton Neighbourhood Plan Policy 5. As such, the proposed development would create a relatively isolated development which would introduce an unnecessary suburbanising effect into this countryside location and would not be addressing local needs contrary to Policies 2 and 5 of the Bourton Neighbourhood Plan, Policies 2, 6 and 20 of the adopted North Dorset Local Plan Part 1 (2016), and paragraphs 79 and 105 of the National Planning Policy Framework 2021.

3. The proposed layout, appearance, and scale of the development fails to accord with the aims of Policies 5 and 8 of the Bourton Neighbourhood Plan, and is contrary to Policies 3, 7, 15 and 24 of the adopted North Dorset Local Plan Part 1 (2016), and paragraph 125 of the National Planning Policy Framework 2021.

4. In the absence of completed and signed Section 106 legal agreement to secure affordable housing, and community benefits (relating to education, affordable housing, ownership of village hall, parking land, and public amenity area, construction and completion of village hall, libraries, public rights of way, and health care) the proposal would be contrary to Policies 4, 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 (January 2016), and paragraph 55 National Planning Policy Framework (2021).

## **Informatives**

### National Planning Policy Framework

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.