

5 April 2023

Application Number:	6/2021/0262		
Webpage:	Planning application: 6/2021/0262 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Withy Lakes Church Knowle BH20 5NG		
Proposal:	Erect detached self-build rural exception site dwelling		
Applicant name:	Mr and Mrs Smith		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Brooks		
Publicity expiry date:	21 September 2021	Officer site visit date:	3 August 2021
Decision due date:	30 July 2021	Ext(s) of time:	30 April 2023

Please note that this committee report was updated in March 2023. All new additions and amendments are highlighted in bold and the background to the amendments is provided in Section 1 below.

1.0 Background

- 1.1 The nominated officer decided that this application should be considered by the Planning Committee on 9th March 2022. The committee resolution was to grant planning permission subject to conditions and the completion of a satisfactory S106 Legal Agreement to secure the provision of the affordable housing in perpetuity. The S106 was completed on 18th May 2022.
- 1.2 In the interim, on 16 March 2022, Natural England notified Dorset Council of their updated advice for development proposals that have the potential to affect water quality resulting in adverse nutrient impacts on internationally protected habitats sites. This advice applied to the catchments of five habitats sites which together cover a large part of the Dorset Council area. The application site lies within one of the affected catchment areas – the Poole Harbour Catchment. The advice was that Dorset Council should “carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.”
- 1.3 This report has been updated to consider whether the proposed dwelling can achieve nutrient neutrality and whether any required mitigation can be secured. Details of the proposed mitigation and proposed s106 obligations to

5 April 2023

secure the proposed mitigation are provided in the section below on ‘Biodiversity Impacts’ (paragraphs 15.40 – 15.48).

1.4 The section on the Housing Delivery Test has also been updated to reflect the current housing supply position for the Purbeck area (paragraphs 15.7 and 15.8).

2.0 Summary of recommendation:

GRANT permission subject to conditions and the completion of satisfactory S106 obligations to secure the provision of the affordable housing **and nutrient neutrality** in perpetuity.

or

Refuse permission if the obligations under section 106 of the Town and Country Planning Act 1990 (as amended) are not completed within 6 months from the date of committee or such extended time as agreed by the Service Manager for Development Management and Enforcement.

3.0 Reason for the recommendation: as set out in para 16 at end

- 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 proposal is compliant with the NPPF, Purbeck Local Plan Part 1 and the Affordable Housing SPD in terms of Rural Exception Site Affordable Housing provision.
- 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	Acceptable – taking account of Purbeck Local Plan Part 1 policy RES, the Purbeck Affordable Housing SPD and guidance and objectives contained in the NPPF.
Affordable Housing Provision	Acceptable – provision considered to be affordable and meets local housing need. To be secured in perpetuity through Section 106 Legal Agreement.
Impact on Dorset Area Of Outstanding Natural Beauty (AONB)	Acceptable –not harmful to the special qualities of the AONB.

Scale, layout, appearance, and impact on the character and appearance of the area	Acceptable in principle – full details to be provided at reserved matters stage (conditions 1-5)
Impact on neighbouring amenity	Acceptable in principle - full details to be provided at reserved matters stage (conditions 1-5)
Biodiversity Impacts	Acceptable – mitigation and enhancements considered to be appropriate (condition 9 and additional s106 obligation)
Flooding and drainage	Acceptable – subject to condition (condition 7)
Highway safety and access	Acceptable in principle – full details to be provided at reserved matters stage (conditions 1-5)
Impacts on trees / hedges	Acceptable – subject to condition (condition 8)

5.0 Description of Site

- 5.1 The application site is located to the south of the village of Church Knowle and is accessed by a track that serves other dwellings and surrounding agricultural land. Directly to the north of the site are the dwellings known as Withy Lakes and Becher Stables, both of which are owned by the applicants' wider family.
- 5.2 The site is accessed via a field gate within the eastern boundary at the southern end of the track. It is currently in use for grazing and is enclosed to the north, east and south by post and wire fencing with mature hedging and trees outside the fencing on the south and east boundaries. To the north, the post and wire fencing provides the boundary with the maintained garden of Withy Lakes. To the west, the application site is open and forms part of the wider holding (outlined in blue on the location plans) with land levels sloping downhill into a small valley.
- 5.3 The application site for the proposed dwelling is roughly square in shape and small in size (0.099ha). The red line extending along the access track to Church Knowle is not included in this calculation. There are no buildings within the site boundary.
- 5.4 The settlement boundary of Church Knowle is drawn tightly around the main built development of the village to the north and the site is located outside this, in the countryside and the Dorset AONB. The Conservation Area which includes much of the main part of the village is also located to the north, some distance from the application site.
- 5.4 A number of other dwellings are located along the access road in a low-density form, being largely single storey in nature and finished in a mixture of styles and materials including Purbeck Stone and a more recent timber clad stables conversion. Neighbouring uses are a mixture of residential and agricultural, with several dwellings being associated with extensive areas of land, including the bungalow of Withy Lakes which is subject of an agricultural tie.

6.0 Description of Development

5 April 2023

- 6.1 The application is for outline planning permission to erect a single detached, self-build, rural exception site (i.e. affordable) dwelling with all matters reserved.

‘Rural exception sites – small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding’ – Purbeck Affordable Housing SPD definition.

As the application is in outline form, only the principle of the proposal is being considered. All other details of layout, scale, appearance, access, and landscaping are reserved for later approval.

- 6.2 Whilst the application is in Outline, indicative plans of the proposed dwelling have been submitted locating a single storey 3-bedroom L-shaped dwelling to the north of the plot. The indicative plans suggest a wooden clad building, with low level pitched roof with solar panels, and of a similar external design and appearance to the converted Becher Stables to the north.

7.0 Relevant Planning History

- 7.1 There is an extensive planning history relating to the application site and the wider land holding known as ‘Withy Lakes’. Much of the history relates to the agricultural use of the land and applications for an agricultural worker dwelling as summarised below:

Planning application	Proposal	Decision	Comments
6/1978/0546	O/A - Erect a dwelling and garage with garden and paddock	Refused	
6/1979/0569	O/A - Erect hay barn, implement shed, two animal sheds and food store	Approved	
6/1979/0570	O/A - Station mobile home	Refused	
6/1979/0762	O/A - Use land for erection of unit of residential accommodation	Refused	
6/1980/0029	Site temporary mobile home or caravan	Approved	Approved for a temporary period due to the special circumstances of the applicant.
6/1980/0378	Erect stable, garage and site oil tank	Approved	

Eastern Area Planning Committee

5 April 2023

6/1980/0938	O/A - Erect bungalow	Refused	
6/1982/0804	Erect stable, garage, oil tank and glasshouse (renewal)	Approved	
6/1982/0805	Station temporary mobile home (renewal)	Approved	Approved for a temporary period due to the special circumstances of the applicant.
6/1983/0517	O/A - Erect agricultural bungalow	Refused	
6/1985/0881	Retain stable, garage, oil tank and glasshouse (renewal)	Approved	
6/1985/0882	Station mobile home (renewal)	Approved	Approved for a temporary period due to the special circumstances of the applicant.
6/1986/0285	O/A - Erect a bungalow	Refused	
6/1988/1023	O/A - Erect an agricultural bungalow		Approved based on the agricultural need for the dwelling. Condition 4 restricts occupation to a person solely or mainly employed, or last employed prior to retirement, in the locality in agriculture or forestry (as defined by the Town and Country Planning Act), or a dependent of such a person residing with him or her, or a widow or widower of such a person.
6/1989/0769	Erect an agricultural bungalow with integral garage. RESERVED MATTERS	Approved	

6/2004/0045	Certificate of proposed lawfulness- Use of land for nursery, installation of polytunnels and cold frames and occupy dwelling accordance with PA 6/1988/1023 - Condition 2 - Agricultural occupancy	Refused	Refused as the Council was not satisfied that the evidence submitted demonstrated that the agricultural occupancy requirements of condition 4 of 6/1988/1023 would be met
6/2004/0725	Erect three Polytunnels	Approved	
6/2012/0333	Erect extension	Approved	
6/2016/0544	Sever land and redevelop existing redundant agricultural building with small extension to north east side to create a single storey residential dwelling within its own curtilage	Approved	

Pre-application Advice

- 7.3 Pre-application advice was provided in March 2020 on the principle of the proposed erection of a single storey dwelling. The officer response advised that officers could not support an application for a new market dwelling on the site due to the impacts on the countryside unless it would meet one of the exceptions of the [then] NPPF paragraph 79 such as the essential for a dwelling for a rural worker or exceptional design.
- 7.4 Further advice was obtained from both Planning and Housing Officers in October / November 2021 in relation to a single self-build rural exception dwelling at Withy Lakes (site non-specific). This noted that a rural exception site dwelling may be acceptable subject to meeting policy requirements and the consideration of all other material planning issues.

8.0 List of Constraints

- Within Poole Harbour River Catchment
- Within Poole Harbour Nutrient Catchment Area
- Surface Water Flood Risk – 1 in 100 and 1 in 1000
- Within Dorset AONB (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)
- Within 5km of a European Habitat (SSSI)

5 April 2023

- Adjacent to Public Right of Way - Footpath SE9/20

9.0 Consultations

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

Consultees

DC - Housing Enabling Team (received 19/08/21 & 23/12/21)

- No objection for one unit of self-build housing on a rural exception site.
- The Purbeck District Council Affordable Housing Supplementary Planning Document 2012-2027 states "*Self-build rural exception sites can be single plots or in a group. The Council will continue to explore ways of supporting self-build, either as individual bespoke properties or group projects, as part of achieving mixed and balanced communities. Households wishing to build a self-build affordable home have to be on the Council's housing register.*"
- From 1st December 2021 the new Dorset Council housing register went live. The applicants applied to join the new register and their application is pending. The old register is now closed but Mr & Mrs Smith were on it with a proven local connection to Church Knowle.
- Self-build affordable housing must remain affordable in perpetuity via a S106 legal agreement between the leaseholder and the Council to ensure that the property cannot change ownership without the written consent of the Council. The Council will only grant consent for resale if it is satisfied that the new purchaser is paying the prevailing 'affordable' price and meets the terms of the S106 legal agreement. Inheritance of the property by family members is permitted in the first instance, provided that they meet the local needs criteria. Otherwise, the new owners may sell the property in accordance with the provisions of the S106 agreement.
- Following the recommendation of the District Valuer I agree with the resale value at 47% of market value.
- Currently there are 4919 households on Dorset Council housing register. Due to the increasing numbers on the housing register and the shortage of general needs affordable housing it is vital to provide affordable housing. This applicant is trying to address their own situation by building a self-build affordable house with a signed S106 detailing all the restrictions.
- application supported.

DC – Planning Policy Team (received 21/12/21)

5 April 2023

- The Affordable Housing SPD was adopted in 2013 and explains how self-build exception sites should be considered through planning applications.
- The SPD sets out a capped resale value for self-build exception sites. The cap has never been updated.
- Alternatively, the NPPF has introduced new affordable housing delivery mechanisms since the publishing of the Affordable Housing SPD. This indicates that affordable home ownership tends to be 20% less than market value, either via discounted market sales or other mechanisms. Furthermore, the First Homes mechanism sets the discount at 30% and the council have not altered this requirement through a local plan.
- The case officer should consider whether the discount of 61% being offered via this application, is appropriate given the above information.

DC - Highways (received 01/08/21)

- No objection to proposal but sustainability of the location may be an issue for further consideration.

DC - Land Drainage (comments 21/12/21)

- Verbal consultation response – outside areas of flood risk. No objection subject to SUDS condition (condition number 7)

DC - Trees (received 10/08/21)

- A Tree Survey & Arboricultural Impact Assessment has been submitted. The survey information suggests that some of the trees may be good long-term retentions and they would help in the setting of proposal. If minded to approve, then should seek to retain the trees. The proposed unit, as indicated, appears to be sufficiently distant from existing trees.
- Conditions detailed- Arboricultural Method Statement and soft landscaping scheme (Condition nos. 8 and 1).

Dorset AONB Team (received 29/07/21)

- The scale of the proposal is below the threshold for seeking advice from the AONB Team. Signpost case officer to The AONB Landscape Character Assessment (particularly the Corfe valley chapter) and the AONB Management Plan (particularly the Planning for Landscape Quality chapter).

Natural England (received 26/08/21)

- No objection subject to mitigation being secured in relation to Dorset Heaths and Poole Harbour Nutrients in accordance with the relevant SPDs.

5 April 2023

- Application may provide opportunities to incorporate design features which are beneficial to wildlife in accordance with the NPPF e.g. swift bricks, sparrow terraces and implementing hedgehog friendly boundary treatments.

Church Knowle Parish Council (received 04/08/21 & 21/09/21)

Comments of meeting on 27th July 2021:

- Oppose application. Key objection to attempt to build / develop agricultural land outside the defined settlement boundary and in the AONB.
- Site has a long history of applications refused for exactly these reasons.
- Consider application incorrectly completed and misleading on several points (applicant name details, agent details same as applicants', commencement of work, vacancy of field, affordable housing provision, pre-application advice, ownership of the lane).
- Consider Planning Statement is incorrect and misleading on several crucial points relating to siting, access details, description of built character, certificate of lawfulness and relevant planning history. The circumstances of the applicants should have no bearing on the application.
- Presumption in favour of sustainable development does not apply in NPPF (para 11) where adverse impacts outweigh benefits. Site is not sustainable. There is no employment, facilities, shop, or bus route in village. There are no benefits to the community of developing in the AONB and irreversible adverse impact on countryside is immeasurable. Contrary to paragraphs 72 & 177 of the NPPF relating to entry-level exception sites and major development in the AONB.
- Planning history for this site and adjacent properties includes agricultural ties and impacts on the AONB / countryside. There has been a stringent insistence that agricultural tie requirements are met for occupation of properties so tied.
- Proposal is contrary to Dorset Council's policies and plans as set out in Appendix 3 (Purbeck Local Plan Policies SE, CO, AH, RES, LHH, DH; Dorset Council Local Plan Spatial Development Strategy, DEV7 & HOUS3).
- Mr Smith has stated that he has an agricultural holding number and the land is still agricultural but Form A of his previous application 6/2016/0544 states that none of the land is part of an agricultural holding.
- Proposal would set a precedent that would permit development on much of the agricultural land in Church Knowle.

5 April 2023

- There is no need for the development and there would be no impact on the local economy in refusing it.
- There is no need to be met. The local planning register for Church Knowle will confirm this.
- The detrimental effect on the environment and landscape would be massive.

Comments of meeting on 14th September 2021:

- Primary objections remain.
- The applicants are unclear. Neither is without a place to live.
- The only way that they can build a house that can be considered affordable to a household that could not otherwise purchase/rent a house in the open market is because they already own the land. Which is, the main Parish Council objection, lovely agricultural land in a particularly beautiful area of rural England in an Area of Outstanding Natural Beauty. If the land were development land, properly purchased as such then the economics of any development in this location would preclude it from any consideration of “affordable housing”.
- The concept of a Rural Exception Site is being misused.
- The indicative drawings have been produced in middle of this application, have no real bearing on the application and are a spurious distraction. There is no obligation to build anything like these indicative drawings. It is difficult to understand why they have been allowed at all.

Church Knowle Ward Councillor – Cllr Brooks (received 07/09/21)

- Understand that the Parish Council have objected on the grounds that there is an existing agricultural tie. I would like to request that this is called in to be decided by the planning committee.

Summary of Local Representations received

The application was advertised by the posting of 2 site notices on 12/07/2021 with an expiry date of 5/08/2021. The application was also advertised in a local newspaper (the Dorset Echo) with an expiry date for comments of 22/08/2021.

Total - Objections	Total - No Objections	Total - Comments
7	1	0

5 April 2023

Letter of Objection from Dorset branch of CPRE (1)

- Outside settlement boundary.
- Conflicts with the Management Plan and the policies of the Dorset AONB.
- The concept of a Rural Exception Site is being misused. Such sites are supported by the communities in Purbeck where they are within development boundaries, are owned and managed by local Community Lands Trusts, and serve the long-term needs of the community rather than the self-interest of an applicant. There may well be other locations for any genuine affordable housing for local residents in the parish.
- The countryside of Church Knowle is precious and deserves to be afforded the highest degree of protection in accordance with relevant designations and planning policies.

Comments of Objection (6)

- Land subject of agricultural tie and should not be allowed to be severed. No agricultural use since former owners left.
- Applicant details are unclear from application form and planning statement.
- Harm to character and appearance of the area – outside settlement boundary and visual impact within AONB. Will set a precedent.
- Already partial loss of hedgerow to provide access.
- Concerns about track maintenance and track ownership unclear.
- Additional traffic and light pollution.
- History of development on adjacent site (stable block).
- A timber-clad dwelling would be unsympathetic in appearance.
- Asking for exception site but not accepting the council's valuation and conditions shows being built for profit.
- Against NPPF as does not contribute to protecting or enhancing the natural built and historic environment of Church Knowle.
- With exception of the pub, there are no facilities or services in the village.
- As previous owners of the property we fulfilled our Agricultural Tie conditions but were never allowed to deviate in any way with change of use of the buildings due to the sensitive site it occupies.

Comments of support (1)

5 April 2023

- Village is in desperate need of affordable housing.
- Very difficult for ordinary working families to move into the area.
- The parish council have previously considered sites for affordable housing in the village, including along the track.
- The local primary school is already operating below its nominated pupil admission number and is in need of more children.
- Disappointing that the parish council object to an application for affordable home in the village when they were previously actively seeking sites in the village for affordable housing to be built.
- Type of development should be actively encouraged as otherwise Church Knowle will continue to become a place of second homes and for those most fortunate.

10.0 Relevant Policies

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise.

Purbeck Local Plan Part 1:

- Policy SD: Presumption in favour of sustainable development
- Policy LD: General location of development
- Policy SE: South East Purbeck
- Policy CO: Countryside
- Policy HS: Housing supply
- Policy RES: Rural Exception Sites
- Policy BIO: Biodiversity and geodiversity
- Policy DH: Dorset Heaths International Designations
- Policy PH: Poole Harbour
- Policy FR: Flood Risk
- Policy D: Design
- Policy LHH: Landscape, Historic Environment and Heritage
- Policy IAT: Improving accessibility and transport

Other material considerations:

Emerging Purbeck Local Plan:

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following

5 April 2023

hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council, and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the councils position following consultation on proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

- Policy E1: Landscape
- Policy E4: Assessing flood risk
- Policy E5: Sustainable drainage systems (SuDs)
- Policy E7: Conservation of protected sites
- Policy E8: Dorset heathlands
- Policy E9: Poole Harbour
- Policy E10: Biodiversity and geodiversity
- Policy E12: Design
- Policy I2: Improving accessibility and transport; and,
- Policy I3: Green infrastructure, trees, and hedgerows.

Supplementary Planning Documents/Guidance:

Purbeck District design guide supplementary planning document adopted January 2014.

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted March 2020.

Affordable housing supplementary planning document 2012-2027 adopted April 2013.

Purbeck Strategic Flood Risk Assessment 2018

Nitrogen reduction in Poole Harbour – supplementary planning document April 2017.

Bournemouth, Poole, and Dorset residential car parking study May 2011 – guidance.

British Standard 5837:2012 Trees in relation to design, demolition, and construction – recommendations.

Dorset Biodiversity Appraisal and Mitigation Plan.

Dorset AONB Management Plan 2019-2024

Dorset AONB Landscape Character Assessment & Management Guidance 2008

National Planning Policy Framework (NPPF):

5 April 2023

- Section 2: Achieving sustainable development:
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.
- 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 78-79 reflecting the requirement for development in rural areas.

- Section 9: Promoting sustainable transport

Requires potential impacts of development on transport networks to be addressed and opportunities for sustainable travel to be identified.
- 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 climate change, flooding, and coastal change

Requires development to avoid areas of highest flood risk and be made safe for its lifetime without increasing flood risk elsewhere.
- Section 15: Conserving and enhancing the natural environment

5 April 2023

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.

Planning Policy Guidance (PPG)

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.

It is not considered that the proposed, single storey dwelling would result in any disadvantage to persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Rural Exception Self-Build Affordable Dwelling	Single affordable dwelling
Non- Material Considerations	
CIL	Liabe - to be calculated at Reserved Matters stage but self-build

	Exemption applicable
Council Tax	£2056.78 (based on average Council Tax Band D)

14.0 Climate Implications

The proposal is for one new dwelling which will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

15.0 Planning Assessment

The main planning considerations have been identified as:

- The principle of development
- Whether the proposal accords with affordable housing policy
- Impact on the AONB
- Scale, layout, appearance, and impact on the character and appearance of the area
- Impact on neighbouring amenity
- Impact on biodiversity
- Highway safety
- Flooding and drainage
- Impact on trees

These and other considerations are set out below.

Environmental Impact Assessment

Due to the type of development proposed and the siting within a 'sensitive area' of the AONB the proposed development has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. The screening opinion concludes that the proposal is not considered to be EIA development and that the provision of detailed plans at reserved matters stage, together with the application of adopted planning policies, can ensure that any environmental effects resulting from the proposed development can be minimised.

Principle of development

- 15.1 The Council's planning policies contained in the adopted Purbeck Local Plan Part 1 (PLP1) aim to achieve sustainable development in line with the key objectives of the National Planning Policy Framework (NPPF). Whilst noting that isolated homes in the countryside should be avoided, paragraphs 77 – 79 of the NPPF set out key objectives for the provision of rural housing that reflects local needs. Paragraph 77 specifically notes:

"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local

planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs...

- 15.2 Local planning policies within the adopted Purbeck Local Plan Part 1 are considered to generally conform to the NPPF. Policies SD: Presumption in favour of sustainable development and LD: General Location of Development encourage new development to be located in the most sustainable locations, including within existing towns and villages. The village of Church Knowle is identified as an 'other village with a settlement boundary' and has a tightly defined settlement boundary as set out on the Local Plan Proposals Map (Inset Map 4).
- 15.3 The application site is located outside the defined settlement boundary of the village and is therefore classed as 'countryside', where development is permitted only in exceptional circumstances as set out in Policy CO: Countryside of PLP1. Policy CO seeks to protect the countryside from inappropriate development, apart from in exceptional circumstances where a countryside location is deemed to be essential. This includes (as listed in the policy text) '*a rural exception site providing affordable housing in accordance with Policy RES: Rural Exception Sites*' (definition at para 6.1 of this report).
- 15.4 Objections have been received from the Parish, CPRE and others stating that the development outside the settlement boundary and in the AONB is unacceptable. The proposal for the erection of a self-build rural exception dwelling falls under Policy RES: Rural Exception Sites and must be assessed against the requirements of the policy. The principle of the proposed residential development within the countryside is considered to be acceptable in accordance with the NPPF (paragraph 77) and policies SD, LD, and CO of the Purbeck Local Plan provided that the proposal meets the specific requirements of Policy RES, the Purbeck District Affordable Housing Supplementary Planning Document (SPD) 2012 – 2027, and the consideration of all other material planning issues.
- 15.5 Objections to the proposal also note that the agricultural occupancy tie on Withy Lakes should prevent the proposed dwelling. The Withy Lakes permission was sought on the basis of a 6-acre smallholding which had been farmed by the applicant for approx. 10 years. The County Land Agent at the time considered that the long-term viability was insufficient to justify a dwelling but the Committee in 1988 determined that permission should be granted. The proposed dwelling would utilise a modest area of agricultural land on the holding, reducing land available for farming by 0.244 acres. Whilst this has the potential to reduce the viability of the land holding for agriculture, the occupation of Withy Lakes is not tied to that particular land but is for anyone who is employed in agriculture or forestry in the locality in order to meet local need. As such it is not judged that the proposed dwelling would undermine the purpose of the planning condition.
- 15.6 Responses also raise issues of the current application setting a precedent for future development outside of the settlement boundary. Whilst Officers note that any application is assessed on its own merits, the policy basis for rural exception sites within the countryside is well established at both national and local level and the current application is not considered to set any greater precedent than other rural

5 April 2023

exception sites within the former Purbeck District Council and current Dorset Council areas.

Housing Delivery Test

- 15.7 **On 23rd June 2022 the Five-Year Housing Land Supply Assessment for the area covered by the Purbeck Local Plan 2018 – 2034 was published. Within the Purbeck Local Plan area, there is currently a supply of deliverable sites equivalent to 1.23 years of supply taking into account delivery against the housing target, a housing supply shortfall since 2018, the application of a 20% buffer as required under the Housing Delivery Test and the interim position whilst the Council awaits the outcome of discussions with Natural England regarding the implications of nutrients advice.**
- 15.8 **On 19 January 2021 the Housing Delivery Test Results were published. The Purbeck Local Plan area was found to have delivered 76% of the total number of homes required and therefore, in accordance with National Planning Policy Framework (NPPF) footnote 7, it is judged that the Purbeck housing policies are out of date and a presumption in favour of sustainable development applies.**

In this case, as housing policies are the most important for determining the application are considered to be out of date, permission should be granted unless:

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

In this case the NPPF policies do not provide any clear reasons for refusing the development proposed and no adverse impacts have been identified that would outweigh the benefit of the contribution made to affordable housing supply. The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11.

For these reasons the proposal to erect a detached self-build rural exception site dwelling on this site remains acceptable in principle, subject to other material considerations.

Affordable Housing Provision

Does the proposal meet the specific requirements of Policy RES of the Purbeck Local Plan Part 1?

Policy RES of the Local Plan states that affordable housing will be allowed in the open countryside in and around settlements where residential development is not normally permitted, provided that the following criteria are met:

5 April 2023

1. The Council is satisfied that the proposal is capable of meeting an identified, current, local need within the parish, or immediately adjoining rural Parishes, which cannot otherwise be met
2. Ideally, the site is not remote from existing buildings and does not comprise scattered, intrusive and isolated development and is within close proximity to, or is served by, sustainable transport providing access to local employment opportunities, shops, services and community facilities. However, if evidence can be submitted to demonstrate the site is the only realistic option in the parish, the Council will give consideration to supporting the proposal;
3. The number of dwellings should be commensurate with the settlement hierarchy set out in Policy LD: Location of Development, of character appropriate to the location and of high quality design; and
4. There are secure arrangements to ensure that the benefits of affordable housing will be enjoyed by subsequent as well as initial occupiers.

15.9 Criterion 1. Local Need

Objections to the application have stated that there is no need for the dwelling within the Parish. However, the applicants are on the Council's Housing Register (December 2021) and have a proven close family continuous residency connection to the Parish of Church Knowle of over 5 years. This position has been confirmed by the Council's Senior Housing Officer. There is no other affordable housing provision within the Parish which is available to meet the applicants' needs. On this basis, the application meets the requirements of criterion 1 of Policy RES.

15.10 Criterion 2. Location

The second criterion of the policy notes that ideally the proposed site should not be remote from existing buildings or comprise scattered, intrusive, and isolated development. It should be within close proximity to, or served by, sustainable transport providing access to local employment opportunities, shops, services, and community facilities.

15.11 The application site is located approx. 333m to the south of the settlement boundary for Church Knowle which is drawn tightly around the main village development to the north. However, access to the site is via an existing track which also serves the village hall and a number of other dispersed dwellings beyond the settlement boundary. These dwellings include Clayfield and Russett Hollow to the north of the application site, and within closer proximity of the application site, Withy Lakes (belonging to the applicant's parents) and Becher Stables (a stables conversion also belonging to relatives) so the proposed dwelling would not be physically isolated.

15.12 Despite being located to the south of Withy Lakes, the proposed dwelling would be screened by existing hedgerows to the east and south, the dwellings of Withy Lakes and Becher Stables and their curtilages to the north and could be screened by appropriate soft landscaping to the west. Given the low-density dispersed pattern of development that already exists along the access track, and the

5 April 2023

potential for new and enhances landscape screening, the siting of the proposed dwelling to the south of Withy Lakes is not considered to be remote from existing buildings or comprise scattered, or intrusive development.

15.13 In terms of proximity to existing services and public transport, such provision is by the very nature of the rural setting isolated. The village is served by a Public House and Village Hall but the nearest key shops and services (school, doctors etc) are located at Corfe Castle approx. 2 miles to the east. The village does not benefit from a bus service. However, any new dwellings within Church Knowle, including those constructed within the settlement boundary, would be subject of such limited provision due to the rural location. Policy RES makes provision for such situations, stating that *'if evidence can be submitted to demonstrate that the site is the only realistic option in the parish, the Council would give consideration to supporting the proposal'*. In this case, there are no other options of affordable housing available within the village. Whilst service and facility provision are limited, this would also be the case for any new dwellings proposed within the settlement boundary. On balance, although it would be preferable for such a dwelling to be in a more accessible location, Officers consider that the provision of an affordable dwelling that would meet a local housing need outweighs the limited harm that a single dwelling would create in terms of accessing service provision elsewhere by car.

15.14 Criterion 3. The Number of dwellings

The third criterion requires that the number of dwellings proposed should be commensurate with the settlement hierarchy set out in Policy LD of PLP1 and of a character that is appropriate to the location and of high-quality design. Policy LD identifies Church Knowle as an 'other village with settlement boundary'. The construction of a single dwelling of limited size and site area in accordance with Policy RES is considered to be commensurate with the small size of the village. In terms of impacts on the character of the area and the need for high-quality design, whilst details would be dealt with as part of a later Approval of Reserved Matters (ARM) application, it is considered that a suitably high-quality designed building that respects the setting and design of neighbouring rural dwellings and buildings could be achieved.

15.15 Criterion 4. Subsequent occupiers

Finally, the policy requires that there are secure arrangements in place to ensure that the benefits of the affordable housing will be enjoyed by subsequent as well as initial occupiers of the dwelling. This will be dealt with by way of a signed legal agreement which will restrict the future occupancy and re-sale value of the dwelling to ensure that it remains affordable in perpetuity.

15.16 Based on the above assessment, Officers consider that the proposed self-build rural exception dwelling meets the requirements of Policy RES of PLP1.

Does the proposal meet the specific requirements of the Purbeck Affordable Housing SPD 2012 – 2027 in relation to Policy RES?

15.17 The Affordable Housing SPD sets out additional guidance on the provision of such housing across the former Purbeck District Council area. In relation to rural

5 April 2023

exception sites, the SPD provides additional information on the provision of self-build sites. Paragraph 30 notes that such sites can be 'single plots or in a group' and the current proposal for an individual bespoke property accords with this.

15.18 Paragraphs 33 – 38 of the SPD explain how self-build rural exception site properties will be maintained as affordable in perpetuity for future re-sales. The completion of a Section 106 (S106) Legal Agreement between the leaseholder / freeholder and the Council will ensure that:

- The property cannot change ownership without the written consent of the Council.
- Consent for resale will only be granted where the Council is satisfied that the new purchaser is paying the prevailing 'affordable' price and meets the terms of the S106 Legal Agreement; and,
- Inheritance of the property by family members is permitted in the first instance provided that they meet the local needs criteria.
- The re-sale value of the affordable dwelling as a percentage of the market value.

15.19 The current proposal will be subject of a S106 Legal Agreement addressing the above issues and retaining the affordability of the proposed new dwelling in perpetuity.

15.20 The SPD provides a formula (para 34) for calculating the re-sale value of the proposed dwelling as a percentage of the market value, as follows:

$$\text{(standard cost of construction x internal floorspace + nominal plot value) / prevailing market value = xx\%}$$

15.21 Since adoption of the SPD in 2013, the standard costs of construction, plot values and market values have all increased. A viability report accompanies the application which includes advice on current construction costs, current plot value costs, an assessment of comparison market values and additional costs not included in the SPD formula (including external works, contingency fee of 5% and design fee of 7%). The formula calculation in the applicant's viability report results in a re-sale value of 50.56% of the prevailing market value.

15.22 In accordance with Policy RES, Officers commissioned (fee met by applicants) an independent assessment of the submitted viability report by the District Valuation Service (DVS). Values and construction costs were calculated differently to the viability report but additional costs included by the applicant (contingency etc) were not considered unreasonable and are therefore accepted by Officers. The DVS has re-calculated the SPD formula (including the additional costs of contingency etc) as follows:

$$\text{(Standard cost of construction of £2,401 x internal floorspace of 100m}^2\text{ + nominal plot value of £20,000)/prevailing market value of £550,000 = 47\%}$$

This gives a resale figure of £260,128 which equals 47% of the prevailing market value.

5 April 2023

- 15.23 As noted in paragraph 36 of the SPD, as the affordable re-sale figure is a percentage of the open market value, this will increase or decrease in accordance with prevailing local market prices.
- 15.24 However, the SPD in paragraph 37 sets a resale cap to prevent resales from becoming unaffordable. In 2013 (date of adoption) the resale cap was set at £140,000. The cap was based on standard build costs and nominal plot value in the highest value area of Purbeck in 2013, and a ceiling of £140,000 was considered more than enough to acquire a plot and build a 4 bedroom, 100sqm property, with six bed spaces at that point in time. The SPD notes that the Council will review the cap annually to take into account changes to standard build costs and plot values. The Council's Planning Policy Team have confirmed that a review of the cap has never taken place and therefore the original cap is out of date. It is therefore necessary to determine the current application on the basis of current costs and value and the independent DVS assessment of the formula approach.
- 15.25 Further to the above, more recent NPPF updates have introduced new affordable housing delivery mechanisms. The definition of 'Affordable Housing' in the NPPF is:

"Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions...

*..c) Discounted market sales housing: is that sold at a discount of **at least 20% below local market value**.....*

*..d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, **other low cost homes for sale (at a price equivalent to at least 20% below local market value)**.....*

- 15.26 Additionally, the First Homes mechanism ([First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk)) which also meets the definition of affordable housing for planning purposes, sets the discount at a **minimum of 30% against the market value**, and the Council has not altered this requirement through a local plan.
- 15.27 Nevertheless, paragraph 219 of the NPPF advises that:

".....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given".

Despite the increasing age of the SPD, the intention of the cap which is to ensure that affordable housing remains affordable in perpetuity, is consistent with the Framework; the reference to 20% and 30% are minimum discounts. Officers

5 April 2023

consider that the current application should be determined with due weight attributed to the SPD formula.

- 15.28 It is noted that a current planning application in the Northern Planning Team Area (P/FUL/2021/01742 for the erection of rural exception site dwelling – currently awaiting completion of S106 Legal Agreement) will provide a 20% discount on the market value (80% of market re-sale value). This has been judged acceptable in accordance with current definitions of affordable housing included in the NPPF. The difference in that case is that there is no specific SPD formula to apply, unlike the Purbeck Affordable Housing SPD formula which officers consider continues to hold weight in the determination of applications within the former Purbeck District Council area.
- 15.29 The agent has confirmed that the applicants are content to enter into a s106 agreement in accordance with paras 15.18 and 15.22 securing a 47% discount. Subject to the completion of a S106 Legal Agreement and control of the size of the dwelling via condition (nos. 5 and 10), the proposed development is therefore considered to be acceptable in accordance with the objectives of the NPPF in Section 5: Delivering a sufficient supply of homes, the definitions of Affordable Housing included in the NPPF Glossary, Policy RES of PLP1 and the general objectives of the Purbeck Affordable Housing SPD 2013.

Impact on the Dorset Area of Outstanding Natural Beauty (AONB)

- 15.30 The application site is within the Dorset AONB and lies within the ‘Corfe Valley’ character area of the Dorset Landscape Character Assessment. This area forms “*a broad sweeping clay valley with a patchwork of rough pastures and dense hedgerows, set along the Corfe River*”. The Assessment also notes that “*Discrete picturesque villages set within small scale woodlands on the valley bottom, particularly within the western portion, possess a peaceful and unspoilt character.*”
- 15.31 Key characteristics of the character type which are considered relevant to the current proposal include:
- Continuous and complex patchwork of small regular intimate pastures with dense hedgerows and small broadleaved woodlands of oak and hazel.
 - Small scattered nucleated villages and farmsteads of limestone on valley floor with adjacent paddocks and piecemeal enclosures and dense small broadleaved woodlands.
 - Winding rural lanes with dense hedgerows and hedge banks.
 - Strong undeveloped rural character, particularly in the western portion, where traditional agricultural character and dark night skies have been largely maintained.
- 15.32 Officers are satisfied that the plot site, location and ownership of adjacent land will enable the AONB objectives to be addressed at the reserved matters stage to achieve a scheme which responds appropriately to the overall objectives and planning guidelines for the character area (conditions 1-5). By limiting the proposed dwelling to a single storey property an appropriate scale, form and density can be

5 April 2023

achieved. Use of appropriate materials has been factored into the viability appraisal. The impacts of lighting can be minimised by avoiding rooflights and controlling external lighting. Small scale broadleaved planting can be secured to reduce visual impacts of the development. The proposed access is suitable in the landscape and parking can be appropriately sited while biodiversity benefits are to be secured (see below).

- 15.33 Objections to the application have raised concerns about the proposal forming 'major development' within the AONB. The NPPF sets out national policy in relation to the scale and extent of development within designated areas, and notes that (paragraph 177): "*permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest*".
- 15.34 Foot note 60, page 51 confirms that "*whether a proposal is major development is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*".
- 15.35 The proposal for a single 'rural exception' dwelling, of a restricted size to accord with policy RES and the Affordable Housing SPD, is not judged to constitute major development in the AONB.
- 15.36 In summary, impacts of the proposal on the Dorset AONB are considered to be very limited due to the small scale of the development, existing landscape screening by hedgerows and mature trees, and the ability to further mitigate impacts by additional and enhanced landscape screening which will be considered at Approval of Reserved Matters stage. The public benefit of providing an affordable dwelling would outweigh the very limited harm to the landscape designation. The proposal is therefore considered to be acceptable in terms of landscape impacts in accordance with Policy LHH: Landscape, Historic Environment, and Heritage of the Purbeck Local Plan Part 1.

Scale, layout, appearance, and impact on the character and appearance of the area

- 15.37 The current outline application is only considering the principle of the proposed development, together with the details of access. As the application is being considered in accordance with Policy RES and the self-build rural exception site policy set out in the Affordable Housing SPD, the plot size is limited to 0.1ha and the dwelling size is limited to 100sqm with permitted development rights to be removed (conditions 5 and 10).
- 15.38 Whilst indicative plans of the proposed dwelling have been submitted to aid assessment of the affordability of the proposed dwelling and determination of an affordable resale value, the plans are not for detailed consideration at this stage. The details of the dwelling's appearance, scale and layout will be considered via reserved matters application(s).

Impact on neighbouring amenity

5 April 2023

- 15.39 The application site is greenfield and only adjoins residential development on its northern boundary (Withy Lakes and Becher Stables). On the basis of the indicative plans it is considered that there are unlikely to be any future issues arising in relation to impacts on neighbouring amenity, but these will be considered at the Reserved Matters stage.

Biodiversity Impacts

Compliance with Habitat Regulations

- 15.40 In accordance with the ruling of ECJ C-323/17 People Over Wind, Sweetman v Coillte Teoranta, Natural England have advised the Council an Appropriate Assessment (AA) is required in accordance with Regulation 63 of the Habitats Regulations. The AA is to enable full consideration of the proposed development and any likely adverse effects on the integrity of European and internationally designated Dorset Heathland sites, **nutrient neutrality** in Poole Harbour, and recreational pressures on Poole Harbour, which may remain if avoidance / mitigation measures are carried out as proposed. **An AA was undertaken in advance of the planning application being determined by the Eastern Area Planning Committee on 9th March 2022. Council. This showed that impacts of the proposed dwelling could – at that time - be suitably mitigated in accordance with adopted SPDs. Natural England had raised no objection subject to the appropriate mitigation being secured.**
- 15.41 However, as already noted in Section 1.0 of this report, **in the period between the committee resolution and the sealing of the Section 106 Legal Agreement, the advice provided by Natural England changed. On 16 March 2022, Natural England notified Dorset Council of their updated advice for development proposals that have the potential to affect water quality resulting in adverse nutrient impacts on internationally protected habitats sites. This advice applied to the catchments of five habitat sites which together cover a large part of the Dorset Council area. The application site lies within one of the affected catchment areas – the Poole Harbour Catchment. The advice was that Dorset Council should “carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.”**
- 15.42 Natural England confirmed that the existing strategy for Nitrogen neutrality in the Poole Harbour catchment can continue to be relied upon for determination of planning applications (the Nitrogen Reduction in Poole Harbour Supplementary Planning Document). However, no such strategy is in place for Phosphorous neutrality in the Poole Harbour Catchment. Affected planning applications (such as this application) are required to demonstrate through an Appropriate Assessment that appropriate measures or safeguards are in place to ensure Phosphorus neutrality in perpetuity to enable the issue / grant of planning permission. This has resulted in many applications being held in abeyance until such a position can be achieved.

15.43 Dorset Council is continuing to work with Natural England and surrounding local planning authorities on potential mitigation options to enable new residential development to deliver phosphorous neutrality. The Leader of Dorset Council has also written to the Secretary of State requesting the addition of sewerage treatment works serving less than 2,000 people in the Poole Harbour Catchment to be added to the amendment to the Levelling Up and Regeneration Bill. If the threshold for sewerage treatment works was lowered to those that served more than 1,000 people, the need for phosphorus mitigation within the Poole Harbour catchment would be removed and wider environmental benefits would be realised. In the meantime, planning applicants / agents are exploring other available options to ensure that their proposed development can deliver phosphorous neutrality.

15.44 The applicants for Withy Lakes propose the removal of an existing septic tank serving the existing bungalow and replacement with two new wastewater treatment plants. A site-specific Nitrogen and Phosphorous Calculation has been submitted. This concludes that the replacement of the existing septic tank serving the bungalow with a new Treatment Plant would reduce nutrient loading to the water environment, and that this saving could be used as an offset against which to balance the nutrient budget of the proposed new dwelling. The treatment of foul water from 2 residential units, each using a modern Treatment Plant will result in a smaller nutrient loading than the old septic tank serving the existing bungalow. A comparison of the existing loading and proposed loading where foul from both properties is treated by the new sewage treatment plant is summarised below:

Scenario	Existing dwelling	Proposed dwelling + existing	Difference in nutrient loading
Total phosphorous	1.22kg of TP/year	0.54kg of TP/year	Saving of 0.68 kg TP per year
Total nitrogen	10.13kg TN/year	3.03kg TN/year	Saving of 7.1 kg TN per year

15.45 The installation of new treatment plants to serve both dwellings would result in a net overall reduction in nutrient loading to the water environment and will result in a better than nutrient neutral solution.

15.46 On the basis of the submitted calculation, an Appropriate Assessment has been completed which concludes that the proposed development would not adversely affect the Poole Harbour SPA & Ramsar European Sites either alone, or in combination with other projects. This is subject to the implementation, functioning, and maintenance of the proposed sewage treatment plant in perpetuity being secured through an appropriate planning mechanism to ensure the nutrient neutrality of the proposed development and the avoidance of adverse effects on Poole Harbour SPA and Ramsar European Sites.

15.47 An additional s106 obligation, in a form to be agreed by the Council's Legal Services Manager, would provide a suitable and sufficient mechanism to secure the following:

- **Prior to the commencement of development - the submission and agreement in writing by the Local Planning Authority of full details of the siting, pipework, connection points, and ongoing maintenance of the Graf One2Clean PTPs as described in the Updated Withy Lake P&N Balance Technical Note dated 30th January 23.**
- **The implementation and maintenance of the 'Treatment Plants' in perpetuity in accordance with the submitted details.**
- **Connection of the existing bungalow of 'Withy Lakes' to its operational treatment plant before any development on the new dwelling exceeds damp course level.**
- **Connection of the new dwelling to its operational treatment plant prior to first occupation.**
- **That the combined nutrient loading of the two treatment plants shall not exceed 0.54kg of Total Phosphorous per year and 3.03kg of Total Nitrogen per year.**
- **That no replacement plant shall be installed to serve either dwelling until full details of the plant, together with the nutrient loading calculations, have been submitted to and approved in writing by the Local Planning Authority, and that thereafter the plant shall be installed and maintained in accordance with the new approved details.**

15.48 It is judged that subject to the above mitigation measures (Sewage Treatment Plants) being secured in perpetuity by way of an additional Section 106 obligation, the authority is able to conclude that there will be no adverse effects on the integrity of the designated sites of Poole Harbour. Natural England has been consulted on the completed Appropriate Assessment and the details above and have advised that it concurs with the assessment conclusions. Therefore, subject to an additional S106 obligation to secure the provision of the Treatment Plants, the proposal is considered to comply with Regulation 63 of the Habitats Regulations.

Other biodiversity considerations

15.49 An Ecological Impact Assessment Report has been submitted as part of the application to demonstrate that there will be no harm to biodiversity on the site. The report concludes that the development proposal will mean the potential loss of foraging habitat for several protected bat species and dormice, a declining species in the UK. The report notes the legal protections offered to these different species

5 April 2023

which means that mitigation will be required in order to allow the scheme to gain planning permission. However, it also advises that mitigation and enhancements can be secured due to the small size of the site so as to secure minimal long-term impact on biodiversity. The Biodiversity Plan has been agreed by the Council's Natural Environment Team and a Certificate of Approval issued.

- 15.50 Subject to securing mitigation by condition (Condition 9), **an additional S106 legal obligation**, and through the application of the CIL, the proposal is considered to comply with policies BIO: Biodiversity and Geodiversity, DH: Dorset Heaths International Designations and PH: Poole Harbour of the Purbeck Local Plan Part 1.

Flooding and drainage

- 15.43 The application site is located in Environment Agency Flood Zone 1 and is not at risk of fluvial flooding.
- 15.44 The Council's Drainage Engineer has raised no objection to the proposal subject to a standard Sustainable Drainage condition (Condition 7) on the decision to ensure that the proposed dwelling would not worsen flood risk relating to surface water run-off both within the application site and to neighbouring properties. The proposal is therefore considered to be acceptable in accordance with Policy FR: Flood Risk of the Purbeck Local Plan Part 1.

Highway safety and access

- 15.45 Access to the site is via an existing track that extends southwards from the village which also provides access to neighbouring residential properties and adjacent farmland. A field gate has been installed within the hedgerow boundary on the eastern edge of the site allowing vehicular access into the application site and the wider landholding at the southern end.
- 15.46 The Council's Highway Engineer has raised no objection to the proposal. Their comments about the sustainability of the location have been addressed earlier in the report. The site provides sufficient space for suitable parking provision. Full details of the access and parking provision will be considered at approval of reserved matters stage.

Impacts on trees

- 15.47 The application site is enclosed by mature hedgerows which also include a number of mature trees. A Tree Survey and Arboricultural Impact Assessment (AMS) submitted with the application identifies that of the trees on the eastern boundary, four English Oaks are of good quality, a Willow is poor quality with low life span, and the remaining trees are of low quality but could be retained. The AMS advises removal of the Willow but notes that no trees will require removal to allow for a dwelling on the site. It also notes that some pruning will be required. Parking could also be accommodated on the site with minimal impact on root protection areas.
- 15.48 The Council's Tree Officer has advised that the trees worthy of retention should be retained and that a condition (Condition 8) should be included requiring a detailed Arboricultural Methods Statement to be submitted to ensure that any works do not infringe root protection areas. It is also recommended that a soft landscaping scheme is submitted, and this will be dealt with at reserved matters stage.

5 April 2023

15.49 In summary, the proposed development is considered to be acceptable in terms of impacts on existing trees.

16.0 Conclusion

16.1 For the above reasons, the development proposed accords with the development plan and the NPPF.

16.2 The proposal is considered to be sustainable development for the purposes of NPPF paragraph 11. Approval is recommended subject to conditions and **s106 legal obligations** to secure the affordable housing provision **and nutrient neutrality** in perpetuity.

17.0 Recommendation

(A) Grant, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

Affordable housing provision of a single rural exception site dwelling with the following restrictions:

- The property cannot change ownership without the written consent of the Council.
- Consent for resale will only be granted where the Council is satisfied that the new purchaser is paying the prevailing 'affordable' price and meets the terms of the S106 Legal Agreement.
- The re-sale price will be equal to 47% of the prevailing market value.
- Inheritance of the property by family members is permitted in the first instance provided that they meet the local needs criteria.

And nutrient neutrality:

- **Prior to the commencement of development - the submission and agreement in writing by the Local Planning Authority of full details of the siting, pipework, connection points, and ongoing maintenance of the Graf One2Clean PTPs as described in the Updated Withy Lake P&N Balance Technical Note dated 30th January 23.**
- **The implementation and maintenance of the 'Treatment Plants' in perpetuity in accordance with the submitted details.**
- **Connection of the existing bungalow of 'Withy Lakes' to its operational treatment plant before any development on the new dwelling exceeds damp course level.**
- **Connection of the new dwelling to its operational treatment plant prior to first occupation.**

5 April 2023

- **That the combined nutrient loading of the two treatment plants shall not exceed 0.54kg of Total Phosphorous per year and 3.03kg of Total Nitrogen per year.**
- **That no replacement plant shall be installed to serve either dwelling (approved and/or the existing bungalow of Withy Lakes) until full details of the plant, together with the nutrient loading calculations, have been submitted to and approved in writing by the Local Planning Authority, and that thereafter the plant shall be installed and maintained in accordance with the approved details.**

And the following conditions:

1. No part of the development hereby approved shall commence until details of all 'reserved matters' (that is any matters which concern the layout, scale and appearance of the building(s) to which this permission and the application relates, and to the means of access to the building(s) and the landscaping of the site) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

2. An application for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 21134.01/P3 and Block Plan 21134.02/P2.

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

5. This permission shall not permit a dwelling other than of a single storey design only. The floor area shall be limited to 100sqm gross internal floor area (including attached garages). No habitable accommodation shall be included within the roof space.

5 April 2023

Reason: In order to ensure the building is appropriate as a rural exception dwelling and does not have a detrimental effect upon the landscape character of the Dorset AONB.

6. Any reserved matters application including details of layout and scale shall be accompanied by a plan showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished floor levels and their relationship with adjoining buildings and ground levels. Thereafter the development shall be carried out in accordance with the approved finished floor and ground levels.

Reason: To control matters which will impact on the visual impact of the development within the Area of Outstanding Natural Beauty.

7. Prior to the commencement of development details of surface water and foul drainage schemes for the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to the completion of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

8. 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 with any Reserved Matters application for layout or landscaping 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 developer's 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.

5 April 2023

9. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Biodiversity Mitigation Plan dated 24/01/22 and certified as approved by the Natural Environment Team on 27th January 22 shall be completed in full.

Reason: To minimise impacts on biodiversity.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent re enactment thereof, with or without amendments, there shall be no extensions to the property, including its roof and no habitable accommodation shall be created within the roofspace.

Reason: To ensure that the dwelling is maintained at a size appropriate to a rural exception dwelling.

Informative Notes:

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to the provision of affordable housing in perpetuity at the site.
2. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.
3. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

4. 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:

Eastern Area Planning Committee

5 April 2023

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

or

(B) Refuse permission if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 5th September 2023 (6 months from the date of committee) or such extended time as agreed by the Service Manager for Development Management and Enforcement.

Eastern Area Planning Committee

5 April 2023

Background Documents:

Case Officer: Cari Wooldridge

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.