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Application Number:	P/FUL/2022/05022		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land at Kine Bush Lane Kine Bush Lane Gillingham SP8 5RA		
Proposal:	Stationing of a holiday cabin, development of a structure comprising of a cycle and refuse store, creation of an access and creation of a parking and turning area.		
Applicant name:	Mr Jasper Cable-Alexander		
Case Officer:	Steven Banks		
Ward Member(s):	Cllr Val Potheary, Cllr Belinda Ridout and Cllr David Walsh		
Publicity expiry date:	2 February 2023	Officer site visit date:	
Decision due date:	17 February 2023	Ext(s) of time:	5 May 2023

1.0 Reason for Referral

This application is referred to committee under scheme of delegation process due to an objection from the Parish Council.

2.0 Summary of recommendation:

Grant permission subject to conditions.

3.0 Reason for the recommendation:

- The principle of the proposed development taking place is accepted by policy.
- The proposed development would respect the character of the area.
- The proposal would not have an unacceptable impact on highway safety or the efficiency of the transport network.
- The proposal would not result in an increase in flood risk.

4.0 Key planning issues

Issue	Conclusion
The principle of the development taking place	The proposed tourist accommodation would be in a location where local services, that tourists are likely to want to use, could be accessed by means other than the private car. The principle of the development taking place is therefore accepted by North Dorset Local Plan policy.
Character and appearance	The elements of the proposal, by reason of their design, size and positioning, would not harm the character of the area.
Highways	The proposal would not have an unacceptable impact on highway safety or the efficiency of the transport network.

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Flooding	The application site comprises of land which has been assessed as not having a high or medium probability of flooding.
Economic benefits	The proposal, by reason of its nature and scale, would make a small but still beneficial contribution to the economy.

5.0 Description of Site

The application site, which comprises of areas of grass and trees, can be found to the north of Kind Bush Lane and to the south east of the developed settlement of Gillingham. The area is characterised by fields, which are used for agricultural purposes, trees, hedges and a large brick and stone arch railway bridge.

6.0 Description of Development

It is proposed to: Station a holiday cabin on the northern part of the site; develop a parking and turning area on the southern part of the site; and to construct a structure comprising of a bin store and a cycle store on the north-western edge of the proposed parking and turning area.

7.0 Relevant Planning History

There are no historic applications which are of relevant to this application.

8.0 List of Constraints

Outside settlement boundaries

Gillingham Neighbourhood Plan - Made 27/07/2018

Site of Special Scientific Interest (SSSI) impact risk zone - Distance: 0

9.0 Consultations

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

Consultees

1. DC - Highways

No objection subject to the imposition of conditions, relating to vehicle access construction, access closure, cycle parking, gates, visibility splays, and turning and parking area construction, on any planning permission and the attachment of an informative, relating to vehicle crossing construction, to any planning permission.

3. Gillingham Town Council

Gillingham Town Council recommend refusal of Application P/FUL/2022/05022 for the following reasons:

- *The proposed development will result in unmitigated harmful intrusion into the countryside which will be damaging to the character and beauty of the rural area.*
- *The proposal does not enhance the natural and local environment or protect and enhance the landscape.*

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- *The site is situated off of a narrow country lane and the proposal will result in an increased danger to highway users.*
- *The harm to the countryside would not be outweighed by the public benefits.*

Gillingham Town Council requests that if the case officer is mindful to approve the application, the application is considered by the Dorset Council Northern Area Planning Committee.

Representations received

No representations have been received.

10.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (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 11 – The Economy

Policy 20 – The Countryside

Policy 23 – Parking

Policy 24 – Design

Policy 25 – Amenity

Policy 31 – Tourist Accommodation in the Countryside

Gillingham Neighbourhood Plan 2016 – 2031 (July 2018)

Policy 24 – Plots and buildings

Policy 25 – Hard and soft landscaping

Material Considerations

National Planning Policy Framework (2021)

Part 2 - Achieving sustainable development

Part 4 – Decision making

Part 6 – Building a strong competitive economy

Part 12 – Achieving well-designed places

Part 14 – Meeting the challenge of climate change, flooding and coastal change

Part 15 – Conserving and enhancing the natural environment

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.

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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 individual elements of the proposal, by reason of their design, would not conflict with protected characteristics.

13.0 Financial benefits

The proposed development, by reason of its nature and scale, would: Support and require a modest amount of labour from the construction industry during the phases of development; provide an income for the owner of the development; and house a small number of people who would make a small contribution, through expenditure, to the viability of local retailers and service providers.

14.0 Environmental Implications

The application site can be found approximately 2.2 miles, via an on-road signed cycle route, which includes a break, of approximately 117.5m, on Common Mead Lane, from the Post Office in the commercial part of Gillingham. It should be noted that other services and facilities can be found in the commercial part of Gillingham. Gillingham train station, via the on-road signed cycle route, is approximately 0.4 miles from the Post Office referred to. The station falls on the well served Exeter to London line. Bus services can also be found in Gillingham.

Route 25 of the National Cycle Network (Longleat to Bournemouth) passes the application site and joins Route 253 of the National Cycle Network (a loop which includes Blandford Forum, Shaftesbury, Sturminster Newton and Okeford Fitzpaine) in Gillingham.

It should be noted that the on road signed cycle route passes through the centre of the commercial part of Gillingham, where the Post Office can be found, and terminates at Gillingham Train Station. The National Cycle Network routes do not pass the Post Office and do not run to the train station.

The use of sustainable transport modes between the application site and the services and facilities offered by Gillingham would be a realistic option. Occupiers of

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the holiday accommodation would not have to be dependent on the private motor vehicle in order to reach services and facilities. In this respect, the proposal would allow for progress towards a low carbon economy and for the mitigation of climate change.

15.0 Planning Assessment

The principle of the development taking place

Policy 2 of the Local Plan contains the spatial strategy which directs new development towards the most sustainable locations. It is identified, in the core spatial strategy, that the four main towns, Blandford, Gillingham, Shaftesbury and Sturminster Newton, will be the main focus for growth. The southern extension to Gillingham is noted as an exception. Stalbridge and the larger villages are identified at the second tier as the focus for growth to meet the local needs outside of the four main towns. It is identified at the third tier, the Countryside, that outside the defined boundaries of the four main towns, Stalbridge and the larger villages, the remainder of the District will be subject to countryside policies where development will be strictly controlled unless it is required to enable essential rural needs to be met.

The application site falls outside of any settlement boundary and therefore forms part of the countryside. Policy 20 (The Countryside) establishes that certain types of development are appropriate in the countryside. The types of development include: Renewable energy schemes; rural exception affordable housing sites, including small numbers of market homes; essential occupational dwellings; the re-use of existing rural buildings, primarily for economic development or community uses; rural tourist accommodation; and new non-commercial community facilities.

It is identified in policy 11 that tourist accommodation in the countryside will be permitted in accordance with policy 31 – Tourist accommodation in the Countryside.

Policy 31, amongst other things, permits the siting of static caravans provided the proposal is in a suitable location where local services that tourists are likely to want to use can be accessed by means other than the private car.

As identified above: The application site can be found approximately 2.2 miles, via an on-road signed cycle route, which includes a break, of approximately 117.5m, on Common Mead Lane, from the Post Office in the commercial part of Gillingham; a well-served train station, facilities, and services can be found in Gillingham; and the use of sustainable transport modes between the application site and the services and facilities offered by Gillingham would be a realistic option.

It is therefore, considered that the proposal would meet the requirement of policy 31.

Character and appearance

Fields which are used for agricultural purposes contribute to the rural character of the area. Trees and hedges are a notable element of the area. A brick and stone arch railway bridge can be found to the south of the site. This is a prominent feature which characterises the area. A tarmac road runs along the southern boundary of the site. Brick walls under concrete caps can be found on the north and south side of the road where it passes over a ditch. A small brick tunnel leading under the

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road can also be seen from the bridge. The railway bridge, tarmac road and brick walls interrupt the rural character of the area.

The proposed structure which comprises of a bin store and cycle store, by reason of its design, size and materials, would not cause material harm to the character and appearance of the area.

The turning and parking area, by reason of its size, would not detract from the character of the area.

It is proposed to site the holiday cabin in a position which is set back from the road and partially screened by vegetation. The proposed holiday cabin, by reason of its size, positioning and design, would not detract from the character of the area which includes man made elements.

Highway safety

Development should only be refused, on highways grounds, if there would be an unacceptable impact on highway safety or if the residual cumulative impacts on the efficiency of the transport network would be severe. The Highway Authority did not object to the proposal, on either of these grounds, subject to the imposition of conditions on any planning permission. It is recommended that that these conditions should be imposed on any planning permission.

Flooding

The siting of the unit of holiday accommodation, vehicular access, turning and parking area, and cycle and bin store has been revised. The previously proposed bridges have been removed from proposed scheme.

It is not proposed to site the unit of holiday accommodation; vehicular access, turning and parking area; and cycle and bin store on land which has been assessed as having a high or medium probability of flooding.

The proposal would not result in an increase in flood risk.

16.0 Conclusion

For the reasons given, it is concluded that planning permission for the proposed development, which represents a sustainable form of development, should be granted subject to the conditions below.

17.0 Recommendation Grant, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

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P-102 P06 – Received 07/03/2023

004 P02 – Received 28/11/2022

P-101 P03 – Received 28/02/2023

A100 – Received 28/11/2022

A101 – Received 28/11/2022

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

3. Prior to the occupation of the development hereby approved, the first 5.0m of the vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing), shall have been laid out and constructed to a specification which shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the first 5.0m of the vehicular access must be maintained and kept free from obstruction for the life of the development hereby approved.

Reason: In the interest of highway safety.

4. Prior to the occupation of the development hereby approved the turning/manoeuvring and parking areas shown on approved plan P-102 P06 must have been constructed. Thereafter, these areas must be maintained, kept free from obstruction and made available for the turning and parking of vehicles in perpetuity.

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

5. Prior to the occupation of the development hereby approved the cycle parking facilities shown on approved plan P-102 P06 must have been constructed. Thereafter, these areas must be maintained, kept free from obstruction and made available for the parking of bicycles in perpetuity.

Reason: To ensure the proper construction of the parking facilities.

6. Any entrance gates must be set back a minimum distance of 5 metres from the edge of the carriageway and hung so that they can only open into the site.

Reason: In the interest of highway safety.

7. Prior to the use of the development hereby approved the visibility splay area as shown on drawing P-102 P06 must have been cleared/excavated to level not exceeding 0.60m above the relative level of the adjacent carriageway. Thereafter, the visibility splay area must be maintained and kept free from obstruction in perpetuity.

Reason: In the interest of highway safety.

8. The unit of accommodation hereby approved shall be occupied for holiday purposes only; shall not be occupied as a person's sole, or main place of residence; and the owners/operators must maintain an up-to-date register of the names of all

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owners/occupiers of unit of accommodation and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: To ensure that approved unit of accommodation is not used for unauthorised permanent residential occupation.

Reason: In the interest of sustainable development.

9. The unit of holiday accommodation shown on approved plans A100 and A101 shall be sited as shown on approved plan P-102 P06. Only one unit of holiday accommodation shall be sited within the application site identified by the red line on approved plan P-101 P03.

Reason: In the interest of minimising flood risk and to control the limit of the development.

Informative Notes:

1. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. NOTE: The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone on 01305 221020), by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.