

Reference No: P/FUL/2022/06530
Proposal: Demolish existing barn and erect dwelling with associated landscaping
Address: Middle Farm Lurmer Street Fontmell Magna Shaftesbury SP7 0NT
Recommendation: Grant
Case Officer: Philip Longhurst
Ward Members: Cllr Somper
CIL Liable: N

Fee Paid:	£462.00		
Publicity expiry date:	28 April 2023	Officer site visit date:	
Decision due date:	20 March 2023	Ext(s) of time:	
Where Scheme of Delegation consultation required under constitution:			
SoD Constitutional trigger:	Parish Council Objection		
Nominated officer agreement to delegated decision		Date agreed:	

1.0 Reason for Committee referral:

Objection from Fontmell Magna Parish Council.

2.0 Summary of recommendation:

GRANT, subject to conditions

3.0 Reason for the recommendation:

- Paragraph 11(d) of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF provide a clear reason for refusal or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.
- The proposal is acceptable in its design and general visual impact and there is no significant harm to the setting of the AONB.

- There would be no harm to the character and appearance of the Conservation Area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The drainage and ecology impacts of the proposal would be acceptable.

- **4.0 Key planning issues**

Issue	Conclusion
Principle of development	Whilst the dwelling would be located outside of the settlement boundary, the site is in an accessible location on the edge of the village.
Scale, design, impact on character and appearance of the area including the Fontmell Magna Conservation Area and AONB	The proposed development would not have an adverse impact on the visual amenities of the site, nor would there be harm to the character and appearance of the Conservation Area. The proposal has been revised to lessen the impact on the surroundings and it would not detract from the setting of the AONB.
Impact on amenity	The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties.
Impact on trees & biodiversity	The proposed development will have no detrimental impact on trees and a proportionate level of biodiversity enhancement is proposed.
Parking	The proposed development would provide sufficient parking and access arrangements.

5.0 Description of Site

To the south and west of the site is the village of Fontmell Magna comprising residential housing, The Fontmell Hotel and St Andrew's CE Primary School. To the north and east of the site lies the Cranborne Chase AONB at approximately 100m. the site is just within the Fontmell Magna Conservation Area.

The site is located on the edge of the settlement and would be accessed from Lurmer Street via Mill Street to the South of the site. The entrance to the site would be along the South boundary providing a new road, extending Collyer's Rise Road.

6.0 Description of Development

The proposal is for the demolition of an existing agricultural barn and the erection of 1no. dwellinghouse.

7.0 Relevant Planning History

2/2017/1856/FUL - Decision: GRA - Decision Date: 14/08/2018
Erect 2 No. dwellings, convert and extend existing single storey stables to form 1 No. dwelling, and erect garage/car port. Modify vehicular access.

P/PAP/2022/00364 - Decision: RES - Decision Date: 17/08/2022
Changes to existing planning approval

P/VOC/2022/05525 - Decision: GRA - Decision Date: 30/01/2023
Erect 2 No. dwellings, convert and extend existing single storey stables to form 1 No. dwelling, and erect garage/car port. Modify vehicular access (with variation of condition 2 of 2/2017/1856/FUL to amend approved plans)

P/NMA/2022/05526 - Decision: WIT - Decision Date: 06/10/2022
Non-material amendment - plot 1 - omit dormer window from bedroom 3, amend proportions of the dormer to bedroom 2, window size amendments (to brick dims), obscure escape window to bedroom 3, various conservations rooflights. Plot 2 - relocate existing dormer to east elevation (with amended proportions), new dormer to bedroom 2, conservation rooflights added, chimney breast relocated, new window to kitchen, double doors to bedroom 4, window sizes adjusted to brick dims to planning permission 2/2017/1856/FUL (Erect 2 No. dwellings, convert and extend existing single storey stables to form 1 No. dwelling, and erect garage/car port. Modify vehicular access.)

8.0 Constraints

PROW - Right of Way: Footpath N63/9; - Distance: 11.19

Area of Outstanding Natural Beauty (AONB): Cranborne Chase & West Wiltshire Downs; - Distance: 102.27

Site of Special Scientific Interest (SSSI) impact risk zone

9.0 Consultation Responses

Fontmell Magna Parish Council Object:

“The application conflicts with 10 policies in the Neighbourhood Plan. In particular, the site for the proposed dwelling lies outside the village’s Settlement Boundary, contrary to Policy FM18 of the Neighbourhood Plan, and will consequently cause significant harm to the setting of the AONB; this should provide sufficient reason in itself to decline the planning application.”

Further concerns raised in regard to the design of the proposal, the impact upon the conservation area, accessibility to the village, drainage, housing type and sustainability.

Parish council was re-consulted on the revised design and wished to retain their original objection.

Highway Authority: No objection subject to conditions

Tree Officer: Supports the introduction of new trees and the retention of existing trees. Any works to existing trees would require planning permission or a tree works notification due to being located within a conservation area.

Concerns were raised in regard to other material planning matters, however these did not relate to trees.

Conservation Officer: Objection,

Comments received on revised design.

LESS THAN SUBSTANTIAL HARM (No public benefit and not acceptable)

“Concerns over the scale, design, materials and amount of glazing of the proposed dwelling have been addressed and are now better in keeping with the special character and distinctiveness of the conservation area.

However, the principle of a new dwelling in this location can still not be supported for the following reasons:

- A dwelling in this location would not only create a denser development which would not respect development characteristics of the conservation area but also set a precedent for back land development.*
- The loss of the historic green space in this location will result in harm to the setting of the conservation area.*
- Views towards the conservation area from the surrounding hills within the AONB contribute to its significance. A dwelling in this location will harm the rural character of the conservation area and therefore its setting.”*

Building Control:

Consideration to be given to:

B5 Access for the fire rescue service, potential raised level of radon, depth of foundation subject to existing and proposed trees.

Representations Received:

Total - Objections	Total - No Objections	Total - Comments
12	0	0

Comments received object to the proposal on the following grounds:

- Contradiction with local housing needs
- High density of development, overdevelopment of the site.
- Detrimental impact upon the setting of heritage assets
- Detrimental impact upon the setting of the conservation area
- Detrimental impact upon the setting of the AONB
- Light pollution
- In appropriate size and design (comments made on original scheme)

- Loss of amenity
- Impact on ecology
- Conflict with neighbourhood plan
- Impact upon the rural nature of the site and locality
- Impact upon the highway
- Outside of settlement boundary
- Previous developments not commenced

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Section 85 of the Countryside and Rights of Way Act (2000) requires that regard is had to the purpose of conserving and enhancing the natural beauty of the AONB

11.0 Development Plan Policies

Adopted North Dorset Local Plan:

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

Policy 1	-	Presumption in Favour of Sustainable Development
Policy 23	-	Parking
Policy 24	-	Design
Policy 25	-	Amenity
Policy 4	-	The Natural Environment
Policy 5	-	The Historic Environment
Policy 20	-	The Countryside

Made Neighbourhood Plans:

Fontmell Magna Neighbourhood plan

Policy FM4. The setting of the AONB

Policy FM5. Local Landscape Features

Policy FM6. Dark Skies

Policy FM7. The Conservation Area and Locally Important Features

Policy FM8. Development layout

Policy FM9. Building design

Policy FM10. Creating safer roads and pedestrian routes

Policy FM11. Sustainable drainage

Project P4. Local Housing Needs Assessment Review

Policy FM16. Housing Types

Policy FM17. Spatial strategy for new development

Policy FM18. Settlement boundary

Other Material Considerations

Emerging Dorset Council Local Plan:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

National Planning Policy Framework:

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.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 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 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

12.0 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.

13.0 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.

Officers do not consider there to be an impact on specific groups with protected characteristics in this case.

14.0 Financial implications

None

15.0 Environmental Implications

None

16.0 Planning Assessment

Principle of development

The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

The spatial strategy set out within the Local Plan Part 1 and in particular policies 2 and 6, seeks to focus development towards the 4 main towns of Blandford, Gillingham, Shaftesbury and Sturminster Newton. Beyond those towns, the focus of growth is towards 18 of the larger villages, including Fontmell Magna. These larger villages are intended to be the focus point for development to meet local (rather than strategic need). Outside of the settlement boundaries of the 4 main towns and larger villages areas, countryside policies apply. Development within the Countryside is to be strictly controlled unless it is required to enable essential rural needs to be met.

The proposal is for the demolition of an existing agricultural barn and the erection of 1 no. dwellinghouse at Middle Farm, Fontmell Magna. The proposed dwellinghouse would fall outside of the Fontmell Magna Settlement Boundary and should be determined against policy 20 of the Local Plan Part 1 which establishes the criteria for Countryside development. This proposal does not meet these criteria. It is not considered to be of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan nor is there an overriding need' for it to be located in the countryside.

The Fontmell Magna Neighbourhood Plan Policy FM17 similarly provides that *“unless a countryside location is essential, new open-market housing development*

should take place within the defined settlement boundary, on allocated sites, or through the re-use of the existing buildings in line with national policy where their existing use is no longer required.

The proposal is therefore contrary to both the Local and Neighbourhood Plan and planning permission should be refused unless material considerations indicate otherwise.

One such consideration is the NPPF. At present the Council cannot demonstrate a five-year housing land supply in the North Dorset area (current figures show a 4.87 year housing supply) and the Housing Delivery Test Measurement for North Dorset is below the required 75% (currently at 69%). In such circumstances, paragraph 11(d) of the NPPF, which is afforded significant weight as a material consideration, dictates that the basket of policies most important to the determination of the application should be considered to be out of date. For clarity, this refers to policies 2, 6 and 20 of the Local Plan, Part 1. The consequences of this, are that the NPPF's tilted balance is engaged and planning permission should be granted unless:

- (i) specific policies in the framework indicate that development should be refused; or
- (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

Criterion (i) are the "footnote 7" reasons detailed in the NPPF. These are:-

- a) Habitats sites, including Special Areas of Conservation (SACs), Special Protection Areas (SPAs), proposed SACs and SPAs and existing and proposed Ramsar sites, as well as Sites of Special Scientific Interest (SSSI). In this instance, there are no such sites affected (the site falls outside of the drainage catchments for both the Somerset Levels (Ramsar) and Poole Harbour (SAC)).
- b) Green Belt and/or Local Green Space designations – The site is not within the green belt. It is also not designated as Local Green Space in the Local Plan.
- c) Area of Outstanding Natural Beauty – The site is not within the AONB but is within its setting. This is considered below.
- d) National Park – None affected.
- e) Irreplaceable habitats – None affected.
- f) Designated heritage assets such as conservation areas or listed buildings (and other heritage assets of archaeological interest) – This is considered below.

Areas at risk of flooding or coastal change – The site is not at risk of flooding or coastal change.

The general principle underlying the titled balance is that permission is not refused on the basis of a development plan which has become inconsistent with the NPPF i.e. overtaken by things that have happened since the plan was adopted, either on the ground or in some change in national policy, or for some other reason.

Officers consider that Policy 2, 6 and 20 of the Local Plan, Part 1 remain consistent with the NPPF, in particular paragraphs 78, 105 and 174 and whilst the weight afforded to these policies has been tempered, they have still been afforded weight in the planning balance.

As to criteria (ii) of paragraph 11(d) of the NPPF, paragraph 14 provides that where the titled balance applies to applications involving the provision of housing the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites; and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

In this case the neighbourhood plan became part of the development plan over two years ago. Whilst criteria b-c of paragraph 14 are met criteria a is not and therefore the provisions of paragraph 14 do not apply to this current proposal.

Giving further consideration to the criteria of (ii), paragraph 11(d), paragraph 7 of the NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF identifies that achieving sustainable development means that the planning system has three, interdependent, overarching objectives. These are identified as being economic, social and environmental. The proposal shall be considered, amongst other things, against these objectives.

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; house a small number of people who would, in turn, make a small contribution, through expenditure, to the viability of local retailers and service providers. Therefore, the proposal, by reason of its nature and scale, would make a small but still beneficial contribution to the economy.

The proposal, by reason of its scale and nature, would make a small contribution to ensuring that a sufficient number and range of homes are provided to meet the

needs of present and future generations. The proposal, by reason of its location in close proximity to green infrastructure, would support the health and social and cultural well-being of the occupants. Therefore, the proposal, by reason of its location and nature would support the strength and health of the community.

Where the site directly abuts the settlement boundary future occupants would be easily capable of accessing the existing amenities within the village by foot. Fontmell Magna is served by buses running to Blandford and Shaftesbury. Therefore, although the proposal lies outside of the settlement boundary, it is therefore considered that occupiers of the proposed dwelling would not have to be solely dependent on the private motor vehicle in order to reach services and facilities.

The case officer also notes that the principle of residential dwellings being located outside of the Fontmell Magna Settlement Boundary, and in this area was accepted in previous planning approvals 2/2017/1856/FUL and P/VOC/2022/05525, Planning permission 2/2017/1856/FUL permits the construction of 2no new dwellings and the conversion of an existing stable into a dwelling at Middle Farm. This scheme has been varied by permission P/VOC/2022/05525 to permit this undetermined application to be built in conjunction with these approved dwellings if approved.

These extant permissions have been given [significant] weight in the planning balance in two regards. Firstly as establishing the acceptability of residential development at Middle Farm and outside of the Fontmell Magna Settlement Boundary but also as a fallback position for the applicant should this application be refused.

Scale, design, impact on character and appearance

The original design proposed a modern structure which although of high quality was not considered to adhere to the historic and natural constraints of the site. The revised scheme proposes a traditionally styled 1 ½ storey brick structure with a contemporary styled aluminium clad addition to the east. The overall scale of the proposal has also been reduced from the original scheme which in turn reduces its visual impact within the landscape.

The revised design is considered to be far more in-keeping with the character of the area whilst the proposed materials are largely consistent with that of the material palette found within the village. The conservation officer was consulted on the revised design and made the following assessment regarding the design and scale:

“Concerns over the scale, design, materials and amount of glazing of the proposed dwelling have been addressed and are now better in keeping with the special character and distinctiveness of the conservation area.”

The scheme proposed the introduction of significant tree and hedge screening along the east and north boundaries whilst the southern boundary would retain the existing trees and hedgerow therefore establishing a natural separation between the open countryside and the built environment of the village whilst also masking the development from within the public realm.

Concerns have been raised in regard to overdevelopment and density of the site and surroundings, the site is of generous proportions and whilst it would result in a reduction of garden land to the converted stables under applications

2/2017/1856/FUL and P/VOC/2022/05525 it is not considered that this would constitute overdevelopment of a level of density that is unacceptable in this location.

The proposed garage/carport building is modest in its design/scale and would be in keeping with the existing and approved development on the site and within the vicinity.

Impact on amenity

Given the modest height of the proposal and its positioning on the site it is considered that the new dwelling would result in little impact upon residential amenity in terms of overlooking, overshadowing or noise levels. Concerns have been raised over the intensification of the access to the site and the impact this may have upon residential amenity to the existing dwellings within Collyer's Rise. Whilst the provision of 1no. dwelling would increase the usage of this access road it is not considered that this would have a significant impact on the residential amenity currently enjoyed by the residents of Collyer's Rise.

Impact on landscape and heritage assets

The development site falls roughly 117m outside of the AONB and is situated within the [name] conservation area. A Designated Heritage Asset is located approximately 90m to the west of the development site. Each of these issues are considered in turn.

AONB

Although the development site is outside of the AONB, it is located within the setting of the AONB.

Paragraph 176 of the NPPF that "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues*" and that development within the setting of the AONB must be "*sensitively be located and designed to avoid or minimise adverse impacts*".

The original scheme was considered to result in harm to the AONB due to the extensive amount of glazing upon the east elevation, this revised design significantly reduces the overall amount of glazing and therefore its impact upon views of the site from within the AONB. It is therefore considered that although the building maybe visible from the AONB it would not result in harm to its setting.

Due to the International Dark Night Sky Reserve designation of the AONB a condition shall be imposed to ensure that no additional rooflights can be installed via permitted development rights. A further condition shall be imposed to ensure no external lighting can be installed without approval from the LPA.

To conclude, there is no harm to the setting of the AONB and no clear reason for refusal on these grounds under criteria (i) of paragraph 11(d) of the NPPF.

Conservation Area

The development is also located within the Fontmell Magna Conservation Area. The Conservation Area is a designated heritage asset for the purposes of section 16 of the NPPF.

The Council's Conservation Officer was consulted on the application and whilst they considered that: "*Concerns over the scale, design, materials and amount of glazing of the proposed dwelling have been addressed and are now better in keeping with the special character and distinctiveness of the conservation area*" they consider that the proposal would result in less than substantial harm with no public benefit.

The main concerns raised by the conservation officer are as follows with officer commentary:

"• A dwelling in this location would not only create a denser development which would not respect development characteristics of the conservation area but also set a precedent for back land development."

As detailed above, whilst the proposal would increase the density of development within the site this is not considered to be to an unacceptable level. The resultant plots within this site and the previous permissions would be roughly consistent with the density of development within the surrounding area and conservation area. Each site is assessed on its individual merits, it is not considered that the granting of this permission would provide precedent for development elsewhere within the village.

"• The loss of the historic green space in this location will result in harm to the setting of the conservation area."

Permission had previously been granted for the conversion of this section of land from agricultural to residential with the erection of a garage building under application 2/2017/1856/FUL, therefore the use of this site for residential purposes had already been established. The improved design in the opinion of officers would not result in harm to the conservation or its setting.

"• Views towards the conservation area from the surrounding hills within the AONB contribute to its significance. A dwelling in this location will harm the rural character of the conservation area and therefore its setting."

The views available from the surrounding hills within the AONB are from a significant distance where the building would be seen in conjunction with the existing built environment. The use of darker materials and the reduction of the overall glazing would also assist in the building's recession into the background. Therefore officers do not consider that the proposal would harm the rural character or setting of the AONB.

A number of concerns have been raised in regard to the impact the building would have upon the character and appearance and the setting of the conservation area. One of the characteristic features of the Fontmell Magna Conservation Area is the surrounding fields/landscape which contributes towards the rural vistas in and out of the village. The proposed dwelling would be located on land previously approved for

residential development therefore the principle of the conversion of this land with residential structures has been previously established. Furthermore, the development when viewed from the north and east would simply form part of the backdrop of the village and be seen in conjunction with the new and existing dwellings within “Middle Farm”. Views from within the village conservation area towards the site are limited and few therefore resulting in a negligible impact upon the rural vistas towards the surrounding countryside.

In conclusion, the revised design is considered to result in no harm to the character and appearance of the Conservation Area or its setting. The formation of an additional open market dwellinghouse would support current housing requirements where there is currently a shortfall. Furthermore, the previously granted permission on the site establishes an acceptability of the principle for residential development within this location.

Listed Building

It is also noted that a Grade II listed building lies approximately 90m to the west. Given the distancing between the proposed building and the designated heritage asset in conjunction with the existing stables building and unlisted cottage that sit in-between the two sites, it is considered that the proposed dwelling would not result in a detrimental impact upon the setting of this building.

Access and Parking

The council’s highway officer was consulted on the application and raised no objections to the proposal subject to conditions.

Trees and Landscaping

The proposal looks to retain all existing trees with the planting of new trees/hedges on the eastern and northern boundaries. The council’s tree officer was consulted on the application and raised no objections on tree grounds. The introduction of new hedging and trees would not only mask the building from near and distant public views but would also provide a clear separation between the building environment and the surrounding natural landscape.

Protected Species

Whilst concerns regarding ecology on the site have been noted, having had regard to the submitted and signed biodiversity plan it is considered that the scheme would not have an adverse impact upon any protected species.

Flooding and drainage

The parish council have raised concern in regard to the use of soakaways for drainage due to ground water levels. The LPA’s systems note no increased levels of flooding from fluvial, groundwater or surface water. Therefore, the use of soakaways for rainwater drainage is considered to be acceptable.

17.0 Conclusion

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental, which give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Development Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

There is conflict with the development plan, by reason of the location of the proposed dwelling outside of the settlement boundary. However, the Council's policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development. It is accepted that the tilted balance should be applied in the decision-making process on this application, given the shortage of housing land supply. This is where the need to boost housing land supply is prioritised when weighing up the planning balance for proposals. The application needs to be considered 'in the round' weighing all material issues in the planning balance. Considering the lack of an identifiable 5 year housing land supply and the presumption in favour of sustainable development, there is a benefit albeit modest to the contribution of a single dwelling towards the supply which is lacking. The protective policies within the NPPF are not engaged and therefore the applications falls to be determined against criteria (ii) of paragraph 11 (d) of the NPPF and permission should only be refused if the adverse impacts of allowing the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

In considering the balance, there are no adverse impacts which would significantly and demonstrably outweigh the benefits identified above. There are no fundamental concerns regarding the impact on the character and appearance of the area and the AONB, the conservation area or setting of listed buildings, highway safety, residential amenity, ecology, land contamination or drainage and the water environment. Therefore, in this case there are no considerations of specific policies in the NPPF that weigh against the balance towards housing provision.

18.0 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:
P22-023 02-02-001 A Location Plan

P22-023-02-02-02 A Proposed site plan
P22-023-02-03-01 A Proposed ground floor plan
P22-023-02-03-02 A Proposed first floor plan
1049-MP-01 A Landscape Masterplan
P22-023-01-03-03 Proposed Garage
P22-023-01-05-01 A Proposed Front Elevation
P22-023-01-05-02 A Proposed Elevations

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

3. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on 10/05/2023 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

4. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on approved plan P22-023-02-02-02 Rev A to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity

5. The soft landscaping works detailed on approved drawing 1049-MP-01 Rev A must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

6. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no roof enlargement(s) or alteration(s) of the dwellinghouse hereby approved, permitted by Class B and Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

8. No external lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

9. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number P22-023 02-02-02 A must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

- The applicant was provided with pre-application advice.