

Application Number:	P/VOC/2023/02149		
Webpage:	Planning application: P/VOC/2023/02149 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Ailwood Cottage Ailwood To Tabbits Hill Corfe Castle BH20 5JA		
Proposal:	Relief of condition 2 of PA6/78/784 (Erect extension to convert store to residential unit) to allow existing residential unit tied to the Ailwood Farm to be used as an independent dwelling (without compliance with condition 2 of PA6/78/784).		
Applicant name:	Mr and Dr Hombersley		
Case Officer:	Fiona McDonnell		
Ward Member(s):	Cllr Brooks		
Publicity expiry date:	17 May 2023	Officer site visit date:	Desk study
Decision due date:	19 June 2023	Ext(s) of time:	Requested

This planning application has been referred to committee by Head of Planning, as nominated officer, under the Council's Scheme of Delegation.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation:

- In the absence of a 5 year housing land supply, National Planning Policy Framework guidance advises if policies important for determining an application are out of date, the presumption is in favour of sustainable development in line with paragraph 11d of the NPPF, so long as it is considered that assets of particular importance are not negatively impacted
- The public benefit of modest contribution to housing supply outweighs less than substantial harm caused by breaking up the historic curtilage of designated heritage asset Ailwood Farm.
- The location is considered to be sustainable, and the proposal is acceptable in terms of visual impact on the AONB and landscape Character area.
- There is not considered to be any significant harm to neighbouring and residential amenity.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable in accordance with NPPF paragraph 11d in the absence of a 5 year housing land supply; and policy SD of the Purbeck Local Plan Part 1.
Impact on character of the area and heritage assets	Acceptable
Impact on residential and neighbouring amenity	Acceptable
Impact on biodiversity and flood risk	Acceptable

5.0 Description of Site

Ailwood Farm is located approximately 3km to the east of Corfe Castle on the northern side of Sandy Hill Lane. The farm is set within the Dorset Area of Outstanding Natural Beauty (AONB).

The farm group comprises the main farmhouse, known as Ailwood Farm (a Grade II Listed Building), which is set within an extensive curtilage. To the east of the farmyard sits a range of stable/barn buildings, and Ailwood Cottage, which is the subject of this application.

Ailwood Cottage sits on the northern side of Sandy Hill Lane and comprises a one bedroom, living room, kitchen, bedroom and bathroom. To the north east of the cottage is an area of outdoor amenity space measuring just 20sqm. Parking for vehicles is provided informally alongside the road and a further 2 parking spaces are available also within the farmyard.

Ailwood Cottage is currently used for holiday accommodation purposes and the agent asserts that this use has occurred continuously for more than ten years. However, without a certificate of lawfulness application to confirm that the use is immune from enforcement action this cannot be recognised as an established fall-back position.

The cottage sits in a rural position, with other farm complexes scattered here and there. The nearest farm complex situated 100m to the east. The cottage is located in close proximity to the village of Harmans Cross (1.5km) which has two shops, a post office, and village hall. The village has a regular bus service to Swanage, Wareham, Poole and Dorchester, and a rail link to Swanage.

6.0 Description of Development

Planning permission is sought to allow the existing residential unit tied to the Grade II listed Ailwood Farm by a condition to be used as an independent one bedroom dwelling.

Condition 2 of permission 6/1978/0784 reads:

'The proposed residential unit shall be occupied in association with the main house Ailwood Farm, and not as a separate independent unit'

7.0 Relevant Planning History

In 1978 under application reference - 6/1978/0784, permission was given to erect an extension to convert an outbuilding used for storage to a residential use at the cottage but condition 2 expressed that use must be associated with the main farmhouse. The reason at that time was that *'the proposal is within an area where it is the normal policy of the LPA to resist new development in the interests of visual amenity and road safety unless it is to meet a local need. Further, the curtilage of the building does not provide for parking or open amenity space as required for its occupation as an independent dwelling unit'*.

In 2007, application 6/2007/0467 sought relief of condition No.2 of PP 6/78/0784 to use the unit as an 'independent unit of accommodation'. The application was refused on the basis that: *'The proposal constitutes development in the open countryside and the applicant has provided no exceptional justification for the removal of this condition. Therefore, the development is contrary to the Bournemouth, Dorset and Poole Structure Plan, settlement policy 1 (Development in the countryside), Purbeck District Local Plan Final Edition QL4 (Development in the countryside) and advice contained in PPS7 (Sustainable Development in Rural Areas).'*

8.0 List of Constraints

- Heathland Consultation Area – 5km Heathlands Buffer
- Grade: II Listed Building: AILWOOD FARM HOUSE, INCLUDING ATTACHED OUTBUILDING ON LEFT (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Area of Outstanding Natural Beauty: 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)

9.0 Consultations

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

Consultees

1. Natural England

No comments received

2. Dorset Council – Highways

No objection raised

3. Dorset Council – Conservation Officer

To remove the condition would contribute to the break-up of an historic curtilage. However, this is at the lower end of the scale in terms of harm to heritage assets versus public benefits.

4. Corfe Castle Parish Council

No objection but request a certificate of lawful use be applied for as the 1978 application gave permission for a store to be converted to the cottage to be used as residential accommodation. However, condition 2 stipulated that it was only to be used in conjunction with the main house. This current application seeks to remove the condition and allow the cottage to be used independently of the Farmhouse. The point is made that the cottage has had a number of users over the years since 1978 and for the past 10 years it has been used as holiday accommodation. The proposal therefore does not seek to create a new residential unit in a rural location, as it is already in existence by virtue of the 1978 permission. The Cottage now sits separate from the farmhouse, with its own amenity area and parking and is effectively an independent dwelling. It seems that the precedent has been made and the cottage is in fact independent so there is no sound reason to object to this application.

5. South East Purbeck Ward Councillor- Cllr Brooks

If the building has indeed been used as a residence and more recently as holiday lets with the restrictive covenant in place, what is the need to remove it now, unless it is to bring it to full market value. The covenant was put on to ensure that a separate new dwelling was not permitted in a sensitive area and I cannot see that these circumstances have changed.

Representations received

The application was advertised by site notice. No third party representations have been received.

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan Part 1 2012

Policy SD – Presumption in favour of sustainable development

Policy LD – General location of development

Policy CO – Countryside

Policy D – Design

Policy LHH – Landscape, Historic Environment and Heritage

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.

The Purbeck Local Plan (2018-2034) Submission January 2019

The Submitted Draft Purbeck Local Plan was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news>).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

Policy H1: Local Housing Requirement
Policy E12: Design
Policy E2: Historic Environment

Other material considerations

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes

Section 12: Achieving well-designed places

Section 14: Meeting climate change, flooding, and coastal change

Section 16: Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance/Documents

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD)

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.

The proposal will enable the pre-existing dwelling to be used as an independent unit. This is not judged to have any disadvantage to persons with protected characteristics.

14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non-Material Considerations	
Cil contribution	
Council Tax	Band B £1826.19 (currently paying £998 business rates for use as holiday accommodation)

15.0 Planning Assessment

The proposal seeks to remove a planning condition that would allow it to be used as an independent dwelling unit. The main planning issues for this application are:

- The Principle of Development
- Impact on Heritage Assets
- Impact on the Dorset AONB
- Impact on residential and neighbours’ amenity

These and other issues are explored below.

The Principle of Development

- 15.1 The proposal is for a rural dwelling in an isolated location. Under Local Plan Policy LD- General Location of Development, this site is located in the countryside near Corfe Castle where development is only permitted in exceptional circumstances as set out in Policy CO - Countryside.
- 15.2 Policy CO states the reuse of rural buildings as housing may be permitted provided it would lead to an enhancement of the immediate setting. This is aligned with NPPF para 80 which requires that planning decisions should avoid the development of isolated homes in the countryside unless they meet one of the exceptions which include ‘c) *the development would re-use redundant or disused buildings and enhance its immediate setting*’.

- 15.3 The original permission sought to reuse an extended store but since this time the building has been converted to an annexe and is not redundant or disused. Enhancement to the setting as required by policy CO is difficult to judge retrospectively; since there is a fall-back that the building can continue to be used for ancillary residential purposes. No physical changes are proposed so no benefits are anticipated to which weight can be given.
- 15.4 In this case, therefore, the development would not be considered to enhance the immediate setting which would remain unchanged, so the proposal to create an unfettered dwelling would conflict with policies LD and CO and NPPF para 80 because it is not in a sustainable location.

Impact on Heritage Assets

- 15.5 Ailwood Cottage is within the curtilage of Grade II listed building Ailwood Farm. The Council has a statutory duty under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 15.6 Local Plan Policy LHH requires that proposals will (inter alia) conserve heritage assets and that decisions will balance the impacts, relative to the significance of the asset affected, against other sustainability criteria. NPPF para 189 also requires that heritage assets are conserved in a manner appropriate to their significance.
- 15.7 The listing for Ailwood Farm House identifies it as a 17th century building with rubble stone walls, asbestos slate roof and stone mullioned windows. Changes had taken place by 1985 when the listing was made- an original cart entrance had been infilled for a new entrance with twentieth century fenestration.
- 15.8 The outbuilding which is the subject of this application sits to the east of the dwelling and is not mentioned in the listing but is judged to lie within the curtilage of Ailwood Farm. The Council's Conservation Officer has considered the changes that have taken place to the building which was formerly a barn and has had a lawful use as a residential annexe since approximately 1978. Changes including the installation of a concrete tiled roof and suburban style windows have resulted in the loss of historic fabric, reducing the heritage value of the building and the value of its contribution to the setting of Ailwood Farm as a Grade II listed building.
- 15.9 The main impact arising from independent residential use would be the apparent subdivision of the historic curtilage of the listed farmhouse, affecting the historic functional link between the buildings. The cottage already benefits from parking provision and a modest amenity space so its independent use is not anticipated to result in any further operational development that would harm the setting of the listed building. A condition can remove permitted development rights to prevent further changes. In the light of the evolution of the site the Council's Conservation Officer has advised that subdivision would result in harm (less than substantial harm) to the heritage asset.
- 15.10 NPPF para 202 states '*Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should*

be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The public benefit of the scheme is the provision of one additional dwelling to housing supply. Usually this might not be sufficient to warrant any harm to a listed building but in the light of the 1.23 year supply it is judged that the public benefit of an additional dwelling would outweigh the less and substantial harm arising from the apparent subdivision of the building's historic curtilage.

Impact on Dorset Area of Outstanding Natural Beauty

- 15.11 Ailwood Cottage is located within a rural part of the Dorset Area of Outstanding Natural Beauty (AONB) within the Corfe Valley Character Area. Local Plan policy LHH requires that the landscape is conserved and the NPPF paragraph 176 establishes that great weight is to be given to conserving and enhancing landscape and scenic beauty.
- 15.12 The Corfe Valley Character Area planning guidelines seek to conserve the pattern of development and promote the use of previously developed land. Farmsteads of limestone are a key characteristic, but it is important to reduce noise and light impacts associated with dwellings. The proposal seeks permission to use existing accommodation as an independent residential dwelling. As previously explained no operational development is necessary for this to take place; the building already benefits from parking spaces and a modest garden area to the north and east.
- 15.13 Compared to an annexe, the proposal could be associated with an increase in traffic movements but as a 1 bedroom dwelling no significant change to the character of the rural roads is anticipated.
- 15.14 The proposed change from annexe to independent dwelling is not anticipated to result in any harm to the Dorset AONB.

Impact on residential and neighbouring amenity

- 15.15 The 1 x bedroom unit has a footprint of 55sqm which complies with the minimum gross internal floor area set out in National Space Standards of 50sqm. A small but private outdoor amenity area is available 4.5 x 4.5m. 2 x parking spaces are available to the rear of the cottage which can be secured by condition. Residential amenity provision is acceptable.
- 15.16 There will be no change to impacts on neighbouring amenity as a result of a permanent residential use at the cottage with the building line of Ailwood farmhouse set behind that of the cottage maintaining privacy for both and no significant windows on either the farmhouse or cottage causing demonstrable harm from overlooking. The proposal therefore complies with Local Plan policy D.

Impact on biodiversity

- 15.17 The change of use to independent residential unit would not entail any operational development so will cause no harm in terms of impact on biodiversity.

- 15.18 The site lies beyond 400m but within 5km of internationally protected Dorset Heathland. As the proposal will result in a net increase in residential units a likely significant effect on the heathland has been identified but an appropriate assessment has concluded that the impacts can be effectively mitigated via the proposals set out in the Dorset Heathlands Planning Framework 2020-2025.

Impact on flood risk

- 15.19 The Cottage is located in an area of low risk of flooding from both surface water and ground water, so the flood risk potential is low.

The Planning Balance

- 15.20 A previous application to remove condition 2 was refused in 2017 because of the unsustainable rural location. Whilst this issue remains pertinent, the Council's lack of 5 year housing land supply for the Purbeck Area means that the tilted balance must be applied.
- 15.21 Following Dorset Council's Five-year housing land supply document publication in April 2023 it is acknowledged that for the period 2022 to 2027, the Purbeck Local Plan area does not have a sufficient supply to meet the five-year supply requirement as required by national policy. The Purbeck area can demonstrate a supply of deliverable sites equivalent to 1.23 years.
- 15.22 National Planning Policy Framework paragraph 11 advises that where policies important for determining an application are out of date, the presumption is in favour of sustainable development in line with paragraph 11d of the NPPF, as long as assets of particular importance are not negatively impacted and the benefits are not demonstrably outweighed by any adverse impacts.
- 15.23 In this case the following harm has been identified:
- Siting of a dwelling in an unsustainable location
 - Less than substantial harm to a listed building arising from loss of historic functional link with its former outbuilding.
- 15.24 Due to the very low housing land supply in the Purbeck area, it is judged that the degree of harm arising is insufficient to demonstrably outweigh the social and economic benefits associated with the use of an existing annex as an independent 1 bedroom dwelling.

16.0 Conclusion

For the above reasons it is judged that the proposal is sustainable development in accordance with NPPF para 11 so permission can be granted for the accommodation without imposition of condition 2 but with new conditions to confirm the plans, secure parking and remove permitted development rights for extensions and outbuildings in the interests of the AONB and the setting of the listed building.

17.0 Recommendation

Grant subject to the following conditions:

1. The development hereby permitted shall be retained in accordance with the following approved plans:

S2302 01B Location Plan

S2302 02 Site Plan

S2302 03 Existing Floor Plans and Elevations

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

2. At least one of the existing parking spaces on the site to the north of Ailwood Cottage shown on plan S2302 02 must be kept available for parking associated with Ailwood Cottage at all times.

Reason: In the interests of highway safety and to reduce the need for additional hardstanding in the interests of amenity.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 there shall be no extensions to the property or additional windows or doors under Part 1, Classes A or C of Schedule 2 or any outbuildings under Part 1, Class E of Schedule 2.

Reason: To protect the visual amenities of the Dorset AONB and the setting of the listed building.