

<b>Application Number:</b>	P/FUL/2023/02639		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Turks Garage Marnhull Road Hinton St Mary Dorset DT10 1NG		
<b>Proposal:</b>	Conversion of garage and MOT bay to 2 no. dwellings		
<b>Applicant name:</b>	AJC Group		
<b>Case Officer:</b>	Jennie Roberts		
<b>Ward Member(s):</b>	Cllr C Jones		
<b>Publicity expiry date:</b>	4 August 2023	<b>Officer site visit date:</b>	7 September 2023
<b>Decision due date:</b>	25 August 2023	<b>Ext(s) of time:</b>	
<b>No of Site Notices:</b>	2		
<b>SN displayed reasoning:</b>	On telegraph pole and signpost, either side of site – most logical places for public viewing		

**1.0** The application is brought to committee because the officer recommendation is contrary to that of the parish council and at the request of the ward member and chair.

## **2.0 Summary of recommendation:**

Refuse for the following reasons:

- 1 The proposal, by reason of its inappropriate design and materials, would cause less than substantial harm to the setting and character of the conservation area and adjacent Grade II listed building (10 Marnhull Road), with no overriding public benefit. As such, the proposal is contrary to policies 5, 24 and 29 of the North Dorset Local Plan Part 1 (2016) and the National Planning Policy Framework 2023.
- 2 Inadequate private open space has been provided for the proposed rear dwelling, to the detriment of the residential amenity of that dwelling. As such, the proposal is contrary to policy 25 of the North Dorset Local Plan Part 1 (2016) and the National Planning Policy Framework 2023.

### 3.0 Reason for the recommendation:

- The proposal would lead to less than substantial harm to the setting and character of the conservation area and the adjacent listed building (10 Marnhull Road)
- There is little/no private open space proposed for the rear dwelling, to the detriment of the residential amenity of that dwelling.

### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of the proposal is considered acceptable
Scale, design, impact on character and appearance	Whilst the scale of the proposal is considered acceptable, the design and materials require amendments
Residential amenity	There is little/no private outdoor space proposed for the rear dwelling, to the detriment of the residential amenity of that dwelling
Impact on landscape or heritage assets	The design of the front dwelling would neither preserve nor enhance the character or appearance of the conservation area or the setting of the adjacent listed building, whilst the proposed cladding for the rear building is uncharacteristic of the conservation area. The proposal would lead to less than substantial harm to heritage assets (conservation area and adjacent listed building)
Highway safety and parking	A parking space would be provided for each dwelling. The Highway Authority raises no objection, subject to conditions
Rights of Way	The proposed development is adjacent to a public right of way and must be kept open and unobstructed throughout the duration of the works
Biodiversity	A NET-approved biodiversity plan has been submitted and its implementation should be conditioned if planning permission is granted

### 5.0 Description of Site

The site, which currently operates as an MOT garage, is located outside of any defined development boundary (DDB), within the Hinton St. Mary Conservation Area. It sits between two residential properties, including a Grade II Listed thatched

cottage (10 Marnhull Road) to the north. The drive through the site and beyond is an Unclassified County Road, D31614. The site is occupied by two buildings: a main garage building at the front and an MOT bay to the rear. The road-side building comprises an historic stone building with a modern, single-storey, lean-to extension to the front; this lean-to does not contribute positively to the local character and distinctiveness of the area. The large, two-storey-height, pitched-roofed, cement-rendered, rear building has a more agricultural appearance.

## **6.0 Description of Development**

This application proposes the conversion of the buildings to two residential units. The front building is proposed to be converted to a single storey dwelling, using the lean-to extension at the front and the older element to the rear – it is proposed that the mono-pitch roof of the lean-to extension be replaced by a single-ply membrane flat-roof. The rear unit retains the existing footprint and converts the space to a two-storey dwelling part-clad in timber. A modest garden area is positioned to the rear of the front building, with a small area of planting to the front and a very small area of planting is provided in front of the rear dwelling. A car parking space for each of the units is proposed.

## **7.0 Relevant Planning History**

In 2020, the applicants sought pre-application advice regarding re-use of the site for residential purposes. The proposed scheme submitted as part of that enquiry was significantly different to that which is proposed in this current planning application and did not meet the policy requirements of the North Dorset Local Plan Part 1 (2016). Advice was given, broadly setting out what might be considered acceptable; however, no further plans were submitted for comment prior to this application being made:

PRE/2020/0030/PREAPP - Pre-Application consultation: Conversion of Turks Garage and the MOT bay into two residential dwellings.

## **8.0 List of Constraints**

Grade: II Listed Building: 10, MARNHULL ROAD (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Hinton St Mary Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Outside settlement boundaries (countryside)

PROW - Right of Way: Footpath N42/21

Right of Way: Footpath N42/13EA

Risk of Groundwater Emergence; Groundwater levels are between 0.5m and 5m below the ground surface.; There is a risk of flooding to subsurface assets, but surface manifestation of groundwater is unlikely

Site of Special Scientific Interest (SSSI) impact risk zone

## 9.0 Consultations

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

### Consultees

1. **DC - Rights of Way Officer:** Information provided for applicant
2. **DC – Highways:** No objection, subject to conditions
3. **DC - Dorset Waste Team:** No comments received
4. **DC - Conservation Officers:** Less than substantial harm to setting and character of conservation area and adjacent listed building – more appropriate design and materials required
5. **DC - Building Control North Team:** Fire Brigade access should be in compliance with Approved Document B5 Section 13
6. **Hinton St Mary Parish Council:** Support - garage has been decaying for years; the design, based around existing structures will enhance conservation area. Design converts existing structures and retains silhouette of property that has stood for decades - a great solution. This part of Hinton St Mary has a mix of properties from different periods.
7. **Ward Member - Sturminster Newton Ward:** No comments received
8. **Ramblers Association:** Public rights of way need to be kept open and available for use throughout the development process and subsequently

### Representations received

One representation has been received, as follows:

- Support – provision of housing, aesthetically pleasing, makes good use of a future derelict site using extant buildings

Total - Objections	Total - No Objections	Total - Comments
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0	1	0
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## 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 requires that in considering whether to grant planning permission, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

## 11.0 Relevant Policies

### Development Plan

#### **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
- Policy 29 - The Re-Use of Existing Buildings in the Countryside

### 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 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 the challenges of climate change, flooding and coastal change'
- 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 are not aware of any specific impact on persons with protected characteristics.

## 14.0 Financial benefits

What	Amount / value
Material Considerations	
Employment created during conversion stage	The proposal will support local jobs in the construction sector and will bring about 'added value' in the local area through associated spending and economic activity.
Spending in local economy by residents of proposed dwellings	The proposal will support the local economy, providing housing required to support the long-term economic growth in the area with new residents spending on goods and services as they move in.
Non Material Considerations	
Contributions to Council Tax Revenue	According to the appropriate charging bands

## 15.0 Environmental Implications

The proposed conversion would need to be carried out in accordance with modern Building Regulations.

## 16.0 Planning Assessment

### Principle of development

Policy 29 of the North Dorset Local Plan Part 1 (2016) supports the reuse of existing buildings in the countryside for residential purposes subject to several criteria. One requirement is that the buildings are of sound construction and are not derelict; in this instance the submitted structural report confirms that the rear building is of sound construction and the front building, although in need of some careful attention, is capable of conversion. Criterion f requires the redundant or disused status of the building to be confirmed prior to the granting of any planning permission. In this case, the agent has stated that the current owners are unable to run the business anymore; evidence has been provided to demonstrate the site has been marketed robustly that there has been no interest from anybody in taking it on. Overall, it is considered that the proposal is in accordance with Policy 29, and the principle of the development is acceptable.

### Scale, design, impact on heritage assets

Whilst the main garage (to the front of the site) in its present state does not contribute positively to the local character and distinctiveness of the Conservation Area, nor the setting of the listed building, neither does the current proposal for its conversion. The listed building is a stone-built cottage under a thatched roof, which is typical of a simple cottage in the small Dorset villages. By contrast, the evidently modern, flat roofed frontage to the proposed dwelling negatively affects views to the cottage, and through the Conservation Area, by being an overtly incongruous feature



in this row of houses. It is notable that the rear of the garage is most probably contemporary with the listed building, and the removal of the flat roofed extension would better reveal the attached building behind and restore the historic setting of the listed building. It is considered that the proposal to convert the main garage to the front would lead to greater harm to the setting of the adjacent building and the character and appearance of the Conservation Area. This is because the existing garage is utilitarian, serving the function of the employment use, whereas the proposed dwelling with its plastic windows would be more at odds with the prevailing historic character of this part of the Conservation Area, where dwellings are generally set back from the road.

The proposed conversion of the rear building (that is currently used as an MOT bay), is considered to be acceptable in principle as it is set back away from the street frontage and has a more agricultural character. However, the proposed cladding of the building with timber, which is not a key characteristic of the Conservation Area, is considered to be unacceptable.

The Council's specialist conservation officer does not support the proposal in its current form, considering that, for the reasons set out above, it would lead to less than substantial harm to the setting and character of the Conservation Area and the listed building. This is contrary to the Planning (Listed Buildings and Conservation Area) Act 1990 and Section 16 of the NPPF.

In terms of the public benefits to be weighed against the harm to the Conservation Area and the setting of the Listed Building, the conversion of the buildings into two dwellings would provide a boost to the supply of housing within the Local Plan area. Furthermore, there would be economic and social benefits to the area during construction of the dwellings and in their subsequent occupation. However, as only two additional dwellings would be provided, within a Council area that can demonstrate a 5 year supply of housing land, the cumulative benefits of the proposal are considered to have only limited weight. The NPPF advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the potential harm to the significance. Since the public benefits of the proposal are considered to have limited weight, these would not outweigh the less than substantial harm to the Conservation Area and the setting of the adjacent Listed Building, which in accordance with the framework is required to be attributed great weight.

### *Residential amenity*

Policy 25 of the Local Plan relates to the amenity of residential properties. Not only should new development not have an adverse impact on the enjoyment of privately or publicly owned land, the amenity of potential occupiers of new development should not be compromised.

It is considered that the proposed dwellings would not unacceptably overlook each other, nor neighbouring properties. The proposal does not see an increase in massing of the existing buildings, and it is considered that they would not be overbearing upon neighbouring properties.

Policy 25 also sets out that private open space is needed both to meet basic operational requirements (such as refuse storage and clothes drying) and for the private enjoyment of the property. A small rear garden has been provided for the proposed front dwelling, together with an area of planting to the front. In respect of the proposed rear dwelling, a small area of planting (4.6m x 2.6m) has been provided in front of it. This is shown to have a tree planted in the middle of it, meaning there would be very limited, if any, space for occupants of the dwelling to both meet basic operational requirements and to use for their private enjoyment, as required by Policy 25. Furthermore, the plans do not indicate where refuse and recycling bins will be stored. Whilst the proposals are generally considered to provide an acceptable level of residential amenity for the proposed conversion, the limited/absent private outdoor space for the rear dwelling is considered unacceptable, in conflict with the requirements of Policy 25.

#### Highway safety and parking

A parking space would be provided for each dwelling. The Highway Authority raises no objection, subject to conditions and informatives relating to the construction of the vehicular access; construction of the turning/manoeuvring and parking area; provision of cycle parking facilities; submission of a construction method statement and an informative relating to electric vehicle charging facilities. The proposal would comply with policy 23 of the Local Plan.

#### Rights of Way

The proposed works are in the vicinity of the above public right of way, as recorded on the County Definitive Map and Statement of rights of way. The Rights of Way team has no objection to the proposed development, so long as throughout the duration of the development the full width of the public footpath remains open and available to the public, with no materials or vehicles stored on the route.

The drive through the development and beyond is an Unclassified County Road, D31614 – Greenway Lane, and must also be unobstructed (unless a temporary closure being applied for). The Rights of Way team points out that the use of this footpath by vehicular traffic without lawful authority is an offence contrary to the Road Traffic Act 1988. Further information has been provided for the applicants, and in the event of a grant of planning permission, an informative relating to this should be included in the decision notice.

#### Biodiversity

A Natural Environment Team-approved Biodiversity Plan has been submitted with the application, and in the event the committee is minded to approve this application, a condition requiring its implementation should be attached to the planning permission.

## **17.0 Conclusion**

The principle of the proposed development is considered acceptable; however, the current proposed design and materials are considered inappropriate and would cause less than substantial harm to the setting and character of the conservation area and adjacent listed building, with no overriding public benefits. Furthermore, the proposed outdoor amenity space for the rear unit is inadequate. As such, it is recommended that the application is refused.

## **18.0 Recommendation**

Refuse for the following reasons:

1. The proposal, by reason of its inappropriate design and materials, would cause less than substantial harm to the character and appearance of the conservation area and adjacent listed building, with no overriding public benefit. As such, the proposal is contrary to policies 5, 24 and 29 of the North Dorset Local Plan Part 1 (2016) and the National Planning Policy Framework 2023.
2. Inadequate private open space has been provided for the proposed rear dwelling, to the detriment of the residential amenity of that dwelling. As such, the proposal is contrary to policy 25 of the North Dorset Local Plan Part 1 (2016) and the National Planning Policy Framework 2023.