

## Planning Committee – Update Sheet

<b>Application reference</b>	P/OUT/2020/00026
<b>Site address</b>	Land At E 389445 N 108065 North and East of the Blandford Bypass Blandford Forum Dorset
<b>Proposal</b>	<p>Hybrid planning application for the phased development for up to 490 No. dwellings and non-residential uses comprising:</p> <p>Outline planning application (to determine access) to develop land by the erection of up to 340 No. dwellings (Use Class C3), local centre with flexible floorspace including Commercial, Business and Services (Use Class E), Drinking Establishments and hot food takeaways (Use Class Sui Generis) and Local Community (Use Class F2); land for a three-form entry primary school and associated playing pitches (Use Class F1 Learning and non-residential institutions); form public open space, replacement allotments including allotment building, new sports pitches, parking, access, infrastructure, landscaping, and carry out ancillary and site preparation works, including demolition of existing buildings and removal of existing allotments.</p> <p>Full planning application to erect 150 No. dwellings (Use Class C3), form public open space, attenuation basins, parking, access, infrastructure, landscaping, and carry out ancillary and site preparation works.</p>
<b>Applicant</b>	Lewis Wyatt (Construction) Ltd, the West of Pimperne Pool Trust, Mr C Coats and Mr T Coats.
<b>Officer</b>	Robert Lennis
<b>Previous agenda</b>	24 October 2024 <a href="https://modern.gov.dorsetcouncil.gov.uk/mgCommitteeDetails.aspx?ID=428">https://modern.gov.dorsetcouncil.gov.uk/mgCommitteeDetails.aspx?ID=428</a> see page 13 – 89

### 1.0 Reason for Planning Committee Consideration

This application is being brought back to Committee the decision has not yet been issued (as the s106 agreement is still being negotiated). The application is being re-reported following changes to material planning considerations since Committee resolved to grant the development subject to planning conditions and Section 106 legal agreements at the 24th of October 2023 Northern Area Planning Committee.

#### *Background*

At the 24th of October Northern Area Planning meeting, Committee Members resolved to approve the officer recommendation to grant planning permission, subject to planning conditions and a s106 agreement to secure 30 percent affordable housing and community

infrastructure payments. Good progress has been made on the Section 106 Agreement which is at an advanced stage.

On 19 December 2023 the Department for Levelling Up, Housing and Communities published a revised version of the National Planning Policy Framework (NPPF). Associated 2022 Housing Delivery Test (HDT) figures and Planning Practice Guidance (PPG) has also been published. In addition, the statutory duty for areas of outstanding natural beauty (AONB) set out within the Countryside and Rights of Way Act 2000 has been amended.

Accordingly, it has been necessary for officers to consider the implications of these revised material planning considerations on the application, and whether the Council can proceed to determination without re-reporting the applications to planning committee.

In deciding whether it is necessary to re-report the application to planning committee the council has considered the relevant test from case law which is whether the planning committee might reach a different decision on the application having regard to the revised material planning considerations.

This report, therefore, identifies the revised material considerations, provides an officer opinion on the effect of the new material considerations, and invites Members to reconsider their resolution having regard to the revised material considerations and the Officer report previously presented to Committee.

## **2.0 Assessment**

The Table 1 at the end of this report identifies where the revised NPPF, PPG, new HDT results and the amended statutory duty related to AONBs would affect the assessment and conclusions set out in the previous committee report. For completeness it sets out all the relevant changes, but it is only the changes set out in section 3 which officers consider may affect the Committee's earlier decision.

The changes to the NPPF and the housing land supply target means that within this plan area there is now 5.02 years of deliverable sites compared to 5.74 years when the application was previously considered. However, as the target is now 4 years supply due to the changes to the NPPF, this means that there is now a +1.02 years above the 4 years compared to the +0.74 above the previous 5-year measure. This represents a slightly healthier land supply situation than in October when the application was considered previously. Nevertheless, the application must still be considered on a 'flat balance' without the presumption in favour of sustainable development being engaged.

## **3.0 Relevant changes in policy, legislation, or other relevant material planning**

### *National Planning Policy Framework (NPPF)*

The NPPF was revised in response to the [Levelling-up and Regeneration Bill: reforms to national planning policy consultation](#) on 19 December 2023 and sets out the government's planning policies for England and how these are expected to be applied.

In the Officer Report (OR) of October 2023 (see appendix 1) specific reference was made to NPPF paragraphs 11, 12, and 13. No changes have been made to these paragraphs per se though there was a change to footnote 8 relating to housing land supply and the housing delivery test as set out in paragraphs 226, 76 and 77.

The OR also made specific reference to NPPF Sections: 3 'Plan Making', Section 5 'Delivering a sufficient supply of homes', and Section 15 'Conserving and enhancing the natural environment'.

It is considered that the minor changes to Section 3 'Plan Making' which seek to support beauty and placemaking and should not affect your previous decision. The proposal was supported with a bespoke and detailed design code.

A number of changes were made to Section 5 'Delivering a sufficient supply of homes' of the NPPF. It is considered that the changes to paragraphs 76 and 77 are most relevant. Para 76 relates to the age of an adopted local plan, and because ours is more than five years old we are directed to para 77 which in combination with para 226 (this paragraph is not in a Section but is part of Annex 1: Implementation) allows us to demonstrate a minimum of four years' worth of a housing land supply (rather than the usual five years HLS because we have an emerging Dorset Local Plan) (this change applies for two years).

Officers do not consider that this affects the overall conclusion. As was noted in the OR in the Planning Balance section the benefits of the proposal were "many and weighty" and then in the conclusion that any "...conflict in principle to resist development in the countryside is far outweighed by the material considerations of securing 490 homes, 30 percent of which would be affordable dwellings, therefore providing much needed affordable homes, meeting our statutory obligation of providing self-build plots, and the other benefits mentioned above."

Section 15 'Conserving and enhancing the natural environment' also had some minor changes. The one considered to be of most relevance for this proposal is in footnote 62 which highlights the need to consider the impacts of agricultural land used for food production when deciding what sites are most appropriate for development. Agricultural land grade was considered in the OR and officers do not consider that this change should affect your previous decision.

### *Levelling-Up and Regeneration Act (LURA)*

The Levelling-Up and Regeneration Act (LURA) changed the duty on relevant authorities in respect of their interactions with statutory purposes of protected landscapes: National Parks, The Broads and National Landscapes (Areas of Outstanding Natural Beauty). (see Clause 245 [Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/1/section/245))

The new duty is to further the purpose for which the National Landscape (Area of Outstanding Natural Beauty as was) was designated and if it appears that there is a conflict between those purposes, an authority must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Landscape. This came into force on the 26 December 2023.

Relevant authorities must now seek to further the purposes of these areas 'in exercising or performing any functions in relation to, or so as to affect, land' in the designated area.

With regard to this application, the consideration of the Cranborne Chase NL has been a primary consideration of this application. As set out in the OR, subject to conditions the proposed development which includes a prodigious amount of tree planting, wildlife, and biodiversity enhancements would conserve and enhance the CCNL thereby demonstrating fulfilment of this duty.

#### **4.0 Conclusion**

The statutory basis for decision taking is that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy 2 of the North Dorset District Local Plan Part 1 sets out the spatial strategy for North Dorset and this identifies the four main market towns: Blandford, Gillingham, Shaftesbury and Sturminster Newton as the focus for future development, in recognition of their population and service provision. Below this, Stalbridge and 18 larger villages are identified based on population, range of services and proximity to services, together with consideration of local issues, as being able to accommodate a degree of growth to meet local and essential needs.

Part of the development within Blandford complies with the provision of the Blandford Plus Neighbourhood Plan. Policy B1- Blandford Forum & Blandford St. Mary Settlement Boundary, defines the settlement boundary for Blandford Forum. Policy B2 - Land to the North and North East of Blandford Forum allocates land for a mix of residential, education, community and allotment uses, subject to specified criteria (i-xiii).

Whilst Pimperne is identified as a larger village, the extent of development and its location would be contrary to the provisions of the Pimperne Neighbourhood Plan Policy MHN: Meeting Housing Needs. Policy MHN seeks to deliver at least 61 additional dwellings in the plan period up to 2031. These homes should be located to the west side of the A354 main road on land within or adjacent to the settlement boundary of Pimperne village. However, the proposed dwellings within the Pimperne Parish would not be in or adjacent to the settlement boundary and the dwellings proposed would exceed the locally established need.

Outside of the settlement boundaries of the 4 main towns and larger villages areas, countryside policies apply. Policy 20 seeks to strictly control development in the countryside by only permitting types of development that are deemed appropriate in the countryside, or otherwise have a demonstrable overriding need for a countryside location.

In this respect, the proposed development would not represent a type of development that would be appropriate in the countryside, or otherwise have a demonstrable overriding need for a countryside location. As such, the proposed development would be contrary to the spatial strategy, comprising Policies 2, 6 and 20 of the North Dorset Local Plan, and Policy MHN: Meeting Housing Needs of the modified Pimperne Neighbourhood Plan.

The proposal would be contrary to the development plan taken as a whole. Planning permission should therefore be refused unless material considerations indicate otherwise.

However, the material considerations are significant and weighty in this case. In particular, it is important to recognise that Blandford Forum is a major settlement needing to accommodate strategic growth in the spatial strategy for North Dorset and is inherently sustainable with a range of services available. Additionally, the applicant has demonstrated that the land within the designated open gap of Pimperne parish would not harm the views of the village nor reduce the open nature of the gap between Blandford Forum and Pimperne. In fact, there are aspects of this development which go beyond conserving the landscape but will enhance the special qualities of the adjacent Cranborne Chase NL.

The OR detailed the following material considerations that weigh in favour of the proposal; including the need to significantly boost the supply of housing, both market and affordable housing. These material considerations are considered to outweigh the identified conflict with the development plan taken as a whole:

- There are material considerations beyond simply providing open market housing that this Council must have regard to which this development would deliver. Amongst other things it would provide: affordable housing, land for a new school, a community building, public open spaces, self-build plots, footpaths, landscape and ecological enhancements, and financial contributions towards various off site items.
- The government's objective to significantly boost the supply of homes.
- Additional housing would improve the affordability ratio for Dorset and North Dorset DC(as was).
- This is a strategic development in a sustainable location.
- Phase 1 of the proposal is acceptable in terms of access, layout, scale, landscaping, and appearance.
- There is a clear public interest to locate a new school within the Cranborne Chase AONB with effective mitigation.
- The proposed landscape mitigation and ecological benefits represent an enhancement to the surrounding landscape including Cranborne Chase AONB.
- There would be no demonstrable adverse impact with respect to the Policy LC of the Pimperne Neighbourhood Plan which is non-strategic and does not preclude development.
- The proposed access arrangements for the outline application are considered to be acceptable.
- A design code has been provided that gives more assurance towards how the quality of development will be maintained throughout the development.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no other material considerations which would warrant refusal of this application.

## **Recommendation**

Officers consider that the recent changes to the National Planning Policy Framework and to legislation through the Levelling Up and Regeneration Act are such that they should not

result in a change to the overall planning balance previously made on this particular application. Members recognised that the benefits of this scheme were ‘many and weighty’ and would ‘boost the supply’ of housing, outweighing the identified conflict with the development plan as a whole.

**Table 1 – Consideration of revised material considerations**

Topic	Previous Committee Report Considerations	Officer Comments
<p><b>Housing Land Supply and Housing Delivery Test</b></p>	<p><i>The Council's very recent review of our five-year housing land supply (HLS) indicates that we have 5.74yrs HLS and a housing delivery test (HDT) score of 110%. Therefore, the 'tilted balance' in paragraph 11d of the NPPF is not engaged.</i></p>	<p>Having reached Regulation 18 stage with the emerging Dorset Council Local Plan (through public consultation that included a policies map and housing allocations) the Council is required only to demonstrate a minimum of four years' supply of housing instead of a minimum of five years. Paragraph 055 Reference ID: 68-055-20240205 of the PPG confirms the four year housing land supply should be demonstrated against the authorities' five year housing land supply requirement with the appropriate buffer.</p> <p>Notwithstanding the changes to the buffer, the council is able to demonstrate greater headroom above the revised four-year threshold below which the presumption in favour of sustainable development is engaged (+1.02 years) compared to at the time of the October planning committee (+0.74 years). The Council is able to meet the Housing Delivery Test (HDT) which is at 75%.</p> <p>Whilst the Council is now able to demonstrate a healthier supply of deliverable sites above the revised target, the changes to the NPPF, PPG and HDT results do not materially affect the conclusions of</p>

		the OR and the application still falls to be determined on a 'flat balance'.
<b>Area of Outstanding Natural Beauty (AONB)</b>		<p>Amendments to the Clause 85 of the Countryside and Rights of Way Act 2000 (CROW) introduced via Clause 245 of the Levelling-Up and Regeneration Act (LURA) came into force on 26 December 2023. The amendments require relevant authorities (including Local Planning Authorities) to “<b>seek to further</b> the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “<b>have regard to...</b>”) in relation to land <b>in</b> an AONB.</p> <p>The application includes land within the Cranborne Chase AONB. As concluded within the OR, the proposal would not harm the special qualities or natural beauty of the AONB. Officers consider that the raft of landscape and ecology enhancements, and public access, would result in a furthering of the aims of the designation. This is set out in full in the committee report which is appended to this update.</p>
<b>Local landscape character and beauty</b>	Sections 12 and 15 of the NPPF seek to employ high quality inclusive design which respects, and integrates with, its environment. The Framework seeks to ensure decisions contribute to and enhance the natural and local environment by protecting valued landscapes through recognising the intrinsic character and beauty of the countryside.	<p>Section 12 has been <u>updated</u> to refer to achieving well-designed and <u>beautiful places</u>. No changes have been made to Paragraph 127 (now 132).</p> <p>The minor wording changes detailed at Paragraphs 138 (previously 133) and 140 (previously 135) do not materially affect the conclusions of the Committee Report. as stated in the original report, the application is supported by a design code to ensure that there is certainty over the</p>

	<p>Para 127 of the NPPF seeks, amongst other objectives, to ensure decisions are sympathetic to local character and history, including the surrounding built environment and landscape setting.</p>	<p>quality of the design, layout, materials and open space.</p> <p>With the exception of footnote 62 (noted above), no wording changes have been made to Section 15 of the NPPF.</p> <p>The references to <i>“the importance of securing well-designed and beautiful, attractive and healthy places”</i> does not materially affect the assessment of the application. Officers are satisfied that the design code and detailed design of phase 1 of the development would meet a high standard of design and would hence comply with the revised NPPF.</p>
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APPENDIX 1 –

[\(Public Pack\)Agenda Document for Northern Area Planning Committee, 24/10/2023 14:00 \(dorsetcouncil.gov.uk\)](#)

Officer Report to Northern Area Planning Committee

Agenda Item 6

Application number: P/OUT/2020/00026

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Blandford Forum Dorset