

Application Number:	P/FUL/2024/00958		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	The Tree House Duck Lane Stalbridge DT10 2LP		
Proposal:	Change of use of part of garden to school land for education use, including installation of fencing to site boundary		
Applicant name:	Dorset Council		
Case Officer:	Jamie Francis		
Ward Member:	Cllr Vitali		
Publicity expiry date:	7 May 2024	Officer site visit date:	11 th March & 16 th April
Decision due date:	7 June 2024	Ext(s) of time:	7 June 2024
No of Site Notices:	3		
SN displayed reasoning:	<ul style="list-style-type: none"> - On telegraph pole at entrance to school - On telegraph pole opposite school - On railings on Church Hill 		

1.0 Applicant is Dorset Council

2.0 Summary of recommendation:

GRANT permission subject to conditions

3.0 Reason for the recommendation:

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable.
- The proposal is considered to result in no harm to the setting of heritage assets.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

- The proposal is to accommodate better educational facilities and learning environment.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of a change of use from residential garden to school land is acceptable and supported by policy 14 (Social Infrastructure) of the Local Plan. The installation of fencing to the site boundary is considered acceptable.
Scale, design, impact on character and appearance	For security and safeguarding reasons, fencing is required around the Application site perimeter, inside the existing stone wall. This is considered acceptable.
Impact on the living conditions of the occupants and neighbouring properties	The land in question is sufficiently distant from The Tree House to not give rise to any amenity issues such as noise and disturbance or overlooking. The fact that the garden already adjoins the school is also considered, and given this, is not considered to result in any significant any harm to residential amenity of the Tree House. Other surrounding land uses are Agricultural to the North and East, with a small area of the North boundary to shared with The Byre. The small area of shared boundary with the Byre is screened by trees and an outbuilding, and sufficiently distanced from the house.
Impact on landscape or heritage assets	<p>The proposed development would have limited impact on the surrounding landscape, as operational development will be limited to installing fences.</p> <p>Due to the distance from the associated listed building (approx. 50 metres away), the change of use and erection of fencing is not considered to result in any harm to the setting of the listed building. Furthermore, the land is not visible from any public view within Stalbridge Conservation Area</p>
Flood risk and drainage	The site is largely considered to be at no risk of flooding from any source. The Northeast corner of the site is designated as low risk of surface water flooding. Low risk means that this area has a chance of flooding of between 0.1%

	and 1% each year. This is considered acceptable.
Highway impacts, safety, access and parking	The proposal has no impact on Highways.
Impact on trees	Dorset Council's Arboricultural Team carried out an inspection of all the trees on site. The application provided a detailed Tree Schedule, outlining that 28 of the 31 trees will be retained, with the 3 to be removed assessed to be either dying or dead.
Biodiversity	The application included a Biodiversity Plan, which has been approved by Dorset Natural Environment Team.

5.0 Description of Site

The Tree House is located at the North West end of Duck Lane, at the junction of the High Street and Church Hill. The building is along the North-side of the road. The application site forms part of the rear garden of The Tree House. The site is broadly rectangular and is an area of approximately 1744m².

The existing site could be described as informal garden area, featuring a mixture of mature trees and shrubs, long grass and scrub, with mown grass paths through it. The southwestern half of the Application site is more maintained than the north eastern half, which contains mature scrub, ground flora and a variety of mature trees.

The site is on one level. The existing access to the rear garden of the property is via a private gated access off Duck Lane, between The Tree House and Stalbridge Primary School.

The site is bordered by dry stone walls along the property boundaries. The house and garden share a boundary with Stalbridge Primary School, which is adjacent to the south of the property. The site is largely bounded by agricultural land to the East and North, with a small portion of the Northern boundary shared with the garden of neighbouring residential property The Byre. The application site also bounds the more domesticated portion of the Tree House's garden to the west, at the immediate rear of the dwelling.

6.0 Description of Development

The proposed development involves a material change of use of the land, from residential garden to school land.

The development also involves the erection of several types of fence, to border the school land, and the insertion of an access in the existing fencing from the school onto the newly acquired land.

7.0 Relevant Planning History

None

8.0 List of Constraints

Public Right of Way: Footpath N51/20; - Distance: 44.78m away.

Risk of Surface Water Flooding Extent 1 in 1000 (low risk)

Site of Special Scientific Interest (SSSI) impact risk zone

Radon: Class 2: 1 - 3%

Grade II listed building – Glydestore and The Tree House – List no: 1153027 (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

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

9.0 Consultations

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

Consultees

Stalbridge Town Council

Unanimously strongly support the application in terms of the provision of a future education facility for the town.

Support (received 27th March 2024)

Cllr Carr-Jones Ward Member (comments of previous Ward Cllr) – Stalbridge and Marnhull Ward

As the local Ward Member, I fully support this application and endorse the visions for Stalbridge Primary School. The opportunities are tremendous for the school to grow at last.

No comments received from Cllr Vitali.

DC Rights of Way Officer

No comments received

DC Highways

The development has no highway safety implications. The Highway Authority has no objection to the proposal.

DC Trees

I have studied the Arboricultural documentation supplied I can confirm that I have no objections to the tree surgery operations proposed and consider that the attached Arboricultural Impacts Assessment and associated plans should be made a condition of any planning consent. I would also ask that during the time of trial hole digging (for the new fencing) that Arboricultural supervision is provided by the report writer or other suitably qualified Arboriculturist. Contemporaneous notes should be made and these be forwarded as part of a later discharge of condition application.

DC Archaeology

No comments received

DC Public Health Dorset

No comments received

DC Conservation

The proposed change of use will have no detrimental effects upon the setting of the listed building or wider Conservation Area.

Ramblers Association

No comments received

Other Representations received

1 comment was submitted through the online portal. This comment was in support of the application:

'Fully support this extension to the existing school while limiting impacts on the character of the town'

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 16 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

The following North Dorset Local Plan Part 1 policies are relevant: -

- 1 – Presumption in Favour of Sustainable Development
- 2 – Core Spatial Strategy
- 4 – The Natural Environment
- 5 – The Historic Environment
- 14 – Social Infrastructure
- 20 – The Countryside
- 24 – Design
- 25 – Amenity.

Material Considerations

Emerging Local Plans:

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

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:

NPPF – Para 89: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

NPPF – Para 99: It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

29 a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications;

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 impacts on a protected characteristic, in this case age. There would be a specific impact on the children if the proposal did not proceed, as those attending this school would not have access to external areas within the recommended size.

14.0 Planning Assessment

Location of the development

The site is located outside of the settlement boundary of Stalbridge, and therefore in terms of Local Plan Policy 2 (Core Spatial Strategy) is considered to be in the Countryside, and therefore the Local Plan’s Countryside Policy is applied.

Policy 20 (the Countryside) states that “Grey, social or green infrastructure projects, which may be considered to have an overriding need for a countryside location include... certain social infrastructure projects such as essential additional facilities”, and that the acceptability would also be considered against all other relevant planning policies in the development plan.

Stalbridge School’s external areas; (playing field, games court, hard and soft play areas) are undersized for the size of school, falling short of the Building Bulletin 103 recommended minimum areas by approximately 2000m². Therefore, the acquisition of this adjoining land, will alleviate the deficit of recommended minimum area by 1744m², significantly contributing to bringing the facilities towards the recommended standards. Therefore, on this basis it is considered that despite being in a countryside location, the expansion of the school is considered to demonstrate the overriding need for the development in this countryside location, especially

considering the site is constrained from expanding in any other direction by residential development.

The principle of a change of use from residential garden to school land is acceptable and supported by policy 14 (Social Infrastructure) of the Local Plan.

Policy 14 states that in relation to educational facilities, the Council will ensure that a) the needs of existing pre-school facilities and providers in the towns and villages are met; and b) provision is made to accommodate the additional forms of entry required at primary and secondary school levels across the district. With the growth and further anticipated growth of Stalbridge, increased education facilities will be beneficial.

Character of the area and heritage assets

The proposed development involves new fencing around the site perimeter, on three sides; southwest; northwest and northeast boundaries in order to secure the site for school use. This fencing will be erected inside of the existing stone wall that borders the site.

The northwest boundary will be fenced with a weldmesh panel fence, 1800mm high. This will be installed inside of the existing garden boundary wall. It will be polyester powder coated black as this is the least visually intrusive colour in a landscape setting. This fence will return through 90° to secure the north-eastern end of the site and will join the existing school fencing on the other side. The new property boundary at the extreme eastern end of the site will be fenced with a 1100mm high post and rail timber fence, with stockproof mesh. The fencing on the southwest side of the site will form the new boundary to the shortened garden of The Tree House. This will be a combination timber and metal screen fence, which provides privacy for The Tree House and security for both the school and The Tree House. The type of fence proposed is an attractive fence which suits the garden setting and is visually unintrusive in the wider setting. Therefore, the proposal is considered to comply with Local Plan Policy 24 (Design).

The land which is the subject of this application to change use is situated to the rear of the Tree House, a Grade II listed building.

Owing to the fact that the parcel of land subject of this application is situated approximately 50 metres from the Tree House, it is not anticipated that the change of use or new fencing will result in any harm to the setting of the listed building. Considering the house is already located next to the school, with modern school buildings and associated paraphernalia, the addition of some further school land at this great a distance from the building has little to no impact on the setting. Therefore, it is considered that there will be no harm to heritage assets.

In addition, the plot of land is not visible from within any public view from within the Conservation Area. Thus, the development is not considered to result in any harm to the special character or appearance of Stalbridge Conservation Area.

The proposal is therefore compliant with Policy 5 (the Historic Environment) of the Local Plan, and the aims and objectives of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on amenity

As stated earlier, the land in question is sufficiently distant from The Tree House to not give rise to any amenity issues such as noise and disturbance or overlooking. The fact that the garden already adjoins the school is also considered, and given this, is not considered to result in any significant any harm to residential amenity of the Tree House. Other surrounding land uses are Agricultural to the North and East, with a small portion of the North boundary shared with The Byre (a dwellinghouse). The small area of shared boundary with the Byre is screened by trees and an outbuilding, and sufficiently distanced from the house itself. The proposal would comply with Policy 25 of the Local Plan.

Flood risk

The site is largely considered to be at no risk of flooding from any source. The Northeast corner of the site is designated as low risk of surface water flooding. Low risk means that this area has a chance of flooding of between 0.1% and 1% each year. This is an acceptable level of risk for the proposed development.

Trees and landscaping

Dorset Council's Arboricultural Team carried out an inspection of all the trees on site. The application provided a detailed Tree Schedule, outlining that 28 of the 31 trees will be retained, with the 3 to be removed assessed to be either dying or dead. The Tree Officer is satisfied with the application subject to conditions to protect the trees during the course of development. The suggested conditions form part of the officer recommendation.

Biodiversity

The application included a Biodiversity Plan, which has been approved by Dorset Natural Environment Team.

The proposed development therefore complies with Policy 4 (the Natural Environment) of the Local Plan.

15.0 Conclusion

In summary, this is a development plan compliant proposal, and no material considerations suggest the application is unacceptable. It is considered that there will be no harm to heritage assets. There would be social benefits through the provision of better amenity space at the school, and no material considerations have been identified that would indicate that the decision should be taken other than in accordance with the development plan.

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:
L7000 P1 Location plan
L-7001 P1 Existing site plan
L-7002 P1 Proposed site plan

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 certified by the Dorset Council Natural Environment Team on 17/11/2023 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) 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. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Impact Statement dated December 2023 setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

5. Prior to first use of the site in association with the school, the new fences as detailed on approved plan numbered L-7002 P1 Proposed site plan, shall be erected in full. The fences shall be permanently maintained and replaced as necessary.

Reason: to safeguard privacy and amenity of The Tree House and pupils of Stalbridge Primary School.

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

In this case:

- The applicant was provided with pre-application advice.