

Application Number:	P/FUL/2022/07557		
Webpage:	Planning application: P/FUL/2022/07557 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	The Old Sawmills Clayford Wimborne BH21 7BJ		
Proposal:	Retain change of use of yard to B2 general Industrial use to be used in conjunction with the buildings		
Applicant name:	Mr J Baker		
Case Officer:	James Brightman		
Ward Member(s):	Cllr Cook (at the time of consultation). Currently Cllr Will Chakawhata.		
Publicity expiry date:	10 March 2023	Officer site visit date:	17 January 2023
Decision due date:	21 June 2024	Ext(s) of time:	21 June 2024
No of Site Notices:	1		
SN displayed reasoning:	To inform third parties of the application		

- 1.0 The application has been referred to committee by the nominated officer in accordance with the Council's Scheme of Delegation Process.
- 1.1 The application should be read in conjunction with the officer report for application reference: P/FUL/2022/07556 which is also before the committee for consideration.
- 2.0 Summary of recommendation:**
GRANT subject to conditions
- 3.0 Reasons for the recommendation:** as set out in Section 16 of this report
- The industrial use of the yard in association with a sawmill is already established by a previous permission. Subject to conditions, the proposal would not conflict with Local Plan policy PC4; it would not cause significant harm to rural character.
 - Subject to conditions, the proposal would not result in any significant harm to the amenity of the occupants of adjacent dwellings so accords with Local Plan policies DES2 and HE2.

- The proposal would not have a significant impact on the nearby Holt & West Moors Heaths Site of Special Scientific interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA). No other biodiversity harm is anticipated compared to the lawful use, so the proposal is compliant with policies ME1 and ME2.
- Subject to conditions, no harm to the openness of the Green Belt has been identified compared to the lawful use, so the change of use of the land accords with NPPF Green Belt policy.
- The level of traffic associated with the proposal would not result in harm to highway safety that would justify refusal.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable, given the lawful use of the site as a sawmill and compliance with the Christchurch and East Dorset Local Plan part 1 - Core Strategy (CED) Policy PC4: The Rural Economy.
Impact on character of area/landscape	<p>Acceptable. Use of existing yard to be continued and there would be no material change in visual impact when compared with the lawful use of the site as a sawmill.</p> <p>Condition 8 as proposed will require any storage to not exceed 2.6m in height in order to limit visual impact of the use of the yard to an appropriate level and would be a potential betterment over the lawful sawmill use.</p> <p>No heritage assets affected.</p>
Impact on the Green Belt	Acceptable. No further loss of openness from the proposal given the lawful use of the site as a sawmill.
Impact on the living conditions of the occupants of neighbouring properties	Acceptable. Proposed Conditions 2,3,4, & 6 will limit the impact on the living conditions of the occupants of neighbouring properties and would be a potential betterment over the lawful sawmill use.
Flood risk and drainage	Acceptable. Use of land will not alter as the lawful sawmill use and the existing general

	industrial use would be unchanged with no impact on flood risk accordingly.
Impact from pollution	Acceptable. Other legislation in place to control pollution: Control of Pollution Act 1974.
Economic benefits	Yes. Retention of the 4 small businesses operating from the site brings economic benefits from employment.
Highway impacts, safety, access and parking	Acceptable. Proposal will not adversely affect road safety and there is acceptable parking provision on the site.
Impact on trees	Acceptable. No trees are to be affected.
Biodiversity	Acceptable. The site has low biodiversity value and there is no requirement under the Dorset Biodiversity Appraisal Protocol to undertake an ecological appraisal or prepare a Biodiversity Plan.
Impact on Public Rights of Way (PROW)	Acceptable. No impediment to PROW from the proposal. Vehicle movements on access to site that is also a PROW would not have a significant impact on users of the PROW compared to the lawful use of the site as a sawmill and its associated vehicle movements.
Impact on Dorset Heathlands	Acceptable. Habitats Regulations Appropriate Assessment (HRA) has concluded no harm to the Dorset Heathlands
EIA (if relevant)	EIA Screening Opinion concludes there is no requirement for EIA.
Habitats Regulations Appropriate Assessment (HRA) in respect of impact on the Holt & West Moors Heaths SPA and SAC from use of the access road to the site	A HRA (agreed by Natural England) has concluded no adverse impact on the adjacent Holt & West Moors Heaths SPA and SAC.

5.0 Description of Site

- 5.1 The site has an area of 0.44 hectares, is relatively level and in general industrial use. It lies to the north of the vehicular access which is also a bridleway and to the east of the dwelling at 4 Clayford Cottages.
- 5.2 There are 2 buildings on the site labelled as Building 1 and 2 on the submitted site plan. Tall fencing forms part of the site's boundaries and this and existing buildings on and adjacent to the site partially screen the site from views into it from the south.

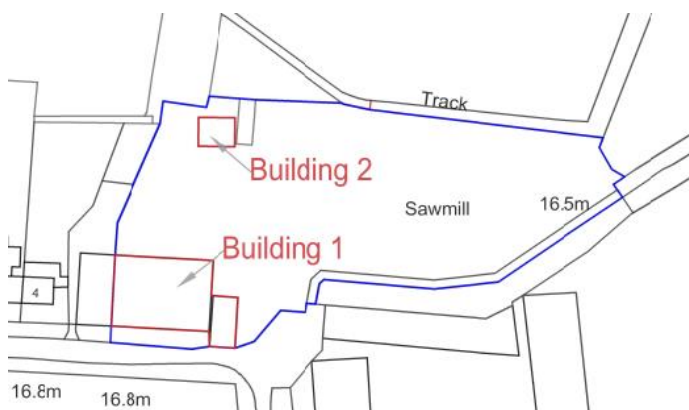


Extract from the site plan submitted with the application

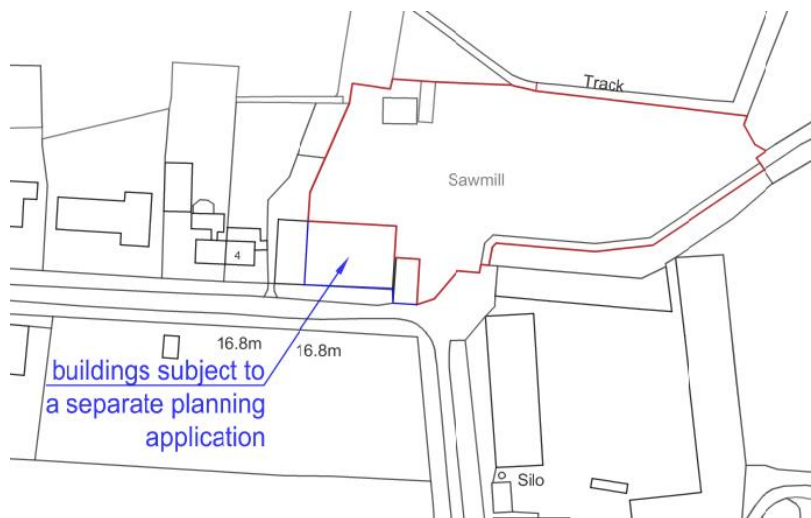
- 5.3 There is a lawful commercial use at Clayford Farm to the southeast of the site where there are nine B2: General Industrial & eight B8: Storage & distribution units. This was given planning approval under planning application 3/19/1435/COU.
- 5.4 To the west of the site there are other dwellings at 1, 2, 2a & 3 Clayford Cottages, The Bothey, Trotters Plot and Little Cimarron. The dwellings at Dunromin and Clayford House lie to the south. Candlewick Cottage is to the southeast behind Clayford Farm.
- 5.5 The character of the area is semi-rural and has a mix of commercial and residential uses in relatively close proximity to one another.
- 5.6 Access to the site is via an unsurfaced track that is also a public bridleway, and this provides access from the west and joins a further unsurfaced track that eventually joins the metalled section of Uddens Drive to the southwest which then joins Pilford Lane and continues to the A31.
- 5.7 The site has a lawful B2 use as a sawmill with timber fencing production and the permission for this use is restricted to a sawmill and timber fence making and therefore planning permission is required for other B2 uses.

6.0 Description of Development

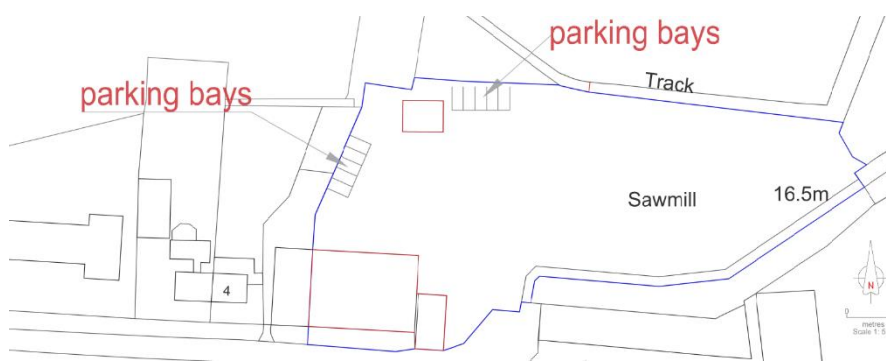
- 6.1 It is proposed to retain the use of the yard in B2 General Industrial use in conjunction with the B2 uses carried out in the 2 buildings identified on the submitted site plan as Buildings 1 & 2 which are shown in the extract from the block plan submitted as part of the associated application (P/FUL/2022/07556) below:



Below: Proposed block plan:



6.2 On-site parking is proposed as part of application in the areas below:



6.3 The agent advises that the businesses currently operating from the site comprise:

- Vehicle repair business
- Repair & servicing of agricultural and horticultural machinery
- Agricultural fabrication
- Production of logs for domestic and biomass fuel

6.4 There are 6 full-time workers and 3 part-time workers currently employed at the site.

7.0 Relevant Planning History

Application reference: 03/79/1234/HST

Use building for making of fencing

Decision: GRANTED - Decision Date: 25/07/1979

Eastern Area Planning Committee
19 June 2024

Officer note: *This building has been replaced by Building 1 by implementing planning permission 03/88/1427/FUL below.*

Application reference: 03/88/1427/FUL

Demolish existing buildings and replace with new

Decision: GRANTED - Decision Date: 26/01/1989

Application reference: 3/20/1191/CLE

Four units A1 to A4 (as shown on submitted Site plan) actively being used for over 5 years, on the understanding that development use was granted /is granted for the following:

- Van repair workshops for existing business at the Sawmill.
- Agricultural machinery, wood cutting equipment repair work.
- Ten steel container units, along with Static Office.

Decision: GRANTED (split decision) Decision Date: 21/10/2021

Officer Note: *This application has established the lawfulness of Buildings 1 & 2 in terms of them being operational development but there was insufficient evidence of continuous B2 use for more than 10 years so their current use was not accepted as lawful, hence the submission of the current application.*

Application reference: P/FUL/2022/07557

Retain change of use of yard to B2 general Industrial use to be used in conjunction with the buildings.

Decision: Application under consideration

Application reference: P/FUL/2023/00500

Retain log drying shed.

Decision: Refused Decision Date: 17/03/2023

Subsequent Appeal: DISMISSED

Application reference: P/FUL/2023/07271

Erect building for the drying of logs

Decision: Refused Decision Date 19/02/2024

Associated planning application on neighbouring site- Clayford Farm:

Application reference: 3/19/1435/COU

Change of use of buildings to commercial uses under B2 General Industrial and B8 Storage & Distribution - retrospective application. (amended description)

Decision: Approved Decision Date 11/06/2020

8.0 List of Constraints

- Greenbelt: Bournemouth Greenbelt
- 400m Dorset Heathland buffer, Description: Holt & West Moors Heaths
- Public Right of Way: Footpath E45/16 (Distance: 5.77m) and Bridleway E45/15; - (Distance: 1.37m)
- SGN - High pressure gas pipeline (Distance: 97.55m)
- Environment Agency - JBA - risk of groundwater emergence; groundwater levels are either at or very near (within 0.025m of) the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots.
- Designated ancient woodland: park/garden copses; Ancient replanted woodland (Distance: 478.84m) and ancient & semi-natural woodland – (Distance: 479.27m)
- Higher Potential ecological network
- Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); (Distance: 1925.84m)
- Site of Special Scientific Interest (SSSI) impact risk zone
- Area of Great Landscape Value (AGLV) immediately to the N of the site

9.0 Consultations

Consultees

1. Natural England

After considering the Council's draft Habitat Regulations Appropriate Assessment (AA) dated 17/4/24, Natural England has raised No Objection to the Council granting the planning permission in respect of the matters considered in the AA.

NE advises the Council should be mindful of the need to secure any mitigation/avoidance measures which have been identified as being required to avoid harm to the habitats sites and suitable legally binding agreements may be required which will need to take into account mitigation which must be in place prior to commencement/occupation or where ongoing impacts are long term in perpetuity.

2. Dorset Wildlife Trust

- Insufficient ecological information currently provided on which to assess the impacts of the development upon locally designated sites and biodiversity, which should be given due regard as per the *Natural Environment and Rural Communities (NERC) Act 2006*, National Planning Policy Framework (NPPF) 2021 and Circular 06/2005. DWT can provide further comment once additional information has been submitted.
- Impacts on the adjacent Deciduous Woodland Priority Habitat and the nearby designated heathland sites. May also have impacts on the SNCI habitats & Natural England should be consulted in terms of this impact.
- Impact from dust and other airborne pollutants associated with transport and access to the application site on Holt and West Moors Heaths SSSI which comprises Lowland Heathland Priority Habitat.
- Heavy use of unmetalled tracks can result in large quantities of dust being generated during dry periods and runoff of surface matter and pollutants following heavy rain. Impacts on sensitive habitats can also arise through deposition of nitrogen oxides (NO_x) from vehicle exhausts.
- Encroachment onto adjoining Forestry England Land by heavy vehicles and widening of the track impacting adjacent land. Habitats immediately adjacent to the access track may provide supporting habitat for the designated sites and it is likely that species associated with these habitats are also using the trackside areas. Heavy vehicle use of the track and unauthorised encroachment onto adjacent land may cause direct damage to these habitats and risk killing and injury of protected species.
- If upgrading of the access track is required to allow the continued use of this site, this must be included in the application.
- The change of use of the site from sawmill and production of timber products to vehicle and machinery storage and repair also has the potential to impact on adjacent sites and habitats.
- The storage of timber products has a significantly different environmental impact compared with the potential impacts arising from vehicle and machinery servicing and repair and no evidence has been provided to demonstrate that the site has the appropriate infrastructure for safe storage, drainage and waste management associates with these activities.
- Without appropriate measures in place and a suitable buffer to safeguard adjacent habitats, significant ecological impacts may result from spills, runoff and groundwater contamination from chemicals, fuels or other materials used or stored on the site

3. Dorset Council Highways

- No objection

4. Dorset Council Environmental Services – Protection

- An acoustic assessment conforming to appropriate standards has been submitted in support of this application and as detailed, use of appropriate mitigation strategies will result in a low impact upon nearby noise sensitive dwellings.

6. Dorset Council - Rights of Way Officer

No comments received in response to the consultation for this application. However, comments below received to related application P/FUL/2022/07556:

- Since the grant of a previous change of use application to B2 general industrial use in this locale there has been a sharp rise in complaints from users to the Rights of Way Team. These are mainly due to the greatly increased amount of traffic using the bridleways to serve the industrial units.
- The increased volume, size and speed of the traffic not only negatively impacts on the safety of users but also on the perception of reduced safety of the users and as such we would not support this application.

7. Dorset Council Natural Environment Team (NET)

- The limited habitat on site puts it outside the scope of Dorset Biodiversity Appraisal Protocol
- The Biodiversity Checklist does not require any surveys or a Biodiversity Plan.
- The Protocol doesn't cover the indirect impacts mentioned by Dorset Wildlife Trust and the Forestry Commission

8. Holt Parish Council

- OBJECTS to the apparent industrial site in this inappropriate location.
- The application documentation shows a low level of use of the site in the 2002 photograph, 2022 shows many HGVs on site.
- Concerned about the environmental impact on the protected Holt Heaths, the likely detrimental impact on a SSSI and also on the amenities of the neighbours from the high number of HGVs operating at unsocial hours/speed etc.
- The bridleway is over private land and not in the ownership of the applicant. Not clear if the application site boundary is all within the ownership of the applicant.

9. Former Ward Member - Stour & Allen Vale Ward- Cllr Robin Cook

No response received to this application. However, Cllr Cook made the following comments for the related application P/FUL/2022/07556:

- Concern raised regarding issues around access to the site.
- There have been ongoing disagreements between local residents and an existing operation (with planning consent) at Clayford Farm which adjoins the site of the above application, as well as the currently unauthorised use of the Sawmills site. These are mainly related to the volume and type of vehicle now using the access track and damage to an existing bridleway which shares the

track and is under the control of DC, together with damage to Forestry England land.

- Given the general nature of class B2 development and the potential for subsequent change to B8 there would be no control of traffic volume, size of vehicles or the nature of the materials transported and stored on site. All of this is likely to compound the damage being caused now.
- The access rights over the track are in dispute as it appears to be in the hands of various owners and these need to be properly clarified before any further consideration of this application, and a Stop Notice be put on the Sawmills unauthorised operation by Enforcement until such time that matter of access rights is resolved.
- Maintenance of the track seems to be done on a very ad hoc basis and, whilst not the responsibility of DC Highways, some formal arrangement/agreement needs to be put in place before any continuation of operations at this site.
- There is nothing in the planning statement regarding mitigation of the negative ecological impact that may result from spills, runoff and groundwater contamination from chemicals, fuels or other materials used or stored on the site.

Representations received

Total - Objections	Total - No Objections	Total - Comments
32	2	2

Summary of comments of objections:

- not sustainable development
- danger to horses, cyclists and pedestrians from traffic using the bridleway- increase in the size, speed and volume of traffic associated with industrial use. British Horse Society reports complaints from horse riders relating to traffic.
- site use has markedly increased traffic compared to lawful sawmill site- vehicle movements in excess of 100 per day
- unmade access track width and construction considered by East Dorset Environmental Partnership to be unsuitable for regular, heavy traffic generated by the uses- B2 general industrial (and potential B8 storage or distribution) uses have potential to compound the damage to the bridleway.
- incidents of trespass by heavy vehicles reported by the Forestry England who own the access track for 250m either side of The Old Sawmill- encroachment by track widening during maintenance work not agreed with other users.
- impact on wildlife- encroachment into SSSI next to access, loss of trees
- pollution from dust, noise, air and vibration
- out of character with rural area adjacent to dwellings- industrial estate site would be more suitable
- use increase the number of incidents for Dorset Council Rights of Way Team

- site operates seven days per week between 6:00 AM until 10:00 PM or later-limiting hours of operation would be ineffective given rural location of site and difficulty to enforce by the Council
- Site used for roofing and scaffolding companies x 2 to store equipment, storage of boats, caravans, jet skis, bangers, farm vehicles and wood (with retail of wood)
- employment on site is not local and employees drive in from urban areas
- noise report failed to consider all site activities/operation of noisy machinery

Summary of comments of support:

- no adverse effects from noise, traffic, and disturbance
- small rural businesses need to be supported
- sawmill provides employment
- no increase in traffic or activity in recent years
- use does not generate many large vehicles

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.

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan:

KS1 - Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS3 - Green Belt

KS11 - Transport and Development

KS12- Parking Provision

HE3 - Landscape Quality

ME1- Safeguarding biodiversity and geodiversity

ME2- Dorset Heathlands

ME6- Flood Management, Mitigation and Defence

PC4 – The rural economy

East Dorset Local Plan 2002 (saved policies)

DES2- Developments will not be permitted which will either impose or suffer unacceptable impacts on or from existing or likely future development or land uses in terms of noise, smell, safety, health, lighting, disturbance, traffic or

other pollution.

Material Considerations

Emerging Local Plans:

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

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.

Emerging Neighbourhood Plans

None relevant.

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 making': 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 6 'Building a strong, competitive economy', paragraphs 88 and 89 '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 beautiful 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 and beautiful 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 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 13 'Protecting Green Belt land'
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Dorset Heathlands Interim Air Quality Statement 2/3/2021

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

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.

It is considered that the proposal would not result in any disadvantage to persons with protected characteristics.

14.0 Financial benefits

What	Amount / value
Material Considerations	
6 jobs likely to be retained	N/A
Non-Material Considerations	
Continuation of payment of Business Rates	Unknown

15.0 Environmental Implications

15.1 There are no new buildings proposed. The lawful use of the site as a sawmill has environmental implications from the operation of machinery and traffic generation and the existing use of the buildings has similar impacts. The screening process associated with Environmental Impact Assessment Regulations 2017 and Conservation of Species and Habitats Regulations 2017 have concluded the proposal would not have a significant impact on the environment.

16.0 Planning Assessment

Principle of development

16.1 The site is located outside of settlements identified in Policy KS2 of the Core Strategy which focusses development on the settlements set out in the settlement hierarchy in this policy and therefore the proposal does not accord with this policy. However, the Core Strategy accepts that not all uses can be accommodated within settlements in the settlement hierarchy and Policy PC4: The Rural Economy relates to business uses in the countryside and is relevant to the proposal.

- 16.2 The site has a lawful use as a sawmill producing fencing and this is a legitimate fall-back for the use of the site. This is a B2 general industrial use but condition 3 of permission 03/88/1427/FUL limits the use of the site to a sawmill and prevents alternative B2 uses without planning permission.
- 16.3 Given the fall-back position, it is considered that a different B2 use would be acceptable in principle provided it was unlikely to result in significant harmful impacts on the locality from its operation and this is discussed below.
- 16.4 The site is not accessible from settlements by public transport and so employees of the B2 uses would likely come by private vehicle given the distance from the nearest settlements and this weighs against the proposal. However, it is difficult to distinguish these impacts from those arising in relation to the lawful sawmill use.
- 16.5 Paragraph 85 of the NPPF encourages the use of previously developed land and states that significant weight is to be placed on the need to support economic growth & productivity
- 16.6 NPPF Paragraph 88 a) supports the enabling of sustainable growth of all rural businesses.
- 16.7 NPPF Paragraph 89 states that decisions should recognise the need to provide sites in rural areas beyond existing settlements and in areas not well-served by public transport provided development is sensitive to its surroundings and does not have an unacceptable impact on rural roads. This matter is considered later in the report.

Impact on character and appearance of area/landscape

- 16.8 The proposed retention of use of the yard for B2 General Industrial use in relation to the existing B2 use of the buildings would have implications on the character and appearance of the area and landscape on account of outside storage and parked vehicles. The land immediately to the north of the application site is within an Area of Great Landscape Value (AGLV). The proposals would not have an adverse impact on this landscape given no change to the buildings is proposed and there is a lawful use of the site as a sawmill with no restrictions on outside storage.
- 16.9 The lawful use of the site as a sawmill also has the same implications and this use has no restriction on areas/height of storage or parking. Conditions 5 (parking), 7 (no portable buildings without consent) and 8 (restriction of height of outside storage to 2.6m- the size of a standard container) would potentially offer a betterment for the character and appearance of the area and landscape given there is currently no control over such structures/parking should the site be operated in accordance with the lawful sawmill use.

Impact on the Green Belt (GB)

- 16.10 The only exception to inappropriate development in the GB in the NPPF that could apply to the proposal is paragraph 155 e) which allows material changes in use of

land provided this would preserve Green Belt openness and not conflict with the purposes of including land within the GB.

- 16.11 Parking spaces on the site will have an impact on Green Belt openness from parked vehicles when these spaces are occupied, as would any outside storage associated with the B2 use proposed. However, the lawful sawmill use of building 1 (building A) and its curtilage would also have generated outside parking and storage of timber and machinery. It is unlikely that the proposal would have a materially greater impact on openness compared to this fall-back position nor would there be any further encroachment into the countryside.
- 16.12 The proposal is acceptable in respect of its impact on openness with conditions to require vehicles to be parked in the spaces shown on the submitted parking plan and to restrict the height of stored items to 2.6m above ground level which is the height of a standard container (condition 8).
- 16.13 On this basis, the proposal represents appropriate development in the Green Belt.

Impact on the amenity of occupants of adjacent dwellings

- 16.14 The site lies close to a residential property at 4 Clayford Cottages to the west and there are properties beyond this. Concerns have been raised by local residents about noise and disturbance. The use of the yard for B2 purposes will generate some noise from operations undertaken within it and to assess this a Noise Impact Assessment (NIA) dated 28-29/1/23 was submitted.

Noise Impact Assessment (NIA) findings

- 16.15 The dates of the NIA fell on a Saturday and Sunday, but the agent advises that this was while the usual businesses were in operation, during standard working hours. These businesses include vehicle mechanic, agricultural repairs, fabrication business and the log processing and drying businesses, along with all vehicle movements associated with those businesses.
- 16.16 The NIA assessed the operation of the proposed plant to establish if the development proposed would have a demonstrable adverse effect in terms of noise that outweigh the benefits of the development.
- 16.17 Measurements were undertaken in accordance with British Standard 4142:2019 and ISO 1996 – Part 2: 2017 and the NIA established the existing background noise levels at the closest residential façade to the proposed plant locations and the assessment of the impact of the site operation on nearby residential properties.
- 16.18 The NIA concluded that the resulting emissions from the plant running on a worst-case scenario show no conflict with 'low impact' criteria and give a strong indication that complaint and impact on the local amenity is unlikely during operational hours.
- 16.19 The Council's Environmental Health Officer has considered the NIA and has no adverse comments to make in relation to the noise assessment submitted which concludes there will be a low noise impact upon nearby receptors. In respect of the proposed B2 use of the yard, conditions are advised to require:

- Restriction of work activities and deliveries to Mon-Sat 08:00 - 18:00 & No activity or deliveries on Sundays or Bank Holidays
- No use of power tools outside the buildings
- Restriction of use of the yard to B2 only and no use within B1 or B8
- Restriction of the number of businesses operating from the site to 4

- 16.20 Under planning permission 3/79/1234 the lawful sawmill operation is not subject to any controls, however it is judged necessary and reasonable to impose the above conditions to ensure that the proposed development accords with saved policy DES2 of the CS which requires that development should not impose unacceptable impacts on existing or likely future development including issues of noise and disturbance. The proposed operating hours would accord with those approved for the adjoining commercial site assisting with enforceability.
- 16.21 Subject to these conditions the proposal is unlikely to result in additional harm to neighbours and could result in a betterment for the amenity of the occupants of the nearby dwellings compared to the lawful sawmill use, the operation of which was unfettered.
- 16.22 On this basis, it is considered the proposal is acceptable in respect of its impact on the amenity of adjacent residents and the application complies with Saved Policy DES2 of the East Dorset Local Plan and Policy HE2 of the Core Strategy.

Impact from pollution

- 16.23 Representations have been received that raise concerns over pollution arising from the B2 use. In this respect, the agent advises that:
- The applicants have a contract with BIFFA waste contractors and waste is removed on a fortnightly basis. Metal waste is taken to the scrapyard operated by G Sait at Ferndown Industrial Estate. All transfers are recorded.
 - The businesses do not carry out any operations likely to cause air pollution apart from exhaust fumes from the running of vehicles. No paint spraying or similar operations are undertaken, as they do not have appropriate facilities.
 - Fuels are stored in bunded tanks in accordance with ISO 9000 and government regulations for the safe storage of fuels.
 - Oils are stored on catch trays, meeting government regulations (Storing oil at your business - [GOV.UK \(www.gov.uk\)](https://www.gov.uk)).
 - Biodegradable hydraulic oil is used in all hydraulic systems on site (Terralus SB46) which if spilt is environmentally friendly. Spill kits are available in the yard and in every unit.
 - There is no runoff from vehicle washing or similar operations.
- 16.24 On the basis of the above, it is not considered there would be an adverse impact from pollution from the proposal as planning conditions should not duplicate other legislation (Control of Pollution Act 1974), which is in place to control pollution.

Economic benefits

- 16.25 Retention of the 4 small businesses operating from the site brings economic benefits from employment. The lawful use as a sawmill would also bring such benefits.

Highway impacts

- 16.26 The site is accessed via an unadopted road that is an unsurfaced gravel track that also serves the other businesses and properties in Uddens Drive. Dorset Council's Highways Officer has raised no objection on the grounds of highway safety.
- 16.27 The site's lawful use as a sawmill generated traffic movements and there are no planning conditions to limit the intensity of use of a sawmill operating from the site to restrict vehicle movements. From the information provided, the access track to the site is not in the applicant's ownership but this does not prevent a planning assessment as it is the applicant's responsibility to obtain the necessary permissions from whoever owns the access track to be able to use it and this is not a material planning consideration.
- 16.28 To understand the typical traffic flows from the site, the applicant has submitted the results of a traffic survey undertaken over a 4 week period on the track outside the site entrance.
- 16.29 This revealed a weekly average of 323 vehicles (646 movements) using the track in addition to 153 horse riders, bicycle and walker movements, of which 82 were visiting the application site and this number included an average of 1 heavy goods vehicle a week. On the basis of this information, the sawmills account for 25% of vehicular traffic using that part of the track.
- 16.30 This data would have included traffic movements to the unauthorised scaffolding businesses operating in 2023 which have ceased operations and mobile home (now removed from site), so it is anticipated that the number of vehicle movements would now be lower.
- 16.31 For the buildings at the site, the Dorset Council non-residential Parking Guidance anticipates that 14 spaces might be needed for the 420 sq metres of industrial floor space within the buildings and space for 2 HGVs. There is no guidance on pure changes of use of land without buildings. The number of proposed small vehicle spaces (10) fall short of this, but the application is retrospective, so the applicant has had the opportunity to assess the appropriate number of spaces to serve the use of the buildings. There is sufficient space for larger vehicles to turn on the site and the Council's Highways Officer has not objected on this basis. A condition (number 5) will direct vehicles to the proposed parking areas.
- 16.32 For the above reasoning, it is considered the proposal would not have an adverse impact on highway safety and there is adequate on-site parking proposed to serve the businesses operating from the site.

Impact on Public Rights of Way (PROW)

- 16.33 The application site is accessed from the west via an unmade track which also is a bridleway. The bridleway skirts round the east side of the land owned by the applicant where the buildings are located and continues to the northeast.
- 16.34 The proposed use of the site for B2 general industrial uses introduces 4 businesses to the site when 1 previously existed and this has potential to bring more vehicles to the site than the sawmill use as the businesses operated according to the agent are Vehicle repair; Repair & servicing of agricultural and horticultural machinery; Agricultural fabrication and Production of logs for fuel.
- 16.35 These uses attract vehicle movements from both small and large vehicles with these vehicles contributing to the wear and tear on the bridleway access which is the sole vehicular access to the site and such movements impact the rural character of the area and rural roads.
- 16.36 However, the sawmill use has no restrictions on traffic movements, and it is not considered the proposal may be reasonably resisted on the basis of additional traffic generation and its impact on surrounding rural roads.
- 16.37 The applicant's agent has advised that when in operation the sawmill had several HGV deliveries of raw timber every week, with numerous vans and lorries taking out the finished products. The yard was also open for the sale of timber fence panels direct to the public.
- 16.38 It is likely that a sawmill use would attract significant vehicle movements and the related planning permission 3/88/1427 has no restriction on traffic movements.
- 16.39 The proposal does not block or impede the PROW for other users, but the use of the site and the vehicle movements generated by it have an impact on the users of the PROW.
- 16.40 The applicant has undertaken a traffic assessment of vehicles using the access track and PROW over a period of 4 weeks and advises that on a weekly average these show 323 vehicles (646 movements) using the track plus 153 horse riders, bicycle and walker movements. Of the weekly average of 323 motor vehicles, 82 were taking access to the sawmills site and this number included an average of 1 heavy goods vehicle a week.
- 16.41 Consequently, the sawmills account for 25% of vehicular traffic using that part of the track. These figures do not include traffic movements to and from the residential properties, heathland and woodland that are located to the west of the site, due to the cameras not covering that part of the track. The 82 vehicles visiting the old sawmills would have included visits to the unauthorised scaffolding businesses operating in 2023 which have ceased operations and mobile home (now removed from site), so it is anticipated that the number of vehicle movements could now be lower.
- 16.42 Concerns have been raised in the representations received about the physical impact on the access track from vehicles visiting the site and on other users of this PROW. The track is used by multiple dwellings and businesses. Whilst impacts on the rural character of the track from additional traffic can be given some weight in the decision making, it is judged unreasonable to refuse planning permission for the current proposal for general industrial use of the site in the light of the lawful use as a

sawmill and fence making which has no restriction on intensity of use or vehicle movements.

- 16.44 The physical impact on the access track by vehicles being driven onto the edges of the track cannot be controlled in any planning permission and it is the responsibility of drivers of vehicles using the track to stay within the width of the access. Any damage to the PROW is controlled under rights of way legislation and is a private matter should such damage occur to land in the control of other parties.
- 16.45 The lawful right to use the access track to the site is not a planning consideration and it is the applicant's responsibility to obtain the necessary permissions for the use of this access. It is considered that the proposed general industrial use of the site cannot be reasonably resisted on the basis it would result in a harmful impact on the PROW.

Impact on Dorset Heathlands (Holt & West Moors Heaths)

- 16.46 Holt & West Moors Heaths is a Site of Special Scientific Interest (SSSI), which also forms part of the Dorset Heaths Special Areas of Conservation (SAC) and Dorset Heathlands Special Protection Area (SPA), known as 'Habitat Sites'. The map extract below shows the SSSI shaded purple, and the application site indicated with a red arrow:



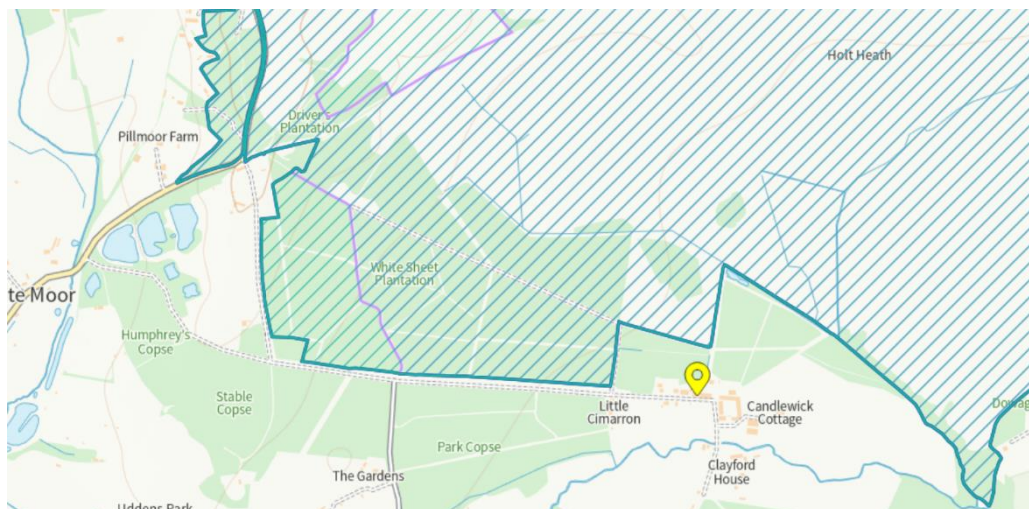
Environmental Impact Assessment (EIA)

- 16.47 The site is wholly outside the SSSI which is a sensitive area in respect of the Environmental Impact Assessment (EIA) Regulations 2017, but these are in close proximity.
- 16.48 The use of the buildings for general industrial use has potential for air and ground pollution arising from traffic movements associated with the businesses operating from them and the processes undertaken within them. The former use of the site for processing timber also had impacts from air pollution from machinery and traffic movements.

- 16.49 As set out above, a traffic assessment has identified that the trip rate associated with the development is limited.
- 16.50 The proposal has been screened in terms of whether an EIA is required, and the Screening Opinion has concluded that the Development is not likely to have significant effects on the environment and no EIA is needed.

Habitat Regulations Assessment (HRA)

- 16.51 The Dorset Explorer extract below shows the proximity of the Holt & West Moors Heaths Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA) Heathland to the site and access track.



- 16.52 The access track comes within 200m of the heathland for around 1200m and in this zone the Heathlands are sensitive to nitrogen deposition from road traffic.
- 16.53 The Council's Environmental Assessment Officer advises that the predicted average annual daily traffic flow screening threshold for a Habitat Regulations Appropriate Assessment in Natural England's guidance note on the assessment of road traffic emissions is 1000 and the threshold for HGV movements is 200.
- 16.54 The traffic generated by the site is currently 82 movements per week which is below the screening threshold and the same screening threshold 'in-combination' with other plans and projects which may result in an increase in combustion vehicle traffic on this section of the access must be considered.
- 16.55 At present there are no projects evident in the vicinity that are planned or being considered for planning permission that would generate traffic on the access track and so in terms of the in-combination effects, there would be none to add to the effects from the proposal.
- 16.56 A Habitats Regulations Assessment agreed by Natural England has concluded the proposal would not result in a significant impact on the heathlands with mitigation which has already been secured under the Dorset Heathlands Interim Air Quality Strategy 2020 to 2025. For these reasons there is therefore no need to secure further mitigation via conditions or a planning obligation.

Impact on biodiversity

- 16.57 The site area is 0.45 hectares and currently used for commercial purposes and is mainly covered by hard surfacing.
- 16.58 The Council's Natural Environment Team has advised that the limited habitat on site puts it outside the scope of Dorset Biodiversity Appraisal Protocol and the Protocol doesn't cover the indirect impacts mentioned by Dorset Wildlife Trust and the Forestry Commission and the Biodiversity Checklist does not require any surveys or a Biodiversity Plan

Flooding

- 16.59 The site is shown to be susceptible to high groundwater levels by the Council's Level 1 Strategic Flood Risk Assessment with a potential risk of flooding. Given the lawful use of the site for the B2 sawmill use, and no change in how surface water from the site would be disposed of, there is considered to be no increase in risk from groundwater flooding from the proposal.

Land ownership

- 16.60 The extent of land owned by the applicant has been questioned in the responses received to the application and it appears from land ownership maps provided by Forestry England that the red application site for the current application does not encroach onto land owned by Forestry England. The application site does not extend to the bridleway that provides access to the wider road network and the site plan submitted by the applicant does not show the bridleway to be in their ownership.

17.0 Conclusion

- 17.1 The proposal to authorise the use of the yard for general industrial uses ancillary to general industrial use of the existing buildings at the site can be made acceptable in accordance with the Development Plan by the imposition of conditions to restrict use of the yard to purposes ancillary to the B2 use of the buildings; restrict hours of use/for deliveries; limit number of businesses operating from the site to 4; prohibit use of power tools in the open; remove permitted development rights for new buildings, prohibit portable buildings and restrict height of outside storage to 2.6m.

18.0 Recommendation: Approve subject to the following conditions:

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

Location Plan

Drawing DPS 22/1109 G: Site Plan

Drawing DPS 22/1109 H: Site Plan

Drawing DPS 22/1109 J: Parking Plan

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) or any subsequent reenactment thereof, with or without modification, the site shall be used only for purposes ancillary to uses within Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order which is operating from Buildings 1 and 2 only and for no other purpose.

Reason: To control future uses in the interests of the character of the area and neighbouring amenity.

3. The site shall not be used for the purposes hereby permitted nor shall deliveries be taken or dispatched outside the hours of 08:00 to 18:00 on Mondays to Saturdays and at no time on Sundays or Public Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of occupants of adjacent residential properties.

4. The site shall only be used by a maximum of 4 businesses in operation at any time.

Reason: To minimise the generation of vehicular movements on the bridleway that serves as an access to the site.

5. Vehicles parked at the site shall only be parked in the spaces indicated on the approved Drawing DPS 22/1109J: Parking Plan dated 17/2/2023.

Reason: To limit the impact of parking on the Green Belt

6. There shall be no operation of power tools in the open outside the buildings.

Reason: In the interests of the amenity of occupants of adjacent dwellings

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended) no further industrial buildings shall be erected on the site. Additionally, there shall be no portable buildings placed on the land nor any caravan(s) sited on the land for purposes ancillary to the use of the land without express planning permission.

Reason: In the interests of the openness of the Green Belt and the to control the intensity of the use of the site with associated impacts on the character of the area and neighbouring amenity.

8. The height of any outside storage at the site shall not exceed 2.6m above ground level.

Reason: To limit the impact on the visual openness of the Green Belt and character of the area

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

2. The applicant is advised that the site is in an area where there is potential for a high risk of flooding from groundwater emergence. If contaminated water or other polluting liquids are produced on site then these must be correctly disposed of: [Pollution prevention for businesses - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/pollution-prevention-for-businesses).