

Application Number:	P/FUL/2023/03855		
Webpage:	Planning application: P/FUL/2023/03855 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Kemps Country House, Wareham Road, East Stoke		
Proposal:	Sever land and erect a dwelling with associated parking and access		
Applicant name:	MDM Developments Ltd & Char Bo Properties Ltd		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Wilson		
Publicity expiry date:	14 September 2023	Officer site visit date:	Case officer familiar with site from previous visits and regular passing
Decision due date:	30 September 2024	Ext(s) of time:	30 September 2024
No of Site Notices:	x1 – Telegraph pole to front of site		
SN displayed reasoning:	Visible to all passing on A352 and all neighbours		

1.0 The application has been referred to committee for consideration by the Nominated Officer

2.0 Summary of recommendation:

The committee GRANT planning permission subject to conditions as set out in Section 18 of this report.

3.0 Reason for the recommendation: as set out in paras 16 – 17 of this report and summarised as follows:

- Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- Dorset Council does not currently benefit from the provisions of paragraph 226 of the National Planning Policy Framework (NPPF) and therefore must demonstrate a five-year housing land supply. In the Purbeck area the published supply position of

3.73 years means that there is a presumption in favour of sustainable development as set out in paragraph 11 d) of the NPPF.

- Although outside a defined settlement boundary, the location of the development within the village of East Stoke is generally sustainable, and the proposal is acceptable in its scale and design and would not result in significant harm to the intrinsic character and beauty of the countryside.
- The adverse impacts of granting consent within the countryside are not considered to be so significantly and demonstrably harmful as to outweigh the benefits of the additional dwelling towards the area housing land supply.
- The proposal is acceptable in respect of impacts on highway safety, public rights of way, flood risk and drainage, biodiversity, and the Dorset National Landscape (DNL).
- There is considered to be no significant harm to neighbouring residential amenity.
- There will be no adverse effect on the integrity of designated sites (identified within the Appropriate Assessment).
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable - Supply of an additional dwelling in accordance with Policy H2 of the Purbeck Local Plan 2024. Outside of any settlement but the proposed dwelling benefits from the presumption in favour of sustainable development as set out in paragraph 11(d) of the NPPF.
Affordable Housing Provision	Policy requirement for provision not triggered.
Scale, layout, design, impact on character and appearance	Acceptable subject to conditions.
Impact on the Dorset National Landscape (formerly known as AONB)	Acceptable.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable.
Impact on protected trees	Acceptable subject to condition.
Flood risk and drainage	Acceptable subject to condition.

Highway impacts, safety, access, and parking	Acceptable subject to condition.
Biodiversity	Acceptable subject to condition.
Housing Delivery Test	In light of the lack of a 5-year housing land supply and the principle of ‘tilted balance’ of paragraph 11(d) of the NPPF, the adverse impacts of granting the consent for a new dwelling within the countryside are not considered to be so significantly and demonstrably harmful as to outweigh the benefits of the additional dwelling towards the area housing land supply.

5.0 Description of Site

- 5.1 The application site comprises an area of land located to the side (west) of Plot 1 on the Kemps Country House development. The site originally formed part of the curtilage of Plot 1 and has remained undeveloped since construction of the parent property as part of the original development of 6 dwellings.
- 5.2 The site is of a level finish and is enclosed by a 1.8m high close boarded fence on the rear boundary with the parent dwelling and a post and wire fence on the western boundary with the adjoining field. To the rear, the plot adjoins open fields. To the front, the site is set back from the road and has been subject of hard and soft landscaping, including provision of vehicular access (off the A352 to the south), parking, and bin storage in accordance with the former consent for six dwellings which is now complete.
- 5.3 Although located within the village of East Stoke, the settlement hierarchy for the Purbeck area identifies the village as ‘without a settlement boundary’ and the site therefore falls within the countryside. The Dorset National Landscape is located to the south, extending up to the southern edge of the A352. The site – including the adjacent residential development and Kemps Country House - is covered by a Tree Preservation Order and this includes trees on the western boundary of the application site.

6.0 Description of Development

- 6.1 The application proposed the severance of land forming Plot 1 and the erection of a two-storey, two-bedroom house on the western end of the existing terrace of three dwellings. Associated vehicular access, parking, and amenity space is to be provided.

7.0 Relevant Planning History

- 7.1 The application site has a long planning history with the most relevant applications (and appeals) summarised below:

Application number	Proposal	Decision	Comment
313229	Change of use of rectory to a guest house	Granted 1968	Condition limiting use of the guest house facilities to residents only

Eastern Area Planning Committee
31st July 2024

			later removed 6/1982/0093
6/1983/0076	Outline permission to Form flat in existing hotel and erect dining room extension, erect new buildings to form 2 storey block of six 2 bedroom accommodation units and extension to coach house to form further 2 bedroom unit, form car parking area, construct swimming pool and tennis court, form new vehicular access	Granted 1983	
6/1988/0095	Erect 2-storey block to form six g/floor bedrooms and bathrooms and first floor sauna and games room, form additional car parking	Granted 1988	
6/2009/0268	Erect two storey extension to the outbuilding known as The Coach House within grounds of Kemps Country House and change of use of the outbuilding from a use ancillary to the hotel to a unit of independent residential accommodation	Granted 2009	Permission extended in 2011 (6/2011/0723)
6/2015/0005	Change of use of Kemps Country House to 6 dwellings with associated alteration works, extension to the coach house, parking and landscaping.	Granted 2015	Not implemented
6/2015/0427	Variation of Conditions 5 & 7 of PP 6/2015/0005 (Change of use of Kemps Country House to 6 dwellings with associated alteration works, extension to the coach house, parking and landscaping)	Granted 2015	Allowed phased implementation of 2015 permission but not implemented

6/2016/0718	Outline permission to demolish existing annexe building and erect a terrace of six 3-bedroom dwellings and associated car parking with details of access, layout and scale	Granted 2017	S106 agreement secured £87,672 towards affordable housing. Not implemented
6/2017/0424	Reserved matters for the erection of six 3 bedroomed dwellings	Withdrawn 2017	
6/2018/0382	Full application for six dwellings	Refused 2018	Lack of affordable housing contribution
6/2018/0545	Two storey extension to the hotel	Granted 2018	
6/2019/0090	Demolition of the existing annexe building and erection of two terraces of three 3-bedroom dwellings and associated car parking	Granted 2019	Completed
P/FUL/2021/05599	Erection of 1no. 3 bed house	Refused 2022	Principle Overdevelopment Nutrient neutrality Flood risk
P/HOU/2022/06608	Two storey side extension	Granted April 2023	Extension to dwelling on plot 1

The current application again seeks planning permission to sever the land at the western end of the terrace (Plot 1) and erect a dwelling with associated parking and access.

8.0 List of Constraints

TPO (PDC/TPO 447)

Poole Harbour Nutrient Catchment Area

Dorset Heath Designation Buffer 5km

Legal Agreements S106 – Outline Consent 6/2016/0718 – affordable housing financial contribution. As no development was commenced under this permission, the s106 agreement ceases to have effect and the contribution for affordable housing is no longer applicable.

SGN - Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar) - Distance: 7.38

Groundwater – Susceptibility to flooding

Eastern Area Planning Committee
31st July 2024

Area of Outstanding Natural Beauty (AONB): Dorset - Distance: 8.45 (statutory protection Local Planning Authorities to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 3854.1

Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 4190.66

Site of Special Scientific Interest (SSSI) impact risk zone – To enable the identification of potential risk posed by new residential development proposals to nearby SSSIs, SACs, SPAs and Ramsar sites.

Minerals and Waste Safeguarding Area - ID: 31

Minerals and Waste Safeguarding Area - ID: 3081

Minerals and Waste - Waste Consultation Area - Name: EAST STOKE

Mineral and Waste - Ball Clay Consultation Area

Minerals and Waste - Sand and Gravel

Minerals and Waste - Safeguarding Sites - Name: EAST STOKE; - Distance: 230.38

Radon: Class: Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. **Natural England**

No consultation response received to Appropriate Assessment completed by the Council's Environmental Assessment Team on 28th June 2024.

2. **Southern Gas Networks**

Plans provided showing location of SGN assets within proximity of site – medium and low pressure mains, connections, poles.

3. **Dorset Council – Highways Engineer**

No objection subject to condition to secure turning/manoeuvring and parking construction as submitted.

4. **Dorset Council - Trees (East & Purbeck)**

No objection subject to condition requiring implementation of Tree Protection and landscaping condition to replace lost hedges / trees on western site boundary.

5. Dorset Council - Flood Risk/ Drainage Engineer

Verbal comments 28/11/23:

Groundwater flooding susceptibility but no ponding of surface water on the site so flood risk unlikely.

Surface water drainage scheme submitted – surface water will be piped to existing attenuation tank and discharged to water course on other side of road (as per existing dwellings).

Attenuation tank has capacity including for climate change allowance.

No objection. Condition implementation of details.

6. Dorset Council - Building Control

No comments received.

7. Dorset Council – Minerals and Waste Team

Part of the site where the proposed development is located is not within the Minerals Safeguarding Area.

In this case, the mineral safeguarding requirement is waived, and no objection will be raised to this proposal on mineral safeguarding grounds.

8. East Stoke Parish Council

Overdevelopment of the site

Is there a need for an additional property when the recently built ones have not been sold?

The CIL for the whole site needs to be investigated

Confirmation is required that the proposed property will be on mains drainage

9. Ward Member(s) – Cllr Brooks prior to May 2024 local elections

Object strongly.

The existing houses have not sold despite a reduction in price.

Houses are too small, with very little room for a family to actually live in.

Little or no room in the gardens - a shed, which would be a necessity, would take up a lot of the available space.

There are no garages.

Proposed dwelling seems even smaller and not in keeping.

History of submitting single applications for the avoidance of CIL on this site which I consider to be a material consideration.

Flooding from surface water at the rear when we have severe weather conditions.

Concerns over the shared sewage facility.

Over development of the site.

Representations received

A site notice was displayed to the front of the application site. One third-party neighbour representation was received.

Total - Objections	Total - No Objections	Total - Comments
1	0	0

Summary of comments of objections:

Trees on boundary covered by TPO. Majority of natural boundary decimated by development. Further development will damage remaining trees.

Site already overdeveloped.

More drainage problems and noise. Risk of noise will increase by side door instead of front.

10.0 Duties

10.1 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.

10.2 Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)

11.0 Relevant Policies

Development Plan

The Purbeck Local Plan (2018-2034) Adopted 2024 – Date of adoption 18/07/24

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape

Policy E4: Assessing flood risk

Policy E5: Sustainable drainage systems (SuDs)

Policy E7: Conservation of protected sites

Policy E8: Dorset heathlands

Eastern Area Planning Committee
31st July 2024

Policy E9: Poole Harbour

Policy E10: Biodiversity and geodiversity

Policy E12: Design

Policy H2: The housing land supply

Policy I2: Improving accessibility and transport

Policy I3: Green infrastructure, trees, and hedgerows

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.

The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five-year supply. In the Purbeck area the published supply position of 3.73 years means the tilted balance in paragraph 11 of the NPPF is engaged for every application. The delivery of additional housing to meet the shortfall in supply should therefore be given significant weight in planning decisions.

Emerging Neighbourhood Plans

N/A

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant

policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.

Section 11 'Making effective use of land'

Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Section 14 'Meeting the challenges of climate change, flooding and coastal change'

Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Nitrogen Reduction in Poole Harbour SPD Adopted

Consultation Report - Nitrogen Reduction in Poole Harbour SPD

Eastern Area Planning Committee
31st July 2024

Consultation Statement - Nitrogen Reduction in Poole Harbour SPD

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Bournemouth, Poole and Dorset residential car parking study May 2011 – guidance.

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.

Dorset Level 1 Strategic Flood Risk Assessment 2024

Purbeck District design guide supplementary planning document adopted January 2014.

Purbeck Housing Land Supply report (April 2023)

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted March 2020.

British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

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 proposed development would not disadvantage persons with protected characteristics.

14.0 Financial benefits

What	Amount / Value
Material Considerations	
N/A	N/A
Non-material Considerations	
Council Tax	£2427.03 (based on average Council Tax Band D)
CIL	To be collected in accordance with SPD contribution requirements

15.0 Environmental Implications

15.1 The proposal is for a single dwelling which will be constructed to current building regulations standards. Suitable drainage will prevent any additional impact on terms of flood risk. Landscaping and biodiversity measures will be secured.

16.0 Planning Assessment

Principle of development

- 16.1 The proposal would supply an additional dwelling in accordance with Policy H2 of the Emerging Purbeck Local Plan. However, the application site is located outside a settlement boundary and in the countryside as defined by Policy V1: Spatial strategy for sustainable communities and the settlement hierarchy of the Purbeck Local Plan. Paragraph 180(b) of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Impact of the proposal on the countryside is therefore a key consideration.
- 16.2 Application 6/2019/0090 for the 6 dwellings erected on the site noted that the replacement dwellings would not harm the intrinsic character and beauty of the countryside at this location as the principle of demolition and replacement was long established. The dwellings were located within an area of land outlined on the Council's Brownfield Register Part 1 (Ref: BR/11/003) and the site was considered to be suitable, available, and achievable for housing development. For these reasons, the proposed dwellings were acceptable in accordance with the Local Plan policy in place at that time - Policy CO of the Purbeck Local Plan 2012.
- 16.3 Officers considered the same issue of impact on the countryside in relation to the formerly refused application for an additional end of terrace dwelling (P/FUL/2021/05599). It was determined that the built form of the approved and implemented dwellings (6/2019/0090) already exceeded the western edge of the former hotel annexe footprint and resulted in additional mass above the 1.5 storey former chalet bungalow accommodation. Officers considered that the addition of a single dwelling on the end of the existing terrace, outside the area of land on the Brownfield Register, could not be considered as a 'replacement building' within the countryside in the same manner as the former application for six dwellings; the new

dwelling did not accord with Policy CO (in place at that time). In addition, at the time of determination of P/FUL/2021/05599, the Purbeck Area had a deliverable housing supply equivalent to 5.15 years, the principle of 'tilted balance' was not triggered, and the proposal was found to be contrary to policy.

- 16.4 The additional dwelling proposed by the current application would again result in a built form within the countryside that would extend beyond the identified brownfield land and would exceed the western edge of the former hotel annexe footprint. It does not fall within any of the criterion of paragraph 84 of the NPPF in respect of the development of isolated homes in the countryside.
- 16.5 Officers have re-considered whether the additional dwelling would form an acceptable and effective use of land given the previously developed land (PDL) classification of the former application site. The NPPF definition of PDL is as follows:
- 'Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure...'***
- 16.6 Whilst the application site is located outside the red line of the brownfield land register listing, it is considered to fall within the curtilage of previously developed land. Nevertheless, it should not be assumed that this means that the site should be developed.
- 16.7 However, the Council is no longer able to demonstrate a 5-year housing supply for the Purbeck Plan area, and therefore the housing policies in the Purbeck Local Plan 2024 are considered to be out of date. In accordance with paragraph 11(d) and footnote 8 of the NPPF, the principle of 'tilted balance' is to be applied to the assessment of this application (see housing delivery test section below). It is necessary for officers to consider whether the proposal would result in harm to any protected areas or assets of particular importance as identified in the NPPF, or whether the adverse impacts of granting planning permission would result in harm that would be significantly outweighed by the benefits of the provision towards the housing supply.

Affordable Housing Provision

- 16.8 The officer report for former application 6/2019/0090 confirmed that the former single planning unit of the site had, through various consents and changes to planning units, been subdivided into separate planning units (of which the former annexe was one) and that this process – which had not been manipulated – produced exemption from affordable housing provision. The application did not meet Planning Practice Guidance requirements in relation to affordable housing provision and none was required as part of the scheme.
- 16.9 Updated Planning Practice Guidance (Planning Obligations - Paragraph: 023 Reference ID: 23b-023-20190901) states:

Planning obligations for affordable housing should only be sought for residential developments that are major developments...

For residential development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

In designated rural areas local planning authorities may instead choose to set their own lower threshold in plans and seek affordable housing contributions from developments above that threshold...

- 16.10 Policy H11: Affordable Housing of the Purbeck Local Plan 2024 sets a lower affordable housing threshold for designated rural areas and requires the provision of 20% affordable housing – in the form of a commuted sum - for proposals of 2 – 9 dwellings. The current proposal for a single dwelling does not trigger the new affordable housing requirement.

Scale, layout, design and impact on the character and appearance of the area

- 16.13 The development site is positioned in the countryside and is surrounded by agricultural land apart from the new development of six dwellings and Kemps Hotel to the east. The six approved dwellings are complete and sold / subject of marketing. The houses are set back from the road (A352) with an informal grass area, parking, and landscaping to the front.
- 16.14 The two existing terrace blocks are very similar in design and appearance. They comprise two gable ended properties and a central pitched roof property with dormer window feature. At ground floor level, projecting windows and porch canopies are recurrent features. The two blocks measure approximately 17.5m by 9.5m with a 1m gap in between and wider spaces to each side. The dwellings have been orientated East - West to face the road. At its highest point, at the top of the gable, the buildings are approximately 9m high. Chimneys are included on the front roof slope and design features replicate those of Kemps Hotel.
- 16.15 Neighbour comments have raised concern over the additional built development including overdevelopment of the site, encroachment on the western boundary, and harm (historic and new) to landscape screening which has historically softened built development on the site. The former refusal for a larger new dwelling (P/FUL/2021/05599) identified that the proposal would cause harm to the spacious rural western edge of the development and would not make a positive contribution or enhancement to the prevailing rural character and appearance of the area.
- 16.16 The new dwelling would form a continuation of the existing western terrace of three dwellings and would not appear incongruous within the street scene. It would be of the same size, height, design, and external appearance as the recently approved extension to Plot 1 (P/HOU/2022/06608) and would relate well to the built character of its setting. An area of side garden is retained between the proposed extension and the western site boundary, retaining a greater width than was proposed as part of the previous refusal for an attached dwelling. The existing open and green character on the western edge of the site is better retained with a reduction in perceived intrusion into the countryside. Overall, the scale, design, and external appearance of the proposal is considered acceptable within its setting.

- 16.17 Materials are to match the existing development and include white render and hanging tiles on the walls, clay effect roof tiles and upvc sash windows as detailed on the submitted plans and within the application form.
- 16.18 The Council's Tree Officer has recommended that a condition is included on the decision requiring a landscaping and planting plan for the western boundary of the site to restore much of the boundary screening that has previously been lost. This will serve to soften the impact of the new and existing development within countryside views, thereby delivering betterment to the countryside character (condition 6).
- 16.19 In summary, officers consider that the combination of the reduced width of the dwelling, the retention of a wider area of garden to the side and betterment to be secured in the form of landscaping and planting conditions, is sufficient to overcome the previous reason for refusal on character grounds. The proposal is considered to accord with Policy E12: Design of the Purbeck Local Plan 2024.

Impact on the Dorset National Landscape (formerly known as AONB)

- 16.20 The land on the opposite side of the A352 is designated as part of the Dorset National Landscape (DNL) (formerly known as AONB). The 'Landscape Character Assessment and Management Guidance for the Dorset AONB' (2008) describes this part of the DNL as 'Frome Valley Pasture'. It notes that the landscape in this area is typified by a flat river flood plain with small wet woodlands, wet winter flooded grass lands, and an extensive pattern of water meadows. The Assessment states that the character of the landscape in this area is strong but also notes that pylons and roads running close to valley floor do cause harm to the condition of the landscape.
- 16.21 The proposed dwelling is located within the curtilage of the existing development and Kemps House with additional soft landscape proposed. As such, officers consider that the proposal would avoid adverse impacts on the landscape character of the DNL to the south, and the proposal accords with Policy E1: Landscape of the Purbeck Local Plan 2024.

Impact on neighbouring and future occupier amenity

- 16.22 The closest neighbouring home to the west (Grange View) is approx. 80 metres away from the proposed dwelling. Comments of objection have been received from the occupants of this property in respect of noise, loss of the natural boundary, overdevelopment, and flood risk.
- 16.23 Existing trees and other vegetation screens views between the two dwellings. A landscaping condition will be applied to the decision to secure betterment in terms of additional planting which will further screen the additional dwelling in views from the west. In terms of noise, the residential use is not considered to result in additional demonstrable harm to the neighbouring amenity above that already established by the existing development of 6 dwellings.
- 16.24 Directly to the east, the new house would adjoin the existing terrace with no harmful impacts on neighbours. Impacts on neighbouring amenity are therefore considered

to be acceptable in accordance with Policy E12: Design of the Purbeck Local Plan 2024.

Amenity for future occupiers

- 16.25 The former Ward Member (Cllr Brooks) raised an objection to the proposal that includes concern over the small size of the proposed dwelling.

The NPPF (paragraph 63) notes that *‘.....the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.....’*.

- 16.26 The Purbeck Local Plan 2024 is silent on the minimum space standards for properties, but officers consider that the living space provided remains an appropriate consideration in light of the requirements set out at paragraph 135 of the NPPF that developments should *‘function well...’* and *‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...’*

- 16.27 The gross internal floor area of the proposed dwelling has been compared with the Nationally described space standards (DCLG guidance ‘Technical housing standards – nationally described space standard’ 2015) for new 2 bedroom dwellings in the table below. Officers have taken account of the impacts on low headroom on the useable gross internal. When the internal floor area provision is considered against the national standards (see table below), the usable floor space falls short.

Number of bed spaces	National minimum internal floor area (m ²)	Proposed total internal floor area (m ²)	Proposed ‘useable’ internal floor area (m ²)	Deficit (m ²)
4	79	69	62	10 – 17
3	70	69	62	1 - 8

- 16.28 As the table shows, the proposed level of internal floorspace provision for a 2-bedroom 3-person dwelling is below but does not fall significantly short of the nationally described space standard. In the absence of a local policy, officers consider that the proposed dwelling - whilst small in size - would provide an adequate standard of accommodation and amenity for future occupiers. The proposal is therefore considered to accord with paragraph 135 of the NPPF and Policy E12: Design of the Purbeck Local Plan 2024.

Impact on protected trees

- 16.29 There are a number of trees located along the western boundary of the site within proximity of the new dwelling. Some of the trees are protected by a Tree Preservation Order. The application is supported by a Tree Survey and Tree Protection Plan which has been considered by the Council’s Tree Officer. The Tree Officer has raised no objection subject to conditions in respect of implementation of the tree protection and a landscaping / planting scheme for replacement tree and hedgerow along the western boundary of the site in the interest of visual amenity. On

this basis, the proposal is considered to accord with Policies E12 and I3 of the Purbeck Local Plan 2024 in respect of tree impacts.

Flood risk and drainage

- 16.30 The Dorset Level 1 Strategic Flood Risk Assessment mapping indicates that the site to be in Flood Risk Zone 1, and in this respect the development would be acceptable. However, the mapping indicates that the site is in an area which is susceptible to groundwater flooding, and parts of the A352 in proximity of the site are at low risk of surface water flooding (1 in 1000-year extent). Officers have considered the available evidence in respect of flood risk from groundwater and have identified that drainage works undertaken in relation to the previous housing development have already reduced the flood risk to a low level so that a sequential test is not required.
- 16.31 The application form advises that surface water drainage will be dealt with by way of a soakaway. However, during the course of the application process, and in response to officer concerns, the applicant has submitted an alternative surface water drainage scheme for consideration. This details that surface water from the new dwelling will be collected by the existing attenuation tank on the site and discharged to a watercourse on the other side of the road (as per the existing dwellings). Should ground water levels rise, the existing attenuation tank has capacity – including for a climate change allowance – to store the additional water before discharge at an attenuated rate to the nearby watercourse. On this basis, the Council's drainage Engineer considers that the proposed scheme is acceptable.
- 16.32 Subject to a condition on the decision requiring full implementation of the submitted scheme, the proposal is considered to accord with Policies E4: Assessing flood risk and E5: Sustainable drainage systems of the Purbeck Local Plan 2024.

Highway impacts, safety, access, and car parking

- 16.33 The new dwelling would be accessed via the existing vehicular access to the site (as approved by 6/2019/0090). The Council's Highways Engineer has considered the arrangements for the additional dwelling and has raised no objection subject to a condition (no occupation until turning / parking provided) and informative note on the decision.
- 16.34 Two additional car parking spaces would be provided to serve the new dwelling and this accords with County Parking guidance.
- 16.35 The proposal is considered to accord with Policy I2 of the Purbeck Local Plan 2024.

Biodiversity impacts

Biodiversity Impacts

- 16.36 Condition 9 (Biodiversity Plan) of approval 6/2019/0090 for the residential development of 6 dwellings required the provision of three bat tubes to be built into the west elevation of the end of terrace dwelling (the parent dwelling). Photographs provided by the agent in respect of the approved householder application confirmed that the bat tubes had been provided on site since November 2022.

- 16.37 An informal response from the Council's Natural Environment Team has advised that if the application is approved, a condition is required on the decision requiring the bat tubes to be checked for use by an ecologist with a bat licence prior to the construction of the dwelling, and for the tubes to be replaced like for like on the western elevation of the new dwelling (condition 3). This will ensure that the requirements of the implemented Biodiversity Plan for the site continue to be met in accordance with Policy E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Appropriate Assessment

- 16.38 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The site also falls within the Poole Harbour Nutrient Catchment Area. The proposal for a net increase in residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the sites.
- 16.39 An Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the Natural Environment and Rural Communities Act 2006 and the NPPF, which shows that there is no unmitigated harm generated by the proposals to interests of nature importance. Mitigation in relation to impacts on Heathland and Poole Harbour will be secured through the CIL.
- 16.40 The proposed development is considered to comply with Policies E7: Conservation of protected sites, E8: Dorset heathlands, E9: Poole Harbour, and E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Other considerations

- 16.41 The former Ward member (Cllr Brooks) raised an objection to the proposal if the application has been submitted to avoid CIL contributions. The CIL payment for application 6/2019/0090 was fully discharged in October 2021. The current application is also CIL liable as detailed above.
- 16.42 The site lies within an area of minerals safeguarding. The Council's Minerals and Waste Policy team have been consulted on the proposal and have confirmed that there is no objection to the proposed development within the safeguarding area.
- 16.43 SGN (Southern Gas Networks) and SSEN (Scottish and Southern Electricity Networks) consultation responses have provided information in respect of their assets (pipes and cables) that may be affected by the proposal. An informative note is recommended on the decision in this respect.

Housing Delivery Test and 'Tilted Balance' Assessment

- 16.43 The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset

Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five-year supply.

16.44 The Purbeck area has a published housing land supply position of 3.73 years. Therefore, in accordance with paragraph 11(d) of the NPPF, it is judged that the Purbeck housing policies are out of date and a presumption in favour of sustainable development applies. In this case, the housing policies are the most important for determining the application, and permission should be granted unless:

i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

16.45 In this case, in light of the lack of a 5-year housing land supply and the principle of 'tilted balance', it is considered that the benefit of the dwelling towards the area housing supply is not outweighed by any identified adverse impacts of the proposal. Whilst the proposal does not meet the exceptions of paragraph 84 of the NPPF in respect of the development of isolated homes in the countryside, the adverse impacts of granting the consent on this site within the countryside are not considered to be so significantly and demonstrably harmful as to outweigh the benefits of the additional dwelling towards the area housing land supply.

17.0 Conclusion

17.1 For the above reasons, the application is judged to accord with the development plan as a whole.

18.0 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:

9034/600 A Location & block plan

9034/601 A Proposed floor plans and Elevations

9034/602 Proposed street scene

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

3. Prior to the commencement of development, the bat tubes on the west elevation of the existing end of terrace dwelling - as provided in accordance with Condition 9 of the approved Biodiversity Plan for consent 6/2019/0090 -

shall be checked for use by a bat licensed ecologist. If bats are not found to be using the tubes, they shall be replaced like for like on the western elevation of the new extension. If bats are found to be using the tubes, the development must not commence until full details of proposed mitigation in the form of a Biodiversity Plan has first been submitted to and agreed in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.

Reason: In the interest of nature conservation and to ensure that the requirements of the approved Biodiversity Plan for the site (6/2019/0090) continue to be met.

4. Before any works commence on the site, the tree protection measures shown on Mark Hinsley Arboricultural Consultants Ltd Drawing 6822: Tree Survey and Tree Protection Plan shall be installed in accordance with the details shown and once erected, photographs of the fencing in situ shall be submitted to and approved by the Local Planning Authority prior to works commencing on this part of the site. The fencing shall remain in place for the duration of the construction works.

Reason: In order to prevent damage during construction to trees that are shown to be retained on the site.

5. The development hereby approved shall proceed only in accordance with the surface water drainage scheme by Such-Sallinger-Peters Consulting Engineers dated 16th November 2023 and submitted on 16th November 2023.

Reason: To avoid drainage problems as a result of the development with consequent flood risk.

6. Prior to any development above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

7. The external materials to be used for the walls and roof shall be similar in colour and texture to the existing building.

Reason: To ensure a satisfactory visual appearance of the development.

8. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans.

Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

Informative Notes:

1. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
2. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
3. The applicant is advised to refer to Southern Gas Network's (SGN's) and Scottish and Southern Electricity Networks (SSEN's) consultation responses for this planning application, and also to refer to the guidance provided in respect of their assets in proximity of the proposed development.

4. Street Naming and Numbering

The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering

5. 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.