

Application Number:	P/FUL/2024/00337		
Webpage:	Planning application: P/FUL/2024/00337 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Mushroom Field, Furzebrook Road, Stoborough		
Proposal:	Create vehicular access		
Applicant name:	Mr Matthew Jones		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Wilson		
Publicity expiry date:	30 April 2024	Officer site visit date:	13/03/24
Decision due date:	3 June 2024	Ext(s) of time:	3 June 2024
No of Site Notices:	1 – on post to front of site / proposed access – site notices displayed for both original and amended plans		
SN displayed reasoning:	Visible from road and to all neighbours near proposed access		

1.0 The application comes before the Planning Committee for consideration at the request of the nominated officer.

1.0 Summary of recommendation:

The committee be minded to 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 Compulsory Purchase Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that decisions should apply a presumption in favour of sustainable development where it accords with an up-to-date development plan.
- The principle, scale, design, and impact of the development is acceptable and would not result in significant harm to the general character and appearance of the area.

- 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 are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable -The application is supported by sufficient justification and evidence to determine that subject to condition, the proposal is acceptable in principle in the countryside.
Impact on the character and appearance of the area including the Dorset National Landscape (DNL) (former Area of Outstanding Natural Beauty (AONB))	Acceptable - The application is supported by sufficient justification and evidence to determine that subject to condition, the proposal is acceptable and would seek to further the purposes of conserving and enhancing the natural beauty of the Dorset National Landscape (formerly known as AONB).
Impact on neighbouring amenity	No demonstrable harm.
Impact on hedgerows and biodiversity	Acceptable subject to condition.
Highway Safety	Acceptable subject to condition.
Flood Risk / Drainage	Acceptable.

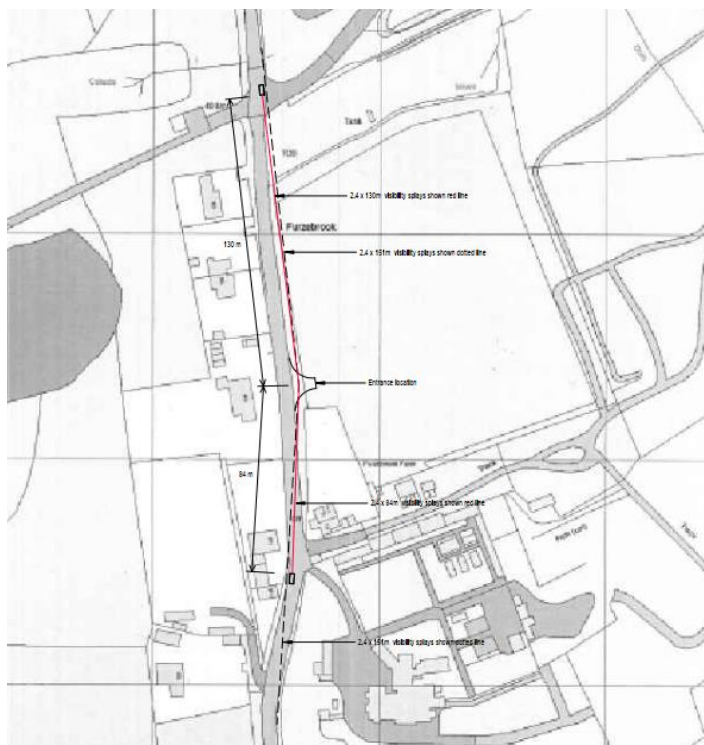
5.0 Description of Site

- 5.1 The application site consists of a relatively level area of land including highway grass verge, a stretch of native hedgerow, and a small area of agricultural field.
- 5.2 The site is located to the east of Furzebrook Road. The residential property of 136 Furzebrook Road lies opposite and the residential properties of 71 and 73 Furzebrook Road and their gardens are to the south.
- 5.3 Furzebrook does not have a settlement boundary and the site is located within the countryside. It is also within the Dorset National Landscape.

6.0 Description of Development

- 6.1 The proposal is to create a new vehicular access to Mushroom Field off Furzebrook Road.

Location of proposed access:



7.0 Relevant Planning History

- 7.1 6/1977/0527 - Erection of an overhead line, on wood poles – Granted 23/11/1977.
- 7.2 P/FUL/2023/05723 - Create new access from Furzebrook Road – Refused 13/12/2023. Reasons for refusal:

'1. By reason of a lack of supporting information and justification, officers are unable to determine that the proposed new access is essential within the countryside location and would not result in significant adverse visual, ecological or traffic movement impacts. The construction of the new access and the associated loss of 6 m of hedgerow would not make a positive contribution to the local landscape character, biodiversity, and the intrinsic character and beauty of the countryside in the rural location. As such, the proposal is contrary to paragraph 174b of the NPPF and Policy CO: Countryside of the Purbeck Local Plan 2012.

2. Given the lack of submitted justification of the essential or public interest need for the new access, officers are unable to determine that the proposal would not result in harm to the appearance, setting, or character of the National Landscape (AONB) As such, the proposal is contrary to paragraphs 174 (a), 176, and 177 of the NPPF; Policies LHH: Landscape, historic environment and heritage and D: Design of the Purbeck Local Plan 2012; and Policy C1(a) of the Dorset AONB Management Plan 2019 – 2024.

3. On the basis of the submitted information, officers are unable to determine that the proposal would not result in harm in respect of highway safety at the junction with Furzebrook Road and traffic movements associated with the use of the field. As such, the proposal is contrary to paragraphs 110 and 111 of the NPPF and Policy IAT: Improving Accessibility and Transport of the Purbeck Local Plan 2012.'

8.0 List of Constraints

Poole Harbour Nutrient Catchment Area; Poole Harbour

Neighbourhood Area; Name: Church Knowle; Status Designated 23/05/2022

Risk of Surface Water Flooding Extent 1 in 1000 (low risk) - across part of the proposed access

Groundwater – Susceptibility to flooding – entire site access

Dorset National Landscape (formerly known as Area of Outstanding Natural Beauty (AONB)) - statutory protection - Local Planning Authorities should seek to 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)

Site of Special Scientific Interest (SSSI) impact risk zone – To enable the identification of potential risk posed by development proposals to nearby SSSIs, SACs, SPAs and Ramsar sites – not relevant for proposed vehicle access.

Dorset heathlands - 400m heathland buffer

Poole Harbour Catchment Area

Minerals and Waste: Safeguarding Area & all Clay Consultation Area

Radon: Class: Class 1: Less than 1%

ONR Winfrith : Magnox 12km zone & Tradebe Inutec_12km_zone

High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar)

Natural England Designation - RAMSAR: Poole Harbour (UK11054) - Distance: 2688.56 & Dorset Heathlands (UK11021) - Distance: 3158.16

9.0 Consultations

- 9.1 The application was advertised by site notice to the front of the site. A new site notice was displayed providing notification of the receipt of amended plans. All consultee responses can be viewed in full on the website.

Consultees

1. **Ramblers Association**

No comments received to original or amended plans.

2. **Dorset Wildlife Trust**

No comments received to original or amended plans.

3. **Dorset National Landscape (AONB) Team**

Original Plans:

The Council's duties toward the National Landscape have recently been updated.

Given the similarities between this application and P/FUL/2023/05723, the National Landscape Team's observations are largely unaltered.

Management Plan Policy C1.a. states that Development that does not conserve and enhance the AONB will only be supported if it is necessary and in the public interest.

The need for the new access is not clearly evidenced, although the desire for this is now explained in greater detail.

Were a new access deemed to be strictly necessary, impacts would need to be minimised in terms of width and the construction specification.

The proposed 6 m double gated arrangement is wider than commonly required.

The specification for construction of the access is not detailed.

Amended plans:

No comments received.

4. Dorset Council Rights of Way Officer

No objection. Throughout duration of development the full width of the public bridleway must remain open and available to the public, with no materials or vehicles stored on the route.

5. Dorset Council Highways Officer

Original Plans:

Further information required to assess highway and traffic impacts.

Amended Plans:

Applicant has submitted further information and amended visibility splays to support the proposal.

The visibility splays must be achievable within the highway control or applicant's land. It is reasonable for the splay to the south to be taken to the nearest tangent point along the carriageway edge but equally unlikely for vehicles to be overtaking on a bend and speeds will reduce accordingly to the road alignment.

The applicant states that there is no existing or alternative vehicular access from the application site.

The applicants swept path drawing exceeds typical access radius for agricultural use and demonstrates for the use of vehicle/s proposed predicted to be 10 two-way movements per day, with capacity on site for turning in a forward gear.

Site has been visited and proposal fully assessed.

No objection subject to conditions and informative notes.

6. Church Knowle Parish Council

Original Plans:

Concur with the reasons given by Dorset Council for the refusal of P/FUL/2023/05723.

Further observe that the proposal is within 400m of protected heathland.

Amended Plans - Comments received late on 15/05/24:

Object.

Works within 400m of SSSI.

There is an existing entrance to field.

Will involve building over culvert.

Re-submission of application that was refused (P/FUL/2023/05723) – Parish Council concurs with conclusions of the officer's report.

7. Ward Members- Cllr Brooks prior to May 2024 local elections

Original Plans:

Noted the comments from Landscape England about additional evidence submitted.

Trying to balance the requirements of the new guidance with the needs of agriculture and whether it would be in the public interest, I feel the applicant has tried hard to address these.

No objection

Amended Plans:

No objection.

Representations received

Total - Objections	Total - No Objections	Total - Comments
5	0	0

Summary of comments of objection:

- Furzebrook Road has an unrestricted speed limit, no pavements, no lighting, along with bad drainage, making it dangerous for pedestrians and cyclists.
- More development could create even more traffic.
- Loss of section of hedgerow will impact on declining wildlife.
- There is already access to Mushroom Fields at Furzebrook farm.
- Cumulative impact of lots of development on residents.

- Speculation that the applicant is planning to use field as a car park for a Garden Centre and Tearooms.
- No public benefit.
- Vehicles are already able to access the field as evidenced by SSE maintenance.
- There is no evidence of traffic 'backing-up' at existing entrance.
- Existing access could be widened.
- Will urbanise countryside.
- Access from Furzebrook Farm onto Furzebrook Road is less than ideal but standard farm gate should suffice.
- Verges do not need destroying by implementing hard surface splaying of the entrance, which may adversely impact on the surface water drainage of Furzebrook Road.

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 E10: Biodiversity and geodiversity

Policy E12: Design

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.

Emerging Neighbourhood Plans

Church Knowle Neighbourhood Plan- In preparation – limited weight applied to decision making.

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

Section 4 'Decision 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 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 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 (National Landscapes) 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

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.

Purbeck District Design Guide SPD

Purbeck Strategic Flood Risk Assessment 2018

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

13.1 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.

13.2 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.

13.3 It is considered that the proposed development would not disadvantage persons with protected characteristics.

14.0 Financial benefits

14.1 None.

15.0 Environmental Implications

15.1 The proposal is for a new vehicular access to an agricultural field. Replacement native hedgerow planting will be secured.

16.0 Planning Assessment

Proposal

16.1 As with the former refused application (P/FUL/2023/05723) the current proposal is to create a new vehicular access to serve an area of agricultural land known as 'Mushroom Field' (4.31 acres) which is located to the east of Furzebrook Road. The application site includes the new entrance and areas of highway verge for the proposed visibility splays.

16.2 Opposite and to the south are residential dwellings and Furzebrook Farm. To the north of the field is an 'Imerys' Ball Clay works site exit and a dividing narrow area of woodland. To the east of the field is agricultural land and heathland that appears to form part of the Furzebrook Estate / Blue Pool visitor attraction.

16.3 The original plans proposed:

- New vehicular access 6 m wide allowing for a double timber gate (5 bar) set back 10m from the nearest edge of Furzebrook Road.
- Removal of approx. 6 m of hedgerow along Furzebrook Road with replanting proposed along both side of the new access.
- An inward opening gate set back 10m from the nearest edge of Furzebrook Road with a gravel finish surface proposed up to the highway.
- Visibility splay of 3 m x 40 m along Furzebrook Road.

16.4 In response to Case Officer and Highway Engineer comments, amended plans were submitted during the application process proposing:

- New vehicular access 4.8 m wide allowing for single brace wooden field gate set back 10m from the nearest edge of Furzebrook Road.
- Radius at site entrance of 10 metres to accommodate single unit trucks and tractors etc without encroaching onto opposite of road.
- Amended visibility splay of 2.4 m x 151 m along Furzebrook Road.
- Removal of approx. 6 m of hedgerow along Furzebrook Road with replanting proposed along both side of the new access.

16.5 A full 14-day re-consultation was undertaken on the amended plans from 11th April to 25th April 2024. This included the display of a new site notice to the front of the application site.

Application justification

- 16.6 The former application was refused on three grounds (detailed in history section above), two of which included a lack of supporting information and justification to determine that the proposal was acceptable within the countryside and Dorset National Landscape. The current application must therefore be supported by adequate information and justification to demonstrate that:
- (i) the proposed access is essential within the countryside location and would not result in significant adverse visual, ecological or traffic movement impacts.
 - (ii) the construction of the proposed access and the associated loss of 6 m of hedgerow would make a positive contribution to the local landscape character, biodiversity, and the intrinsic character and beauty of the countryside in the rural location.
 - (iii) the proposed access is essential or in the public interest, and would not result in harm to the appearance, setting, or character of the Dorset National Landscape (formerly known as AONB).
- 16.7 In addition, the application needed to demonstrate that the proposed access would not result in harm in respect of highway safety at the junction with Furzebrook Road and traffic movements associated with the use of the field.
- 16.8 The submitted Design and Access Statement (D & AS) (dated 15th January 2024) and additional supporting information submitted in March 2024 advises that
- There is no formal access to Mushroom Field through Furzebrook Farm due to division of the Furzebrook Estate in 2019.
 - Vehicles approaching the field must turn off the highway into a narrow-shared entrance (3m wide at Furzebrook Farm to the south) forcing vehicles to ‘swanneck’ onto the opposite carriageway.
 - The shared entrance offers poor visibility due to the location on a bend and walls either side. Shared use of the track forces heavier vehicles to wait.
 - The only current access to the field is narrow, between old kennels and cold stores. There is limited visibility. There is an old Victorian sewage system beneath the access- there are concerns that this will cause damage so vehicles park on the track and access is limited to by foot only.
 - Livestock cannot be moved onto / off the field without being walked along the carriageway
 - Lack of access to the field by vehicles and machinery renders the field unproductive. An existing sewer system that crosses the field cannot be maintained.
 - Photos provided to identify position of existing access space, sewer, low level powerlines. Aerial photo indicating that the existing access and ‘access space’ is within ownership of applicant:
- 16.12 The supporting information including a response to objections advises that:
- The proposed access will be safer than existing

- The proposal access will avoid further damage to and eventual collapse of existing sewage system beneath the existing access
- Replacement hedge screening will be of a native species and height to have immediate effect.
- A wider access would be preferable for transporting livestock but any access, even if narrower, would be beneficial
- Complaints re street lighting, pavements etc outside applicant control.
- SSE access caused damage and compensation has been received.

Principle of development

- 16.15 The new access is located outside a settlement boundary and in the countryside as detailed in Policy V1: Spatial Strategy for Sustainable Communities and the settlement hierarchy of the Purbeck Local Plan 2024 (PLP 2024). In accordance with Paragraph 180(b) of the NPPF, planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 16.16 The applicant has submitted justification and supporting information for the new access within the countryside and has revised the plans to reduce the width from a double gated 6m access to a single 4.8 m gated access. The supporting information confirms that the use of the access will be associated with the existing agricultural use of the land for the movement of livestock, tractors feed etc. Associated traffic movements would vary from none to up to 10 per day as would be expected for an agricultural field. On this basis the provision of the new access is considered to meet an essential agricultural need in the countryside and is not considered to result in any additional harm to character and beauty of the countryside from traffic movements.
- 16.17 The applicant advises that access to the field is already gained through an 'access space' to the north of the former Furzebrook Farm buildings. This has been indicated on submitted photographs (above) and assessed by the case officer. The access space is narrow and constrained by existing structures to each side and low-level electricity wires. A drain cover is located centrally in the 'access space' and it is understood that this serves the existing Victorian sewers. Officers acknowledge that this access is not ideal for larger vehicles that would normally be associated with the agricultural use of land such as tractors, large trailers and animal transportation.
- 16.18 The route to the 'access space' from Furzebrook Road is also narrow (approx. 3m) and restricted by boundary walling to each side and limited visibility to the south due to a bend in the road. Visibility to the north is better but it is acknowledged that this access is also not ideal for larger agricultural vehicles.
- 16.19 For these reasons, officers consider that sufficient justification and evidence has been provided by the applicant to demonstrate the agricultural need for a new access to the Field off Furzebrook Road in the countryside.
- 16.20 The construction of the new access and associated loss of 6 m of hedgerow is to be compensated by the planting of 6m of hedgerow to each side of the new access (north and south). The applicant has confirmed that the landscape planting will be native and of a height to ensure immediate screening. This is considered to provide

an acceptable level of landscape and biodiversity mitigation and can also be secured by way of condition on the decision (no. 9).

- 16.21 In summary, officers consider that the application is supported by sufficient justification, evidence, and mitigation to determine that the proposal is acceptable in principle and would not cause harm to the intrinsic character and beauty of the countryside setting in accordance with paragraph 180 of the NPPF.

Impact on the character and appearance of the area including the Dorset National Landscape (DNL) (former Area of Outstanding Natural Beauty (AONB))

- 16.22 The application site is located in the countryside and Dorset National Landscape (formerly AONB). 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).

- 16.23 Purbeck Local Plan Policy E1: Landscape requires proposals to conserve and enhance the natural beauty of the area; be of an appropriate appearance, scale, height, layout, and design; and be appropriate in other effects on landscape character and visual quality. Development that significantly adversely affects the character, or visual quality, of the local landscape or seascape, in the protected area will not be permitted. 16.24 The Dorset National Landscape Team was consulted on the original plans and drew attention to Policy C1(a) of the Dorset AONB Management Plan which states that:

‘Development that does not conserve and enhance the AONB will only be supported if it is necessary and in the public interest.’

- 16.25 As noted in the ‘principle of development’ section above, officers consider that the essential need for the new access in the countryside has now been satisfactorily evidenced by the applicant. In addition, the amended plans submitted during the application process have reduced the width of the vehicular access to that which would be considered necessary for the agricultural use of the field served. Compensatory hedgerow planting to each side of the access will be conditioned to be native and of a height where it will provide an immediate screen in the wider landscape. The single gate now proposed is much more acceptable in width and similar to many others serving agricultural fields in the countryside. The gravel finish of the access will be reduced in extent due to the revisions and a condition can be included on the decision requiring details of the finish to be submitted for approval to ensure acceptability within the DNL. On this basis, it is now considered that the proposed development is necessary for the agricultural use of the field and forms appropriate development that conserves and enhances the DNL without significant adverse effects on its character and visual quality.

- 16.26 However, the AONB Management Plan policy also requires that the development is in the ‘public interest’ and 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).

- 16.27 To further the purposes of conserving and enhancing the natural beauty of the DNL it is considered that a condition should secure additional landscape screening in the form of native hedgerow planting across the former ‘access space’ (condition 9).

- 16.28 In terms of the public interest, the closure of the existing access space and the creation of the new access on the straight stretch of Furzebrook Road will reduce

perceived highway safety concerns of agricultural vehicles accessing the site on the bend at the former Furzebrook Farm buildings and other concerns regarding harm to the historic sewers which lie below this 'access space'.

- 16.29 As such, the proposal is now considered to comply with paragraphs 174 (a) and (b), 176, and 177 of the NPPF; Policy E1 of the Purbeck Local Plan 2024, and Policy C1(a) of the Dorset AONB Management Plan 2019 – 2024.

Impact on neighbouring amenity

- 16.30 The proposed access is located opposite residential dwellings. Objections have been raised by occupiers on a number of issues and these are addressed in other sections including the potential impact of the proposed development in terms of additional traffic movements and road safety.
- 16.31 In terms of impact on neighbouring amenity, officers consider that the proposed access would not result in demonstrable harm in respect of loss of privacy or other neighbouring amenity (disturbance, unacceptable light pollution etc). Whilst there would be a change to the outlook from 136 Furzebrook Road (opposite), the right to a view is not a material planning consideration and impacts are considered to be acceptable in accordance with Policy E12: Design of the Purbeck Local Plan 2024.

Impact on hedgerows and biodiversity

- 16.32 The new access would result in the removal of an area of hedgerow extending to 6m in length with compensatory hedgerow planting proposed. A biodiversity checklist has been submitted with the application which confirms that a Preliminary Ecological Appraisal is not required. However, it is noted that works should avoid the bird nesting season, or a pre-works nesting bird check will be required. Since this is covered by other legislation, a wildlife informative note can be included on the decision to this effect (no. 3).
- 16.33 In terms of the hedgerow loss, the submitted planning statement advises that replacement hedgerow planting is proposed along the north and south boundaries of the access way as indicated on the submitted plans. The applicant has confirmed his agreement to this being of a native species and height for immediate screening effect to avoid harm to the DNL. This can be secured by way of a condition on the decision. Additional planting along the existing 'access space' to no longer be used and close off has also been requested by the case officer to further landscape screening within the DNL. This can also be secured by condition (no. 8). On this basis, the proposal is considered to accord with policy E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Highway safety

- 16.34 Neighbour objections to the proposal have raised concerns over increased traffic in the summer, whether there would also be a separate exit from the field on the nearby bend, and safety to other road users given lack of pavement. They have also requested that DC Highways ensures that the underground surface water drainage pipes are not damaged by the proposed works.
- 16.35 The above sections consider the closure of the existing 'access space' and additional landscape screening to provide enhancement within the DNL. In respect of the

condition and / or maintenance of the existing drainage pipes across the field, this is a matter for the utility provider and does not fall within the remit of this application.

- 16.36 Consultation has taken place with the Council's Highway Engineer who requested amended access visibility splays and further traffic movement information during the application process. The applicant provided the information requested and the amended plans were subject of a full 14 day re-consultation with the Engineer which included a site visit.
- 16.37 In their re-consultation response, the Highway Engineer advised that Furzebrook Road is a C classified road, predominately carriageway with verges. The visibility splays required for the access must be achievable within the highway control or applicant's land. It is reasonable for the splay to the south to be taken to the nearest tangent point along the carriageway edge, but equally unlikely for vehicles to be overtaking on a bend and speeds will reduce accordingly to the road alignment. The Engineer notes that the applicant's swept path drawing exceeds that of a typical agricultural access radius but nevertheless demonstrates suitability for the use of the vehicle/s predicted - to be 10 two-way movements per day - with capacity on site for turning in a forward gear. On this basis the Engineer raises no objection to the proposed access subject to conditions and informative notes on the decision.
- 16.38 The Engineer does however note that the applicant states that there is no existing or alternative vehicular access from the application site. The case officer notes that a vehicle could access the field through the existing 'access space' to the north of the former Furzebrook Farm buildings - albeit this access is restricted in width and constrained by the historic sewers below. Neighbour comments suggest that SSE vehicles obtained access to the field through this space for recent maintenance work. The applicant advises that normally access to this field is only obtained on foot with all vehicles parked in the adjacent access track to the south.
- 16.39 A condition on the decision will require the permanent closure of this 'access space' thereby ensuring that vehicle access to the field is via a single access only in order that the proposal is acceptable in respect of highway safety and traffic movements (condition 8). As such, the proposal complies with Policy I2 of the Purbeck Local Plan 2024.
- 16.40 The Engineer has requested that details of turning and parking provision are provided by way of condition. Officers do not consider that this condition is necessary or reasonable given the agricultural use of the field to which the access will be provided.

Flood Risk / Drainage

- 16.41 The proposed access is located in an area by the Council's Strategic Flood Risk Assessment as being vulnerable to surface water flooding at the 1 in 1000-year period (low risk) and is also on the edge of an area susceptible to ground water flooding. The proposed access was discussed with the Council's Drainage Engineer as part of the former application process who advised that given the application is for access works only, and a permeable gravel finish is proposed, no objection is raised to the proposal. As such, it is considered to accord with Policy E4 of the Purbeck Local Plan 2024.

Other considerations

- 16.42 **Other uses of Mushroom Field** – Neighbours have raised concern over potential non-agricultural uses of the field should consent be granted for the new access. The current application is only able to consider the merits of the new access and cannot condition the use of the field which is outside the red line of the application site. However, it is noted that a change of use application or prior approval would be required for any non-agricultural use of the field unless this is on a temporary basis (in compliance with other permitted development restrictions and subject to any necessary Habitat Regulations consents). Should the neighbours identify any unlawful use of the field, this can be reported to the Council's Planning Enforcement Team for investigation.
- 16.43 **Church Knowle Parish Council Objection** – Church Knowle Parish Council (PC) raised an objection to the original plans submitted as part of the current application on grounds that the reasons for refusal of the former application remain applicable. In addition, the PC noted that the proposal is located within 400m of protected heathland. The case officer confirms that the access is within the 400m heathland buffer however no likelihood of harm to the integrity of the Heathland from the development is anticipated.
- 16.44 Late comments of objection were received from the PC on 15th May 24 in response to the amended plans and additional information submitted during the application process and subject of re-consultation in March 2024. In addition to the above, the comments noted that there is an existing access to the field and that the works will involve building over a culvert. The Council's Drainage Engineer has been consulted on the potential building over a culvert and has confirmed that the Council's records do not identify a culvert, water course or drainage ditch near the proposed access.

17.0 Conclusion

- 17.1 For the above reasons, the development proposed is considered to comply with policies V1, E1, E4, E10, E12, I2 and I3 of the Purbeck Local Plan 2024 and paragraph 180(b) of the NPPF. The proposal is considered to form sustainable development for the purposes of NPPF paragraph 11. There are no material considerations which indicate that permission should be refused. Approval is recommended subject to conditions.

18.0 Recommendation

GRANT subject to the following conditions and informative notes:

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:
J.09.2023-01 A Location Plan
J.09.2023-03 A Site Plan - Visibility Splay – Received 10/04/24
J.09.2023-04 A Site Plan - New Entrance – Received 10/04/24
Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to first use on the access, details (including colour photographs) of the gravel surfacing shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the details as have been agreed.
Reason: To ensure a satisfactory visual appearance of the development.
4. Before the development hereby approved is first utilised, the first 10m of the vehicular access, measured from the nearside edge of the carriageway, including the visibility splays, shall have been laid out, constructed, and surfaced, to a specification which shall have been submitted to, and agreed in writing by, the Local Planning Authority.
Reason: In the interest of highway safety.
5. Any entrance gates must be setback a minimum distance of 10 metres from the edge of the carriageway and hung so that the gates can only open inwards.
Reason: To enable a vehicle to be parked clear of the public highway whilst the gates are opened or closed, preventing possible interruption to the free flow of traffic.
6. Before the development hereby approved is first utilised, the visibility splay areas as shown on the approved plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, the visibility splay areas shall thereafter be maintained and kept free from all obstruction above this height.
Reason: In the interest of highway safety.
7. Before the development is first utilised, the first 5.00 metres of any access, access crossing and drive must be constructed to a gradient not exceeding 1 in 12.
Reason: To ensure that the public highway can be entered safely.
8. Before the development hereby approved is first utilised, the existing 'access space' located to the north of the former Furzebrook Farm buildings as identified by a blue arrow on the annotated photograph submitted on 25th March 2024 must be permanently closed. Prior to closure, a plan indicating the location of the access space, the extent of enclosure, and full details of the method of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the enclosure shall be retained and maintained in accordance with the approved details.
Reason: To ensure a single access to Mushroom Field in the interests of highway safety.
9. Before the development hereby approved is first utilised, full details of the hedgerow replacement planting along the new vehicular access and new hedgerow planting along the closed 'access space' shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the planting species, height, number / density, and the proposed timetable for planting. Thereafter, the hedgerow planting shall be carried out in accordance

with the approved details and times. Any plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

Reason: In order to preserve and enhance the visual amenity of the Dorset National Landscape and to ensure that the right hedgerow species is planted in the right place.

Informative Notes:

1. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at atdorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.
2. Informative: The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221020), by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
3. A contravention of the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Protection of Badgers Act 1992 may constitute a criminal offence to particular plants and animals. The grant of this consent does not override any requirements to notify Natural England or to comply with the legislation. All buildings and especially roof spaces can support bat roosts which may be damaged or disturbed by demolition, building works or timber treatment. Please note that all bats and their roosts are fully protected under law. It is a requirement of the legislation to notify Natural England of any operation which may affect bats or their roosts, even when the bats are apparently absent. The grant of this planning permission does not override any relevant statutory species protection provision contained within such legislation. For further advice on a particular species please contact Natural England or the Dorset Council Natural Environment Team: Tel: 01305 224931; Email: net@dorsetcouncil.gov.uk
4. 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:

Eastern Area Planning Committee
31 July 2024

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