

Application Number:	P/FUL/2024/01509		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	The Stables Long Mead Melway Lane Child Okeford Blandford Forum DT11 8EW		
Proposal:	Erect garage and plant room.		
Applicant name:	Mr C Knight		
Case Officer:	Claire Lewis		
Ward Member(s):	Cllr Jespersen		
Publicity expiry date:	9 May 2024	Officer site visit date:	5 June 2024
Decision due date:	19 July 2024	Ext(s) of time:	59 days to account for SoD process and committee date.
No of Site Notices:	1		
SN displayed reasoning:	Fixed to the Herras fencing protected the TPO trees at the entrance to the site. Visible to passersby and users of the Right of Way Footpath N35/36.		

1.0 Reason application is going to committee

In response to the Scheme of Delegation referral, 1no. Cllr requested a decision by committee whilst the other 2no. Cllrs did not respond. The nominated officer decided it should be referred to committee on balance due to the concerns raised by the Parish and neighbours.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paragraphs 16 and 17:

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal is acceptable in its design and general visual impact.
- The proposal is acceptable in its impact on the character and setting of the nearby Dorset National Landscape (AONB)
- There is not considered to be any significant harm to neighbouring residential amenity.
- There is no demonstrable negative impact on highway safety or parking provision.
- There is no demonstrable increase in the risk of flooding.
- The proposal is acceptable in relation to trees, with an Arboricultural Method Statement conditioned to protect existing trees on site.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of erecting a detached building to house a garage and plant room incidental to the main dwelling is acceptable.
Scale, design, impact on character and appearance	The proposed development would not have an adverse impact on the visual amenities of the site or locality.
Impact on the living conditions of the occupants and neighbouring properties	The proposed development would not have any detrimental impact on the living conditions of the occupiers or neighbouring residential properties.
Impact on landscape	The proposed development is not deemed to result in any detrimental impact on the landscape, including the designated Dorset National Landscape (AONB).
Flood risk and drainage	The proposal would not alter or increase the flooding risk.
Highway impacts, safety, access and parking	The proposal would pose increased risk to highway safety and would provide covered parking in addition to existing off-road parking provision on site.

5.0 Description of Site

- 5.1 The application site consists of an existing stable building (to be demolished under existing approval) located roughly 200 metres to the south of the Child Okeford Settlement Boundary along a single-track unclassified road known as Melway Lane.
- 5.2 The site has planning permission approved for the erection of a single 1.5 storey, 2no. bedroom residential dwelling as per application no. P/FUL/2022/00197. The site is accessed via a small spur lane off Melway Lane that serves access to this and neighbouring fields.
- 5.3 The site falls approximately 75 metres west of the boundary of the Dorset National Landscape (AONB) and is largely concealed by mature trees and native hedgerow, although the site can be viewed at a distance from certain public viewpoints such as Hambledon Hill and from surrounding Rights of Way due to small gaps in the boundary hedgerows.
- 5.4 The site does not fall within the boundary of a Conservation Area and there are no listed buildings in the immediate surroundings.

6.0 Description of Development

- 6.1 The application proposes to erect a garage and plant room in the northwest corner of the site.

7.0 Relevant Planning History

P/PAP/2021/00384 - Decision: RES - Decision Date: 19/10/2021
Remove Stables and Erect Two Bedroom Cottage / Dwelling.

P/FUL/2022/00197 - Decision: GRA - Decision Date: 11/05/2022
Demolition of existing stables & erection of 1no dwelling

P/FUL/2023/04710 - Decision: WIT - Decision Date: 30/10/2023
Erect 1 no. dwelling, garage, workshop and plant room (Demolish stables and storage building)

8.0 List of Constraints

TPO - TPO (TPO/2023/0060);

LP - North Dorset Local Plan Part 1 (2011-2031); Adopted; Outside settlement boundaries (countryside); Policy 2, 20;

NELA – Dorset;

PROW - Right of Way: Footpath N35/7; - Distance: 37.81

PROW - Right of Way: Bridleway N35/47; - Distance: 4.51

PROW - Right of Way: Footpath N35/36; - Distance: 1.06

EA - Groundwater – Susceptibility to flooding;

DESI - Area of Outstanding Natural Beauty (AONB): Dorset; - Distance: 69.44

DESI - Ancient Woodland: OKEFORD COPPICE; Ancient Replanted Woodland - Distance: 169.15

DESI - Site of Special Scientific Interest (SSSI) impact risk zone;

RAD - Radon: Class: Class 1: Less than 1%

RAD - Radon: Class: Class 2: 1 - 3%

9.0 Consultations

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

Consultees

1. P – Child Okeford PC

- P/FUL/2022/0197 consent was granted during a period when Dorset Council were unable to meet the Housing Delivery Test and, therefore, Policy 1 (Presumption in Favour of Sustainable Development) and the tilted balance were applied. A Planning condition was recommended and applied at the Committee meeting precluding any further development of the site. Unreasonable to allow a substantial departure from that planning position because the circumstances have not changed. The decision was finely balanced and had there been more harm, its likely to have been refused. Site is 200m outside settlement boundary, and it is of significance that the consented dwelling has not yet been erected.
- Scale - Outlines that the proposed outbuilding 15 sqm larger in footprint than the original stable building. Stable has a sloping roof with a lesser impact than the proposed pitched roof, and the proposed roof (NB. before amendments) has a ridge height of 5m, 2.5m taller than the existing stable ridge. The consented Dwelling is 130 sqm, the proposed garage and plant room are an additional 45sqm, representing an increase in floorspace over the original 'tilted balance' consent of 34%. Proposals are excessively large and considerably taller than the original building.
- Amenity – additional concerns regarding detrimental impact on character of rural location by reason of increased site coverage. Application is contrary to NPPF Section 15 and conflicts with NDLP Policy 24. Concern new application will result in significantly more traffic than was originally envisaged, impacting on the peaceful amenity of the area, and on local residents. Site visible from Melway Lane, RoW Footpaths N35/36, N35/7 and Bridleway N35/7.

Summary – PC strongly oppose any form of enlargement of existing planning consent. Believe allowing the development would be illogical and unjustifiable overdevelopment of the site. If garage had been included at application stage of previous (approved) application, it would very likely have been refused due to the additional harm weighing on the planning balance.

2. W – Child Okeford Ward 1 – no comments received

3. Highways – Recommend Turning/Manoeuvring condition

4. Rights of Way – no comments received

5. Tree Officer – 2no. conditions recommended as below

Representations received

11 letters of representation have been received.

Total - Objections	Total - No Objections	Total - Comments
11	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Summary of comments of objections:

L. Taylor – Existing planning permission (P-Ful-2022-00197) has a condition precluding the erection of outbuildings to protect amenity and character. Application is for 2no. new outbuildings on what is still a greenfield site as new dwelling not yet constructed. Owner has chopped down part of hedgerow bordering PROW N35/47, and entire site is now visible from the RoW. Site does not have PD rights, is outside settlement boundary, in the countryside and not for essential rural need. Given approved dwelling not yet constructed and site altered, applicant should submit new application to include dwelling and outbuildings.

M. Kerridge – Concern that more harm from additional outbuildings would have pushed the tilted balance to a refusal. Concern at scale and impact of proposal and increased site coverage. Ridge height too high. Use out of proportion for modest single dwelling. Site no longer discrete due to removal of hedgerows and new access onto Bridleway and visible from RoW's N35/36, N35/7 and N35/47. Detrimental to character of the area contrary to NPPF and NDLP. Unclear how application can be linked to original approval as appears to be a building in isolation.

G. Jenkins – To remove stable and replace with garage will incur more traffic along rural footpath. Will increase noise.

J. Yard – Condition 7 stated no further development on the site. Existing shed should not be considered part of application. Map is incorrect – track parallel to western boundary is not Melway Lane. Concern it could become an established lane allowing for further development of farmland in the future. Safety could be jeopardised by extra traffic arising from development as lane is narrow, potholed and suffers floods regularly. Without further shielding, whole development will be visible from Hambledon Hill and users of RoWs to Chisel. Believes AONB map is incorrect. Concern that waterlogging and underground watercourses have not been considered. Concern over bat and barn owl habitats with removal of hedges and trees.

G. Fuglesang - I walk past this site with my dog and it seems that much of the hedgerow and many trees have been cut down, making the proposed buildings even more visible in a plot that is outside the settlement boundary. I thought that the

original dwelling proposed was only narrowly granted so it would seem strange if the garage and plant room building was granted.

J. Booth – Concern over size of proposed outbuilding, which ‘are almost the same size as the original “very modest single dwelling” which was approved. Believes these dimensions to be more appropriate for a far larger dwelling.

H. Rutledge - The original planning consent for a modest residential dwelling, came with a condition which stated there were to be no other garages, sheds, etc on that site. I hope that the Planning Condition stands. The second building which forms this application, is nearly as large as the approved dwelling. This planning application should not even be considered.

D. Fielding – Feels the planning system was abused at original application stage for dwelling. Original applicant sold land once permission granted. Believes the current owner is removing hedgerow and trying to ‘land-grab’. Concern regarding overdevelopment of site and overuse of unadopted lane, causing conflict between different users. Suggests a site visit by the committee.

G. Scott - Adverse effect on character of area and countryside.

N. Kerridge – End of Melway Lane leads to local footpaths, bridleways and farm tracks. narrow, unlit, no passing places or pavements. Used by walkers, parents with young children, mobility scooters, cyclists, horseriders and farm vehicles. Original applicant implied that vehicles uses would be reduced, but this application proposes ‘4 cars and 2 motorcycles’ resulting in substantially more vehicle movements per day impacting the amenity of the rural area and residents of the lane. Mentions flooding, poor maintenance and potholes. D&A Statement states no immediate neighbours, but the amenity buildings of Melway House are adjacent to the property. Stable building wasn’t visible until recently, but new buildings will be visually intrusive and have a detrimental impact. Mentions the planning condition as the ‘most important factor’. Application should be refused.

N. Eveleigh - I regularly walk along Melway Lane to enjoy Child Okeford’s countryside location. Planning policies and local circumstances have not changed since Dorset Council considered the previous application for a small dwelling on this site. Reference to planning condition, and that it was said that a small dwelling could form a “natural transition” between a residential environment and the wider rural landscape which he believes was a critical part of the justification for allowing the development. Much greater bulk and site coverage. Impact of 3-dimensional buildings and envisaged activities on site will damage landscape and sense of tranquillity. Feels that whole development should be reappraised. Concern that approval would be contrary to objectors’ sense of natural justice and feel like a capitulation of the planning authority. Application should be refused.

Summary of comments of support: N/A

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

Adopted North Dorset Local Plan:

The following policies are considered to be relevant to this proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 3 - Climate Change
- Policy 4 - The Natural Environment
- Policy 20 - The Countryside
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity
- Policy 28 - Existing Dwellings in the Countryside

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 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 North Dorset area, the published supply position of 5.02 years

means the tilted balance in paragraph 11 of the NPPF is not engaged in any event. The delivery of additional housing against the housing requirement should however be given weight in planning decisions.

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:

- Part 2 - Achieving sustainable development.
- Part 4 - 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, including brownfield registers and permission in principle, 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.
- Part 12 - Achieving well-designed places.
- Part 15 – Conserving and enhancing the natural environment

Other material considerations

Child Okeford Village Design Statement, 2007

Policy CO10 (design quality)

Policy CO11 (external wall materials)

Policy CO12 (size and siting)

Policy CO13 (subservient ancillary building)

Policy CO15 (traditional driveway materials)

Policy CO21 (roof materials)

Policy CO22 (guttering)

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

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

14.0 Financial benefits

None

15.0 Environmental Implications

None

16.0 Planning Assessment

Principle of development

The principle of erecting a detached building to house a garage and plant room incidental to the main dwelling is acceptable in accordance with Policy 28 (Existing Dwellings in the Countryside) of the North Dorset Local Plan 2011-2031 (NDLP) and Policy CO13 (subservient ancillary building) of the Child Okeford Village Design Statement 2007. Permitted development rights on the site were removed by way of Condition no. 7 when permission was granted for a detached dwelling in May 2022 (P/FUL/2022/00197). As such, express permission is required for the erection of the proposed outbuilding. For clarity, imposing the restriction to remove Permitted Development Rights was to ensure that the scale and design of any additional development on the site could be closely monitored and managed by the Local Authority rather than to *prevent* all future development.

The proposed garage and plant room constitutes a detached building with a total footprint of 45m². The building is smaller in footprint than the approved plans for the main dwelling, and the ridge of the roof is also lower. The original plans proposed a

maximum ridge height of 5.2m with an eaves height of 2.5m. Following consultation with the agent and applicant, the ridge height has been reduced to 4.4m with an eaves height of 2.2m, incorporating a reduction in roof pitch from 40° to 35°. Furthermore, the finished floor level of the building sits 0.4m lower than the main dwelling. The above results in a building that is both subservient to the main dwelling and minimises its impact on the semi-rural setting. The height, mass and scale of the building is considered appropriate to its setting, and any impact has been further softened through negotiation.

In terms of design, the proposed building would be finished in lightly charred timber with Olde Watermill brick slips (or similar) and Spanish slate roof to match the approved main dwelling (as per Discharge of Condition notice dated 4th March 2024) ensuring it remains in keeping with the character of the approved dwelling and the bucolic setting. Two external motion-detected downlights are proposed to the front and side elevations adjacent to all door openings. These external lights are considered appropriate in terms of colour temperature and direction of light, which would point downwards to minimise light spill. The proposed lighting accords with the aims and objectives of the Dorset AONB Management Plan 2019-2024.

In terms of scale, design and impact on character and appearance, the proposal complies with the provisions of the NPPF and Policy 4 (The Natural Environment) and Policy 24 (Design) of the NDLP. The development proposed also accords with the policies of the Child Okeford Village Design Statement 2007, namely in terms of policies CO10 (design quality), CO11 (external wall materials), CO12 (size and siting), CO13 (subservient ancillary building), CO15 (traditional driveway materials), CO21 (roof materials) and CO22 (guttering) and the Dorset AONB Management Plan 2019-2024.

Impact on the living conditions of the occupants and neighbouring properties:

There is no demonstrable impact on neighbouring properties or neighbour amenity as the nearest neighbour is 98 metres north of the proposed dwelling, although some of the neighbour's incidental outbuildings such as an apparent pool house do lie in closer proximity to the site. The site is well screened from Melway Lane and the proposed building would be positioned in the northwest corner of the site which is surrounded by tall mature hedgerows. The choice of building materials would ensure it softens into the landscape and the lowered roof pitch is both subservient to the approved main dwelling and lower than the existing boundary treatments.

The proposed outbuilding will provide uses incidental to the main dwelling, such as dry storage of vehicles, garden equipment and other domestic storage along with an 8.6m² area (inclusive in the above total footprint) that will house plant to support the potential for 'off-grid living'. The building will ensure that bulky plant equipment does not need to be housed inside the relatively small two-bedroom bungalow that has been approved on the site.

Accordingly, the proposal complies with Policy 25 (Amenity), Policy 3 (Climate Change) and Policy 23 (Parking) of the NDLP and Policy CO12 (size and siting) of the Child Okeford Village Design Statement 2007.

Impact on landscape (trees, biodiversity, AONB):

The boundary of the Dorset National Landscape (AONB) is some 75m due east of the application site and whilst views of the proposed garage and plant room may be possible from some public viewpoints, particularly during winter and early spring due to reduced leaf coverage, it is considered that the overall impact of the garage and plant room will be negligible overall.

The more distant views from Hambledon Hill and Hod Hill will see the garage and plant room against a backdrop of natural screening whilst the modest scale, design and use of natural materials in the construction will ensure that its appearance would not be contrary to the rural nature of the site and its wider setting. Furthermore, the nearest part of the Child Okeford Conservation area is located at the entrance to Melway Lane some 345m north of the site, and nearest Listed Buildings are some considerable distance away. As such, the proposed development will not have any effect on the character or setting of the Conservation Area nor the Listed Buildings.

Whilst earlier studies of the site during the application process for P/FUL/2022/00197 confirmed negligible potential for risk to bat and barn owl habitats, a Biodiversity Mitigation and Enhancement Scheme has been submitted which outlines the enhancements proposed to the biodiversity of the site. Accordingly, the proposed development complies with the NPPF Section 15 and with NDLP Policy 4 (The Natural Environment).

Trees on the site will be protected with an Arboricultural Method Statement that includes the appointment of an arboricultural consultant to undertake the required monitoring and details of site meetings and site monitoring supported by formal written records. This will be conditioned if planning is approved. The proposal also highlights a risk to the TPO Oak tree at the northeast corner of the site from the previously approved hoggins surfacing material on the access and turning area, so this has been changed to a gravel surface on Drawing No. 2513-7, ensuring even greater protection of existing trees on the site. Accordingly, the proposal complies with the requirements of NDLP Policy 4 (The Natural Environment), the objectives of Chapter 15 of the NPPF and Policy CO15 (traditional driveway materials) of the Child Okeford Village Design Statement 2007.

Flood risk and drainage:

The site is not considered to be at risk from surface water or groundwater flooding. The site lies within Flood Zone 1 with the nearest Flood Zone 2 area some 630m to the south. Surface water run-off from the proposed garage and plant room is proposed to be discharged to a separate soakaway which will also serve to discharge surface water run-off from the approved dwelling. As such, it is considered that the proposal will not contribute to flooding on site or increased flooding elsewhere. Accordingly, the proposal complies with the requirements of the NPPF and NDLP Policy 3 (Climate Change).

Highway impacts, safety, access and parking:

There is no demonstrable impact on highway safety, as confirmed by the consultation response from Dorset Highways. The proposed access, parking and turning area shown on Drawing Number 2513-7 will be laid to gravel to provide a well-drained surface and to minimise any adverse impact on the TPO oak. This gravelled area is considered an adequate provision for the parking and turning of occupant and visitor vehicles, with additional parking spaces within the garage for up to 2 cars or alternative vehicles. As such, the proposal complies with the requirements of the NPPF and with Policy 23 (Parking) of the NDLP.

17.0 Conclusion

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as listed above, and no material planning considerations indicate otherwise.

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:

2513/ 8 Location & Block Plan
2513/ 7 Site Plan
2513 /6 A Floor Plans & Elevations

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

- 3.The development hereby permitted shall not be occupied or used at any time other than for purposes incidental to the existing use of the site as a residential dwellinghouse.

Reason: The Local Planning Authority does not consider the establishment of a separate unit to be appropriate in this location.

- 4.Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with Drawing No.2513/7. 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.

5.The Biodiversity Mitigation and Enhancement Scheme dated March 2024 shall be implemented in full and managed and maintained for the lifetime of the development.

Reason: To minimise impacts on biodiversity.

6.The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement V.2.0 dated December 2023 setting out how the existing trees are to be protected and managed before, during and after development.

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

7.The Arboricultural Method Statement V.2.0 dated December 2023 in support of this planning application shall be adhered to in full, subject to the pre-arranged supervision detailed in section 5 of the AMS by a suitably qualified and pre-appointed tree specialist.

This Condition (no.7) may only be fully discharged on completion of the development and subject to satisfactory written evidence of contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Informative Notes:

1.Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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