

Application Number:	P/FUL/2024/01781		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Site adjacent Plant World Nurseries Kendall Lane Milton on Stour Gillingham SP8 5QA		
Proposal:	Erect 4 No. open market dwellings and 3 No. affordable dwellings with associated parking and amenity areas, and the construction of a new vehicular access and road to replace the existing vehicular access.		
Applicant name:	Plant World		
Case Officer:	Jennie Roberts		
Ward Member(s):	Cllrs Pothecary, Cllr Ridout and Cllr Woode		
Publicity expiry date:	8 June 2024	Officer site visit date:	3 July 2024
Decision due date:	4 October 2024	Ext(s) of time:	4 October 2024
No of Site Notices:	1 at entrance to site		
SN displayed reasoning:	To publicise the application to passers-by		

1.0 This application is brought before the planning committee at the request of the chair and vice-chair, because the recommendation is contrary to that of the town council. Additionally, Cllr Pothecary requested that the application be heard at committee if officers were minded to refuse the application.

2.0 Summary of recommendation:

REFUSE

3.0 Reason for the recommendation:

- The site is located in an unsustainable location, outside of any settlement boundary and the principle is therefore unacceptable. Furthermore, it has not been demonstrated that the proposed development would be acceptable in relation to the protected trees on the site.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Milton on Stour is an unsustainable location, with no settlement boundary. Residents would be likely to rely on private motor vehicles to access facilities and services and as such, the principle of the proposal is unacceptable.
Affordable housing	The application proposes for three of the houses to be First Homes, the tenure of which would be secured by a s106 agreement. The proposed tenure of the affordable homes would not comply with local plan policy.
Scale, design, impact on character and appearance	The proposed scale and design of the development would have an acceptable impact upon the character and appearance of the surrounding area.
Impact on the living conditions of the occupants and neighbouring properties	The proposal would have an acceptable impact on the residential amenity of nearby properties. It would also provide an acceptable level of residential amenity for the proposed dwellings themselves.
Impact on landscape or heritage assets	The proposed development would preserve the character of the setting of the nearby non-designated heritage asset, Kendalls House.
Flood risk and drainage	The site is identified by the Council's Strategic Flood Risk Assessment as being at very low risk of flooding from rivers, sea, surface water or groundwater.
Highway impacts, safety, access and parking	The proposal would have an acceptable impact in relation to highway safety, access and parking provision.
Impact on trees	The site is protected by an Area Tree Preservation Order; a large number of trees will need to be removed to facilitate the proposed development, but details of appropriate

	mitigation for this have not been provided, so the impact cannot be properly assessed at present.
Biodiversity	The application is supported by a Natural Environment Team-approved Biodiversity Plan, and the development would be acceptable in terms of its impact on biodiversity.

5.0 Description of Site

This level site currently forms part of the grounds of Plant World, a plant nursery in Milton on Stour, which is accessed off the B3095. It comprises approximately 0.25 hectares of land in the southwest corner of the site, and is heavily treed, with some areas of hardstanding. Milton on Stour is a small village without a settlement boundary, which lies to the north of Gillingham. The site is outside of any conservation area and is not within the National Landscape (AONB). There are no listed buildings near to the site, although Kendalls House (located c.50m to the south of the site, on the opposite side of Kendalls Lane) is identified as a non-designated heritage asset in the Gillingham Neighbourhood Plan.

6.0 Description of Development

The application seeks full planning permission to erect develop 4 open market dwellings (2 x 4-bed detached and 2 x 3-bed semi-detached) and a terrace of 3 x 2-bed First Homes (a type of affordable housing). Each dwelling would have two storeys, constructed with natural stone walls beneath pitched plain tile roofs. A small private amenity area and space for parking (4 spaces for the 4-bed dwellings and 2 spaces for the 2-bed and 3-bed dwellings) would be provided for all dwellings.

Access to the proposed dwellings would be derived from a new vehicular access off the B3092 and a private estate road. The new access would also serve the nursery, with the existing access to the nursery closed as part of the proposal. The site is adjacent to Kendall Lane but there would be no access to the development from this lane.

7.0 Relevant Planning History

2/1990/0765 - Decision: REF - Decision Date: 29/10/1990

Change of use, agricultural land to agricultural/garden centre and erect office/sales/facilities building

2/1991/0680 - Decision: GRA - Decision Date: 16/07/1993

Construction of sheds & polytunnel for agricultural use

2/1996/0322 - Decision: GRA - Decision Date: 02/10/1998

Relief from conditions 1 & 2 attached to P/P 2/91/680 (time limited to expire 30/6/96) to permit permanent retention of sheds and polytunnels

2/2001/0625 - Decision: GRA - Decision Date: 01/11/2001

Erect building to provide indoor display area, erect toilet block, form new vehicular access, extend car park

2/2002/0024 - Decision: GRA - Decision Date: 04/03/2002

Erect building to provide indoor display area, erect toilet block, form new vehicular access and extend car park (amended scheme)

2/2009/0634/PLNG - Decision: GRA - Decision Date: 05/10/2009

Planning Application to vary condition numbers 11 and 16 on planning application 2/2001/0625 to allow the access to be re-designed

P/FUL/2022/03709 - Decision: WIT - Decision Date: 17/11/2022

Erect 5 No.dwellings with garages, form new vehicular and pedestrian access and block in existing access. Create estate road and associated infrastructure.

Erect 1 No. detached cafe and 1 No. detached workshop with parking.

8.0 List of Constraints

Countryside location outside of a Settlement Boundary

Site of Special Scientific Interest (SSSI) impact risk zone

9.0 Consultations

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

Consultees

1. Gillingham TC – support:

- new vehicular access is an improvement
- lack of identifiable 5-year housing land supply triggers policy of presumption in favour of sustainable development. The proposed development is considered to be sustainable, as local amenities are easily reached without reliance on a vehicle
- dwellings reflect character of area
- dwellings will be screened by trees and not visible from highway
- will not impact on any heritage assets and impact on wider landscape character would not be significant
- applicant has addressed Saved Policy MS1 of the North Dorset Local Plan through inclusion of package treatment plant
- Proposal addresses need for affordable housing for local people
- Well-designed layout

2. Highways – no objection, subject to conditions

3. Dorset Waste Team – no comments received

4. Trees – unable to support at present:

- The whole site is protected by an Area Tree Preservation Order
- A large number of trees will need to be removed; details of appropriate mitigation for this have not been provided.
- Retained trees will be under threat due to new residents wishing to carry out excessive or detrimental tree surgery operations; common reasons for such requests include fears that the trees will fall during high winds, needing lights on during the day due to heavy tree cover, leaf litter and seed detritus that may become slippery or block gutters, not enough light in the gardens
- Should further information be forthcoming with regard to mitigation planting I am happy to be re-consulted.
- Should planning consent be forthcoming I would also suggest gutter guards are fitted to each property and I would also ask that permitted development rights be withdrawn to prevent future conflict with existing retained trees or subsidence issues due to the soil type (slowly permeable, seasonally wet, slightly acidic but base rich loamy and clayey soils with impeded drainage).

5. National Highways – no objections

6. Building Control North Team – no comments received

7. Gillingham Ward Member - Cllr Pothecary – requested that application be heard at committee if officer minded to reject application

8. Gillingham Ward Member – Cllr Ridout - no comments received

9. Gillingham Ward Member – Cllr Woode – no comments received

10. Highways Asset Manager– no comments received

11. Planning Policy:

- Site outside any development boundary and proposed scheme is contrary to spatial strategy in adopted local plan
- Para 11 of NPPF sets out 'presumption in favour of sustainable development' which applies when policies most important for determining an application are out of date. Footnote 8 specifies that this can be when the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test indicates that

the delivery of housing was below 75% of the housing requirement over the previous three years

- Most recent housing land supply position for North Dorset is above five years and the most recent housing delivery test result was 75%, Suggesting that the minimum requirements a footnote 8 have been met and the presumption does not apply
- However, deliverable supply was tested at recent appeal in Marnhull, where the inspector concluded that it be discounted to the equivalent of 4.83 years.
- Current position is therefore that North Dorset cannot currently demonstrate a 5-year supply of deliverable housing sites, falling slightly short at 4.83 years. Therefore, presumption in favour of sustainable development applies. This means granting permission unless: (i) policies in the NPPF provide a clear reason for refusing the proposed development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- Overall sustainability of location should be considered, including need for future residents to access day-to-day needs, and the mode of transport they are likely to choose. The more likely a site is to be car dependent, the more likely it is to be considered unsustainable, and therefore would give greater grounds for refusal. The site is adjacent to an offroad cycle path, which would give pedestrians and cyclists a reasonable option to travel to and from Gillingham. However, while this has a tarmac surface, it is unlit and so may be less appealing in the dark and during inclement weather. It is c.30 minutes' walk between proposed site and centre of Gillingham town centre (Lloyds Bank), exceeding most benchmarks for a walkable neighbourhood. The government's National Design Guide (2021) defines 'walkable' as local facilities that are within walking distance, which is generally considered to be no more than a 10-minute walk (800m radius). Walkable Neighbourhoods by Sustrans (2022) also recommends 800 metres / 10-minute walk to be the longest distance the majority of people are willing to walk to meet their daily needs.
- With respect to the emerging Dorset Council Local Plan, very limited weight should be given to the contents of the Options Consultation published in January 2021, although it should be noted that the draft policies in the Options Consultation 2021 with regards to restricting development in the countryside are largely consistent with those in the adopted LP, and that

proposed allocations at Gillingham are those that either are already allocated or now have planning permission.

- Draft Policy HOUS12 identifies the Plant World site for potential allocation as a future site for Gypsy and Travellers. Further site-specific information is in Appendix 4 where it states the site has potential capacity for around 15 plots.
- In line with the government's objective to significantly boost the supply of homes (NPPF para 60), the delivery of additional housing should be given significant weight in planning decisions. As mentioned above, the LP plans for at least 2,200 new homes at Gillingham between 2011 and 2031, with 1,800 delivered at the Southern Extension. Latest monitoring records suggest that between 2011-2024 (the first 13 years of the 20 year plan period), 254 dwellings were delivered in Gillingham, significantly below estimates used when the LP was being examined. The main cause of this has been the delays with the delivery of the Southern Extension. With the principal street now complete, completions are expected to start coming forward on the land west of Shaftesbury Road. However, it is now highly likely that the overall target of 2,200 homes between 2011 and 2031 will not be met. This shortfall is largely responsible for North Dorset struggling to demonstrate a 5-year HLS since 2017 and has meant that planning permission has been granted on a number of unallocated sites outside of the settlement boundaries (for example, land at Common Mead Lane, Gillingham, ref. P/RES/2022/06180). However, it should be noted that such large-scale windfall sites tend to be adjacent to a settlement boundary, rather than some distance away (c. 415 metres).

12. Housing Enabling Team:

- As of 28/05/2024, there are 5800+ households on the Dorset Council housing register.
- Milton On Stour falls within the parish of Gillingham.
- Housing register demonstrates not only a high level of recorded housing need in the Gillingham parish, but that a variety of dwelling sizes are required across the range of sizes (especially family homes).
- As of 28/05/2024: 224 households on Housing Register that have declared a connection to Gillingham. A further 147 households have listed Gillingham as a preferred area.
- Revised NPPF sets out that affordable housing should be sought from major developments, the qualifying threshold being ten dwellings or more.

- Policy 8 of the NDLP provides guidance that this application should provide 25% of the total number of dwellings as affordable units, with 70%-85% affordable rent and 15%-30% provided as intermediate housing.
- Policy 7 of the Dorset Local Plan supports the delivery of about 60% of affordable housing in North Dorset as one- or two-bedroom properties and about 40% of affordable housing as three or more-bedroom properties.
It is desirable that affordable housing should be proportionate to the scale and mix of market housing and are indistinguishable, well-integrated and designed to the same high quality resulting in a balanced community of housing that is 'tenure neutral' where no tenure is disadvantaged.
- Application is to erect 4 open market dwellings and 3 affordable dwellings.
- This application is not Policy compliant. Although 3 out of the seven units are affordable, all of them are First Homes, there are no properties available for rent (social or affordable).
- First 25% of affordable homes should be First Homes, the remaining 75% should be a mix of rented (minimum 70%) and intermediate (maximum 30%) options.
- In addition, sites outside of the development boundary would normally be considered rural exception sites (all affordable tenure), so again this proposal does not comply.
- This application cannot be supported by the Housing Enabling team.

13. Dorset & Wiltshire Fire & Rescue Service - consideration to be given to access and facilities for the Fire Service and water supplies for firefighting

Representations received

Total - Objections	Total - No Objections	Total - Comments
7	5	0

Petitions Objecting	Petitions Supporting
0	1
0 Signatures	372 Signatures

Summary of comments of objections:

7 comments of objection have been received:

- Site within conservation area, in an area of special historic interest, the character and appearance of which should be preserved or enhanced: A high-density group of seven houses is not in keeping with the village and would affect the ecology and diversity of the area
- Milton on Stour village plan stated there should be no new development outside the village envelope, and this development is outside the envelope
- This would mean another access road onto the B3095 and there are frequent accidents already
- The 1800 homes planned for Lodden Lakes is more than sufficient without additional expansion
- The proposed construction is not suitable for the village
- The village does not have mains drainage and increased effluent flowing from this development to the Shreen could have a serious effect
- This development will exacerbate flooding issues there is already a problem along Kendalls Lane due to water spilling over from the Plant World site

Summary of comments of support:

5 comments of support have been received:

- Affordable housing is needed as so many people cannot afford to live in Dorset
- Detached houses are required for burgeoning population
- There is a need for small developments of housing that do not ravage the countryside
- The small housing development will enhance and secure the future of Plant World

10.0 Duties

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (2016)

Policy 1	- Presumption in Favour of Sustainable Development
Policy 2	- Core Spatial Strategy
Policy 3	- Climate Change
Policy 4	- The Natural Environment
Policy 5	- The Historic Environment
Policy 6	- Housing Distribution
Policy 7	- Delivering Homes
Policy 8	- Affordable Housing
Policy 9	- Rural Exception Affordable Housing
Policy 17	- Gillingham
Policy 20	- The Countryside
Policy 23	- Parking
Policy 24	- Design
Policy 25	- Amenity

Gillingham NP; Status 'Made' 27/07/2018

- The Gillingham Neighbourhood Plan (GNP) does not identify any new sites for residential development, nor does it modify the settlement boundary. Figure 5.2 on page 9 identifies key issues for different areas in the neighbourhood plan area. For Milton on Stour, it states: “No major changes anticipated – safeguarding the separate character of this settlement is the key driver, together with retaining the small community hub at the garage / stores and improved pedestrian / cycle links into the main town.”
- Figures 11.6 and 11.7 (page 51) of the GNP identify the area between Gillingham and Milton on Stour as an Important Open Gap with the intention to retain the distinct character of Milton on Stour as a separate village. Policy 22 states that development that would reduce the openness of the identified Important Open Gaps will not be permitted.
- The Neighbourhood Plan identifies Kendalls House and Kendalls Lodge, which lie to the south of the site, as Locally Important Buildings (Figures 13.9 and

13.10 on pages 84-85). GNP Policy 27 states that wherever practicable, support will be given to the protection and enhancement of such assets.

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.

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 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-83 reflecting the requirement for development in rural areas.
- 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'- Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Other material considerations

The Government are currently consulting on various changes to the NPPF. Whilst this is only draft at present, there is a clear intention to boost the supply of housing, including changes to the standard methodology for calculating housing targets.

The written ministerial statement of 30th July 2024 regarding Building the Homes we Need, makes clear the Government's commitment to tackle the housing crisis, restore and raise housing targets, building homes in the right places, and moving to strategic planning. There is also a commitment to build more affordable homes and infrastructure. The statement is a material consideration and highlights the need to deliver housing in sustainable locations.

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.

National Design Guide. Updated January 2021.

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. There are no known impacts on persons with protected characteristics.

14.0 Financial benefits

What	Amount/Value
Material considerations	

Affordable housing	3 first homes are proposed
Employment created during construction phase	The proposal will support local jobs in the construction sector and will bring about 'added value' in the local area through associated spending and economic activity.
Spending in local economy by residents of proposed dwellings	The proposal will support the local economy, providing housing required to support the long-term economic growth in the area with new residents spending on goods and services as they move in.
Non-material Considerations	
Contributions to Council Tax revenue	According to the appropriate charging bands

15.0 Environmental Implications

A sustainability statement has been submitted which confirms that the dwellings will comply with Building Regulations in respect of energy and water efficiency and that solar panels and air source heat pumps will be considered to generate power and help to heat the dwellings. Natural stone will be sourced from a local quarry. An accessibility statement has been provided which details the public transport and active travel options to and from the site.

16.0 Planning Assessment

Principle of development

The site is outside the local plan settlement boundary, with the proposed new entrance being approximately 415 metres north of the Gillingham settlement boundary. In terms of the principle of the development at this location, the most relevant policies in the local plan are Policies 2, 6, 17 and 20.

Policy 2 defines Gillingham as one of the four main towns which will function as the main service centres for the (North Dorset) District, and will be the main focus for growth, both for the vast majority of housing and other development.

Policy 6 sets out the overall distribution of new housing across the plan area. It states that Gillingham should deliver at least 2,200 homes between 2011 and 2031, which is about 39% of the overall total.

Policy 17 sets out the overall strategy for Gillingham. It states that the town's housing needs (at least 2,200 homes) will be met through: (1) development of the strategic site allocation to the south of the town; (2) mixed-use regeneration of the Station Road area to the south of the town centre; and (3) development of land to the south and south-west of Bay.

Policy 20 states that development in the countryside, outside of the settlement boundaries, will only be permitted if: (1) it is of a type appropriate to the countryside, as summarised in Figure 8.5; or (2) it can be demonstrated that there is an 'overriding need' for it to be located in the countryside. Figure 8.5 lists a number of different types of residential development that might be appropriate in the countryside, including rural exception schemes, occupational dwellings, and re-use of heritage assets and redundant or disused buildings.

The proposed scheme does not comply with this collection of policies, and therefore the principle is contrary to the spatial strategy in the adopted local plan.

The Gillingham Neighbourhood Plan (GNP) does not identify any new sites for residential development, nor does it modify the settlement boundary. Figure 5.2 on page 9 identifies key issues for different areas in the neighbourhood plan area. For Milton on Stour, it states: "No major changes anticipated – safeguarding the separate character of this settlement is the key driver, together with retaining the small community hub at the garage / stores and improved pedestrian / cycle links into the main town."

Paragraph 11 of NPPF sets out the 'presumption in favour of sustainable development' which applies when the policies most important for determining an application are out of date. Footnote 8 specifies that this can be when the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

The most recent housing land supply position for North Dorset published by Dorset Council is the North Dorset Housing Land Supply 2023. This sets out that on 01/04/2023, North Dorset had a deliverable housing land supply of 5.02 years. The 2022 Housing Delivery Test is the most recent that is published by the government. For North Dorset the result was 75%. This would suggest that the minimum requirements of NPPF footnote 8 have been met, and the presumption does not apply.

However, the deliverable supply was tested at a recent appeal for a scheme for 67 dwellings at Marnhull (our ref: P/OUT/2023/00627). The appeal decision, published 08/05/2024, concluded that having considered the contested sites, the deliverable supply should be discounted slightly, reducing it to the equivalent of 4.83 years. This is however a snapshot in time and does not change the published figure of 5.02 years. However, some weight should be given to the appeal decision. Proposals for housing development in sustainable locations outside of settlement boundaries, where there is no harm, should be supported.

The site is at some distance (c.415m) from the nearest settlement boundary, so it is necessary to consider the overall sustainability of the location, bearing in mind the need for future residents to access day-to-day needs, and the mode of transport that they are likely to choose. The site is adjacent to an offroad cycle path, which would give pedestrians and cyclists a reasonable option to travel to and from Gillingham. However, while this has a tarmac surface, it is unlit and so is likely to be less appealing in the dark and during inclement weather. It is also approximately 30 minutes' walk / 2kms between the proposed site and the centre of Gillingham town centre (Lloyds Bank), which exceeds most benchmarks for a walkable neighbourhood. The government's National Design Guide (2021) defines 'walkable' as local facilities that are within walking distance, which is generally considered to be no more than a 10-minute walk (800m radius).

Walkable Neighbourhoods by Sustrans (2022) also recommends 800m/10-minute walk to be the longest distance the majority of people are willing to walk to meet their daily needs. As such, it is considered that occupants of the proposed dwellings would be likely to rely on the use of private motor vehicles to access their day-to-day needs. The location of the dwellings is therefore considered to be unsustainable.

In line with the government's objective to significantly boost the supply of homes (NPPF para 60), the delivery of additional housing should be given significant weight in planning decisions. As mentioned above, the LP plans for at least 2,200 new homes at Gillingham between 2011 and 2031, with 1,800 delivered at the Southern Extension. The Council's latest monitoring records suggest that between 2011 and 2024 (the first 13 years of the 20-year plan period), 254 dwellings were delivered in Gillingham, which is significantly below the estimates used when the LP was being examined. The main cause of this has been the delays with the delivery of the Southern Extension. With the principal street now complete, the Council expects completions to start coming forward on the land west of Shaftesbury Road. However, it is now highly likely that the overall target of 2,200 homes between 2011 and 2031 will not be met. This shortfall is

largely responsible for North Dorset struggling to demonstrate a 5-year HLS since 2017 and has meant that planning permission has been granted on a number of unallocated sites outside of the settlement boundaries. However, it should be noted that such large-scale windfall sites tend to be *adjacent* to a settlement boundary, rather than some distance away (c. 415 metres).

Having regard to the above, it is considered that the benefit of the proposed development (ie a modest contribution to the housing land supply) is outweighed by the unsustainable location and the environmental impacts associated with allowing housing in such a location. The principle of the proposal is therefore unacceptable, being contrary to Policies 1 (Presumption in Favour of Sustainable Development), 2 (Core Spatial Strategy) and 20 (The Countryside) of the Local Plan.

Affordable Housing

The application proposes that three of the seven dwellings are First Homes, a type of discounted market sale housing, which, according to government guidance, should be considered to meet the definition of 'affordable housing' for planning purposes. Such housing would need to be secured via a s106 agreement to ensure that it remains affordable for any future sales.

As the site is within the countryside, outside of any settlement boundary, Policy 9 (Rural Exception Affordable Housing) of the Local Plan is relevant. Although the proposed development has not been put forward as a rural exception site, normally all of the dwellings on a rural exception site would be affordable.

The Council's Housing Enabling Team is not supportive of the proposal, as set out in their consultation response in Section 9, above.

Having regard to their comments, it is considered that the proposed affordable housing is contrary to Policy 8 (Affordable Housing) of the Local Plan and would not respond to local need. It is therefore unacceptable from a planning perspective.

Scale, design, impact on character and appearance

The proposed dwellings would be located off a private estate road, accessed from the B3092, and would be screened from Kendalls Lane and the B3092 by a wide band of mature shrubs and trees, the latter of which are protected by a site-wide Tree Preservation Order. The dwellings would be constructed of natural, local stone, under plain clay tile roofs and each would have a small area of private, outdoor amenity space. The scale and design of the dwellings is considered appropriate, and it is

considered that the proposed development would have an acceptable impact upon the visual amenity of both the immediate surroundings and the wider landscape, in accordance with Policy 24 (Design) of the Local Plan.

Impact on the living conditions of the occupants and neighbouring properties

The positioning and design of the proposed dwellings are such that the light, privacy and living conditions of nearby properties would not be adversely affected, and each proposed dwelling would have its own area of private, outdoor amenity space. As such, it is considered that the proposal is acceptable in terms of its impact on the residential amenity of both existing dwellings and the proposed dwellings themselves. The proposal would comply with Policy 25 (Amenity) of the Local Plan.

Impact on landscape or heritage assets

The nearest designated heritage assets are the Conservation Area (approximately 200m to the north and west of the site), and the Grade II listed Church of St Simon and St Jude (approximately 380m to the north), and the proposed development would not cause harm to the setting of either. The nearest non-designated heritage asset (identified within the Gillingham Neighbourhood Plan (GNP)) is Kendalls House (approximately 50m to the south and on the opposite side of Kendalls Lane). The mature planting either side of the lane would ensure that the proposed development would not affect the setting of this non-designated asset.

Figures 11.6 and 11.7 (page 51) of the GNP identify the area between Gillingham and Milton on Stour as an Important Open Gap with the intention to retain the distinct character of Milton on Stour as a separate village. Policy 22 states that development that would reduce the openness of the identified Important Open Gaps will not be permitted. However, the site is well-screened by hedging and trees, and not open in nature. As such, views of the new development are largely obscured, and it is unlikely that this proposed scheme would be contrary to GNP Policy 22.

Having regard to the above, it is considered that the proposed development would preserve the historic environment and would have an acceptable impact on the wider landscape character, in accordance with Policies 4 (The Natural Environment) and 5 (The Historic Environment) of the Local Plan and Policy 22 (Protecting Important Green Spaces) of the Neighbourhood Plan.

Flood risk and drainage

The application site is within an area identified by the Council's Strategic Flood Risk Assessment (SFRA) as being at the very lowest risk of flooding from rivers, sea,

surface water or groundwater. As such, it is considered that the development would not be at risk of flooding, nor would it increase the risk of flooding elsewhere. In the event the application is approved, a pre-commencement condition requiring the submission of surface water drainage details is recommended. The application therefore accords with Policy 3 (Climate Change) of the Local Plan.

Highway impacts, safety, access and parking

The proposal seeks to provide a new vehicular access off the B3092, along with seven dwellings served from a private estate road. The new access will also serve the existing nursery, to the north of the development site, and the existing nursery access is to be permanently closed to all traffic. The Highway Authority comments that, “The geometry of the new access and the associated visibility splays meet with safety criteria. The internal estate road layout allows all vehicles to enter and leave the site in a forward gear and sufficient car parking is provided for each dwelling. Cycle parking has not been shown on the submission but can be conditioned, should consent be granted. There will be no direct access, either by pedestrians or vehicles, onto Kendalls Lane.” On this basis, the Highway Authority raises no objection, subject to conditions. It is therefore considered that the proposal has an acceptable impact in relation to highway safety, access and parking provision, in accordance with Policy 23 (Parking) of the Local Plan.

Impact on trees

The site is protected by an Area Tree Preservation Order; a large number of trees will need to be removed to facilitate the proposed development, but details of appropriate mitigation for this have not been provided, so the tree officer has been unable to properly assess the impact of the development. As such, it has not been demonstrated that the proposal will have an acceptable impact in relation to trees, contrary to Policy 24 (Design) of the Local Plan.

Biodiversity

The application is supported by a NET-approved biodiversity plan; in the event the application is approved, a condition requiring compliance with the Biodiversity Plan is recommended. In respect of the impact upon biodiversity, the application therefore accords with Policy 4 (The Natural Environment) of the Local Plan.

17.0 Conclusion

The site is located outside of any settlement boundary, in an unsustainable location, where residents would likely be reliant on private motor vehicles to meet their day-to-

day needs. Furthermore, it has not been demonstrated that the proposed development would be acceptable in relation to the protected trees on the site. The proposal would provide 7 dwellings, 3 of which would be First Homes, and this is a benefit of the proposal. However, the provision of the dwellings is not considered to outweigh the unsustainable location, contrary to the spatial strategy. The proposal is contrary to the development plan, taken as a whole and there are no material considerations that would outweigh this conflict. The proposal would conflict with Policies 1, 2, 20 and 24 of the North Dorset Local Plan Part 1 (2016) and Chapters 2, 5 and 12 of the National Planning Policy Framework (2023).

18.0 Recommendation

Refuse for the following reason:

1. The site is located outside of any development boundary, in an unsustainable location, where residents would likely be reliant on private motor vehicles to meet their day-to-day needs. The proposal is therefore contrary to Policies 1, 2 and 20 of the North Dorset Local Plan Part 1 (2016) and Chapters 2 and 5 of the National Planning Policy Framework (2023).
2. The application has failed to provide a mitigation scheme for the loss of trees on the site, which is covered by an Area Tree Preservation Order. As such, it has not been possible to properly assess the impact of the proposed development on the protected trees, and the proposal is contrary to Policy 24 of the North Dorset Local Plan Part 1 (2016) and Chapter 12 of the National Planning Policy Framework 2023.