

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

## 1.0 Background

1.1 This application has been referred back to committee for consideration for the reasons set out in 1.2 – 1.5 below.

1.2 The nominated officer decided that this application should be considered by the Planning Committee on 30 July 2024. The committee resolution was that:

The committee delegate power to the Head of Planning to GRANT planning permission once mitigation to secure nutrient neutrality has been secured subject to conditions as set out in Section 18 of this report

or

REFUSE planning permission if nutrient neutrality mitigation is not secured within 6 months or extended date if agreed by the Head of Planning.

1.3 On 5 September 2024 the planning agent confirmed that nutrient neutrality would be secured by way of pre-commencement condition on the decision notice. As the

nutrient neutrality was proposed to be secured by way of third party credits – as opposed to the former CIL approach – it was considered necessary for the Council to undertake a new Appropriate Assessment and required consultation with Natural England, and the Council’s Environmental Assessment Team were instructed to complete this process.

- 1.4 On 26 September 2024, before the decision was issued, the Planning Inspectorate’s report on the Council’s 5-year housing land supply position statement was received. This confirmed that, using the standard method, in line with paragraph 77 of the NPPF, Dorset Council has a 5.02-year supply for the Dorset area. As there is now a confirmed 5-year housing land supply, the Council’s housing policies are up to date and the tilted balance is no longer engaged.
- 1.5 This report and the officer recommendation has been updated to reflect the new 5 year housing land supply position for the Dorset Council area.

**2.0 Summary of recommendation:**

The committee REFUSE planning permission.

**3.0 Reason for the recommendation:**

The application site is in an unsustainable location in the countryside and outside any settlement boundary and the proposed residential development fails to accord with policy V1 of the Purbeck Local Plan 2024 and paragraph 84 of the NPPF. No material circumstances exist that outweigh the harm arising from the development of the isolated dwelling in the countryside.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Unacceptable. Development of dwelling in the countryside and outside a settlement boundary contrary to local and national policy in respect of rural housing. A 5-year housing land supply for the Dorset Council area has been confirmed by PINS and the tilted balance no longer applies.
Affordable Housing Provision	Policy requirement for provision not triggered.
Scale, layout, design, impact on character and appearance	Acceptable subject to conditions.
Impact on the Dorset National Landscape (formerly known as AONB)	Acceptable.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable.
Impact on protected trees	Acceptable subject to condition.
Flood risk and drainage	Acceptable subject to condition.

Highway impacts, safety, access, and parking	Acceptable subject to condition.
Biodiversity	Acceptable subject to condition.

## 5.0 Description of Site

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

## 6.0 Description of Development

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

## 7.0 Relevant Planning History

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

Application number	Proposal	Decision	Comment
313229	Change of use of rectory to a guest house	Granted 1968	Condition limiting use of the guest house facilities to residents only later removed 6/1982/0093
6/1983/0076	Outline permission to Form flat in existing hotel and erect dining room extension, erect new buildings to form 2 storey block of six 2 bedroom accommodation units and extension to coach house	Granted 1983	

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	to form further 2 bedroom unit, form car parking area, construct swimming pool and tennis court, form new vehicular access		
6/1988/0095	Erect 2-storey block to form six g/floor bedrooms and bathrooms and first floor sauna and games room, form additional car parking	Granted 1988	
6/2009/0268	Erect two storey extension to the outbuilding known as The Coach House within grounds of Kemps Country House and change of use of the outbuilding from a use ancillary to the hotel to a unit of independent residential accommodation	Granted 2009	Permission extended in 2011 (6/2011/0723)
6/2015/0005	Change of use of Kemps Country House to 6 dwellings with associated alteration works, extension to the coach house, parking and landscaping.	Granted 2015	Not implemented
6/2015/0427	Variation of Conditions 5 & 7 of PP 6/2015/0005 (Change of use of Kemps Country House to 6 dwellings with associated alteration works, extension to the coach house, parking and landscaping)	Granted 2015	Allowed phased implementation of 2015 permission but not implemented
6/2016/0718	Outline permission to demolish existing annexe building and erect a terrace of six 3-bedroom dwellings and associated car parking with details of access, layout and scale	Granted 2017	S106 agreement secured £87,672 towards affordable housing. Not implemented
6/2017/0424	Reserved matters for the erection of six 3 bedroomed dwellings	Withdrawn 2017	

6/2018/0382	Full application for six dwellings	Refused 2018	Lack of affordable housing contribution
6/2018/0545	Two storey extension to the hotel	Granted 2018	
6/2019/0090	Demolition of the existing annexe building and erection of two terraces of three 3-bedroom dwellings and associated car parking	Granted 2019	Completed
P/FUL/2021/05599	Erection of 1no. 3 bed house	Refused 2022	Principle Overdevelopment Nutrient neutrality Flood risk
P/HOU/2022/06608	Two storey side extension	Granted April 2023	Extension to dwelling on plot 1

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

## 8.0 List of Constraints

TPO (PDC/TPO 447)

Poole Harbour Nutrient Catchment Area

Dorset Heath Designation Buffer 5km

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

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

Groundwater – Susceptibility to flooding

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

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

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

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

Minerals and Waste Safeguarding Area - ID: 31

Minerals and Waste Safeguarding Area - ID: 3081

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

Mineral and Waste - Ball Clay Consultation Area

Minerals and Waste - Sand and Gravel

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

Radon: Class: Class 1: Less than 1%

## 9.0 Consultations

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

### Consultees

#### 1. **Natural England**

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

#### 2. **Southern Gas Networks**

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

#### 3. **Dorset Council – Highways Engineer**

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

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

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

#### 5. **Dorset Council - Flood Risk/ Drainage Engineer**

*Verbal comments 28/11/23:*

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

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

Attenuation tank has capacity including for climate change allowance.

No objection. Condition implementation of details.

**6. Dorset Council - Building Control**

No comments received.

**7. Dorset Council – Minerals and Waste Team**

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

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

**8. East Stoke Parish Council**

Overdevelopment of the site

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

The CIL for the whole site needs to be investigated

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

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

Object strongly.

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

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

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

There are no garages.

Proposed dwelling seems even smaller and not in keeping.

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

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

Concerns over the shared sewage facility.

Over development of the site.

### **Representations received**

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

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
1	0	0

#### **Summary of comments of objections:**

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

Site already overdeveloped.

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

### **10.0 Duties**

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

10.2 s85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)

### **11.0 Relevant Policies**

#### Development Plan

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

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape

Policy E4: Assessing flood risk

Policy E5: Sustainable drainage systems (SuDs)

Policy E7: Conservation of protected sites

Policy E8: Dorset heathlands

Policy E9: Poole Harbour

Policy E10: Biodiversity and geodiversity

Policy E12: Design

Policy H2: The housing land supply

Policy I2: Improving accessibility and transport

Policy I3: Green infrastructure, trees, and hedgerows

#### Material Considerations

#### **Emerging Local Plans:**



Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

### **The Dorset Council Local Plan**

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

### **Emerging Neighbourhood Plans**

N/A

### **National Planning Policy Framework**

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

Other relevant NPPF sections include:

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

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

Section 11 'Making effective use of land'

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

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

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

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

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

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

#### Other material considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Nitrogen Reduction in Poole Harbour SPD Adopted

Consultation Report - Nitrogen Reduction in Poole Harbour SPD

Consultation Statement - Nitrogen Reduction in Poole Harbour SPD

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

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

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

Dorset Level 1 Strategic Flood Risk Assessment 2024

Purbeck District design guide supplementary planning document adopted January 2014.

Purbeck Housing Land Supply report (April 2023)

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

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

## **12.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

### 13.0 Public Sector Equalities Duty

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

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

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

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

### 14.0 Financial benefits

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

### 15.0 Environmental Implications

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

### 16.0 Planning Assessment

Principle of development

- 16.1 The application site is located in East Stoke, a village without a settlement boundary, as defined by Policy V1: Spatial strategy for sustainable communities and the settlement hierarchy of the Purbeck Local Plan. Policy V1 identifies appropriate locations for new housing. The proposed site is classed as falling within the open countryside and does not accord with the policy requirements in respect of the location of new housing development.
- 16.2 National and local planning policies support sustainable growth in rural communities whilst recognising the need to retain the intrinsic character and beauty of the countryside. Paragraph 83 of the National Planning Policy Framework (NPPF) advises that in order 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.' Paragraph 84 of the NPPF advises that new isolated homes in the countryside should be avoided unless special circumstances apply. The proposal does not meet any of the identified special circumstances.
- 16.3 The definition of 'isolated' was considered by the Court of Appeal in Braintree District Council v Secretary of State for Communities and Local Government [2018] EWCA Civ 610, [2018] 2 P. & C.R. 9. The court determined that it is for the decision maker to determine 'whether [the development] would be physically isolated, in the sense of being isolated from a settlement' (Braintree 42).
- 16.4 In this case the building is not isolated from other houses, as it would adjoin recently completed housing on the former Kemps Hotel site. However, the nearest settlement boundaries serve the town of Wareham (approx. 3 miles to the east) and the village of Wool (approx. 2.5 miles to the west). Despite its location on a main road, the village of East Stoke is served by a very limited range of facilities' as identified by the Local Plan settlement hierarchy, and any occupants would be reliant upon private vehicle or limited public transport provision to access shopping, education and medical facilities in Wareham and / or Wool, and beyond. In this respect, the site is isolated from key services and facilities and is not located in a sustainable location.
- 16.5 Application 6/2019/0090 for the 6 dwellings erected on the site noted that the replacement dwellings would not harm the intrinsic character and beauty of the countryside at this location as the principle of demolition and replacement was long established. The dwellings were located within an area of land outlined on the Council's Brownfield Register Part 1 (Ref: BR/11/003) and the site was considered to be suitable, available, and achievable for housing development. For these reasons, the proposed dwellings were acceptable in accordance with the Local Plan policy in place at that time - Policy CO of the Purbeck Local Plan 2012.
- 16.6 Officers considered the same issue of impact on the countryside in relation to the formerly refused application for an additional end of terrace dwelling (P/FUL/2021/05599). It was determined that the built form of the approved and implemented dwellings (6/2019/0090) already exceeded the western edge of the former hotel annexe footprint and resulted in additional mass above the 1.5 storey former chalet bungalow accommodation. Officers considered that the addition of a single dwelling on the end of the existing terrace, outside the area of land on the Brownfield Register, could not be considered as a 'replacement building' within the countryside in the same manner as the former application for six dwellings; the new

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

- 16.4 The additional dwelling proposed by the current application would again result in a built form within the countryside that would extend beyond the identified brownfield land and would exceed the western edge of the former hotel annexe footprint. Officers have re-considered whether the additional dwelling would form an acceptable and effective use of land given the previously developed land (PDL) classification of the former application site. The NPPF definition of PDL is as follows:

***'Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure...'***

- 16.6 Whilst the application site is located outside the red line of the brownfield land register listing, it is considered to fall within the curtilage of previously developed land. Nevertheless, the definition confirms that this does not mean that the whole site should be developed, and paragraph 124(c) of the NPPF emphasises the use of brownfield land within settlements, as opposed to rural sites, for redevelopment for homes.
- 16.7 As a result, it is considered that the additional dwelling within the countryside, albeit within the curtilage of previously developed land, would constitute isolated and unsustainable development contrary to paragraphs 83 and 84 of the NPPF. The new dwelling would result in an increase in the extent and cumulative mass of residential development within the Kemps site, harmfully impacting on the openness and visual character of the retained western curtilage of the former brownfield land. This, together with the proximity of the new dwelling to the western site boundary, would result in visual encroachment on the countryside to the detriment of the intrinsic character and beauty of the rural setting and contrary to paragraph 180(b) of the NPPF.
- 16.8 Dorset Council now has a confirmed 5-year housing land supply, the Council's housing policies are up to date, and the tilted balance is no longer engaged. For the above reasons, the principle of the proposed development is unacceptable in the countryside as it is contrary to Policy V1 of the Purbeck Local Plan 2024 and paragraphs 83, 84 and 180(b) of the NPPF.

#### Affordable Housing Provision

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

- 16.10 Updated Planning Practice Guidance (Planning Obligations - Paragraph: 023 Reference ID: 23b-023-20190901) states:

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

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

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

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

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

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

into the countryside. Overall, the scale, design, and external appearance of the proposal is considered acceptable within its setting.

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

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

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

#### Impact on neighbouring and future occupier amenity

- 16.21 The closest neighbouring home to the west (Grange View) is approx. 80 metres away from the proposed dwelling. Comments of objection have been received from the occupants of this property in respect of noise, loss of the natural boundary, overdevelopment, and flood risk.
- 16.22 Existing trees and other vegetation screens views between the two dwellings. A landscaping condition is recommended if permission is granted to secure betterment in terms of additional planting which will further screen the additional dwelling in views from the west. In terms of noise, the residential use is not considered to result in additional demonstrable harm to the neighbouring amenity above that already established by the existing development of 6 dwellings.

- 16.23 Directly to the east, the new house would adjoin the existing terrace with no harmful impacts on neighbours. Impacts on neighbouring amenity are therefore considered to be acceptable in accordance with Policy E12: Design of the Purbeck Local Plan 2024.

*Amenity for future occupiers*

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

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

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

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

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

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

Impact on protected trees

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



western boundary of the site in the interest of visual amenity. On this basis, the proposal is considered to accord with Policies E12 and I3 of the Purbeck Local Plan 2024 in respect of tree impacts.

#### Flood risk and drainage

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

#### Highway impacts, safety, access, and car parking

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

#### Biodiversity impacts

##### *Biodiversity Impacts*

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

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

*Appropriate Assessment*

- 16.37 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The site also falls within the Poole Harbour Nutrient Catchment Area.  
The proposal for a net increase in one residential unit, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the sites.
- 16.38 An Appropriate Assessment is in progress in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the Natural Environment and Rural Communities Act 2006 and the NPPF. The planning agent has confirmed that nutrient credits will be purchased from a third-party provider to deliver nutrient neutrality within the Poole Harbour Catchment and impacts on Dorset Heathland will be mitigated through the CIL. When complete, and subject to consultation with Natural England, the assessment is likely to conclude that there is no unmitigated harm generated by the proposal to interests of nature importance.
- 16.39 Subject to the positive completion of the Appropriate Assessment and a pre-commencement condition to secure nutrient credits, the proposed development is considered to comply with Policies E7: Conservation of protected sites, E8: Dorset heathlands, E9: Poole Harbour, and E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Other considerations

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

Housing Delivery Test

- 16.44 On 26 September, after the committee agenda was finalised, the Planning Inspectorate's report on the Council's 5-year housing land supply position statement

was received. This confirmed that, using the standard method, in line with paragraph 77 of the NPPF, Dorset Council has a 5.02-year supply for the Dorset area. As there is now a confirmed 5-year housing land supply, the Council's housing policies are up to date and the tilted balance is no longer engaged.

## **17.0 Conclusion**

17.1 Although the proposal has overcome the previous reasons for refusal in respect of impact on the character and appearance of the area, nutrient neutrality and flood risk, the change to the Council's published Housing Land Supply position means that weight can be given to the Council's housing policies.

17.2 The application site is in an unsustainable and isolated location outside any settlement boundary so fails to accord with policy V1 of the Purbeck Local Plan 2024. No material circumstances that outweigh the harm arising from the development of the isolated home in the countryside has been identified, so the application cannot be recommended for approval.

## **18.0 Recommendation**

Refuse for the following reason:

1. The proposal, by reason of its siting outside the settlement boundary of a small village with a limited range of facilities and within the countryside, would not promote sustainable and accessible development or provide rural housing in a location where it would enhance or maintain the vitality of rural communities. As such, the proposal is contrary to Policy V1: Spatial strategy for sustainable communities of the Purbeck Local Plan 2024 and paragraphs 82 – 84 of the National Planning Policy Framework.

### **Informative Notes:**

1. The plans that were considered by the Council in making this decision are:

9034/600 A Location & block plan

9034/601 A Proposed floor plans and Elevations

9034/602 Proposed street scene

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

2. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

3. National Planning Policy Framework

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 –

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- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

-The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.