

<b>Application Number:</b>	P/FUL/2024/06508		
<b>Webpage:</b>	<a href="https://www.dorsetforyou.com/PlanningApplication/P/FUL/2024/06508">Planning application: P/FUL/2024/06508 - dorsetforyou.com</a>		
<b>Site address:</b>	Barn north-east of Old Quarry Close, Worth Matravers		
<b>Proposal:</b>	Partial demolition, external alterations and change of use to create three holiday lets with associated landscaping and parking		
<b>Applicant name:</b>	County Gates Developments Ltd.		
<b>Case Officer:</b>	Cari Wooldridge		
<b>Ward Member(s):</b>	Cllr Wilson		
<b>Publicity expiry date:</b>	12 December 2024	<b>Officer site visit date:</b>	03 December 24
<b>Decision due date:</b>	10 January 2025	<b>Ext(s) of time:</b>	28 February 25
<b>No of Site Notices:</b>	x4		
<b>SN displayed reasoning:</b>	The site notices were displayed in prominent positions in the interest of maximising awareness of the application.		

**1.0** This application comes before the planning committee at the request of the Committee Chair.

**2.0 Summary of recommendation:**

GRANT planning permission subject to conditions as set out in section 18.

**3.0 Reason for the recommendation:**

- Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 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 would re-use an existing building in the countryside to provide tourist accommodation in the form of three holiday let dwellings (Use Class C3) in compliance with Policy EE4 of the Purbeck Local Plan 2024.

- The proposal is acceptable in layout, scale, design, massing and visual impact on the character and appearance of the area and the Dorset National Landscape.
- The proposal is compatible with neighbouring residential amenity.
- The proposal is acceptable in respect of flood risk, highway impacts, biodiversity and contamination.
- There are no material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable- re-use of existing building as tourist accommodation within the countryside
Affordable housing	Acceptable - vacant building credit applies.
Scale, design, and impact on character and appearance of the area including the Dorset National Landscape (formerly known as AONB)	Acceptable - subject to conditions.
Impact on neighbour and occupier amenity	Acceptable.
Highway safety, access and parking	Acceptable - subject to conditions.
Biodiversity impacts	Acceptable - subject to conditions.
Flood risk and drainage	Acceptable.
Site contamination	Acceptable - subject to condition.

#### 5.0 Description of Site

- 5.1 The application site is located on the eastern fringe of Worth Matravers and is particularly prominent in wider landscape views due to its edge of village setting and the surrounding open landscape character. Nearby residential properties are located on Old Quarry Close and Newfoundland Close to the southwest / west of the site with the nearest property on Old Quarry Close being located approx. 16 m from the existing barn. The site is within the countryside and Dorset National Landscape (formerly known as AONB).
- 5.2 The existing barn is constructed of a concrete block base with grey metal elevations and roof cladding, a large metal roller shutter door on the east elevation, and several smaller units forming a lean-to extension off the north elevation. The site is enclosed by Purbeck Stone walling on its southern boundary, a landscape bund along its northern boundary and post and wire fencing. There is an existing double gated access off the highway and areas of compacted rubble hardstanding to the east and

providing access to the north (rear) of the building. The remaining areas within the site are overgrown and an element of external storage is taking place to the rear.

## 6.0 Description of Development

- 6.1 The application proposes the partial demolition of the existing barn and conversion of the remaining barn structure to form three 4-bedroom holiday let dwellings with associated landscape and parking.

## 7.0 Relevant Planning History

6/1980/0517 - Decision: GRA - Decision Date: 17/10/1980  
Erect extensions to existing agricultural building.

6/1994/0026 - Decision: REF - Decision Date: 28/02/1994  
Change use of agricultural barn to form a camping barn.

P/CLE/2023/00563 - Decision: GRA - Decision Date: 28/03/2023  
Use of a redundant agricultural barn for commercial storage under Use Class B8

P/FUL/2024/00712 - Decision: REF - Decision Date: 10/04/2024  
Partial demolition and conversion of existing barn to form three dwellings, with associated landscaping and parking  
Reasons for refusal:

1. Insufficient information has been provided in the form of a suitably scaled drawing to include site access visibility splays within the applicant's landownership and in accordance with guidance within the Manual for Streets to determine that the proposal would not result in material harm to the transport network or to highway safety. As such, the proposal is not considered to comply with Policy IAT of the PLP 2012 which requires that new development should provide for improved safety and convenience of travel, safe access to the highway, and should provide towards new / improved access to the highway.
2. The proposed development would result in a new and harmfully intrusive level of artificial light pollution into the intrinsically dark landscape and dark night skies of the Dorset National Landscape which would not positively integrate with the rural character and appearance of the area. The proposal does not seek to further the purposes of conserving and enhancing the natural beauty of the Dorset AONB / Natural Landscape and would erode key characteristics of the National Landscape Setting of the application site and village, including their sense of tranquillity, and remoteness associated with the dark night landscape and skies. As such, the proposal is contrary to Section 85 of the Countryside and Rights of Way Act (2000), paragraphs 180 and 182 of the NPPF, Policies LHH & D of the PLP 2012, and the objectives of the Dorset AONB Management Plan 2019-2024 (paragraph 9.3.1 and policy C2(d) and (f)). The level of harm to the key characteristics of the Dorset National Landscape resulting from the artificial light intrusion would be so significant as to outweigh the benefits of the scheme, including the provision of three additional dwellings towards the area housing land supply deficit, and the

presumption in favour of sustainable development as set out in paragraph 11 of the NPPF does not therefore apply.

P/FUL/2024/02697 - Decision: REF - Decision Date: 09/10/2024

Partial demolition and conversion of existing barn to form three dwellings, with associated landscaping and parking

Reasons for refusal:

1. The proposal, by reason of its siting outside a 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.

## **8.0 List of Constraints**

National Landscape (Area of Outstanding Natural Beauty (AONB)): Dorset - (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)

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.

Dorset Heathlands - 5km Heathland Buffer

Purbeck Heritage Coast

Minerals and Waste Safeguarding Area

Minerals and Waste - Building Stone

Radon: Class: Class 2: 1 - 3%

Right of Way: Footpath SE29/24; - Distance: 7.02

Scheduled Monument: Group of medieval strip lynchets at East and West Man (List Entry: 1019951.0); - Distance: 168.31

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4986.81

## **9.0 Consultations**

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

### **Consultees**

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

No objection subject to securing mitigation to ensure that the identified adverse effects on protected sites (Dorset Heaths recreation impacts) are mitigated.

Advise authority to undertake an Appropriate Assessment.

The Dorset Council Natural Environment Team approved ecology information must be implemented in full – to be secured through a condition as part of the grant of planning permission.

#### **2. Ramblers Association**

No comments received.

#### **3. Dorset Council – Highways**

At present the barn has agricultural use but will be replaced with vehicular movements for tourists / guests and servicing.

Proposal will utilise existing vehicular access.

The radii will encourage drivers to emerge with caution.

There is onsite parking and vehicles will be able to turn in a forward gear.

Applicant has provided a visibility splay drawing aligning to the carriageway geometry.

There appear to be 'Slow' road markings and 3-2-1 strips on the adjacent carriageway at intervals to the village threshold.

The development is vehicle reliant but there is capacity on site for the applicant to build in a cycle store facility, Ebike charging and EV charging as standard.

No objection subject to conditions and informative notes.

#### **4. Dorset Council – Rights of Way**

No objection.

Public right of way SE29/24 will be used as the access route to the development and the surface may be adversely affected by the work.

The surface of the Footpath is expected to be restored immediately following any damage and at the end of the development the Footpath must be in a good condition for the public.

The safe free passage of the public on all rights of way must not be obstructed at any time.

**5. Dorset Council – Natural Environment / Biodiversity Net Gain Team**

BNG information does not meet our consultation trigger and has not been reviewed by NET.

Note the submission of an EclA in support of the application, However this has not been submitted to NET for review under the DBAP. Recommend that this information is submitted to NET directly for review, with the appropriate fee, to ensure compliance with wildlife legislation, NPPF (2023) and that biodiversity mitigation and enhancements are secured.

**6. Dorset Council – Building Control**

Ensure any inner room situation have suitable means of escape in case of fire.

Ensure any boundary Conditions comply with part B.

Ensure any material change of use legislation if applicable is relevant and required.

**6. Dorset AONB Team**

Do not wish to comment due to scale of proposal.

**7. Worth Matravers Parish Council**

Object.

Development at Old Quarry Close (6/2016/0013) had design specific restrictions on window placements imposed. Conversely, current application proposes windows on all sides of building which would be contradiction.

Windows mean neighbouring properties are overlooked causing loss of privacy.

Believe there is no demand for more holiday lets in our community but urgent need for primary homes for local residents.

Barn outside village boundary and within AONB. Existing agricultural building compatible with landscape. Proposed design, appearance and materials deemed incompatible and out of character with other residential buildings.

The Ecological Impact Assessment fails to accurately consider local wildlife.

Proximity to bee apiary raises concerns with light pollution.

Current barn structure, which replaced a barn that burned down several years ago, is not a reasonable comparison in size and height to justify this proposal. If approved, there is concern that this would lead to unwanted pressure for further private development.

**8. Ward Member – Cllr B Wilson**

Previous application (P/FUL/2024/02697) for permanent residences was subject to Purbeck Local Plan conditions of primary residence and affordable housing levy.

The construction of tourist accommodation on this site, extending the built environment of Worth Matravers has no merit for the village and exacerbates existing issues of housing availability and distorted rental market due to the growing prevalence of AirBnBs.

Furthermore the proposed development is further detrimental to the growing light pollution problem in this village and will adversely impact the immediate neighbours.

### **Representations received**

1 letter of objection:

There are enough holiday lets in Worth Matravers and any justification for building outside the settlement boundary should be based on housing need.

As in the refusal notice for the previous application (P-FUL-2024-02697) considerations to the requirements of the NPPF sections 4, 5, 11,12,14 and 15 should be applied. Nothing has changed.

Homes on barn plot should be in keeping with village environs.

Barn was acceptable as agricultural necessity but now an eyesore.

Light pollution to AONB and World Heritage site - will shine into bedroom window (Newfoundland Close), confuse bees in apiary and harm night skies. Restrictions should apply.

Impact on wildlife and another eco survey should be carried out.

No structural report submitted with current application.

### **10.0 Duties**

- 10.1 s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.
- 10.2 Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

### **11.0 Relevant Policies**

#### **Development Plan**

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

Policy V1: Spatial Strategy for sustainable communities

Policy E1: Landscape

Policy E4: Assessing flood risk

Policy E5: Sustainable drainage systems (SuDs)

Eastern Area Planning Committee  
26 February 2025

Policy E7: Conservation of protected sites

Policy E8: Dorset heathlands

Policy E10: Biodiversity and geodiversity

Policy E12: Design

Policy H11: Affordable Housing

Policy EE4: Supporting vibrant and attractive tourism

Policy I2: Improving accessibility and transport

Policy I3: Green infrastructure, trees and hedgerows

### Material Considerations

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

Paragraph 49 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 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 39 - 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 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.

The creation of high quality and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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

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

Section 15 'Conserving and Enhancing the Natural Environment' - In Areas of National Landscapes great weight should be given to conserving and enhancing the landscape and scenic beauty (para 189). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

### Other material considerations

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 AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

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

Dorset Biodiversity Protocol.

Dorset Council Level 1 Strategic Flood Risk Assessment

District Design Guide SPD

Managing and using traditional building details in Purbeck

## 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	
Business rate	Current rateable value £14,500 Estimated rateable value if let for 70 days or more £5000
CIL	£ 8129.79

## 15.0 Environmental Implications

15.1 The proposal is for a barn conversion to three holiday let dwellings which will be undertaken in accordance with current building regulations standards. The conversion will involve utilising the existing fabric of the barn with associated reductions in emissions compared to a new build. Suitable drainage will prevent any

additional impact in terms of flood risk. Landscaping and biodiversity net gain measures will be secured.

## 16.0 Planning Assessment

### Background to application

- 16.1 In 2023 a Lawful Development Certificate (P/CLE/2023/00563) for an existing use was granted for the 'use of the redundant agricultural barn for commercial storage under Use Class B8'. As a certificate of lawfulness cannot include conditions, there are no restrictions on this commercial storage use of the site.
- 16.2 In April 2024, an application (P/FUL/2024/00712) for the partial demolition and conversion of the barn to form three dwellings, with associated landscaping and parking was refused planning permission on the grounds of highway safety and harmfully intrusive light pollution on the intrinsically dark night skies of the Dorset National Landscape (full reasons for refusal included in history section above).
- 16.3 In October 2024, a further application (P/FUL/2024/02697) for the partial demolition of the barn and conversion into three 4-bedroom homes with associated landscaping and parking sought to address the former reasons for refusal. Taking into account a newly established five year housing land supply, this application was refused by the Eastern Area Planning Committee on grounds that the proposal, by reason of its siting outside a 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.
- 16.4 The current application proposes the partial demolition of the barn and conversion into three 4-bedroom holiday let dwellings with associated landscaping and parking. As with the former applications, the bedroom accommodation is proposed on the ground floor with open plan living accommodation at first floor served by large new window openings and inset balconies. Sliding timber shutters are proposed at first floor level. Sections of the barn are proposed to be removed as part of the conversion – particularly to the rear - to reduce the mass and visual prominence of the building within the landscape and to provide suitable private external amenity space for future occupants. Proposed materials include timber cladding with Purbeck Stone sections at ground floor. Additional landscape planting is proposed, and the existing landscape bund to the rear of the site is to be retained.
- 16.5 The main planning considerations are:
- The principle of conversion to provide holiday let dwellings within the countryside
  - Affordable housing
  - Scale, design and impact on the character and appearance of the area including the Dorset National Landscape
  - Impact on neighbour and occupier amenity
  - Highway safety

These and other considerations are assessed below.

Principle of development

16.6 The application site is located approximately 70m northeast of the defined settlement boundary of Worth Matravers and is therefore classed as 'countryside' in accordance with Policy V1: Spatial strategy for sustainable communities and the settlement hierarchy of the Purbeck Local Plan 2024.

16.6 Policy V1 identifies appropriate locations for new housing, extra care facilities, and employment development but is silent in respect of tourist accommodation. However, Policy EE4: Supporting vibrant and attractive tourism states that:

*Development opportunities to enhance the visitor economy will be supported where they are of a scale, type and appearance appropriate to the locality and provide local economic benefits.*

16.7 The policy advises that outside settlement boundaries, the Council will permit the conversion of existing buildings for tourist accommodation provided a number of criteria are met as follows:

*(a) the impact of proposed development on the national site network (including European sites), alone or in combination with other existing and proposed development, will be screened for likely significant effects under the Conservation of Habitats and Species Regulations (amended) (EU exit), 2019 and/or any equivalent relevant legislation or regulations. Where there is a probability or risk of a significant effect, the proposed development will be subject of an appropriate assessment (taking into account the lifetime of the development). Development proposals should, therefore, be accompanied by information reasonably required to undertake an appropriate assessment, and demonstrate how the development will avoid or otherwise mitigate any adverse impact on the integrity of any relevant site(s) in the national site network; and*

An Appropriate Assessment has been completed and confirms that the development will mitigate adverse impacts on the integrity of Dorset Heathland sites by way of a CIL contribution in accordance with the adopted SPD. The site lies outside the Poole Harbour Catchment and mitigation in respect of nutrient neutrality is not required.

*(b) it does not result in harmful impacts upon local services and the capacity of roads and other infrastructure; and*

The three holiday let dwellings are not considered to result in harmful impacts upon local services or the capacity or roads or other infrastructure. The Council's Highway Engineer has confirmed that they have no objection to the proposal.

*(c) the scale of any proposed buildings, and nature of the development does not harm the character and value of any landscape or settlement potentially affected by the proposals, and avoids any adverse impact to the amenity of neighbouring uses; and;*

The scale of the proposed barn conversion and the nature of the development is not considered to harm the Dorset National Landscape or result in adverse impact on neighbouring amenity (further assessment below).

*(d) it can demonstrate that it would result in benefits for the economy of Purbeck; and*

The proposed holiday let use of the converted barn would provide benefit, albeit limited, to the local economy through visitor spend and cleaning services.

*(e) If located within the Dorset National Landscape or green belt, would meet the requirements of national policy as well as clauses a-d above*

The proposal would meet the requirements of national policy in respect of impacts on the Dorset National Landscape (further assessment below).

In summary, the proposal is considered to comply with the requirements of Policy EE4: Supporting vibrant and attractive tourism of the Purbeck Local Plan 2024. The sections below address each of the above criteria in more detail.

- 16.8 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 88 of the National Planning Policy Framework (NPPF) advises that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through the conversion of existing buildings and well-designed new buildings. Paragraph 88 also notes that decisions should enable sustainable rural tourism and leisure development which respect the character of the countryside. The proposal would provide three additional holiday let dwellings and future occupiers may make a modest contribution to supporting the local village facilities and those of nearby villages and Swanage.
- 16.9 Although the barn is located outside the settlement boundary of Worth Matravers, paragraph 89 of the NPPF advises that:
- Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*
- The proposal is considered to make suitable use of previously developed land on a site that is relatively close to the village boundary, albeit isolated from services and facilities. The proposed conversion would be sensitive to its surroundings and would not have a harmful impact on local roads. A structural inspection report has been submitted with the application which confirms that the building is structurally appropriate and capable of conversion. Therefore, although the site is not well served by public transport, the proposed conversion to provide tourist accommodation in the form of holiday let dwellings is considered to be acceptable in respect of wider impacts and in accordance with NPPF paragraph 89.
- 16.10 It is noted that the existing B8 use of the barn is not safeguarded by way of Policy EE2: Planning for employment of the Purbeck Local Plan 2024 as the site does not form part of the identified employment land supply set out in Policy EE1: Employment land supply.

- 16.11 For the above reasons, the principle of the proposed development is considered to be acceptable in the countryside in accordance with Policy EE4 of the Purbeck Local Plan 2024 and paragraphs 88 and 89 of the NPPF.

Affordable Housing and Second Homes Restriction

- 16.12 Policy H11: Affordable Housing of the Purbeck Local Plan requires the provision of 20% affordable housing as part of all development for 2 – 9 dwellings where the site is located in a designated rural area (as is the case for this application). However, during the application process it was identified that the site can benefit from 'vacant building credit'.

- 16.13 Paragraph 65 of the NPPF advises that:

*To support the re-use of brownfield land, where vacant buildings are being re-used or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.*

Footnote 30 of the NPPF advises that the reduction is:

*Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.....*

- 16.14 On 23<sup>rd</sup> March 2023 a Certificate of Lawfulness Existing was issued for the use of the agricultural barn for commercial storage (Use Class B8). The B8 use was determined to be lawful as sufficient evidence had been submitted and was available to demonstrate that the use had taken place for at least 10 years. The certificate established the brownfield status of the building.

- 16.15 An assessment of whether the building is vacant must be made. In April 2024, planning application P/FUL/2024/00712 for the partial demolition and conversion of the existing barn to form three dwellings, with associated landscaping and parking was refused. In October 2024, planning application P/FUL/2024/02697 for the same description of development was also refused. The application forms submitted with each of the refused applications confirmed that the building was in a B8 Use and the site was not vacant. However, the current application form - dated 6<sup>th</sup> November 2024 - for the partial demolition, external alterations and change of use to create three holiday lets with associated landscaping and parking advises that the barn in B8 use is currently vacant. The completed CIL form advises that the building was vacant as of 8<sup>th</sup> September 2024. With no available evidence to the contrary, officers determine that the building is currently vacant albeit with an established B8 use.

- 16.16 Finally, it must therefore be determined whether the vacant building has been abandoned. Court of Appeal judgement in Hughes v Secretary of State for the Environment 2000 sets out the test for determining whether the use of a building has been abandoned in planning terms is objective with regard to the following criteria:

- *the condition of the building;*
- *the length of time for which the building had not been used for the relevant use;*

- *whether it has been used for any other purposes (such as intervening uses);*  
*and*
- *the owner's intentions (which is not determinative)*

16.17 In applying the above criteria to the current application, the following assessment is made:

- the physical condition of the building continues to be of a relatively good state of repair and the building is structurally sound;
- The buildings have only been confirmed as vacant or out of use since 6<sup>th</sup> November 2024 and officers are unaware of any intervening uses over this period of time.
- The owner's intentions to convert the barn were evidenced on the submission of planning application P/FUL/2024/00712 in April 2024. This intention has been re-evidenced by the submission of subsequent applications in October 2024 and November 2024.

16.18 Given the limited time that the building has been vacant, its relatively good state of repair and structural soundness, and the very recent intentions to convert the building to residential use (Use Class C3 includes holiday let dwellings), officers are unable to determine that the building has been abandoned. As such, the vacant building credit applies.

16.19 Paragraph 27 of the Planning Practice Guidance on Planning Obligations notes that:

*Where there is an overall increase in floor space in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floor space of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation.*

16.20 The existing building has a gross internal floor area of 497.8 m<sup>2</sup>. The application proposes partial demolition but also the provision of a first floor level. The proposed gross internal floor area of the building would be 494.2 m<sup>2</sup> - a reduction of 3.6 m<sup>2</sup>. As the existing building accounts for 100.7% of the proposed development floor area, this results in a reduction of the affordable housing requirement to 0%. There is therefore no requirement for the proposal to provide a commuted sum towards the provision of affordable housing within the former Purbeck area and the proposal is considered to meet the requirements of Policy H11: Affordable Housing of the Purbeck Local Plan 2024, paragraph 65 and footnote 30 of the NPPF 2024, and PPG: Planning Obligations in this respect.

16.21 In respect of Policy H14: Second homes of the Purbeck Local Plan 2024, the policy wording confirms that the restriction on use as second homes in the National Landscape does not apply to new homes which are commercially let for holiday makers. A condition on the decision will restrict the occupation of the holiday let

dwellings to holiday purposes only, and not as a person's sole, or main place of residence.

Scale, design and impact on the character and appearance of the area including the Dorset National Landscape (formerly known as Area of Outstanding Natural Beauty)

- 16.22 The application site is located within the Dorset National Landscape (formerly AONB) in an exposed and visually prominent location when viewed from the adjacent highway and surrounding areas of the landscape. Section 85 of the Countryside and Rights of Way Act (2000) requires that relevant authorities now seek '*to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)*'. The NPPF states that the intrinsic character and beauty of the countryside should be recognised (paragraph 187) and requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues (paragraph 189).
- 16.23 Policy E1: Landscape of the Purbeck Local Plan 2024 requires that proposals for development conserve and enhance the natural beauty of the area and are appropriate in appearance, scale, height, layout, density, visual quality and other effects on the landscape character. It requires an assessment to be made of their direct, indirect, and cumulative impacts in relation to the significance of the landscape asset and balance them against other sustainable development objectives. Proposals are expected to conserve and enhance the natural beauty of the area and development that significantly adversely affects the character or visual quality of the landscape or seascape will not be permitted. Such adverse impacts include artificial light pollution on intrinsically dark landscapes – a concern raised by the Parish Council, ward member and in a neighbour response.
- 16.24 The Dorset AONB Management Plan 2019-2024 sets out the special qualities of this designated area. This includes, that in addition to its outstanding scenic qualities, the AONB retains a sense of tranquillity and remoteness that is an integral part of the landscape. Reference is made that the AONB retains dark night skies, tranquillity, and an undeveloped rural character (paragraph 9.3.1). Policy C2 of the Plan advises that (d) '*The key test of a proposal against the statutory purpose of the AONB will be its ability to demonstrate that the proposed change would conserve and enhance landscape and scenic beauty*' and (f) '*Proposals that are harmful to the character and appearance of the area will not be permitted unless there are benefits that clearly outweigh the significant protection afforded to the conservation and enhancement of the AONB. Where impacts cannot be mitigated, planning gain and compensatory measures will be considered.*'
- 16.25 Policy E12: Design of the Purbeck Local Plan 2024 requires all development to demonstrate a high quality of design that meets specified criterion. The District Design Guide SPD (paragraphs 166 – 173) requires that conversions of rural buildings retain the existing character, domestic details should be minimised, and new openings should be avoided or minimised and should not impact on the functional character of the building.
- 16.26 Worth Matravers Parish Council have objected to the proposal and consider that the current very high barn structure is not a reasonable comparison size and height to justify the proposal. Officers note that the proposal is for a barn conversion (as



opposed to demolition and new build development) with partial demolition that will reduce the overall mass and size of the existing structure.

- 16.27 The conversion will retain the original functional appearance of the barn and will remain in-keeping with the agricultural character of the area. The alterations and partial demolition will reduce the existing building mass. More natural and locally sourced materials are proposed for the external finish and will enable the building to sit more comfortably against the rural landscape. Officers consider that the proposed enhancements to the immediate curtilage – including landscape planting - would have a positive impact on the rural character of the area and provide enhancement in the National Landscape setting.
- 16.28 Parking provision is proposed to the east of the barn in an area currently finished with compacted stone. However, the new parking provision will be well landscaped with additional hedgerow and structure tree planting which will provide a betterment on the existing position. Conditions would be needed to secure details of materials and external finishes and hard and soft landscaping. Overall, the conversion of the barn to a holiday let dwelling use and the associated alterations and partial demolition are considered to provide a betterment that would further the purposes of conserving and enhancing the natural beauty of the Dorset National Landscape.
- 16.29 The conversion requires the insertion of considerable new openings on all elevations of the barn to provide sufficient daylight to future occupiers. The Parish Council has raised an objection to extent of windows, lack of window placement restrictions, and overlooking and light pollution. The impact of the proposed openings and the associated artificial light intrusion into the dark landscape are key considerations. The village of Worth Matravers is not served by street lighting and its isolation and relative darkness form important characteristics of its landscape setting. The existing barn has no openings on the south and west elevations and limited openings on the north and east elevations. Whilst it is acknowledged that the lawful B8 storage use has no restriction on internal or external lighting, it is unlikely that related activity would extend into hours of darkness on a daily basis, and given the existing lack of openings, any internal use would result in limited artificial light intrusion into the surrounding area.
- 16.30 Nearby dwellings on the eastern fringe of the village already have some impact on the rural character of the area from the emission of artificial light after dark. However, this light intrusion is limited by the domestic scale of their glazing, with the recent Old Quarry Close development forming the current eastern extent of residential light intrusion. The proposed barn conversion would result in a further eastward expansion of artificial light intrusion into the National Landscape, with associated light spill into the intrinsically dark landscape and potential for increased daylight glare.
- 16.31 The north elevation proposes ground floor windows only. Light emission from these windows would remain well screened by the retained landscape bund on the site boundary, thereby restricting the extent of light spill / glow into the wider landscape views. However, the new openings and extensive areas of glazing on the remaining elevations – particularly as a result of extensive floor to ceiling glazing and balconies at first floor level – could allow for a new level of artificial illumination and light spill.
- 16.32 Following the refusal of a former application on grounds of harm associated with artificial light pollution, the current application seeks to address the level of harm that

would be caused by way of mitigation in the form of general glazing design principles. Based on the glazing design principles in place in the South Downs National Park area, the application (Design and Access Statement) confirms that:

- The total area of glazing does not exceed 25% of the floor area of the building.
- No large continuous glazing sections exist such as cart shed openings.
- No single glazing unit is larger than 10 square metres.
- Three windows are positioned within recessed balconies on the principal elevations at first floor which will reduce light spillage.
- No ceiling or roof lights are proposed.
- The Visible Light Transmission (VLT) for every glazing specification will be 0.65 or less.

In addition, the proposal includes the installation of shutters providing the opportunity to mitigate impact if closed at night. Officers have previously considered that although the provision of shutters is welcome, a condition requiring the closure of the shutters at night (manual or automated) would not be enforceable over the lifetime of the buildings.

- 16.33 Whilst the above principles are supported, in order to ensure that they are effective, a condition on any grant of permission would be required to secure additional details of how the glazing VLT limit will be secured prior to the installation of any windows and that the VLT limit is secured in perpetuity. In addition, it is considered reasonable and necessary to include a condition requiring details of any external lighting to be submitted to the Council for approval prior to first installation to ensure that levels of harm are limited.
- 16.34 Given the existing lawful and unrestricted B8 use of the building – with no limit on traffic movement, hours of use, external storage etc. - it is considered that the proposal would provide some betterment on potential maximum traffic movements to and from the site and would not result in significant adverse impact either individually or cumulatively in respect of impact on the character of the area from traffic movements.
- 16.35 Subject to the VLT limit condition in respect of artificial light pollution mitigation, the proposed conversion to dwellings is considered to further the purposes of conserving and enhancing the natural beauty of the Dorset Natural Landscape and the associated sense of tranquillity and remoteness associated with the dark night landscape and skies.
- 16.36 In order to limit the potential for additional future development within the application site that could result in harm to the National Landscape setting, officers consider that it is reasonable to include conditions that restrict future householder permitted development in terms of extensions and alterations (Class A) and outbuildings (Class E), roof alterations that may increase light spill (Class C), and the insertion of new windows that may increase light spill. Enlargement of the dwellings by way of additions or alterations to the roof are already restricted within the National Landscape so will require planning permission.
- 16.37 In summary and subject to the above conditions, officers consider that the scale, design and impact on the character and appearance of the area - including the

Dorset National Landscape – is acceptable and complies with Section 85 of the Countryside and Rights of Way Act (2000), paragraphs 187 and 189 of the NPPF, Policies E1: Landscape and E12: Design of the Purbeck Local Plan 2024, and the objectives of the Dorset AONB Management Plan 2019-2024 (paragraph 9.3.1 and policy C2(d) and (f)).

Impact on neighbour and occupier amenity

- 16.38 The Parish Council objection has raised concern that neighbouring amenity would be harmfully impacted by overlooking and loss of privacy from the windows within the barn conversion. Officers consider that the proposed holiday let dwellings would be sufficiently distanced and off-set from the nearest neighbours on Old Quarry Close to ensure that there would be no adverse impact on neighbouring amenity in terms of loss of privacy, outlook, or overbearing development.
- 16.39 The application was publicised by way of 4 site notices. One letter of objection was received raising concerns considered elsewhere in this report, including about the nature of the proposal and impacts on biodiversity, but no specific reference was made to neighbour amenity.
- 16.40 In terms of occupier amenity, the proposal has been assessed against DCLG Nationally described space standards (March 2015) on the assumption that each of the four-bedroom properties would provide 8 bed spaces (maximum). The nationally described space standards for a 2-storey dwelling require a minimum gross internal floor area of 124 m<sup>2</sup> and this is exceeded for each proposed holiday let dwelling. A suitably sized and shaped external amenity area is also provided for each unit.
- 16.41 The proposal is considered to accord with Policy E12: Design of the Purbeck Local Plan 2024.

Highway safety, access, and parking

- 16.42 The application site has an existing access onto the lane to Worth Matravers. The application is supported by Access Visibility Plan 6082/001 which has been subject of consultation with the Council's Highway Engineer. In their response, the Engineer notes that the existing use of the barn will be replaced with vehicular movements for tourists / guests and servicing. The junction radii will encourage drivers to emerge with caution, there is onsite parking, and vehicles will be able to turn in a forward gear. There also appear to be 'Slow' road markings and 3-2-1 strips on the adjacent carriageway at intervals to the village threshold. As such, the Engineer raises no objection to the proposal on grounds of highway safety and access, subject to conditions and informative notes on the decision.
- 16.43 The application proposes nine parking spaces. This level of provision accords with county wide parking guidance for three unfettered dwellings. Whilst very generous for the proposed use, the hard surfacing is similar to the existing. The Highway Engineer notes that the development is vehicle reliant but there is capacity on site for the applicant to build in a cycle store facility, Ebike charging, and EV charging as standard and to support sustainable travel.
- 16.44 In summary, the proposal is considered to comply with Policy I2: Improving accessibility and transport of the Purbeck Local Plan 2024.

### Biodiversity Impacts

- 16.45 A Dorset Natural Environment Team approved (19/02/24) Biodiversity Plan was submitted with the former refused application for three dwellings and included mitigation in respect of lighting, grass and scrub habitat creation, rural tree and hedgerow planting, and bird box installation. The approved Biodiversity Plan has been resubmitted with the current application for three holiday let dwellings. As both applications are for three dwellings within Use Class C3 it is not considered necessary or reasonable to require the submission of a new Biodiversity Plan that is development description specific. A condition on the decision will require full implementation of the approved Biodiversity Plan and the proposal is considered to accord with Policy E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.
- 16.46 In respect of Biodiversity Net Gain requirements, a Biodiversity Net Gain Statement and Metrics were submitted in August 2024. This shows limited baseline mitigation value (0.99 units) and identifies opportunities for onsite provision through hedgerow planting and additional grassland provision. There is a statutory requirement for a Biodiversity Gain Plan to be provided to the Council for approval prior to commencement, so it is only necessary to add informative notes to the decision; the proposal is considered to comply with national 10% BNG requirements.
- 16.47 In accordance with the ruling of ECJ C-323/17 People Over Wind, Sweetman v Coillte Teoranta, the Council is required to undertake an Appropriate Assessment (AA) in accordance with Regulation 63 as there is the potential for the development to affect Habitat Sites. The AA is to enable full consideration of the proposed development and any likely adverse effects on the integrity of European and internationally designated Dorset Heathland sites, which may remain if avoidance / mitigation measures are carried out as proposed. The site is located outside the Poole Harbour Catchment Areas for nutrient neutrality and recreational pressures. An AA has been undertaken in advance of the planning application being determined by the Council. This shows that suitable heathland mitigation measures can be secured through CIL and adherence to the Dorset Heathlands Planning Framework SPD to address likely adverse effects on the integrity of heathland sites. The proposal is therefore acceptable in this respect and Policies E7: Conservation of protected sites and E8: Dorset heathlands of the Purbeck Local Plan 2024.
- 16.48 An EIA Screening has been undertaken due to the siting of the proposed dwelling within the 'sensitive' Dorset AONB area. This has concluded that there are no likely significant effects resulting from the residential use of the pre-existing building. .

### Flood risk and drainage

- 16.49 The application site is located in Flood Zone 1 and outside areas of surface water and groundwater flood risk (as identified on the Dorset Level 1 Strategic Flood Risk Assessment 2024 mapping). The submitted Design and Access Statement and application form advise that some grey water recycling will occur for irrigation and surplus water will be discharged to a soakaway. Given the low levels of flood risk to the site and the pre-existing building it is considered that the proposal will not increase flood risk and accords with Policy E4: Assessing flood risk.

### Site contamination

16.50 The application site and building have a historic use relating to agriculture and B8 storage, and land contamination is a potential issue.

16.51 The previous application was subject of consultation with the Council's Environmental Protection Officer who has advised that a contaminated land investigation and remediation condition should be included if permission is granted, in addition to an unexpected contamination condition to ensure that any previously unidentified contamination can be adequately dealt with should it arise as works progress. Although not consulted on the current application, the position remains unaltered, and the required conditions will be included on any decision.

## **17.0 Conclusion**

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

## **18.0 Recommendation:**

### **Grant, subject to the following conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
LP01 P3 Location plan  
BP01 P3 Block plan  
SL01 P5 Site layout  
MM.01 P3 Massing Model  
FP01 P4 Proposed floor plan  
E01 P4 Proposed elevations  
6082/001 Access visibility

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

3. Prior to the commencement of any development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:  
(i) proposed finished levels or contours;  
(ii) means of enclosure;  
(iii) a soft landscaping scheme and planting plan;  
(iv) hard surfacing materials and finishes.  
If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority

seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

4. Prior to installation on the building, details (including colour photographs) of all external facing materials and finishes for the walls, and roofs, windows and shutters shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed and be maintained in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development within the Dorset National Landscape.

5. Prior to the installation of any glazing, details of the method(s) of securing the Visible Light Transmission at a maximum upper Visible Light Transition (VLT) of 0.65 shall be submitted to the Council for approval. Thereafter, all glazing - first installation and replacement - shall be fitted in accordance with the approved details and shall not exceed the maximum VLT limit of 0.65 at any time.

Reason: To restrict artificial internal light spill into the intrinsically dark Dorset National Landscape.

6. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number SL01 P5 must have been constructed. 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.

7. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 6082/001 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, the visibility splay areas shall thereafter be maintained and kept free from all obstruction above this height.

Reason: In the interest of highway safety.

8. No external lighting shall be installed unless and until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities within the Dorset National Landscape.

9. The dwellings hereby approved shall be occupied for holiday purposes only; shall not be occupied as a person's sole, or main place of residence; and the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of dwelling(s) and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: To ensure that approved dwellings are not used for unauthorised permanent residential occupation.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Class A of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the National Landscape.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed in the elevations of the building(s) hereby approved.

Reason: To protect amenity and the character of the National Landscape.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no roof alteration(s) of the dwellinghouses hereby approved, permitted by Class C of Schedule 2 Part 1 of the 2015 Order, shall be constructed.

Reason: To protect amenity and the character of the area.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: To protect amenity and the character of the area.

14. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 19.02.2024 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and

ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

### **Informative Notes:**

#### **1. Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

#### **2. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan**

1. The application for planning permission was made before 12 February 2024.



2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or

(ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

3. A contravention of the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Protection of Badgers Act 1992 may constitute a criminal offence to particular plants and animals. The grant of this consent does not override any requirements to notify Natural England or to comply with the legislation. All buildings and especially roof spaces can support bat roosts which may be damaged or disturbed by demolition, building works or timber treatment. Please note that all bats and their roosts are fully protected under law. It is a requirement of the legislation to notify Natural England of any operation which may affect bats or their roosts, even when the bats are apparently absent. The grant of this planning permission does not override any relevant statutory species protection provision contained within such legislation. For further advice on a particular species please contact Natural England or the Dorset Council Natural Environment Team: Tel: 01305 224931; Email: net@dorsetcouncil.gov.uk
4. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.
5. The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the "guidance notes for residential developments" document (<https://www.dorsetcouncil.gov.uk/bins-recycling-and-litter/documents/guidance-for-developers-a4-booklet-may-2020.pdf>). Dorset Council Waste Services can be contacted by telephone at 01305 225474 or by email at bincharges@dorsetcouncil.gov.uk.
6. Electric vehicle charging points  
The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

7. Street Naming and Numbering

The Council is responsible for street naming and numbering within our area. This helps to effectively locate property to deliver post and for access by emergency services. New or changed addresses must be registered with the Council. This link has more information.

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering/street-naming-and-numbering>

8. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to [Insert key matters covered in the agreement]

9. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

10. Any work carried out to comply with conditions relating to land contamination must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

11. Inf - Building Control

Ensure any inner room situation have suitable means of escape in case of fire.

Ensure any boundary Conditions comply with part B.

Ensure any material change of use legislation if applicable is relevant and required.

12. Informative Note: Rights of Way

The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on a right of way, then a Temporary Path Closure Order must be obtained. This can be applied for through Rights of Way at Dorset Council see <https://www.dorsetcouncil.gov.uk/w/changing-the-definitive-map>, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.

Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980 by the applicant.

13. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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