

Eastern Area Planning Committee

23rd July 2025

Application Number:	P/HOU/2025/01935
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Little Haythorne Horton Road Church Hill Woodlands to Horton Lane Woodlands BH21 7JG
Proposal:	Retain garage
Applicant name:	Mr J Hall
Case Officer:	Victoria Chevis
Ward Member(s):	Cllr Tooke

1. The application has been referred to committee by the Planning Committee Chairman in accordance with the Council's scheme of delegation.

2. Summary of recommendation

A: Grant planning permission subject to conditions and Legal agreement.

B: Refuse due to harm to the openness of the Green Belt if the S106 agreement is not completed within the timeframe.

3. Reason for the recommendation

- Para 16 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 location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The fallback position is considered to represent a very special circumstance that outweighs the potential harm to the Green Belt from the inappropriateness of the proposed development (subject to the restrictive condition and completion of a s106 agreement).
- Notwithstanding the harm already caused, the removal of the garage would cause greater harm to the ancient woodland which would be contrary to policy HE3 of the local plan.

4. Key planning issues

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Issue	Conclusion
Principle of development	Acceptable development within Woodlands settlement boundary
Scale, design, impact on character and appearance	Acceptable
Impact on Greenbelt	Acceptable subject to conditions and Legal agreement
Impact on trees	Acceptable

5. Description of site

The application site is known as Little Haythorne on Horton Road in the rural location of Woodlands. The planning unit is the residential curtilage of the dwelling on which stand a number of outbuildings, including holiday accommodation, within a curtilage of approximately 0.4ha. The wider land holding is approx. 1.8ha. It is located within the Greenbelt and borders an ancient woodland on the southwest and northwest boundary.

6. Description of development

The proposal is to retain a garage which has been built to the northwest of the site between the boundary and another outbuilding.

7. Background and relevant planning history

03/87/1658/FUL - Decision: GRA - Decision Date: 15/02/1988
Retain Caravan

03/87/1383/OUT - Appeal Allowed - Decision Date: 11/07/1988
Outline: Agricultural Dwelling

03/88/1398/REM - Decision: REF - Decision Date: 09/11/1988
Agricultural Dwelling

03/88/1732/REM - Decision: GRA - Decision Date: 25/04/1989
Agricultural Dwelling As Amended By Plans Rec. 9 March 89

03/93/0301/FUL - Decision: REF - Decision Date: 09/06/1993
Removal Of Agricultural Occupancy Condition,

03/93/1139/FUL - Decision: GRA - Decision Date: 24/02/1995
Remove Agricultural Occupancy Condition

3/06/1243/FUL - Decision: GRA - Decision Date: 20/10/2006
Single Storey Extension.

3/06/1618/COU - Decision: GRA - Decision Date: 25/01/2007
Convert a building into a holiday home (as amended by plans rec'd 15.01.2007 and 24.01.2007).

3/10/0113/CLP - Decision: REF - Decision Date: 26/02/2010

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Erect double garage

3/10/0180/HOU - Decision: GRA - Decision Date: 23/04/2010

Erect double garage

3/10/0343/HOU - Decision: GRA - Decision Date: 15/06/2010

Construct New Single Storey Orangery

3/16/1395/CLE - Decision: LAW - Decision Date: 06/02/2017

Outbuilding within curtilage

P/HOU/2024/05649 - Decision: REF - Decision Date: 20/11/2024

Retain Garage

P/CLP/2024/07524 - Decision: GRA - Decision Date: 13/02/2025

Erection of outbuilding for incidental residential use

8. List of constraints

Within Woodlands settlement boundary

Within Bournemouth Greenbelt

Within an area susceptible to groundwater flooding.

Next to an Ancient & Semi-Natural Woodland

Next to an Ancient Replanted Woodland

9. Consultations

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

Consultees

1, DC – Highways

- No objections

2. P - Woodlands Parish Council

- Object due to the application being retrospective and the building being in close proximity to the ancient woodland which affects the openness of the greenbelt.

3. DC – Tree team

- Due to the location of the new structure and its influence on the woodland fringe it is my specialist opinion that to dismantle the structure and remove the foundation will cause additional harm to fringe trees. Therefore, whilst galling, in this instance I feel allowing the structure to remain, or at least its base and foundation will be less harmful than its entire removal in this instance.

Representations received

1. Woodland Trust

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- The Woodland Trust objects to this application on the basis of deterioration of Ivory Hill Copse/Haythorn Copse (grid ref: SU 03637 08089), designated by Natural England as Ancient Replanted Woodland on both the previous and revised Ancient Woodland Inventories (AWI).
- An Arboricultural impact assessment should be carried out to assess the extent of damage to significant roots of trees on the edge of the ancient woodland in addition to the potential for deterioration from indirect impacts. The report should make recommendations as to the most effective way to remediate and mitigate adverse impacts, including potentially relocating the garage and undertaking sensitive restoration to promote the health and longevity of ancient woodland boundary trees.

Summary of comments of objections:

- Harm to the Greenbelt
- Harm to the Ancient Woodland
- Application is retrospective

10. Duties

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

11. Relevant policies

Adopted Christchurch and East Dorset Local Plan:

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

KS1	- Presumption in favour of sustainable development
HE2	- Design of new development
HE3	- Landscape Quality
KS12	- Parking Provision
KS3	- Green Belt
ME6	- Flood Management, Mitigation and Defence

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);

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- 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 plan should be accorded very limited weight in decision making.

National Planning Policy Framework 2024 (as amended 2025)

Paragraph 11 sets out the presumption in favour of sustainable 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

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

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

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

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

National Planning Practice Guidance

Considering the potential impact of development on the openness of the Greenbelt

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.

12. 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. 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 not considered that the proposed extension and alterations to the dwelling would result in any disadvantage to persons with protected characteristics once the construction phase has been completed. During construction those with limited mobility may be more affected by any noise and disturbance.

14. Financial benefits

There are no financial benefits relating to this householder application. The proposal is not liable for a CIL payment.

15. Environmental Implications

The proposal is for extensions and alterations to a dwelling. These will be constructed to current building regulation requirements and will be serviced by suitable drainage to prevent surface water flooding.

16. Planning Assessment

Principle of development

The site is situated within the settlement boundary of Woodlands. As such, the principle of the proposed development is acceptable in accordance with Adopted Christchurch and East Dorset Local Plan policies KS1 and HE2. There is no ‘in principle’ objection to the proposed development, subject to the consideration of all other material planning issues.

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Impact on the Greenbelt

Whether the development is inappropriate in the Green Belt

The proposed development lies within the Bournemouth Green Belt. Paragraph 153 of the NPPF (2024) states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

Paragraph 153 of the NPPF (2024) states *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’”*

Exceptions to inappropriate development are set out at paragraphs 154 and 155 of the NPPF (2024). The relevant NPPF (2024) exceptions for the proposed outbuilding is in paragraphs 154(c):

‘154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

...(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building...

(g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt...’

The proposed outbuilding is within 37m of the existing dwelling within the proximity of a number of ancillary outbuildings. This outbuilding could be considered to be physically adjunct and therefore an extension and may be assessed in respect of para 154 c).

The original dwelling had a floor space of approximately 180m² when first constructed and after development is now approximately 266m². The addition of the outbuilding with a floor area of 40m² would result in a total increase of up to 70% from the original dwelling (Please note this calculation does not include the 3 additional outbuilding on the site).

Floor area is only one measurement of scale but the increase in the scale of development, including the proposed outbuilding would appear to be disproportionate to the original dwelling and is therefore considered to be inappropriate development in the Green Belt in respect of NPPG para 154 c).

Officers have fully considered whether the proposed development would form acceptable ‘limited infilling’ in accordance with NPPF paragraph 154 g).

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The glossary of the Purbeck Local Plan (adopted 2024) defines infilling / infill development as 'New development which occupies gaps within built-up areas between existing development in an otherwise built-up frontage'

Officers consider that the key considerations in determining whether the proposal forms 'limited infilling' include not only the size of the plot and number of units, but also the scale and form of the proposed development, and its spatial and visual impacts on the essential characteristics of the Green Belt – its openness and permanence. Former appeal decisions have also determined that 'limited infilling' implies minimising the loss of significant open gaps between buildings.

The proposed layout and scale of development within the plot is not considered to reflect the more spacious rural character of the immediate area within this rural context. The proposal is considered to constitute overdevelopment in terms of the extent of built development within the plot area, the large number of existing outbuildings and increased scale of build form from the original dwelling. The restricted open gaps that remain between the proposed and existing outbuildings create a cramped appearance in relation to part of the rear plot boundary.

Officers therefore consider that the proposed development is in excess of what could reasonably be considered to form 'limited infill' and is therefore unable to benefit from the exception at NPPF para 154 g).

For the above reasons the proposal is considered to be inappropriate development in the Green Belt.

Impact on openness and the purposes of the Green Belt

The visual impact of the garage on openness is limited due to its position on the site but the garage building has a spatial presence which results in loss of spatial openness and fails to safeguard the countryside from encroachment.

Ancient Woodland

The Woodland Trust objected to the application on the basis of deterioration of Ancient Woodland. They felt an Arboricultural impact assessment should be requested to assess the extent of damage to significant roots of trees on the edge of the ancient woodland in addition to the potential for deterioration from indirect impacts. The report would also look at the possible relocation of the garage. The Council Tree Team were consulted and expressed concern that the removal of the garage would cause further damage exacerbating the harm already caused to the ancient woodland, therefore it is considered that, notwithstanding the harm already caused, the removal of the garage would cause greater harm to the ancient woodland which would be contrary to policy HE3 of the local plan.

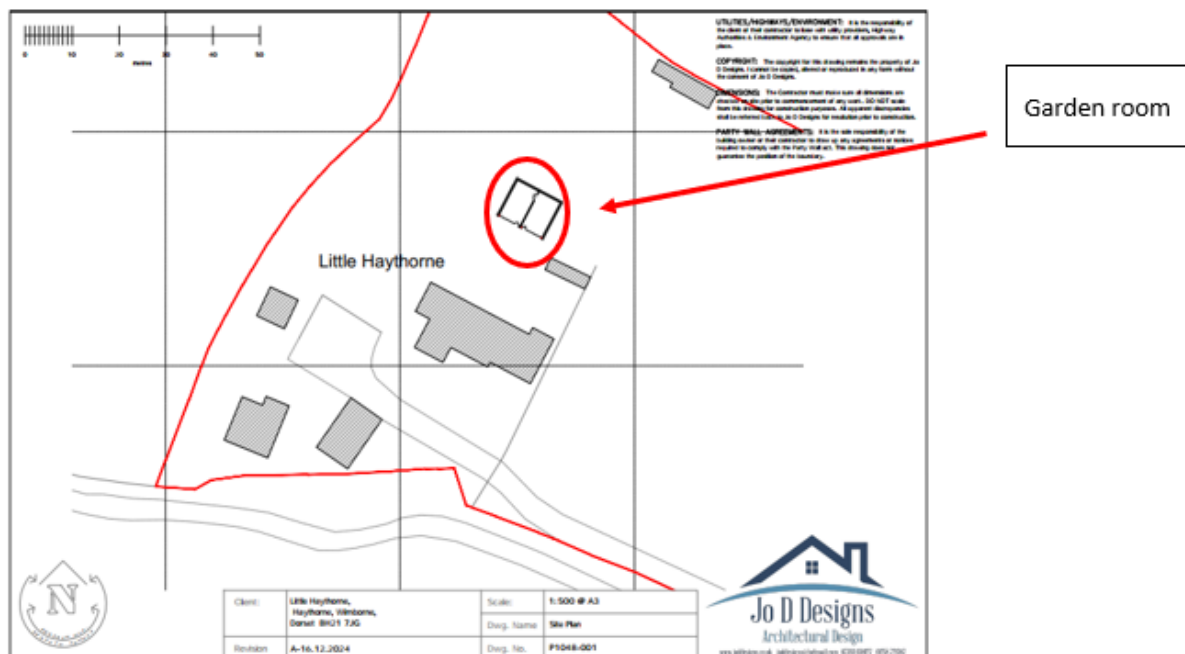
Whether there are very special circumstances

A certificate of lawfulness was sought and approved in February 2025 for a 9m by 11m garden room, under 4m in height, to house a gym and office. The proposal was judged to meet permitted development rights. The garden room would be visible from the driveway access point

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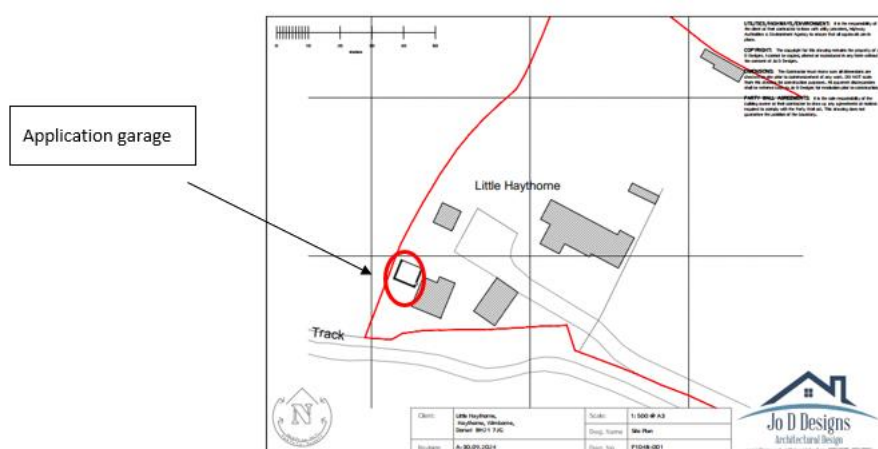
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and would block views towards the open countryside beyond whilst creating a depth of built form where there was once none.



It is considered that there is a reasonable prospect that the outbuilding would be constructed if the current application is refused. Whereas if this application was approved then a condition could be applied to restrict any future outbuilding within the site without first seeking planning permission and it has been proposed by the agent that the lawful outbuilding approved above could be omitted by legal agreement to further protect the Greenbelt.

The application garage is positioned between an existing outbuilding and the site boundary which is lined by a well-established woodland.



17. Summary of issues and the planning balance

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This certificate of lawfulness proposal is considered to represent a valid fall-back position in the light of Green Belt policy and if built would result in a greater impact on the Green Belt as the application garage therefore it is considered to represent a very special circumstance that clearly outweighs the potential harm to the Green Belt from the inappropriateness of the proposed development subject to the restrictive condition and completion of a s106 agreement to prevent the outbuilding benefiting from a CLP from being constructed.

18. Conclusion

This proposal is judged to comply with NPPF Green Belt policy and policies KS1, KS3 and HE2 of the local plan and is recommended for approval subject to conditions and the completion of Planning obligation to prevent the carrying out of works secured under application P/CLP/2024/07524 which if undertaken would be judged harmful to the Green Belt. Should a Legal obligation not be secured the officer recommendation is to refuse. It is requested that Committee delegated the issue of the decision (either A or B) to officers.

19. Recommendation

A) To delegate authority to the Service Manager for Development Management and Enforcement and Development Management Area Manager East to issue planning permission subject to the following conditions following completion of a S106 Planning Obligation that prevents the carrying out of works secured under application P/CLP/2024/07524 and subject to the following conditions:

1. The following plans are hereby approved:

Location Plan The location plan

P1048-003 Proposed Elevations

P1048-002 Proposed ground floor

P1048-001 Site Plan

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

2. 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.

Informative Notes:

1. This decision should be read in conjunction with the S106 Legal Agreement signed **XXXX**, that prevents the carrying out of works secured under application P/CLP/2024/07524.

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B. Refuse permission for the reasons set out below if the s106 agreement is not completed within 6 months of the date of approval or such extended time as agreed by the Service Manager for Development Management and Enforcement and/or the Development Management Area Manager East.

Reason for refusal: In the absence of a legally binding mechanism to ensure the prevention of the works secured under application P/CLP/2024/07524, the proposal is contrary to provisions of Section 13 (Protecting Green Belt land) of the National Planning Policy Framework (2023), in particular paragraphs 152 to 154.