

Application Number:	P/FUL/2024/04791
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Saxon Maybank East Farm Grain Mills Bradford Abbas Sherborne DT9 6JN
Proposal:	Station 3 no. holiday lodges, install a package treatment plant & associated works
Applicant name:	Saxon Holiday Lodges Ltd
Case Officer:	Jim Bennett
Ward Member(s):	Cllr Legg

1. Introduction

This application is referred to the Northern Area Planning Committee under scheme of delegation procedure, as the recommendation of officers is that planning permission should be granted subject to conditions. The recommendation is contrary to the views of the Parish Council and Ward Cllr Legg.

The applicant has appealed to the Planning Inspectorate for a decision on this application on the basis of non-determination. The Planning Inspectorate has agreed to consider this through the written representation procedure. As the appeal procedure is now engaged, the Local Planning Authority does not have the power to determine the application.

The Committee is therefore asked to give its view on the application to inform the position the Council will take for the appeal.

2. Summary of recommendation:

That for the purposes of the appeal, the Council would have been minded to grant permission, subject to the conditions listed below and to a legal agreement to secure the proposed landscaping and Biodiversity Net Gain arrangements, which are beyond the application's red line boundary.

3. Reason for the recommendation:

- The principle of the proposed development is accepted by policy.
- The proposed development would respect the character of the area.
- The proposal would not have an unacceptable impact on highway safety or the efficiency of the transport network.
- The proposal would not harm biodiversity.
- An acceptable level of residential amenity would result
- The proposal would not result in any additional flood risk

4. Key planning issues

Issue	Conclusion
Principle of development	The principle of the proposed development for holiday purposes taking place, by reason of its

Issue	Conclusion
	nature and location, is accepted by policy. This is an existing site, and the proposal would represent a small-scale addition to the existing holiday provision.
Scale, design, impact on character and appearance	The proposed holiday lodges, by reason of their form, scale, design, materials, and positioning, would maintain the character of the area where similar units form a characteristic feature.
Impact on the living conditions of the occupants and neighbouring properties	Occupiers of the proposed and existing units would not be subject to a harmful overlooking, overbearing or overshadowing effect. The residential use of the proposed holiday units would not introduce noise that would harm residential amenity. A sufficient area of outdoor amenity space would serve the proposed and existing units
Flood risk and drainage	The application site does not comprise land which has been assessed as having medium to high probability of flooding and is classed as low risk, which is confirmed by the submitted Flood Risk Assessment and Drainage Report
Highway impacts, safety, access and parking	There would not be an unacceptable impact on highway safety and the residual cumulative impacts on the efficiency of the transport network would not be severe. The development would be served by a sufficient level of parking.
Impact on trees	The Council's Tree Team consider that the proposal would not harm any trees, subject to condition to ensure the submitted Arboricultural Method Statement (AMS) is adhered to.
Biodiversity	A certificate of approval of a Biodiversity Plan, issued by the Dorset Natural Environment Team, has been agreed.
Nutrient Neutrality	Natural England have confirmed that they concur with the Appropriate Assessment, of the proposal, which concluded that the proposal would not have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site. It is, therefore, considered that the proposal would not harm biodiversity or water quality.
Financial benefits	The proposed development, by reason of its nature and scale, would: require and support a modest amount of labour from the construction industry; and accommodate a small number of people who would, in turn, make a small contribution, through

Issue	Conclusion
	expenditure, to the viability of local retailers and service providers.

5. Description of site

The application site is to the east of Yeovil, to the north of the main built settlement of Bradford Abbas and to the south of Over Compton and the A30. The area is characterised by a development, which comprises of holiday lodges, barn conversions, a dwelling and agricultural fields,

The primary use of the site is as a private holiday park consisting of 6 no. barn conversions and 10 no. lodges, which operates under a site licence, pursuant to Section 3 of the Caravan Sites and Control of Development Act 1960 (subject to conditions). Comparisons between Saxon Maybank and more intensive, coastal holiday sites are drawn by the applicant in terms of their openness, use and type of accommodation provided. It is accepted that Saxon Maybank provides a less intensive and lower density type of hybrid holiday/second home accommodation than is often found in coastal holiday parks, with a more open a rustic character.

The site is within open countryside, as defined by the Local Plan, being beyond any defined settlement limit. The eastern extent of the site is set within the remnants of historic buildings and areas of communal open space.

6. Description of development

It is proposed to site 3 no. holiday lodges at the eastern extent of the site and to install a package treatment plant. The lodges would take the form of those currently in situ elsewhere on the site, being single storey and finished in cedar cladding and tiles. Six additional car parking spaces are proposed, including one for existing lodge no.10.

The proposal differs from a similar proposal refused under ref. P/FUL/2021/04205 in that Unit 19 has been moved by approximately 1m further to the east and Unit 20 by 2m to the south east, seeking to mitigate the proximity impact of the proposal on Unit 11.

7. Background and relevant planning history

WD/D/18/000250 - Decision: RES - Decision Date: 08/03/2018 - Pre-application consultation: Planning to buy land currently used for holiday cottages, and wish to discuss the possibility of adding 2 more holiday cottages

WD/D/19/000169 - Decision: GRA - Decision Date: 12/03/2019 - Change of use from (B1) office to (C3) 2 no. dwellings with associated works to include raised decking; change of use from agricultural storage building to (B1) office with associated works; retention of existing temporary building to be used as site accommodation for the Client/Contractor whilst works are done.

WD/D/19/001839 - Decision: RES - Decision Date: 13/08/2019 - PRE-APPLICATION CONSULTATION - Removal of outbuildings/attached extension

WD/D/19/002472 - Decision: GRA - Decision Date: 16/01/2020 - Demolition of existing extensions and outbuilding. Erect 2 storey and single storey extensions and erection of a single storey annexe.

1/D/07/001761 Decision: REF - Decision Date: 21/02/2008 - Change of use from redundant grain mill to 7No sustainably built timber holiday lodges and 4No holiday barn conversions

1/D/08/000573 - Decision: REF - Decision Date: 28/07/2008 - Re-develop land for the siting of 10No. timber holiday lodges (with existing consent for office and holiday use)

1/D/08/000825 - Decision: WIT - Decision Date: 23/02/2009 - Develop land for the siting of 7No timber holiday lodges and formation of associated access and parking areas

1/D/08/000826 - Decision: WIT - Decision Date: 23/02/2009 - Change of use of redundant grain mill buildings to 4No holiday barn conversions and 1No storage barn conversion and formation of associated access and parking areas

1/D/09/001339 - Decision: GRA - Decision Date: 11/11/2009 - Use land for 3 holiday lodges. Convert part of remaining building to office/store (Use Class B1)

P/FUL/2021/04205 - Station 3 holiday lodges and install a package treatment plant and associated works refused 07/03/2024 for the following reasons:

- 1. Insufficient drainage information has been provided to demonstrate that the site would be appropriately drained, taking account of surface water, and with the surrounding agricultural land being sited at a higher gradient.*
- 2. The proposal would result in an adverse impact on the amenity of unit 11 through sharing an overbearing relationship which would result in a reduced level of amenity afforded to the living areas of unit 11, contrary to policy ENV.16 of the West Dorset and Weymouth Local Plan.*

8. List of constraints

TPO (TPO/2022/0004) - NULL: NULL - Distance: 0
Groundwater Source Protection Areas; LOWER MAGISTON - Distance: 0
Land Outside Defined Development Boundary; NULL - Distance: 0
Landscape Character; Limestone Hills; Sherborne Escarpment - Distance: 0
Natural England Designation - Nutrient Neutrality Catchments - Distance: 0
Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0
Scheduled Monument: Roman villa SE of East Farm (List Entry: 1002414.0); - Distance: 168.68
Scheduled Monument: Roman temporary camp at East Farm (List Entry: 1456547.0); - Distance: 53.81
Right of Way – Footpath N6/8

9. Consultations

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

1. Bradford Abbas Parish Council - Object

The Parish Council submitted a Definitive Map Modification Order (DMMO) in 2008 and in 2015 an order was made to record a footpath from East Lane (D20502) to the road by Coombe Cottages (D20503), Bradford Abbas. This case is in a queue to be heard by the Planning Inspectorate. A large number supporting statements having been submitted.

Given the close proximity of the proposed chalet No 18 there is concern that it could be encroaching on the footpath. This DMMO must be considered when reviewing this application all information should be available on the Dorset website. (N.B. Since these comments have been received the Planning Inspectorate has confirmed the route of a new footpath).

The site that is outside of defined development boundaries. This new proposal takes development out into previously undeveloped land to the south and east of the site and would impact the character of the area. It would make the site significantly more visible, intrusive and detrimental to the rural landscape. The original application granted on appeal was for 11 properties/holiday homes in 2008. In 2021 P/FUL/2021/04205 was for the same number of lodges (3 extra) in identical positions to those in 2021 which were refused planning. One of the reasons for refusal being an adverse impact on the amenity of unit 11. This is still the case.

Unsuitable access from East Farm. The narrow single-track lane is currently coping with the increased agricultural traffic since the fertiliser store was built in 2019 the proposed additional cabins will exacerbate the issue.

The suggested positions for the parking bays for units 19 and 20 are some distance away from the units.

When the site originally received approval for 11 units at appeal the village of Bradford Abbas had amenities to aid its sustainability, since that time the village has only one bus service a fortnight to Yeovil (6 month temporary grant as from November 2024), the village shop has closed and the building was granted change of use to a dwelling.

2. Ward Cllr Legg - Objects

This application should be refused. It is unclear how this application is materially different from 2021/04205 refused by committee on 7th March this year. The planning statement refers to the separation between units increased (paragraph 7.3) but does not say what it is. The statement says that the separation between units is already more generous than on other holiday park sites and gives four coastal high density sites as comparisons. The committee in March rejected this argument because they accepted that this was not a standard holiday park site with a number of substantial barn conversions. There also remain concerns about the site drainage proposals (reason 1 for refusal of 2021/04205) because of well documented photographic and video evidence of floodwater draining from this field on to the road above the village. The field is at times saturated and cannot presently offer satisfactory drainage. The proposed development would also impinge on the route of a claimed right of way which is due to be heard by an inspector on 10th December after a wait of some 15 years. This site would benefit from a site visit by members to understand how it differs from a holiday caravan park, which it is not.

3. DC - Rights of Way Officer – No objection

The proposal as shown in the above planning application does not affect the new public footpath. However, any vehicles parking on the right of way which runs along the main track through the site will be deemed as an obstruction to the public footpath.

4. DC - Highways – No objection

Further to a site visit, a full assessment of the development proposal was made and no unacceptable impact on highway safety was identified. The access road is straight, with good visibility. Due to the nature of the location and the proposed development, the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 114 and 115 of the National Planning Policy Framework (NPPF) -

December 2023. NO OBJECTION, subject to a turning/manoeuvring and parking construction condition.

5. DC - Trees (North West Weymouth) – No objection

An updated and acceptable AMS has been submitted, therefore should the application be granted a condition to ensure the development is implemented in accordance with the AMS should be applied.

6. DC - Building Control North Team – No objection

1. Any unprotected areas (window and doors) should comply with B4, in relation to the boundary position.

2. Fire and Rescue Service access to accord to the requirements of B5 of the Building Regulations

3. The external approaches and internal circulation spaces should comply with the requirements of M4(1) as a minimum standard.

4. The Sewage Treatment plant discharge and surface water treatment should comply with H1/H2/H3 and the Environment Agencies General Binding Rules. Based on the proposed number of properties discharging via the proposed foul drainage field, there may not be an adequate area of land available. Percolation tests should be undertaken and the drainage field size and position calculated to ensure compliance prior to an approval being issued.

5. Provision for electric car charging points under S1 will apply.

8. Wessex Water – No objection

Give informatives on surface water drainage, foul drainage, water supply and existing assets.

10. Environmental Assessment Team – No objection

Conclude that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the Somerset Levels and Moors Ramsar. The Appropriate Assessment concluded that the proposed development will not result in an adverse effect upon the integrity of Somerset Levels and Moors Ramsar, subject to the measures stated above. Therefore, in accordance with Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017, the planning permission for the proposed development can proceed towards determination.

11. Natural England – No objection

The phosphorus budget for the scheme relies on the installation of an upgraded Package Treatment Plant (PTP). Natural England has no objection to this approach. The PTP should have a performance certificate provided by the applicant that includes the total nitrogen (TN) and/or total phosphorus (TP) discharge rate. Your authority should request a certificate, testing results from an accredited third-party independent testing facility working to British Standards (BS EN 12566), or robust real world monitoring data (minimum 12 months representing typical operation). This should be submitted alongside the nutrient budget calculator. If evidence of the performance of the PTP, through testing or monitoring, cannot be provided the 'default' value provided in the calculator should be used. On this basis agree with the submitted HRA, subject to securing the mitigation measures including:

- Ensuring that the proposed new development is required to limit water use to 110 l per person per day.
- Installation of the PTP should be completed prior to the occupation of the holiday lets relying on the scheme to deliver phosphorus neutrality.
- Any proposed change/replacement to the model of PTP to be agreed.
- That a suitable maintenance schedule for the new PTP is in place.

12. Natural Environment Team – No objection

Have agreed the submitted Ecological Impact Assessment by issuing the Biodiversity Certificate dated 18th November 2024.

13. Lead Local Flood Authority – No objection

File note of 14/01/2025 by the previous case officer, following a Flood Risk Surgery meeting, states that the LLFA considered the proposal would not result in an increase in flood risk.

Representations received

Total - objections	Total - No objections	Total - comments
8 (16 separate pieces of correspondence)	0	8

Summary of comments of objections:

- The proposal is too similar to that previously refused
- Increased traffic
- Lack of parking and turning provision
- The impact of the proposal on the right of way is queried and not acknowledged by the application
- The development will harm quiet enjoyment of users of the footpath
- The proposal will limit access to the rear of Unit 7
- The proposal would not be accessible to wheelchair users
- Harm to the visual amenity and appearance of the countryside
- Harm to the health of trees posed by drainage infrastructure
- Flood risk
- Drainage arrangements are queried
- Constitutes overdevelopment of site
- The proposal would result in minimal benefit in terms of job creation
- Discrepancies in the submitted Planning Statement are identified

- Comparisons between Saxon Maybank and more intensive, coastal holiday sites are queried in terms of their openness, use and type of accommodation provided (not all units are caravans)
- The degree of overbearing impact, overlooking, privacy and loss of outlook will harm the amenity of existing residents/users.
- Ownership certificates are queried, as the proposal includes land owned by a third party
- Nutrient neutrality is queried
- The ground levels in relation to Unit 18 are queried
- Impact of Unit 18 on access to telegraph pole
- Members are urged to visit the site
- The siting of the proposed units dictates that the site will not be able to operate under the terms of the current caravan site licence due to inadequate separation of units 18 and 19 from the boundary (3m).
- The need for additional holiday accommodation is brought into question
- The right to seek a judicial review in the event that due process is not followed properly in relation to the application is expressed
- Piecemeal submission of documentation is criticised
- Consultation comments are based on incomplete information
- The Council's acceptance of additional plans and information during the period of determination is criticised

14. 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.

15. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:

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

INT1: Presumption in favour of sustainable development

ENV1: Landscape, seascape & sites of other geological interest

ENV2: Wildlife and habitats

ENV4: Heritage assets

ENV10: The landscape and townscape setting

ENV12: The design and positioning of buildings

ENV16: Amenity

ECON6: Built tourist accommodation

ECON7: Caravan and camping sites

COM7: Creating a safe & efficient transport network

COM9: Parking provision

Material considerations

Emerging local plans:

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

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

The Dorset Council Local Plan Options consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the draft 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 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- 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 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

- Section 16 ‘Conserving and Enhancing the Historic Environment’- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset’s conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

Other material considerations

All of Dorset:

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.

16. 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.

17. 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 clear from the submission if those with impaired mobility would be able to access the proposed units, as ramped accesses to the proposed units have not been indicated. Those with impaired mobility would not be able to access the proposed units, in the absence of ramps. Private transport, for those with impaired mobility, to and from the application site, could be arranged. The use of temporary access ramps, to the proposed units, should be considered by the applicant and to meet Building Regulations.

18. Public Benefits

The proposed development, by reason of its nature and scale, would support a modest amount of labour from the construction industry; and accommodate a small number of visitors who would, in turn, make a small contribution, through tourism expenditure, to the viability of local retailers and service providers.

19. Planning Assessment

Principle of Development

Policy INT1 of the Local Plan sets out a presumption in favour of sustainable development. Policy SUS2 of the Local Plan contains the settlement hierarchy which directs new

development to the most sustainable locations. Part (iii) of Policy SUS2 states that outside of defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints and be restricted to, amongst other things, new tourism related development. The application site falls outside of any defined development boundary, although the proposed development is tourism related.

Part i) of Policy ECON6, among other things, states that new built tourist accommodation will be supported through the replacement, intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation and site.

Policy ECON7, amongst other things, requires a clear demonstration that proposals for the expansion of existing caravan and camping sites form part of a long-term management plan to improve the quality and appearance of the accommodation and site.

The proposed units, which fall within the definition of a caravan, as defined in subsection 29 (1) of the Caravan Sites and Control of Development Act 1960 and subsections 13 (1) and (2) of the Caravan Sites Act 1968, would form part of a site which comprises of both built tourist accommodation and mobile units.

Paragraph 85 of the NPPF applies an obligation on decision makers to place significant weight on the need to support economic growth. An obligation, on decision makers to enable: The sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings; and to enable sustainable rural tourism developments which respect the character of the countryside, can be found in paragraph 88 of the NPPF.

The proposed development represents a proposal to expand a rural tourism based business in the countryside. The proposed buildings are well designed and would respect the character of the countryside concerned. In light of the above, it is concluded that the principle of the development proposed complies with Policies INT1, SUS2, ECON6 and ECON7 and paragraph 85 of the NPPF.

Nutrient neutrality

The Somerset Levels and Moors are designated as a Special Protection Area under The Conservation of Habitats and Species Regulations 2017 (as amended) and are listed as a Ramsar Site under the Ramsar Convention. The Somerset Levels and Moors habitat site is in an unfavourable condition due to high levels of phosphorus. The phosphorus causes eutrophication. Development should not result of an increase in phosphorus entering, and causing harm to the integrity of, the habitat site. The application site falls within the Somerset Levels and Moors hydrological catchment. It is therefore necessary for the proposed development, by reason of its nature, to demonstrate that it would not harm the integrity of the habitat site.

A Nutrient Assessment has been submitted as part of the application. The assessment details the proposal to install a 30 PE Marsh Ensign Package Treatment Plant (PTP) which would serve the proposed, three units and six existing units. The proposed package treatment plant would be more efficient than the existing septic tank, at removing phosphates from wastewater, resulting in a decrease of between 0.6kg and 1.27kg of phosphorus entering the environment per year. Discharging to ground via a drainage field would present a low risk.

An Appropriate Assessment concluded that the proposal would have no adverse effect on the integrity of the habitat site, Natural England concurring with the conclusion.

Conditions are recommended, relating to the package treatment plant, to ensure that the proposal would not result in an adverse effect on the integrity of integrity of the habitat site, in compliance with Policy ENV2 of the Local Plan.

Biodiversity and Biodiversity Net Gain

A certificate of approval of a Biodiversity Plan, issued by the Dorset Natural Environment Team, has been submitted as part of the application. A condition, relating to the Biodiversity Plan, should be imposed on any permission, in order to ensure that the proposal would not harm the natural environment, in compliance with Policy ENV2 of the Local Plan.

It is proposed to provide Biodiversity Net Gain (BNG) on site, via delivery of the proposed landscaping scheme. Some of the landscaping and BNG arrangements are shown beyond the red line of the application site, so a planning obligation, under Section 106 of the Town and Country Planning Act 1990 is required to ensure their delivery.

Character and appearance

The site includes mown grass banks, remnants hedges, maintained grass areas, areas of gravel, specimen trees, a mature oak tree protected by a TPO and other trees. The boundaries are largely fenced, but unplanted.

The proposed holiday lodges, by reason of their form, scale, design, materials and positioning, would maintain the character of the area where similar units form a characteristic feature. It is clear that Unit 18 would be at an elevated level, where no details of retaining systems have been provided. Consequently, a condition is recommended requiring that prior to the commencement of any development, details of the finished floor levels of all of the lodges, including details of any retaining system required for Unit 18, shall have first been submitted to and approved in writing by the Local Planning Authority. The condition set out below also requires details of decking structures and ramps for all three units, in the interests of visual amenity and to ensure the proposal would be accessible to wheelchair users.

A scheme for the landscaping of the wider site has been submitted as part of the application, detailed on drawing number 4777/01 C. The implementation and maintenance of a successful landscaping scheme would create a more attractive external environment, improving the way residents and walkers experience the site. The securing of a landscaping scheme and its maintenance would ensure that the quality and appearance of the site and accommodation would be improved.

Some of the proposed landscaping measures fall outside of the red line of the application site. In order to ensure that a landscaping scheme and its maintenance is secured, a planning obligation, under Section 106 of the Town and Country Planning Act 1990 should be completed. Subject to the completion of a planning obligation, it is considered that the development would form part of a long term management plan to improve the quality and appearance of the accommodation and site, in compliance with Policies ENV1 and ENV10 of the Local Plan.

Flood risk and Drainage

The previous application was refused on the basis that insufficient drainage information was provided to demonstrate that the site would be appropriately drained, taking account of surface water and with the surrounding agricultural land being sited at a higher gradient. A Flood Risk Assessment Drainage Statement has been prepared to support the current application.

The Flood Risk Assessment Drainage Statement concludes that the site is located within Flood Zone 1 and therefore is very unlikely to flood and has a low flood risk from all sources of flooding. The site is located close to the top of a hill and gradients fall to the southwest of the site. Safe access and egress are available from the access track to the west of the development site and the case officer notes that other than a small area of surface water pooling to the north of the site, there is no significant ground or surface water risk to the site.

The submitted surface water drainage strategy aims to utilise a discharge to ground system, with lodges discharging to ground via geo-cellular soakaways, subject to onsite infiltration testing and confirmation of the existing ground water level. The strategy suggests BRE Digest 365 infiltration testing could be conditioned as a pre-commencement condition with reference to presence of any groundwater if recorded although the risk is noted as low.

In summary, the Flood Risk Assessment Drainage Statement confirms that a Sustainable Drainage Strategy is likely to be implementable and that the proposed development is achievable in a sustainable manner, without increasing flood risk on the development site or within the greater catchment area, in accordance with both the NPPF and local policies. This view is shared by the Lead Local Flood Authority who have advised that the proposal would not result in an increase in flood risk.

Amenity

The previous application was refused on the basis that the proposal would result in an adverse impact on the amenity of unit 11 through sharing an overbearing relationship which would result in a reduced level of amenity afforded to the living areas of unit 11, contrary to Policy ENV.16 of the West Dorset and Weymouth Local Plan. The current proposal differs from the refused scheme in that Unit 19 has been moved by approximately 1m further to the east and Unit 20 by 2m to the south east, seeking to mitigate the proximity impact of the proposal on Unit 11.

Saxon Maybank is a holiday park, comprised of a mix of converted buildings and lodges. The level of amenity afforded to the occupants of the units is typical of a holiday park. Most units do not benefit from defined garden curtilages; private space is largely limited to patio and decking areas associated with each unit, with an open aspect to the surrounding site. The siting of Unit 18 is on a raised bank close to the north eastern boundary of the site, with Units 19 and 20 on an area currently laid to grassed open space, which appears to be in communal use. The submitted layout plan indicates that the proposed density of new accommodation proposed would be similar to that of the existing holiday park, where separation distances are similar to those between existing lodges and certainly not as close as found in coastal resorts.

Proposed lodge numbers 18, 19 and 20 are of a single storey design. It is proposed to site holiday lodge 18 approximately 34m from number 7 and approximately 10.76m from number 10. It is proposed to site holiday lodge 19 approximately 8.5m (wall to wall) from number 10 and approximately 8.5m (wall to wall) from number 11. It is proposed to site holiday lodge 20 approximately 16m (wall to wall) from number 11. Given the nature of the

site's current use and the scale and degree of separation of units proposed, occupiers of the proposed and existing units would not be subject to any significant adverse overbearing or overshadowing effect.

The siting of the proposed holiday lodges would not introduce overlooking, noting that the north west elevations of the proposed lodges do not include openings. While there would be a degree of viewing from certain windows, these would be oblique and occupiers of the existing units of holiday accommodation, would not be subject to any harmful increase in overlooking, when considering the oblique views and communal use of the site in question.

The residential use of the proposed holiday units would not introduce noise that would harm residential amenity. A sufficient area of outdoor amenity space would serve the proposed and existing units.

Overall, the proposal would comply with the amenity provisions set out by Policy ENV16 of the Local Plan.

Rights of way

At the time of determination of the previous application an Order had been made but not confirmed, to record a new public footpath within the site. The Order has now been completed and a public footpath N6/8 now runs east to west through the site. It enters the site at its north east extent, close to Unit 18 and its parking area and runs the entire length of the vehicular access through the site.

The potential impacts of the proposal upon the designated right of way have been examined and the Council Rights of Way Team have commented on the application. Their conclusion is that the proposal does not affect the public footpath. However, any vehicles parking on the right of way which runs along the main track through the site will be deemed as an obstruction to the public footpath. Parking for Unit 18 and indeed all of the units is proposed clear of the line of the right of way.

Highway safety

Development should only be refused, on highways grounds, if there would be an unacceptable impact on highway safety or if the residual cumulative impacts on the efficiency of the transport network would be severe. The Highway Authority made a site visit and a full assessment of the development proposal, identifying no unacceptable impact on highway safety, subject to a turning/manoeuvring and parking construction condition. The access road is straight, with good visibility. Due to the nature of the location and the proposed development, the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 114 and 115 of the National Planning Policy Framework. It is therefore concluded that the proposal should not be refused on highways grounds.

Letters of representation raise comments over access for emergency vehicles. The highways authority did not raise an issue in this regard and by reason of their positioning the proposed units, would not prevent emergency vehicles accessing proposed and existing properties. In addition, this would also be a requirement of the site licence. The proposal complies with Policy COM9 of the Local Plan.

Trees

Tree Preservation Order TPO/2022/0004 was placed on an Oak Tree, in the southern part of the site, on 04/02/2022. The Tree Officer considers the submitted Arboricultural Method

Statement (AMS) to be acceptable, subject to a condition to ensure the development is implemented in accordance with the AMS.

Scheduled monuments

Scheduled monument 1456547, the buried remains of a Roman temporary camp, dating probably to the C1 AD, can be found approximately 53.81m to the east of the application site. Scheduled monument 1002414, Roman Villa SE of East Farm, can be found approximately 168.68m to the southeast of the application site. Given the separation distance between the proposed development and the scheduled monuments it is considered that the proposed development would not give rise to any harm to the significance of the monuments.

Sites of Special Scientific Interest

The Bradford Abbas Railway Cutting Site of is approximately 950m to the south of the application site. One Babylon Hill is approximately 859m to the west. Halfway House Quarry is approximately 1394m to the northeast of the application site. The proposal, by reason of its location, degree of separation and nature, would not harm these Sites of Special Scientific Interest.

Ownership of land

The agent, acting on behalf of the applicant, has completed Certificate B which certifies that the requisite notice has been given to everyone else who, on the day 21 days before the date of the application, was the owner of any part of the land to which the application relates. Certificate B was served on Ilchester Estates on 10th January 2025.

Other Legislation

Letters of representation have referred to both Building Regulations and the Caravan Site Licence.

Building Regulations are separate from planning legislation. Compliance with Building Regulations is not being considered under this application for planning permission, although in their comment on the proposal, the Council's Building Control Section raise no objections, only giving informatives, which the applicant will need to comply with at that stage.

The site is a registered caravan site and therefore requires a site licence. There is an existing site licence for the site. The Caravan Sites and Control of Development Act 1960, requires the gaining of a site licence by relevant parties, but is separate from planning legislation. The licence in place controls the site boundaries, density and space between caravans, roads, gateways and footpaths, hardstandings, telephones, the storage of LPG, electrical installations, water supply, drainage, sanitation and washing facilities, refuse disposal, parking, and recreational space. Compliance with the conditions imposed on the site licence is, therefore covered by this legislation. Any increase in the number of caravans on the site or increase in site area would result in the need for a new site licence, which would also need to consider appropriate distances between units and boundaries.

The extinguishing of a private right of way

It is not clear that the proposal will limit access to the rear of Unit 7. However, the right of pedestrian access is a private property matter and not a material planning consideration.

Impact on existing infrastructure

If the proposed siting of Unit 18 impinges upon maintenance access to an adjoining telegraph pole, this will be a matter for the applicant to address with the requisite statutory undertaker. It is common practice to relocate telegraph poles to facilitate development, but at the cost of the applicant.

20. Summary of issues and the planning balance

The proposal is considered to be an appropriate use on an established tourism site. The comprehensive landscaping scheme would improve the visual appearance of the site biodiversity and enhance the amenity afforded to the site as a whole. For the reasons outlined it is recommended that the Committee indicates that planning permission should be granted subject to the completion of a planning obligation, under Section 106 of the Town and Country Planning Act 1990 (as amended), concerning landscaping and Biodiversity Net Gain.

21. Recommendation

That for the purposes of the appeal, the Committee resolves that it would have been minded to grant permission, subject to the conditions listed below and to a legal agreement to secure the proposed landscaping arrangements beyond the application's red line boundary.

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 documents:

Location plan and proposed block plan – 4777/01 E

Proposed site plan - 4777/02 G

Proposed site landscape plan - 4777/03 C

Site plan - 4777/04 B

Site layout plan - 4777/05 A

Proposed elevations and proposed floor plan

Planning and Sustainability Statement vB by Symonds and Sampson dated July 2024

Foul Drainage Strategy and Nutrient Assessment vC by RSPD dated November 2024

Arboricultural Method Statement v4 by Hellis dated December 2024

Flood Risk Assessment Drainage Statement by IMA dated June 2024

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

3. The measures set out within the approved Ecological Impact Assessment agreed by the Biodiversity Certificate, certified by the Dorset Council Natural Environment Team on 18th November 2024 must be strictly adhered to. The units of holiday accommodation hereby approved must not be occupied until the measures detailed in the approved Biodiversity Plan have been completed in full and evidence of compliance, in accordance with section J of the approved Biodiversity Plan, has been supplied to the Local Planning Authority. Thereafter, the approved measures must be permanently maintained and retained in accordance with the approved details.

Reason: In the interest of biodiversity.

4. Prior to the commencement of any development hereby approved, above ground level, details of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

5. Prior to the occupation of any of the units of holiday accommodation hereby approved the turning/manoeuvring and parking areas shown on approved document 4777/02 G must have been constructed. Thereafter, these areas must be maintained, kept free from obstruction and made available for the turning/manoeuvring and parking of vehicles in perpetuity.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

6. No more than 3 holiday lodges shall be sited within the boundary of the land edged in red on the location plan and block plan of approved document 4777/01 E. The accommodation 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 the units of accommodation 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.

7. Prior to the commencement of any development hereby approved, details of the finished floor levels of all of the lodges hereby approved, including details of any retaining system required for Unit 18 and decking structures for all units, shall have first been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

8. The development hereby permitted shall not commence until an arboricultural supervision and monitoring statement has been submitted to and agreed in writing by the Local Planning Authority and which shall be informed by a site meeting between the LPA's Tree Officer, Arboricultural Consultant and Site Manager. The development shall be carried out in accordance with the approved supervision and monitoring statement and the Arboricultural Impact Appraisal and Method Statement prepared by Hellis Solutions Limited ref: 24/10/224/NH dated December 2024 V4.0. A monitoring report shall be prepared and be submitted to and agreed by the Local Planning Authority on completion of development.

Reason: To safeguard trees which are important to the visual amenities of the area

9. Prior to the occupation of the development, hereby approved, the 30 PE Marsh Ensign package treatment plant, hereby approved, shall have been installed and retained for the lifetime of the development unless replaced in accordance with condition 11.

Reason: In the interest of nutrient neutrality.

10. Prior to the occupation of the development, hereby approved, a maintenance plan for the 30 PE Marsh Ensign package treatment plant, hereby approved, shall have been submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall be adhered to for the lifetime of the 30 PE Marsh Ensign package treatment plant, hereby approved.

Reason: In the interest of nutrient neutrality.

11. Any replacement wastewater treatment systems shall achieve the equivalent or better effluent phosphorus concentration as the 30 PE Marsh Ensign package treatment plant. Any replacement wastewater treatment system shall be maintained in accordance with a maintenance plan submitted to and approved in writing by the Local Authority prior to its replacement and so as to ensure that the equivalent or better effluent phosphorus concentration as the 30 PE Marsh Ensign package treatment plant is achieved.

Reason: In the interest of nutrient neutrality.

12. Prior to the commencement of development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, including infiltration testing to BRE Digest 365 Standard and providing clarification of how drainage is to be managed during construction and a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall have regard to the guidance set out in the current DEFRA national standards Sustainable Drainage Systems (SuDS). The surface water scheme shall be implemented in accordance with the approved details including the timetable for implementation.

Reason: To prevent the increased risk of flooding and to protect water quality and to take into account current national standards for SuDS.

13. Details of measures to limit the water use of the lodges to 110 litres per person per day shall be submitted to and approved in writing by the Local Planning Authority before the lodges are occupied. The submitted details shall include a water consumption calculation for each unit. The approved measures shall be implemented prior to occupation and maintained for the lifetime of the development in accordance with the approved details thereafter.

Reason: To ensure nutrient neutrality in Somerset Levels and Moors Ramsar catchment in the interests of protected habitats.

Informative Notes:

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

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

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

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

2.The applicant is reminded of their responsibility to submit evidence of compliance with the Biodiversity Plan to Dorset Natural Environment Team in order to comply fully with requirements of condition 3.

3.Building Control advise the following:

- Any unprotected areas (window and doors) should comply with B4, in relation to the boundary position.
- Fire and Rescue Service access to accord to the requirements of B5 of the Building Regulations
- The external approaches and internal circulation spaces should comply with the requirements of M4(1) as a minimum standard.
- The Sewage Treatment plant discharge and surface water treatment should comply with H1/H2/H3 and the Environment Agencies General Binding Rules. Based on the proposed number of properties discharging via the proposed foul drainage field, there may not be an adequate area of land available. Percolation tests should be undertaken and the drainage field size and position calculated to ensure compliance prior to an approval being issued.
- Provision for electric car charging points under S1 will apply

4.Wessex Water give the following informatives:

Surface water drainage

Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations. No surface water runoff, land drainage or ground water will be accepted into a public sewer that carries sewerage, either directly or indirectly.

Foul drainage

There is no proposed connection to the public foul sewer, the use of a PTP/Cesspit is subject to agreement with the LLFA and EA

Water supply

Subject to application we can provide domestic water supplies from the 6" public water main. Guidance and application can be found on their [website](#).

If you plan are installing or altering your plumbing system, you may have to let us know before work begins. Further information on their [website](#).

Existing assets

According to our records there are no recorded public sewers or water mains within the immediate proximity of the development site. Information on this plan is provided for identification purposes only and no warranty as to its accuracy or completeness is given or implied. Please review the disclaimer on the plan for additional information.

5. 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 and Biodiversity Gain Plans at:

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain> and
<https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

6. 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.