

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 28 OCTOBER 2025

Present: Cllrs Richard Crabb (Chair), David Taylor (Vice-Chair), Alex Brenton, Barrie Cooper, Les Fry, Sherry Jespersen, Carole Jones, Rory Major, Val Potheary and Belinda Ridout.

Officers present (for all or part of the meeting):

Philip Crowther (Legal Business Partner - Regulatory), Jim Bennett (Senior Planning Officer), Alex Skidmore, Louis Wicks (Democratic Services Officer Apprentice) and John Miles (Democratic Services Officer).

93. Apologies

Apologies for absence were received from Cllrs James Vitali and Carl Woode.

94. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

95. Minutes

The minutes of the meeting held on 14th October to be confirmed at the next meeting given the short time frame between meetings.

96. Registration for public speaking and statements

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

97. Saxon Maybank East Farm Grain Mills Bradford Abbas Sherborne DT9 6JN.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. A similar proposal was refused by the Committee in March this year due to the detrimental impact of adjoining properties, lack of information on the drainage and the flood risk. The current application sought to address the previous reasons for refusal. The applicant had now made an appeal against non-determination by the local authority so the matter is in the hands of the Planning Inspectorate (PINS) and so the Committee was being asked to determine the Council's position for the appeal. The officer recommendation was for the purposes of the appeal, the Council would have been minded to grant permission. The existing development consisted of 10 caravan type units, 6 barn conversions. The refused scheme and current proposal were shown. To try and mitigate the

impact on neighbours, one lodge was moved approximately 1 meter away from number 11 and another lodge moved approximately 2 meters to the southeast. Lodge 18 moved slightly as it imposed on the right of way slightly. The current application was supported by a drainage strategy.

Public Participation

Gabriel Chan

Statement of objection - Gabriel Chan, No. 7 Saxon Maybank

One of the reasons he objected to the application was because Dorset Planning Department had failed to comply with its Public Sector Equality Duty in the years since the first, and materially identical, planning application was submitted, notwithstanding that he had raised the issue repeatedly.

Part of his demise, as clearly set out in the title registered at the Land Registry attached, was a garden at the back of his property. There was no direct access to the garden from his property. The normal access is via about 10 steps (approx. 15 feet) from the car park.

There was also a gate at the bottom of his garden that allowed unrestricted access to and from the garden to the common area of Saxon Maybank currently maintained as a lawn area. It was the only access for those with disability requiring wheelchairs and was protected by a right of way registered as pedestrian access in the attached title plan.

The title plan was constituted at a time when 'disabled access' was not a term used and recognised, or even in contemplation. So, the correct interpretation, as indeed as the law stands in England, was that '*pedestrians*' include those who are disabled and require wheelchairs. It was illegal to interpret "*pedestrians*" as meaning only those who are able-bodied and can move about on foot unaided. In any event, in the context of the right of way to/from his garden, it was clearly used for the sole purpose of differentiating it from vehicular access.

Under the proposed plan, wheelchair users of no. 7 would face one of the following scenarios:

- The lodge proposed to be built at the bottom of his garden would either completely block any wheelchair access to/from the garden or force the wheelchair users to take a sharp turn down a slope, which was highly dangerous.
- They would be accessing the garden from an area designated for car parking, therefore making it impossible when the space was taken up by parked cars, or equally dangerous if there were moving cars.
- There has been a suggestion that the area outside his garden would be turned into a 'meadow'. Expecting a wheelchair user to

navigate through a 'meadow' was nothing short of deliberate public humiliation, especially when it would be under the very close and full glare of those in the proposed lodge.

- In the event of an emergence, how would a wheelchair user be expected to leave their garden promptly and safely?

Any decision allowing the lodge to be built as proposed was a direct discrimination against disabled persons, and illegal under the Equality Act.

So far, he had seen no evidence of the Council following those principles set out in the decision of *R (Brown) v Secretary of State for Work and Pensions* [2008] EWHC 3158 (Admin) for the exercise of its PSED, or the guidelines produced by The Equality and Human Rights Commission (EHRC) on discharging its PSED e.g. considering potential impacts and liaising with impacted groups. He had heard nothing but silence from the Council when the issue was raised.

He explained that the Council had already failed to comply with its PSED once in approving the previous application which led to the removal of all the disabled parking in Saxon Maybank. A continued failure in this regard would make Saxon Maybank a no-go area for disabled persons which cannot be reversed.

The Council must be aware that a failure by a local public authority to comply with its PSED was a legal error and the resulting planning decision can be judicially reviewed.

Paul Howard

Dr Paul Howard introduced himself and his wife, who had owned the renovated barn, No. 6, for over 13 years. All the properties on the site were subject to residential restrictions whilst the four stone buildings attract full council tax.

A little over 18 months ago, this committee (some of whom he recognised from that meeting), rejected the original proposal on the grounds of reduced amenity and lack of detail on drainage – this, after a lengthy discussion covering many points, included his objection regarding the lack of veracity of the original application in terms of the juxtaposition of the proposed new lodges and existing properties and boundaries with the resultant misrepresentation of parking, amenity and drainage.

He explained that this revised application did not materially vary from the original application and introduces further contradictory information, so you should uphold your original decision to reject.

In terms of reduced amenity, the revised application only modestly adjusts the original positions of the proposed lodges away from no. 11, and indeed places them closer to no. 10. The revised application attempts to equate the rural idyll of Saxon Maybank to densely populated seaside static caravan parks on the basis that the site was subject to a caravan park licence with Dorset Council. The aerial images you have seen in the planning officer's presentation, in lieu of a site visit, put pay to this conceit.

With regards to insufficient drainage information, again there was insufficient and contradictory information – not the basis on which to make an informed decision nor the basis on which to place non-determined conditions on an approved application.

Returning to the veracity of information presented, the revised application included a detailed topographic survey. This provides more accurate detail of what currently exists and actually highlights where the application conflicts with other documents and guidelines:

- Proposed Lodge 18 remained problematic – the parking space and turning circle were in conflict with Dorset Council parking requirements and access will involve lengthy reversing either in or out of the space – this along the route of the recently re-established public right of way. Furthermore, Proposed Lodge 18 was clearly less than 3m from the boundary of the site in conflict with the site licence
- Both the proposed drainage field and proposed lodge 20 are in the buffer zone of the TPO-protected oak

Finally, the revised application posits that the proposed expansion of the site was in response to growing need and interest – currently only two of the sixteen properties were available for let. He noted that the freehold of the site has been on the market over the last year.

He concluded that the Committee rejected the original proposal 18 months ago – this revised proposal was not materially different - It did not mitigate the two reasons for rejection and casts doubt on areas previously discussed by this committee. Therefore, he respectfully asked that the Committee uphold the original decision and reject the current application.

Mike Park

He explained that this application sat within the Somerset Levels and Moors catchment, which was particularly sensitive to phosphates in foul water.

So, the application must comply with the additional legal requirements of the Conservation of Habitats and Species Regulations 2017, which requires an Appropriate Assessment to ensure that - quote - "no reasonable scientific doubt" remains that phosphate risks are properly mitigated, in perpetuity.

Importantly the burden of proof was on the competent authority conducting the Assessment.

Even more importantly, these regulations are binary – if scientific doubt remains, if the assessment can't rule out an adverse effect, the application must be refused.

This cannot be dealt with as a planning condition.

Natural England delegated Dorset Council as the competent authority to carry out the Appropriate Assessment, and the Council conducted the Assessment relying entirely on the applicant's Foul Drainage expert report, concluding the threshold had been met.

However, the expert's report includes a site map on page 16 with annotations highlighting that in fact, the scheme was not shown in its entirety, and that - quote - "treated effluent is to discharge to the drainage field, subject to the completion of percolation testing" and the "exact sizing of the drainage field is also subject to percolation testing".

Using the manufacturer's specification, the actual drainage field for this proposed scheme would need to be approximately 320m², which was roughly the size of a Council swimming pool.

Yet the applicant has neither undertaken the critical percolation testing nor shown the full extent of the drainage field required for the scheme to be effective.

So, the applicant's own expert doesn't show how the scheme would operate.

Additionally, the Council's Building Control Team stated in October 2024 that - quote - "Percolation tests should be undertaken and the drainage field size and position calculated to ensure compliance prior to an approval being issued".

So, both the applicant's drainage expert and the Council's Building Control Team recognise that key information was missing. Significant scientific doubt therefore remains.

With this key information missing, it was simply not possible for anyone to demonstrate how the scheme would operate.

Yet in its Appropriate Assessment, the Council has overridden both its own Building Control Team and the applicant's expert by concluding that no scientific doubt remains - despite that missing information.

And the Planning Officer's report to Members recommending approval, proposes that the missing information was effectively dealt with as a condition of approval. This was in direct contravention of the requirements of the Conservation of Habitats and Species Regulations.

An Inspector or Judicial Review would be obliged to recognise the Council's failure to meet the required threshold.

And Members are now being asked to ratify this failure, when the evidence before you - the expert report and Council Building Control comments - show unequivocally that key information was missing and therefore scientific doubt remains.

In compliance with legal requirements and the evidence before you, Members can only reach one conclusion today: scientific doubt remains, the assessment can't rule out an adverse effect, and so the application must be refused.

Sarah McDowall

Overbearing and loss of amenity

She informed the Committee that some of the Members were present when she spoke on this subject in March last year, in objection to a near-identical application, which was refused by this committee, on this and other grounds, only 2 of which were documented at the time.

As the aerial photo showed, her barn was a permanent, stone-walled, converted agricultural building, on which shed paid full council tax since October 2010. It was not used as a holiday rental and was specifically converted to be disability-friendly for her late husband who had MND. It was not moveable and not a caravan. Saxon Maybank was not a densely-packed static caravan park and the original

approved planning application was designed to afford appropriate amenity to both the renovated stone buildings and the luxury wooden lodges, in a tranquil rural setting.

Most of the natural light entered through floor to ceiling windows the entire length of the single storey eastern and southern sides of the barn. Lodges 19 and 20 were only a few metres from these windows, and would thus block the vast majority of natural light entering the barn.

No sunlight/daylight assessment had been done, contrary to Dorset Council website advice.

Lodge 19 would overlook her property via its side windows, facing towards the living area, and the outdoor deck and hot tub. Lodges 18 and 19 would overlook existing lodge 10 similarly. The access footpath would pass within a metre or two of her windows and the deck edging the barn by the east and south facing windows, omitted from the submitted plan.

None of the application plans showed measurements of the proposed lodges in situ. Nor the width of the grassed area, which was 25m. The Pathfinder Tuscany lodge was 12.2m long, similar to existing lodge 10, but with an extra raised raingarden at one end and deck at the other, adding at least another 3m. To retain the site licence the raised deck needed to be a minimum of 3m from the site boundary, and the application states lodge 19 would be 8.5m from the wall. She explained that the math simply did not add up and was exacerbated by the angled position. To keep the licence, lodge 18 would be impossible to build. All of this can be seen in the aerial photo.

She submitted that the committee's original decision was correct, and a tweak in location of the proposed lodges did not materially alter the adverse impact on amenity through sharing an overbearing relationship.

Andrew Tregay

Mr Tregay, the agent for the applicant and spoke in support of the application. He went through the application set out by the officers. The applicants sought the erection of three new holiday lodges as part of the existing holiday park. He made clear that these were not residential units and would be secured as such by condition. He noted that none of the external units had external curtilage and are used for holiday purposes. The application was a resubmission of a previous scheme refused by this Committee against the officer's recommendation. The applicant sought to address the concerns within this resubmission through the drafting of a detailed drainage and flood risk strategy as well as a modest redesign of the layout. He noted that the planning officer recommended the approval of the scheme which he fully endorsed. As per the officer's report, all technical matters had been fully assessed by the technical experts and professional officers, including rights of way, highways, trees, building control, Wessex Water, environmental assessment team, Natural England, natural environment team and the lead local flood authority. There were no technical objections to any aspect of the application. The submitted drainage strategy had been assessed by the LLFA and they concluded that the proposals would not increase the flood risk. Following, the designation of the footpath, a number of amendments were made to the plans, and the rights of way officer was satisfied with the amended plans. The applicant had sought to alleviate the Committee's concerns regarding separation and impact

on amenity. The separation between proposed units and the existing is comparable to unit facing across the holiday park which had historically been found to be acceptable. The separation was far more generous than the average holiday park that the Planning Committee had previously approved. As per the plans, the northwest elevations of the proposed lodges do not include openings and as such, there could not be any internal overlooking. He concluded that the proposed layout was proportionate, suitable and fully policy compliant. This was a modest and well-considered extension to an existing holiday park. Both national policy and local plan place an obligation to place significant weight on the need to support economic growth and the expansion of all types of businesses in the rural area, including tourism. He asked the Committee to not defend the appeal and offer a recommendation to approve to the inspector.

Cllr Robin Legg

He made it clear to members that this application was not just adding three additional units of accommodation towards our housing requirement. None of the units would count towards the housing land supply figures. There had been a very minor change to the application to the one that was refused contrary to the officer's recommendation 18 months ago. He hoped there would be a degree of consistency among elected members in the way they approached this application. In his opinion not very much had changed to the proposal. The key points were that the adverse effects on amenity for unit 11, the barn conversion and that the application was a really odd site. It was considered to be a caravan site but not only two of the units of the 16 were let as short term accommodation. It was not a coastal holiday park, where people fetched up for a couple of weeks and maybe come once or twice but never come again. A substantial number of units were either long-term licences or long-term leases. The ones which were lodges, pay no stamp duty on transfer and pay no Council Tax. The barn conversions, pay full increased stamp duty as classified as second homes and a double Council Tax. Some of the units on the site were paying more than traditional million-pound houses. The main living accommodation for unit 11 was an oak framed and glass structure, and anything in front of it, you would not be able to carry out daily living as another dwelling was in close proximity. The proper test was the amenity test, that should be applied to housing estates not a holiday caravan park. He referenced Econ 7 which was the requirement for proposals for a caravan site to show long term development to improve the quality and appearance of the accommodation on the site. The supporting text of that policy showed its purpose to encourage modernisation of outdated caravan sites so that the density of such sites was reduced and better-quality accommodation provided. This was an intensification and not a reduction.

Members questions and comments

- Comments were made that the distance between units should be safe for residents and uphold fire regulations.
- Cllr Jespersen asked if a condition could be included or an informative note to protect the rights of disabled local residents. She commented that there would be a loss of privacy.

- A comment was made that a disabled person would feel uncomfortable living on that site and people would be walking past windows.
- A Cllr commented that drainage and amenity had been addressed, and this was a holiday park, with no curtilage. People could walk between the units and that was the character of it. She personally could not see reasons on planning terms to refuse the application.

Members wanted officers to convey to PINS that the private access to Plot 7 is potentially being impacted by the proposed Unit 18. The private way is shown on drawing no. 4777/04 Rev B and does not appear to be an insurmountable problem. While this was pointed out to be a private/legal matter for resolution between the applicant and third party, members wanted the Inspector to be made aware of the situation and requested an informative be added to any decision in this respect. It is anticipated that the impacted third party will make representations directly to PINS on the matter.

The Senior Lawyer explained that the application was an appeal, and the Committee could not decide on the application and members were asked to put forward what the Committee's response would have been if it was able to determine the application. The resolution passed would be used to inform the Council's representations at appeal and be taken into account by the Inspector.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representations; and what they had heard at the meeting, the Council would have been minded to grant permission, was proposed by Cllr Rideout, and seconded by Cllr Jespersen.

Decision: that for the purposes of the appeal, the Council would have been minded to grant planning permission, subject to conditions and to a legal agreement to secure the proposed landscaping and biodiversity net gain arrangement which are beyond the application's red line boundary, listed in the decision list in the appendix.

The Inspector's attention is drawn to the private access to Plot 7 potentially being impacted by proposed Unit 18. The private way is shown on drawing no. 4777/04 Rev B and does not appear to be an insurmountable problem. While this was pointed out to be a private/legal matter for resolution between the applicant and third party, members wanted the Inspector to be made aware of the situation and requested an informative be added to any decision in this respect. It is anticipated that the impacted third party will make representations directly to PINS on the matter.

98. **Urgent items**

There were no urgent items.

99. **Exempt Business**

There was no exempt business.

Duration of meeting: 10.00 - 11.42 am

Chairman

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