

Reference No: P/FUL/2025/05422
Proposal: Retain use of land as a single Gypsy/Traveller pitch comprising; Retention of 1 No. building for use as Day Room, and siting of 1 No. mobile home and 1.No touring caravan, for residential occupation.
Address: Land And Buildings Known As Three Wishes Paddock Coles Lane Yetminster
Recommendation: Grant permission subject to conditions and legal agreement
Case Officer: Cass Worman
Ward Members: Cllr Kippax
CIL Liable: Y

Fee Paid:	£588.00		
Publicity expiry date:	19 December 2025	Officer site visit date:	Previous & 27 January 2026
Decision due date:	17 December 2025	Ext(s) of time:	13 February 2026
No. of Site Notices:	3 – on lamppost at bottom of Coles Lane, on telegraph pole up Coles Lane, on application site boundary fence		
SN displayed reasoning:	To advertise application		

1. Decision making - Reason for Committee Consideration:

Following Scheme of Delegation consultation (officer recommendation contrary to Parish Council objection and Councillor concerns), referred to committee by Chair and Vice Chair of the Northern Area Planning Committee.

2. Summary of recommendation:

A) GRANT planning permission following completion of a S106 Planning Obligation to secure waste disposal outside of nutrient catchments and subject to the below planning conditions:
or

B) Refuse permission for the reasons set out below if the s106 agreement is not completed by 10 August 2026 or such extended time as agreed by the Service Manager for Development Management and Enforcement and/or the Development Management Area Manager Northern Team:

Reason for refusal: In the absence of a legally binding mechanism to ensure the delivery of nutrient mitigation the proposal is contrary to Local Plan Policy ENV2 Wildlife and Habitats

3. Key planning issues

Issue	Conclusion
Principle of development	The housing policies in both the Local and Neighbourhood Plans are silent with regards to accommodation for and Gypsy and Traveller households. The National Planning Policy for Traveller Sites (Updated 12 December 2024) paragraph 28 details that where a local planning authority cannot demonstrate an up to date 5 year supply of deliverable sites, the tilted balance applies, under paragraph 11 d) of the NPPF. There is a lack of sites for Gypsy and Traveller households across the district. The application seeks consent for a permanent pitch which would count towards Dorset's number of pitches and be available to any future occupiers who comply with the definition of a Gypsy or Traveller. The location is sustainable, being within walking distance of Yetminster's facilities and services.
Scale, design, impact on character and appearance	The application site is an existing yard area 'agricultural' in character. The site is well screened by existing vegetation.
Impact on the living conditions of the occupants and neighbouring properties	The site is well separated from the dwellings on Coles Lane, given this relationship, the application would not have a significant negative impact on neighbour amenity
Highway impacts, safety, access and parking	Highways Engineer has no concerns with regards to impacts on highways network.
Biodiversity	Siting of caravans would be within existing yard area, site does not include adjacent ponds.
Flooding	Land outside Flood Zones. Yard area & buildings are existing, no alterations to access road. No impact to existing surface water drainage.
Nutrient Neutrality Somerset Levels and Moors Nutrient Catchment & foul drainage	Foul drainage is connected to the existing cess pit. The Waste Carrier has confirmed foul waste from the application site would only be collected by tankers that are going to Bristol or Trowbridge, which is outside any Nutrient Catchment areas

4. Description of Site / Location

A suite of buildings around a yard at the top of Coles Lane.

The site lies just outside of the defined development boundary for Yetminster, the settlement boundary being 100m to the south, including the dwellings along the northern side of Coles Lane.

Access to the site is via Coles Lane and the site is bounded by a close boarded fence.

The site is located within an area defined as countryside however, being only 100m from the defined development boundary, it is considered well located to Yetminster where there is an appropriate level of facilities and services, including a school & shop, to be able to sustain the

residential accommodation nearby. It is also considered that the facilities and services of Yetminster can be easily accessed via foot.

5. Description of Development

The proposal is to continue use of land as a single Gypsy/Traveller pitch comprising 1 no. mobile home, 1 no. touring caravan, 1 no. day room. The application description has been amended for clarity following comments from the Parish Council.

6. Background and relevant planning history

The proposal follows an application for a certificate of lawfulness P/CLE/2025/01379 which originally sought to establish the lawful use of the site for residential occupation. Insufficient evidence was provided to support the residential occupation of the site, and as such the certificate was issued for 2 of the existing buildings & their mixed-use for agriculture, storage, stables, poultry, and log business, only.

Therefore, the main consideration for this application is principle of use of the land as a single Gypsy/Traveller pitch comprising; Retention of 1 No. building (day room), 1 No. mobile home, 1.No touring caravan, for residential occupation, by gypsies or travellers.

P/CLE/2025/01379 - Decision: GRA - Decision Date: 10/06/2025
2 buildings used for mix-use of agriculture, storage, stables, poultry, log business, constructed over 10 years ago.

1/E/06/001462 - Decision: Grant Prior Approval – Decision Date: 29/08/2006
Erect agricultural barn and track - OAKLEIGH, COLES LANE, YETMINSTER, SHERBORNE, DT9 6LP

7. Constraints

Natural England Designation - Nutrient Neutrality Catchments - Distance: 0

Wessex Water Treatment Works Catchment Impacts on designated SAC/SPA/Ramsar - Enhancement scheme at WRC (2020-25) - Distance: 0

Right of Way: Footpath N34/9; - Distance: 11.37

Wessex Water Risk of foul sewer inundation 2023 High Risk of Foul Sewer Inundation - Distance: 0

Higher Potential ecological network - Distance: 0

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

8. Consultations

Yetminster and RymelIntrinseca Parish Council- Object

The application is vague, it is difficult to properly understand the proposals and clarity regarding the future use of the site is required. It is not clear that the application is solely as a traveller site, nor how many pitches or plots it would provide. It is also unclear whether the business uses will continue as part of a mix of uses.

The application does not address sustainability issues, and is inconsistent with regards to surface and foul water arrangements.

Concerns regarding impact on surrounding highways network, amenity of neighbouring properties, and impacts on drainage/flooding.

Ward Member(s) Cllr Cllr Kippax

Concerns raised regarding

- drainage & sewage
- inconsistencies in application
- impact of increased traffic on a narrow lane
- lack of consent for current occupation of site

DC Highway Officer- no objection

DC - Gypsy & Traveller Liaison Officer- no comment

DC – Environmental Health- In view of the potential previous uses of the site, suggest that an unexpected contaminated land condition is applied.

DC Environmental Assessment- no objection, as the system doesn't release sewage into the ground or to surface water because it's a cesspit and it is emptied regularly by a registered waste carrier and does not leak or overflow, then there are no nutrients being added to the catchment as the proposed disposal site is outside of any nutrients catchments.

Natural England- At time of draft committee report preparation - waiting final consultation response on Habitats Regulations Assessment. NE confirm that principle of mitigation (disposing of waste outside the catchment and secured by legal agreement) acceptable in principle.

Third Parties

National Annexe Planning Consultancy (NAPC) – letter of support

Comments of objection raised on the below summarised points:

Summary of objections:

- Applicant does not meet definition of Annex 1 of the Planning Policy for Traveller Sites
- Details of the mobile home are not provided
- The extent of the use of the site is not clear and could increase to neighbouring land
- Other buildings on site have been converted to accommodation and bedrooms
- Residential occupation of site continues and is in contravention of the granted certificate of lawfulness (which removed residential element)
- Current residential occupation of site does not tally with stated use
- The building does not comply with building regulations, how would the Council ensure it's not used for sleeping accommodation
- Site is used for more people than stated
- Impact of increased vehicular use on narrow lane, strain on local infrastructure and endanger pedestrians
- Additional built form will exacerbate surface water problems on lane, proposed arrangements are unclear and inadequate

- Application is not clear enough about what the use of the rest of the site would be used for, and by whom
- There is insufficient justification for the residential occupation of the site in relation to the keeping of animals on site
- Lack of biodiversity survey, impact on ponds, loss of agricultural land and hedgerows
- Hard standing on site may be contaminated
- The septic tank wasn't installed until 2024, not 12 years ago
- The NNMAS is not relevant
- Impact on Green Belt
- Outside of the defined settlement boundary
- Granting permission would set an undesirable precedent
- Planning conditions would not be adhered to
- Landscaping needs to be considered

9. 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.

10. Development Plan Policies

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
 ENV2: Wildlife And Habitats
 ENV5: Flood risk
 ENV10: The landscape and townscape setting
 ENV12: The design and positioning of buildings
 ENV15: Efficient and Appropriate Use of Land
 ENV16: Amenity
 SUS2: Distribution of development
 SUS3: Adaptation and re-use of buildings outside defined development boundaries
 HOUS6: Other residential development outside defined development boundaries
 COM7: Creating a safe & efficient transport network
 COM9: Parking provision

Yetminster and Ryme Intrinseca Neighbourhood Plan Made April 2022

Neighbourhood Plan does not specifically identify or discuss sites for gypsy & traveller accommodation needs.

Relevant Sections of the Neighbourhood Plan:

Housing Objective 1
 Housing Land (H1)
 Drainage (CC5)
 Highway safety (T1)

Material Considerations

Emerging draft Dorset Council Local Plan:

Paragraph 49 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

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

The Dorset Council Local Plan Options Consultation took place between January and March 2021, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The Dorset-wide Gypsy, Traveller and Travelling Showpeople Site Allocations Joint Development Plan Document (DPD) which was being prepared by the former local planning authorities in Dorset, will no longer be taken forward. Any policies relating to, and allocations needed for, Gypsies, Travellers and Travelling Showpeople in the Dorset Council area will be included within the new emerging Dorset Council Local Plan.

The emerging strategy for meeting the area's needs for Traveller sites that is presented in the draft Dorset Council Local Plan will need to be reviewed (taking account of the responses to the consultation held in 2021, the latest GTAA published in 2022, the latest information on the delivery of sites in the emerging strategy and any further options for Traveller sites that might have arisen) as part of preparing the new local plan.

Therefore, whilst the Dorset Council Local Plan is at an early stage of preparation, decisions on gypsy and traveller sites continue to be determined in accordance with National Planning Policy, & Policy Paper Planning policy for traveller sites December 2024, reference to Local Plan Policies INT1 and SUS2, and reference to Dorset and Bournemouth, Christchurch and Poole (BCP), Gypsy and Traveller Accommodation Assessment (GTAA), as outlined below.

Local Nature Recovery Strategy (LNRS)

The site is acknowledged on the LNRS mapping as being an existing brownfield site, as such the application to regularise the residential occupation of the existing buildings and existing yard would not impact delivery of the LNRS.

National Planning Policy Framework 2024 (as amended 2025):

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless 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 5 'Delivering a sufficient supply of homes' This outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 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 14 'Meeting the challenges of climate change, flooding and coastal change'
- 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.

Planning policy for traveller sites – PPTS (August 2015 & updated December 2024)

<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

Relevant chapters:

Policy A. Using evidence to plan positively and manage development

Policy B. Planning for traveller sites

Policy C. Sites in rural areas and the countryside

Policy H. Determining planning applications for traveller sites

Policy I. Implementation

Other material considerations:

Dorset and Bournemouth, Christchurch & Poole (BCP) Gypsy and Traveller Accommodation Assessment (GTAA) - Final Report August 2022

<https://www.dorsetcouncil.gov.uk/-/gypsy-and-traveller-accommodation-assessment/update>

This assessment should be taken into consideration when taking decisions on planning applications for Travellers in Dorset Council area.

Gypsy and Traveller Land Availability Assessment

<https://www.dorsetcouncil.gov.uk/-/land-availability>

o live data base

o interactive mapping

Gypsy, Traveller and Travelling Showpeople Accommodation Assessment October – Final Report – 2017

11. 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.

12. 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.

Having considered the information provided by the applicant, consultation responses, other representations made about the application and relevant planning policies, Officers are satisfied that the proposed development would:

- (i) help to advance equality of opportunity; *(via provision of a Gypsy and Traveller site in a sustainable location, with no significant adverse impacts to character & appearance of the area, flood risk, biodiversity, highways safety)*
- (ii) assist in fostering good relations *(via provision of a Gypsy and Traveller site in a sustainable location, with no significant adverse impacts on residential amenity)*
- (iii) have no material adverse impact on individuals or identifiable groups with protected characteristics *(the protected character of race includes Gypsy and Travellers).*

The proposed development would have a potentially beneficial impact upon a group with protected characteristics by provision of the gypsy & traveller site.

13. Benefits

There is a lack of sites for Gypsy and Traveller households across the district. The application seeks consent for a permanent pitch which would continue to count towards Dorset’s number of pitches and be available to any future occupiers who comply with the definition of a Gypsy or Traveller. The location is sustainable, being within walking distance of Yetminster’s facilities and services.

14. Sustainability

The existing buildings are lawful via the granted certificate of lawfulness P/CLE/2025/01379. As this proposal is for a change of use application for a gypsy and traveller site, insistence on renewable energy and sustainable building materials are not considered necessary in this instance.

15. Planning Assessment

15.1 Principle of Development

There are no specific policies contained within the West Dorset, Weymouth & Portland Local Plan with regards to provision of gypsy & traveller sites. Nor are there specific policies contained within the adopted Neighbourhood Plan.

The Housing Act 2004 requires councils to assess the accommodation needs of gypsies and travellers and to provide accommodation based on the findings of that assessment.

Dorset Council and Bournemouth, Christchurch, and Poole Council have jointly commissioned an updated assessment of need for Gypsy, Traveller, and Travelling Showpeople pitches and plots within each area, Gypsy and Traveller Accommodation Assessment (GTAA) dated August 2022 (this updates the findings within the Gypsy and Traveller Accommodation Assessment of 2017)

Decisions on gypsy and traveller sites should be determined in accordance with national policy, MHC&LG Planning policy for traveller sites – December 2024, the Dorset and Bournemouth, Christchurch & Poole (BCP) Gypsy and Traveller Accommodation Assessment GTAA, and the West Dorset, Weymouth & Portland Local Plan policies INT1 and SUS2.

The latest assessment around the need for Traveller sites in Dorset is presented in the GTAA published in October 2022. The assessments in the GTAA relate to the 15 year period between 2022 and 2037 and are based upon:

- supply of pitches (taking account of planning permissions where it is likely that pitches will be delivered within 5 years and vacant pitches)
- current need (taking account of unauthorised development, concealed/overcrowded households, Traveller households currently living inappropriate accommodation and Traveller households on the waiting lists for public sites)
- future need (taking account households with teenage children who are likely to need accommodation in the next five years, Traveller households living on site with temporary planning permission, new Traveller households that are likely to be formed and Traveller migration into the area)

In total the latest assessment of Traveller sites in Dorset as demonstrated in the GTAA shows a need for 153 pitches, 16 plots (and a 25 pitch transit site). It confirms a shortfall in pitches in the Dorset area.

The supporting statement submitted with the application confirms that the pitch will be occupied by Mr Hughes and his son, and it is stated that both of these persons fulfil the definition of Gypsies and Travellers in Annex 1 of Planning Policy for Traveller Sites (Updated 12 December 2024) as Romany gypsies. Gypsies and Travellers are defined as;

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

The overall level of need for those households who did not meet the planning definition of a Gypsy or Traveller identified in the GTAA is for 36 pitches over the GTAA period.

Objectors to the scheme state that the applicants do not meet this definition. However, this is not an application for a personal permission and the description of development together with the proposed conditions would restrict occupation of the site to gypsy and travellers. In addition, provisions set out in the Housing and Planning Act (2016) include a duty (under Section 8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs) for local authorities to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored. Draft Guidance related to this section of the Housing and Planning Act has been published setting out how the Government would want local housing authorities to undertake this assessment and it is the same as the GTAA assessment process. Therefore, notwithstanding any compliance with the definition of gypsy status, the implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet the planning definition of a Traveller will need to be considered as part of the wider housing needs of the area and will form a subset of the wider need arising from households residing in caravans. This is echoed in the revised NPPF (December 2024).

The GTAA acknowledges that one option for the provision of housing need for Gypsy and Traveller households, is through regularising the planning permission for sites that are temporary or unauthorised. Therefore, there are no matters of principle that would prohibit regularising the use of the site.

The Planning Policy for Traveller Sites (Updated 12 December 2024) Paragraph 26 details that local planning authorities should limit traveller site development in open countryside that is away from existing settlements. This site is within close proximity to the settlement of Yetminster and therefore meets this consideration. Accordingly, the location of the site is considered not to be isolated and is sustainable. On this basis, it is considered that the site and its location is suitable to provide for the needs of a gypsy or travellers.

The housing policies in both Local and Neighbourhood Plans are silent with regards to accommodation for and Gypsy and Traveller households. The National Planning Policy for Traveller Sites (Updated 12 December 2024) paragraph 28 details that where a local planning authority cannot demonstrate an up to date 5 year supply of deliverable sites, the tilted balance applies, under paragraph 11 d) of the NPPF. Given the lack of sites across the district and the proposal being for exception housing, it is considered that there are no strong reasons for refusing the development and there are no adverse impacts that would significantly and demonstrably outweigh the benefits of providing a permanent pitch in a sustainable location, when assessed against the NPPF taken as a whole. Furthermore, as the application seeks consent for a permanent pitch this would count towards Dorset's number of pitches and be available to any future occupiers who comply with the definition of a Gypsy or Traveller.

Accordingly, the principle of development is considered acceptable, subject to the considerations below.

15.2 Scale, design, impact on character and appearance of area

The site is relatively modest in size and resembles an agricultural farmyard, as shown in the aerial photo below. It is well screened by mature vegetation, also demonstrated in the aerial photograph. The buildings are single storey. As such, it is not considered that additional landscaping is required. The Planning Policy for Traveller Sites (Updated 12 December 2024) Paragraph 28 details that local planning authorities should attach weight to sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. Also, weight should be given to sites that are not enclosed with hard landscaping, high walls or fences. Weight should also be given to effective use of previously

developed, untidy or derelict land. There is close boarded fencing & gateway at the entrance into the site where the entrance meets Coles Lane, but beyond this the site is bounded by post & stock proof netting. The site therefore largely meets these objectives that weight must be given to.

Two of the buildings onsite are associated with mixed use of the site for agriculture, storage, stables, poultry, and log business, and have the benefit of a certificate of lawfulness because they have been in situ for over 10 years.

The Day Room is a single storey building on the western side of the yard sited between these two mix-use buildings.

The proposal is to allow one single pitch within the existing yard area, for the siting of 1 No. mobile home and 1.No touring caravan, and the associated use of the existing building used as a day room (which is already in existence & forms part of the wider 'agricultural' character of the site). No new buildings would be added nor increase in size as a result of the proposals. It is therefore considered that the character of the area would not be detrimentally affected by the use of the site for residential purposes for one pitch. The proposal would comply with Policy ENV10 of the Local Plan.

15.3 Impact on neighbour amenity

The site is well separated from the dwellings situated to the north of Coles Lane as shown in the below aerial photo snip.

It is considered that, given this relationship and that the proposal is for one pitch only, that the application would not have a significant negative impact on neighbour amenity to warrant refusal of the application. The proposal would comply with Policy ENV16: Amenity of the Local Plan.



15.4 Access and Parking

The site utilises existing access from Coles Lane.

An assessment of the development proposal has been made by the Highways Engineer, and no unacceptable impact on highway safety was identified. Hence, the Highway Authority has no objection to the proposal. A condition was recommended that the turning/manoeuvring and parking area shown is constructed prior to occupation, but as the application is made to regularise the residential occupation, this condition is not considered necessary in this instance.

Concern of neighbouring residents that increased vehicular movements are noted, however use of the site by one pitch is not considered to significantly impact on the safety of the Highways network as assessed by the Highways Engineer, and as such is acceptable and the proposal would comply with Policy COM7: Creating a safe & efficient transport network and COM9: Parking provision.

15.5 Flooding

The site is outside mapped areas at risk of groundwater emergence. The site is not within Flood Zones 2 or 3. There is a mapped risk of low surface water flooding risk along Coles Lane itself but this would not affect emergency access. The site does not include the pond areas to the east. The mobile accommodation would be sited on the existing permeable gravelled yard. The buildings are existing. No changes to the access or lane is proposed.

As such, there would be no increase in impermeable areas, and the proposals would not increase the risk of flooding elsewhere. The accommodation would not be sited on any areas at risk of surface water flooding, and as such the development would be safe for its lifetime. The proposal would comply with Policy ENV5 of the Local Plan.

15.6 Nutrient Neutrality (and foul drainage arrangements)

The site is within the Somerset Levels and Moors Nutrient Catchment.

There is an existing Cess Pit on site, associated with the agricultural use of the site. There are existing toilet facilities connected to this cess pit, which have been used by agricultural workers at the site.

The day room bathroom is connected to this existing cess pit.

The company who empty the Cess Pit take waste collected from the Yetminster to 1 of 4 GENco sewage treatment plants at either Yeovil, Bristol, Taunton or Trowbridge. The Bristol and Trowbridge plants are both outside of the Somerset Levels and Moors Nutrient Catchment Area. A letter confirming that a registered waste carrier currently empties the cess pit has been provided. The Waste Carrier has confirmed that arrangements can be made for foul waste from the application site to only be collected by tankers that are going to Bristol or Trowbridge, which is outside any Nutrient Catchment areas.

The Council's Environmental Assessment Team have confirmed that as this type of system doesn't release sewage into the ground or to surface water (because it's a cesspit designed to store waste until its removal, rather than being treated on site), that as long as the cess pit is emptied regularly by a registered waste carrier and does not leak or overflow, then there would be no nutrients being added to the catchment if the waste were to be taken outside of any nutrients catchments.

As such, as confirmation from the Waste Carrier has been received that they can guarantee the waste can be taken and disposed of outside any Nutrient Catchment area, the application can be screened out from having an effect on the Somerset Levels and Moors Nutrient Catchment.

These waste disposal arrangements would then be secured by legal agreement, which would have attached a robust method statement ensuring this arrangement could be guaranteed in

perpetuity. The applicant has indicated that the landowner is willing to enter into such an agreement to secure the disposal of the waste from the site accordingly.

This approach is acceptable in principle to both Natural England and the Environmental Assessment Team, subject to details of the method statement and securing the required legal agreement.

15.7 Biodiversity

There is no new operational development for new structures, the application is therefore Biodiversity Net Gain (BNG) exempt being de-minimis. As a change of use & siting of caravans on existing hardstanding, it is not considered necessary to secure biodiversity enhancements in this instance. The red line does not extend to the adjoining land where the ponds are, and as such there would be no significant resultant disturbance to this habitat. As the red line does not include the adjacent habitat & ponds, any residential use of this land would not be permitted, and as such this land is protected being outside of the application site.

15.8 Other matters

As the siting of caravans upon the yard does not require significant ground disturbance, a condition that covers potential contaminated land is considered reasonable and necessary in this instance.

Elevations/details of the mobile home & caravan are not required in this instance – as discussed above, the impacts on the visual amenity of the well-screened site via the siting of 2 mobile units are not considered to be significant, there is no requirement to ask for details as to the size & design of the mobile accommodation.

Concerns are raised that the number of people residing on the site could increase, and the extent of land the residential use could expand: the number of occupants is limited by the planning condition restricting the use to one pitch only and the condition limiting the number of units to the siting of 1 No. mobile home and 1.No touring caravan only. The red line location plan for the application contains the existing buildings and yard area only, and as such the extent of the land which could be used is appropriately limited to this discreet area.

Any expansion of the use of the site to more than one pitch, more than 1 No. mobile home and 1.No touring caravan, or to land outside the red line indicated on the location plan, would require a further application. Any use of the site over and above these conditions and red line area would represent a breach of the permission, which would be for the Council's Planning Enforcement Team to investigate.

Concerns are raised that the application is retrospective, and the site already used for residential accommodation. The retrospective nature of the application is not a material consideration. The application should be assessed in the normal way. This application is made to regularise the situation and seek the necessary permission for use of the site for one gypsy and traveller pitch, and siting of 1 No. mobile home and 1.No touring caravan and one Day Room. The GTAA acknowledges that one option for the provision of housing need for Gypsy and Traveller households, is through regularising the planning permission for sites that are temporary or unauthorised.

The responsibility for ensuring the development complies with Building Regulations lies ultimately with the property or landowner and occupier. This is separate to the requirement for planning permission.

Comments that the site is in the Green Belt are incorrect.

16. Summary & Conclusions

The application would provide one gypsy & traveller pitch and contribute to the shortfall in provision of such pitches in Dorset as identified in the GTAA.

The site is an existing yard with buildings and a lawful use of the site for agriculture, storage, stables, poultry, and log business. It lies just outside of the defined settlement boundary for Yetminster, where the facilities and services of Yetminster can be easily accessed via foot. Accordingly, the location of the site is considered to be sustainable.

The application red line is limited to the buildings and yard. There would be no loss of habitat and no impact on biodiversity interests. The site resembles a small agricultural yard and is modest in size, it is well screened by existing established vegetation and there are no concerns with regards to visual impacts to the character & appearance of the area from the proposed use. Conditions would restrict the use to one pitch, and to siting of 1 No. mobile home and 1.No touring caravan only.

The use of the site by one pitch would not result in an increase in traffic movements which would significantly impact the highway network. The discreet position & distance from nearby dwellings is such that there would be no adverse impacts to the residential amenity of these occupiers. Potential impact on the Somerset Levels and Moors Nutrient Site would be mitigated by removal of waste from the site to be disposed of outside of any Nutrient Catchments, secured by legal agreement.

The GTAA acknowledges that one option for the provision of housing need for Gypsy and Traveller households, is through regularising the planning permission for sites that are temporary or unauthorised. Therefore, the principle of considering a retrospective application and regularising this site is acceptable.

The housing policies in both Local and Neighbourhood Plans are silent with regards to accommodation for and Gypsy and Traveller households. The Planning Policy for Traveller Sites (Updated 12 December 2024) paragraph 28 details that where a local planning authority cannot demonstrate an up to date 5 year supply of deliverable sites, the tilted balance applies, under paragraph 11 d) of the NPPF. Given the lack of sites across the district and the proposal being for exception housing, it is considered that, there are no strong reasons for refusing the development and there are no adverse impacts that would significantly and demonstrably outweigh the benefits described above.

Furthermore, the application seeks consent for a permanent pitch which would count towards Dorset's number of pitches and be available to any future occupiers who comply with the definition of a Gypsy or Traveller.

The proposal is therefore judged to comply with policies as detailed above and the Development Plan as a whole, and no material planning considerations indicate otherwise.

17. Recommendation: Approve subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan
TRG-472/01 Dayroom Floor plan and elevations
Block Plan

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

2. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, December 2024.

Reason: This permission is only granted having regard to the special need for gypsy and traveller accommodation.

3. The site hereby approved shall be limited to one Gypsy/Traveller pitch which shall comprise of no more than one touring caravan and one static caravan.

Reason: Given the size of the site and to accord with the terms of the application.

4. The Utility/ Day Room Building hereby approved shall be used solely in connection with the gypsy/traveller pitch and for no other purposes.

Reason: In the interest of limiting the use to the occupier of the site.

5. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be carried out in accordance with the approved details and on completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

Informative Notes:

1. Council Tax:

The applicant must contact the Council with regards to Council Tax:

<https://www.dorsetcouncil.gov.uk/w/contact-details-council-tax>

<https://www.dorsetcouncil.gov.uk/council-tax/council-tax>

Building Regulations:

The responsibility for ensuring the development complies with Building Regulations lies ultimately with the property or landowner and occupier. This is separate to any requirements for planning permission or listed building consent that you may need:

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/building-control>

2. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to

commence development before any work takes place and follow the correct CIL payment procedure.

3. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to securing waste removal to outside of nutrient catchments.

4. 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 development of land in England is deemed to have been granted subject to the condition (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 in full in a subsequent informative below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

- 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).

Read more about Biodiversity Net Gain at <https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

5. 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.

6. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

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

- offering a pre-application advice service, and
- 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.