

Application Number:	P/FUL/2025/06017
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	50 - 51 Churchill Close Sturminster Marshall BH21 4BH
Proposal:	Demolish garage and outbuilding and erect 2 No 2 bedroom bungalows with parking. Creation of new parking area to No 50 & 51
Applicant name:	Mr D McDonald
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Chakawhata

- Reason application is going to committee:** The application is being reported to the committee at the request of the chair.
- Summary of recommendation:** GRANT, subject to the conditions at the end of this report.
- Key planning issues**

Heading	Summary
Principle of development	Residential development is acceptable in Sturminster Marshall, and with the Council unable to demonstrate a 5-year housing supply, the tilted balance in paragraph 11d of the NPPF applies.
Impact on the character of the area	Although the single storey backland layout differs from the estate's form, the proposal is considered to respect local character and meet relevant Local Plan and Neighbourhood Plan design policies.
Impact on neighbouring amenity	The single storey form avoids harmful impacts on neighbours, and conditions removing certain permitted development rights will protect future relationships between properties.
Amenity for occupants of the new dwelling	The proposed dwellings exceed internal space standards and provide acceptable garden space and separation distances, with no harmful overlooking judged likely.
Highways and parking	Parking provision meets Dorset standards, and the Highway Authority considers the scheme acceptable with no material harm to safety.
Impact on protected heathland	Appropriate assessment concludes no adverse effects on SSSIs, with CIL contributions addressing necessary heathland mitigation.
Biodiversity/Impact on protected species	The garage has negligible bat habitat value, and biodiversity enhancements will be secured by condition.
Biodiversity Net Gain (BNG)	On-site 10% BNG cannot be achieved, so the applicant will meet requirements through off-site credits.
Flooding & Drainage	Groundwater and surface water assessments indicate the site is at low flood risk, and a suitable drainage strategy will be secured by condition. (Condition3)

Environmental implications	The development will generate emissions, but efficiency measures such as triple glazing, solar PV and air-source heat pumps, plus cycle storage, will reduce environmental impact.
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4. Description of site

- 4.1 Churchill Close comprises a mixture of terrace and semi-detached properties in a well-established residential area within the settlement of Sturminster Marshall. The existing dwellings occupy a relatively long, level, rectangular plots and sit in a row of similar properties in a gentle crescent shape looking out onto a large open recreation ground. This sizeable area of open space provides a green and spacious setting for the residential properties in Churchill Close. 50 and 51 Churchill Close are both three bedroomed, two storey, semi-detached dwellings joined by attached single storey garages.
- 4.2 There is a strong, established building line followed by the properties facing onto the recreation ground on Churchill Close; properties are set back from the road with small front gardens either grassed or hard surfaced. Most property frontages have off road parking and are enclosed by low brick walls.
- 4.3 To the rear the gardens are demarcated by hedging and some boundary fencing. Beyond the rear boundary of the application site are two, two storey detached dwellings on Newton Road. One of these, 'Cwtch', faces northeast. Its side elevation is approximately parallel with and lies close to the rear boundary of the application site. The other, 'Rookery', to the west faces northwest so backs onto the application site.

5. Description of development

- 5.1 It is proposed to demolish an outbuilding at the end of the garden of 51 Churchill Close and the garage which is attached to the side of 51 Churchill Close. The latter will facilitate the formation of an access drive between 50 and 51 Churchill Close to serve two new back-land plots. Two, 2-bedroom bungalows are proposed. The dwellings will have hipped roofs with front gable and bay window features. The main living room will be at the front of the dwellings facing southeast. Modest, 6-7m deep rear gardens will be provide outside amenity space to the rear of the dwellings.
- 5.2 Each bungalow will be served by two parking spaces in their front gardens, with two cycle stores to be located either side of the access road. Two new off-street parking spaces will be provided in front of 51 Churchill Close to serve that dwelling. A bin collection point is also proposed outside no. 51.

6. Background and relevant planning history

Application Reference	Decision	Decision Date	Description
3/17/1221/HOU	Grant	20/07/2017	Erect single-storey rear extension and provide pitched roof to

			existing porch (50 Churchill Close)
3/18/1489/NMA	Grant	05/07/2018	Non-material amendment to P/A 3/17/1221/HOU to build the walls using blocks and render instead of brick, and to use non-identical roof tiles to the existing dwelling for the extension roof
P/PAP/2023/00028	Response given	09/03/2023	Turning house number 51 into two separate dwellings (51 & 51A)
P/FUL/2024/04569	Grant (delegated)	08/05/2025	Carry out alterations and extension to form separate two-bedroom dwelling (51 Churchill Close)
P/FUL/2024/05059	Refuse (committee overturn of recommendation)	30/04/2025	Demolish garage and outbuilding and erect two 2-bedroom bungalows with parking, and create new parking area to No. 50

Reason for refusal of P/FUL/2024/05059:

The proposed development by reason of its close proximity to the northwest boundary and neighbouring dwellings in Newton Road will, as a result of overlooking and lack of outlook and intensification of residential use, fail to provide appropriate amenity for future occupiers and represents overdevelopment which is contrary to the established character of this part of Sturminster Marshall contrary to policy HE2 of the Christchurch and East Dorset Local Plan 2014 and policy SMNP9 of the Sturminster Marshall Neighbourhood Plan 2024

7. List of constraints

Sturminster Marshall Conservation Area - Distance: 22.41m

Within Sturminster Marshall Settlement Boundary

Dorset Heathlands (5km buffer)

RAMSAR: Dorset Heathlands - Distance: 4514.65m

Wessex Water Treatment Works Catchment Other WRC catchments - Distance: 0m

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

Groundwater – Susceptibility to flooding

Groundwater Source Protection Zone

Site of Special Scientific Interest (SSSI) impact risk zone - Natural England consultation

Scheduled Monument: A shrunken medieval village and earlier prehistoric settlement remain at Walnut Tree Field (List Entry: 1008750); - Distance: 456.98m

Radon Gas: Class: 1.0 (low risk, protective measures unlikely to be required)

8. Consultations

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

Consultees

1. Sturminster Marshall Parish Council

The Parish Council object to the application for the following reasons:

- Overdevelopment of the plot which is out of keeping with the surrounding area contrary to policy SMP9 of the Neighbourhood Plan and HE2 of the local plan.
- The proposed bungalows are too close to neighbouring properties, impacting amenity – this had been raised in pre-application advice
- Safety concerns due to limited visibility from the access onto Churchill Close, the potential for increased traffic and insufficient parking.
- Potential for the development to increase the risk of flooding in the area and exacerbate existing flooding on Newton Road.

2. Highways

The parking level is considered to be acceptable with sufficient turning space, and the passing spaces and visibility are acceptable. No objection subject to conditions relating to construction of the vehicular access, turning/manoeuvring and parking and provision of cycle parking.

3. Dorset Waste Team

No objection

4. Dorset Council - Building Control

Compliance with Building Regulations with particular note to Approved Document B-Section B.

5. Environment Mitigation Delivery Team

No comment

6. Wessex Water

Surface water must be disposed of via the SuDS hierarchy. No surface water runoff, land drainage or ground water will be accepted into a public sewer that carries sewerage.

There is a 100mm sewer in the vicinity to which foul flows only may be accepted. Water supply can be provided.

7. Natural England

Initial comment, 25 November 2025 – Further information required to determine impacts on designated sites.

Updated comment, 9 February 2026 – No objection subject to securing appropriate mitigation.

8. Dorset Fire & Rescue Service

No comments received.

9. Dorset Council - BNG Natural Environment Team

The proposal falls below the threshold for a NET BNG response.

10. Stour And Allen Vale Ward Councillor

No comments received.

Total - objections	Total - No objections	Total - comments
2	0	0

Summary of comments of objections:

- The application is a repeat of the previously refused application with only a small change to the access.
- It still represents overdevelopment in an area whose character is being eroded and results in intensification and issues with the density of residents.
- Separation distances to properties to the rear aren't sufficient and will result in overlooking and overshadowing.
- There is significant flood risk
- Back garden development or infill is contrary to the neighbourhood plan and not in keeping with a rural village.

9. Duties

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

10. Relevant policies

Development plan

10.1 In this case the development plan comprises the adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy, March 2014 and the Sturminster Marshall Neighbourhood Plan 2024:

Adopted Christchurch and East Dorset Local Plan 2014:

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

- KS1: Presumption in favour of sustainable development
- KS2: Settlement hierarchy
- KS3: Green Belt
- KS1: Transport and development
- KS12: Parking provision
- LN1: Size and types of new dwellings
- LN2: Design, layout and density of new housing development
- HE1: Valuing and conserving our historic environment
- HE2: Design of new development
- HE3: Landscape quality
- ME1: Safeguarding biodiversity and geodiversity
- ME2: Dorset heathlands
- ME6: Flood management, mitigation and defence

Sturminster Marshall Neighbourhood Plan (made October 2024)

10.2 The following policies of the neighbourhood plan are considered to be of relevance:

- Policy SMNP1: Sustainable Development Standards
- Policy SMNP2: Control of Flooding
- Policy SMNP9: Key Design Principles
- Policy SMNP10: Design Principles - Layout
- Policy SMNP11: Design Principles: Building Form and Scale
- Policy SMNP12: Design Principles: Boundary Treatment and Public Realm

- Policy SMNP13: Design Principles: Materials and Architectural Design
- Policy SMNP14: Housing Types
- Policy SMNP22: Parking Standards

Material considerations

Emerging local plans:

- 10.3 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

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

Local Nature Recovery Strategy

- 10.5 The Dorset Local Nature Recovery Strategy identifies local priorities for nature recovery and maps areas where action would be most beneficial. In planning decisions it is a material consideration, helping to ensure that development supports biodiversity enhancement and aligns with Dorset's agreed priorities for nature recovery.

National Planning Policy Framework 2024 (as amended 2025)

- 10.6 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.
- 10.7 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 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.
- 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

- National Planning Practice Guidance
- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document
- 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.

- SPG13 Sturminster Marshall Conservation Area

Housing land supply

- 10.8 Dorset Council is unable to demonstrate a 5-year housing supply as required by National Policy. In addition, the strategies for meeting housing needs in the adopted local plans are not designed to deliver the housing need under the Government's standard method and therefore, in accordance with NPPF footnote 8, the housing policies within the adopted Development Plan(s) are out of date and the presumption in favour of sustainable development applies. The emerging Dorset Local Plan is not sufficiently progressed and can be afforded very limited weight in decision making.

Housing Delivery Test (HDT)

- 10.9 The latest HDT results (2023 measurement) show that enough homes have been delivered within the local plan area to demonstrate 106% of the target.

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.

- 11.1 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

- 12.1 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.
- 12.2 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.
- 12.3 The single storey nature of the dwellings is likely to make them suitable for those who are less mobile.

13. Public Benefits

- 13.1 The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material considerations	
None	
Non material considerations	
Council Tax	5178.02 p/a (based on current Band D)
CIL	£20,355.45

14. Planning Assessment

Principle of development

- 14.1 Policy KS2 'Settlement Hierarchy' of the Core Strategy states that Sturminster Marshall 'is one of 5 key rural service centres where residential development will be allowed of a scale that reinforces their role as providers of community, leisure and retail facilities to support the village and adjacent communities.' The principle of residential development is acceptable in this location, subject to consideration of other development plan policies, all material planning considerations and representations.
- 14.2 Since the previous refusal of planning permission in 2025, the agreed Annual Position Statement has expired, and the Council is no longer able to demonstrate a 5-year supply of housing sites. Therefore the 'tilted balance' set out in paragraph 11d of the National Planning Policy Framework applies. That states that planning permission should be granted unless the application of policies in the framework that protect assets of particular importance (as set out in footnote 7 of the framework) provide a strong reason for refusing the development proposed; or any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole.
- 14.3 Paragraph 14 of the NPPF indicates that the adverse impact of allowing development that would conflict with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits of development, provided that the neighbourhood plan became part of the development plan within 5 years of the decision and contains policies and allocations to meet its identified housing requirement.

The Sturminster Marshall Neighbourhood Plan was 'made' on 15 October 2024 so is less than 5 years old. Although the plan discusses what might be considered an appropriate level of housing growth and suggests potential sites, it stops short of identifying a specific figure for housing need or allocating particular sites for development to meet such a need.

Therefore paragraph 14 is not engaged.

Impact on the character of the area

- 14.4 Local Plan Policy HE2 Design of New Development requires that the design of development must be of a high quality, reflecting and enhancing areas of recognised local distinctiveness. To achieve this, development will be permitted if it is compatible with or improves its surroundings in relation to 11 criteria including layout, scale, visual impact, relationship to nearby properties and relationship to trees. Policy LN2 requires

that development should maximise the density of development to a level which is acceptable for the locality.

- 14.5 Policies from the Sturminster Marshall Neighbourhood Plan aim to ensure that new buildings harmonize with the existing character of the area, promoting efficient use of land while maintaining accessibility and connectivity and ensuring that new constructions are proportionate and compatible with surrounding structures, preserving the village's aesthetic.
- 14.6 The Neighbourhood Plan recognises Churchill Close as having a distinct character linked to the immediate post-war period. The street scene is characterised by predominantly terraced and semi-detached houses in red brick with some render. Properties are mainly two storeys in height, and the use of standard housing types has created a broadly continuous roofline although there are some bungalows in an annexe off the main close.
- 14.7 Policy SMNP9 of the Neighbourhood Plan requires that development should follow the key design principles of the character area in which it is based as well as general design principles. For the Churchill Close area, the neighbourhood plan does not encourage further built development due to concern that it would compromise the estate's character. The plan requires that any development in this area should respect the 1950s character, 'including the characteristics of building line, height, rhythm and materials and the use of communal green spaces' (p37).
- 14.8 The proposal for single storey, backland development departs from the characteristic layout and form of houses surrounding the open space on the Churchill Close estate, but the position of the site will screen the single storey development in most views, enabling more efficient use of land without compromising the unique, planned character of the estate. For this reason, it is considered that the proposal does respect the character of the estate as required by policy SMNP9. The single storey form does not conflict with policy SMNP11, which requires that building heights should be equivalent to those found in the area; bungalows form part of the existing character area and on this backland site the proposed single storey form and siting allow the special character of the estate to be retained.
- 14.9 The increased density will impact on spaciousness, but the site is considered large enough to accommodate the two bungalows and associated amenity space without resulting in overdevelopment. The traditional design of the bungalows with hipped roofs and gable frontages is considered to appropriately accord with the principle in neighbourhood plan policy SMNP13 that architectural design should include features that add interest. The proposed materials are red brick and clay effect tiles and details can be secured by condition (no. 4) to ensure they are in keeping with the local vernacular.
- 14.10 Policy SMNP12 encourages the use of road frontage boundary treatment to reinforce the linear form and rural character of the street layout. The proposal will result in the removal of a low boundary wall in front of no. 50 to facilitate off-road parking, but this work could be undertaken under permitted development rights as has occurred elsewhere in the street, and no harm to the rural character has been identified. The proposed bin collection point is appropriately located and will avoid detracting from the vegetated character of the street scene in accordance with the policy principles.
- 14.11 The proposal is judged to be compatible with its surroundings in accordance with Local Plan policy HE2 and principles set out in the policies of the Neighbourhood Plan.

Impact on neighbouring amenity

- 14.12 Policy HE2 requires that development proposals should have a compatible relationship to nearby properties, including minimising general disturbance to amenity.
- 14.13 Given the single storey nature of the proposed dwellings and relatively level site, officers do not envisage that there would be any harmful loss of light, outlook or overlooking of the existing residential properties along Churchill Close or to the rear along Newton Road. It is recognised that increasing the density of development may result in additional noise from residents, but this is not unusual within a settlement. It is noted that the reason for refusal for the previous scheme did not raise issue regard to the impact of the development on neighbours.
- 14.14 It is considered appropriate to remove permitted development rights for roof extensions and alterations at first floor level to ensure that the future relationship and impacts of any future development proposals on the adjoining dwellings are fully considered given the proximity of neighbours (condition 10).
- 14.15 It is noted that the parish council's comments refer to concerns over impacts on amenity and that these had previously been raised at pre-application stage. The comments themselves do not identify specific issues which would change the above assessment. The pre-application advice for the site has been reviewed and did not raise specific concerns in respect of amenity. It is also noted that the pre-application advice related to a different scheme to construct a dwelling next to number 51, which has subsequently been granted planning permission. The implications of that permission on the proposed scheme are addressed below.

Amenity for occupants of the new dwelling

- 14.16 Local Plan Policy LN1 'The Size and Type of Dwellings' and the Housing and Affordable Housing SPD advise that the minimum space requirements for a 2-bed dwelling are 61m². The proposed dwellings have floorspace of 63.6m² and 63.2m², respectively. The proposals therefore exceed the standards.
- 14.17 The proposal would result in two relatively shallow rear gardens of approximately 6.8m. While this is smaller than the immediate neighbours and the properties on Churchill Close which themselves have particularly long gardens, it is not dissimilar from other recent infill development in the vicinity. Neither the local plan or neighbourhood plan sets minimum external amenity space requirements, and it is considered that the scheme will provide adequate amenity space for the occupants in this context.
- 14.18 A separation distance of approximately 18m would be retained between the first-floor windows in the current properties in Churchill Close and the front windows in the proposed dwellings. This is an acceptable relationship which would not result in harmful levels of overlooking to the front of the new properties, given that the relationship is to the front elevation where views of and from the public realm might be expected.
- 14.19 Planning permission has been granted under reference P/FUL/2024/04569 for an additional dwelling at 51 Churchill Close. This scheme extends further back into the plots than the existing dwellings so would introduce a new first floor bedroom window with a separation distance of 14m and substantially reduce the amenity space available to the parent property. However, the proposed access to the new dwellings passes through the site of the consented dwelling. Therefore, implementation of the current proposals would preclude the consented dwelling from being constructed and vice versa. There would

therefore be no opportunity for harmful impacts from the consented scheme on the proposed dwellings as the schemes are mutually exclusive.

- 14.20 The relationship of the site to 'Cwtch' at the rear of the site would suggest on plan that there would be some opportunities from overlooking of the new properties. 'Cwtch' has two first floor windows that serve bedrooms in the southwestern elevation. However, these are obscure glazed. Future occupiers may experience a perception of overlooking, but as this is oblique and the main impact is from one window, the extent of harm will be limited even if the windows were to be clear glazed in the future as the available angle of view would allow only very limited views towards the dwellings themselves.

Permitted development rights for the insertion of windows into the southwest and southeast elevations of 'Cwtch' have also been removed. Any impact of views towards gardens could be further reduced by planting. A landscaping scheme will be secured by condition (the scheme submitted which shows hedging to supplement the boundary fence relates to a single dwelling scheme).

The only window in 'Cwtch' which directly faces the site is a bathroom with limited overlooking opportunities and permitted development rights to insert new windows into these elevations have been removed by planning condition. The level of harm from overlooking would be limited so on balance the application is judged to accord with the requirements of policy HE2.

- 14.21 The assessment above is consistent with the recommendation for the previously refused application considered by the Eastern Area Planning Committee on 30 April 2025. Notwithstanding that assessment the committee voted to refuse permission, with the reason given for refusal noting the proximity of the proposed development to the dwellings in Newton Road and the resulting lack of outlook and intensification of residential use failing to provide adequate amenity for future occupiers.

14.22

In response to the concerns over the amenity for future residents expressed at that meeting, unit 2 has been moved away from the rear boundary by 0.8m with the rear gardens of both dwellings now measuring 6.8m deep. This adjustment increases the amenity space available to unit 2 and provides for additional separation between the dwellings, further reducing opportunities for harmful overlooking. In view of this it remains the officer's assessment that the proposals would provide an appropriate standard of amenity for future residents in accordance with policy HE2 of the local plan.

Highways and parking

- 14.23 The applicant is proposing to provide two parking spaces for each of the bungalows and two in front of no. 51 to replace the existing garage and parking spaces that will be lost. This will result in the loss of some of the currently unrestricted on-street parking opportunity over a length of approximately 8.5 metres. Due to the existing arrangement of dropped curbs, this is only sufficient to park a single car on street at present.
- 14.24 Number 51 currently only has a single off-street parking space in addition to its garage so the proposed change would have only a marginal effect on car parking capacity in the area. Concerns have been raised by the parish council that the proposal will increase demand for parking and could result in harm to highway safety, but the parking provision is adequate for the proposed development, in line with the

Dorset Council Parking Standards guidance as required by policy KS12 and SMNP22.

- 14.23 There is an existing access to the site, which is currently used to access the garage. This access will be used to access the proposed new dwellings. Subject to safeguarding conditions the Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and subject to safeguarding conditions the application accords with policy KS11.

Impact on protected heathland

- 14.24 The site lies between 400m and 5km from several Sites of Special Scientific Interest of international importance (SSSIs) and Dorset Heathlands. Therefore, an appropriate assessment under The Conservation of Habitats and Species Regulations 2010 was required to be undertaken by the Council as 'Competent Authority' to determine whether the proposal, in combination with other plans and projects, will have an adverse impact on the SSSIs.
- 14.25 An appropriate assessment has concluded that there would not be an adverse cumulative impact on the integrity of the SSSIs. This is on the basis of the adopted Dorset Heathlands Planning Framework 2020-2025 which identifies opportunities to mitigate against the impacts of new dwellings on the heathland. The Framework requires a financial contribution from the applicant to go towards funding the mitigation measures. The Community Infrastructure Levy (CIL) includes a contribution towards heathland mitigation which will address this issue. The application is therefore considered to comply with policy ME2 of the Development Plan.

Biodiversity/Impact on protected species

- 14.26 A preliminary bat check has confirmed that the garage which is to be demolished has negligible habitat value for bats. Although the red line is >0.1ha, the area affected by the development it is limited to 0.07ha and since the land is garden which is mainly laid to lawn there is no justification to require an EcIA in this case. A condition can secure a bee brick and bird box on each property to accord with the requirements of policy ME1 and SMNP7, taking opportunities to enhance biodiversity.

Biodiversity Net Gain (BNG)

- 14.27 The application is accompanied by statutory BNG metric which identifies that 10% net gain cannot be achieved on site. It is proposed to meet the BNG requirements through the purchase of offsite credits. Informative notes (7,8 & 9) are recommended to draw attention to the statutory BNG conditions.

Flooding & Drainage

- 14.28 The site lies within an area identified by the Council's Strategic Flood Risk Assessment as being susceptible to high groundwater levels which could be associated with flooding. There are also several areas identified by the Environment Agency (EA) as having surface water flood risk in the immediate local area. The parish council has confirmed

that Newton Road floods. As such, in line with NPPF Paragraph 103, the proposal is accompanied by a Flood Risk Assessment (FRA).

- 14.29 The applicant updated their FRA to include the results of the ground water bore hole testing enclosed in the surface water drainage strategy report. The information is sufficient for the FRA to conclude that the groundwater flood risk is low for the site.
- 14.30 This evidence provides officers with the confidence that the site is at low risk from groundwater flooding and therefore a sequential test is not needed.
- 14.31 The proposal is supported by a suitable surface water flood risk management strategy with the aim of not increasing flood risk both within and outside the site. A condition is imposed to ensure that the development is carried out and thereafter maintained in accordance with the submitted details (no. 6) so that the proposal accords with policies ME6 and SMNP2.

Environmental implications

- 14.32 There would be additional CO2 emissions associated with the development both through the construction period and occupation of the dwellings. However, the dwellings would be constructed to current building regulations requirements. The applicant's sustainability statement notes the use of triple glazing, solar PV panels and air source heat pumps to reduce fossil fuel reliance. The scheme also incorporates dedicated cycle storage facilities, to be secured by condition, in order to encourage active travel.

15. Summary of issues and the planning balance

- 15.1 The proposal will deliver two new dwellings in a sustainable location, contributing to local housing supply. Although planning permission for a similar development has previously been refused, amendments have sought to respond to the concerns raised.
- 15.2 Since the previous application was refused, the Council is no longer able to demonstrate a 5 year supply of housing. The 'tilted balance' as set out in paragraph 11(d) of the National Planning Policy Framework therefore applies. This requires that planning permission is granted unless (i) the application of policies in the framework protecting assets of particular importance provide a strong reason to refuse permission or (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 15.3 In respect of point (i) there are no relevant policies which would provide a reason for refusing development. The relevant policies are those relating to the issues listed in footnote 7 of the NPPF. Although this does include habitats sites, which are a relevant consideration for the proposals, as an Appropriate Assessment has concluded that the impacts on these would be mitigated, there is no conflict with policy in this regard.
- 15.4 Paragraph 14 of the NPPF states that the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits provided that: a) the neighbourhood plan became part of the development plan within five years of the date of the decision; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirements.
- 15.5 The Sturminster Marshall Neighbourhood Plan was 'made' and became part of the development plan on 15 October 2024 which is less than 5 years ago. However, the neighbourhood plan does not include any allocations in order to meet its identified

housing requirement. Therefore, conflict with the neighbourhood plan is not, in itself sufficient to disapply the tilted balance.

- 15.6 Although there would be some minor adverse impacts of the proposed development upon the character of the area and upon neighbouring amenity through the introduction of the proposed dwellings, these impacts would be minor and localised. It is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits. The proposals are assessed to comply with the development plan as a whole and there are no material considerations which indicate that the application should be indicated other than in accordance with the development plan. Therefore, in accordance with the presumption in favour of sustainable development, the proposals are considered to be acceptable, and it is recommended that planning permission be granted.

16. Recommendation

Approve subject to the following conditions: (Pre commencement conditions have been agreed in writing).

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 9802/300 Site, Block, Location Plan & Indicative Scene
 - 9802/301 Unit 1 - Proposed Floor Plan & Elevations
 - 9802/302 Unit 2 - Proposed Floor Plan & Elevations

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

3. Prior to commencement of development details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority and the approved drainage scheme shall be completed before occupation of the development. The works shall have regard to the guidance set out in the current DEFRA national standards Sustainable Drainage Systems (SuDS)

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk and to take into account current national standards for SuDS.

4. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) 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 development above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
- (i) proposed finished levels;
 - (ii) means of enclosure;
 - (iii) hard surfacing materials;
 - (iv) planting plans including plant/tree size(s) and densities.

If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no roof enlargement(s) or alteration(s) of the dwellinghouse hereby approved, pursuant to Class B and Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

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

7. Before the development hereby approved is first occupied the first 5.0 Metres of the vehicular access(es), measured from the nearside edge of the carriageway, including the visibility splays, shall have been laid out, constructed, and surfaced, to a specification which shall have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: In the interest of highway safety.

8. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 9802/300 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

9. Prior to use or occupation of development hereby approved, the cycle parking facilities shown on drawing number 9802/300 shall be constructed and made available. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

10. Prior to the first occupation of the dwellings hereby approved, a bee brick and bird box shall be installed on each of the new dwellings and thereafter maintained and retained.

Reason: To provide net gains for nature.

Informative Notes:

1. 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.
2. The applicant is advised that Wessex Water have published guidance notes about their surface water policy for minor development. The policy encourages developers to consider the most effective methods of directing surface water back to the environment in accordance with the Sustainable Drainage Systems hierarchy. Where necessary, applications to Wessex Water for a surface water connection can be made online.
<https://www.wessexwater.co.uk/services/building-and-developing/building-a-new-house-or-extension>
3. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
4. The Council is responsible for street naming and numbering within our area. This helps to effectively locate property to deliver post and for access by emergency services. New or changed addresses must be registered with the Council. This link has more information.
<https://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering/street-naming-and-numbering>
5. Informative: The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221020), by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
6. Electric vehicle charging points

The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

7. 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>

8. 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.

9. This application is subject to Biodiversity Net Gain. A Section 106 Agreement is likely to be required to secure the maintenance and monitoring of any Biodiversity Gain Plan or Habitat Management and Monitoring Plan (HMMP) approved by the Council.

10. 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 application was acceptable as submitted and no further assistance was required.