

Western and Southern Area Planning Committee
Thursday 26 February 2026
Decision List

Application: P/FUL/2022/02899

Application Site: Wintergreen Barn Higher Meerhay Farm Access Road Meerhay Dorset DT8 3SB

Proposal: Continued use of land as a private residential Traveller site for sole use of the applicants and family, including use of the erected barn as a dayroom/workshop/store, 1 mobile home, 1 touring caravan and a mobile van (Revised description/additional information).

Summary of Recommendation: Grant subject to conditions.

Decision: That the application be granted subject to the following conditions:

1.The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan TDA.2509.03A Existing and Proposed site Layout TDA.2509.01C Planting Plan 2015 (received 11/8/2015) Landscape Plan TDA 2509.04A Landscape Specification and Management Plan Rev A (January 2024) Elevations of existing barn TDA.2509.06

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

2. The use hereby permitted shall be carried on only by Mr T Langton and Ms R McGill and their resident dependents only.

Reason: In the interests of protecting the natural beauty of the Dorset National Landscape.

3. Within 4 months of the site ceasing to be permanently occupied by those named in condition 2 above the use hereby permitted shall permanently cease and all residential use shall cease and all caravan/mobile home structures, materials and equipment brought onto the land shown edged red on the approved plan (excepting the natural stone barn), shall be removed and the land restored to its former condition before the development took place in accordance with the scheme and timetable for restoration which shall have first been agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the natural beauty of the Dorset National Landscape.

4. The development hereby permitted shall be in accordance with layout plan TDA 2509.01C with the main caravan/mobile home structure stationed adjacent to the north-east side of the barn, and the secondary caravan (both used for residential purposes) retained on the south-east side of the barn all within the site area edged red.

Reason: In the interests of helping to minimise the impact on the Dorset National Landscape.

5 The (travelling) touring motor van/or touring caravan shall be parked when not in use in the location indicated on layout plan TDA 2509.01C within the site area edged red.

Reason: In the interests of helping to minimise the impact on the Dorset National Landscape.

6. No more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be used for residential occupancy purposes whilst

stationed on the site shown edged red on the approved plan TDA 2509.01C. No additional caravans shall be stationed on the site.

Reason: In the interests of limiting the amount of residential-related development and of helping to minimise the impact on the Dorset National Landscape.

7. The red-lined site area on the approved location plan shall only be used for purposes ancillary to the residential use of the approved main caravan/mobile home structure (adjacent the north-east side of the barn). The barn shall not be used for primary residential accommodation (sleeping accommodation).

Reason: To ensure control over the location and extent of the residential use in the interests of the visual amenity of the Dorset National Landscape.

8. The planting shown on Wintergreen Planting Plan 2015 (received 11/8/2015) shall be permanently retained at the site and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of protecting the Dorset National Landscape.

9. The soft landscaping works shown on Detailed Landscape Proposals Plan TDA.2509.04A must be carried out in full during the first planting season (November to February) following approval of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall thereafter be maintained and managed in accordance with the submitted Landscape Specification and Management Plan (Rev A) updated January 2024. Any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the satisfactory landscape enhancements to the site which lies within the Dorset National Landscape.

10. Every year following the grant of this planning permission annual woodland management operations shall be carried out in accordance with the details show on the Detailed Landscape Proposals Plan TDA.2509.04A and as set out in the Landscape Specification and Management Plan (Rev A) updated January 2024. Prior to the commencement of annual woodland management operations on site, trees to be removed (non-native and dangerous/leaning) are to be clearly marked and agreed for felling with the local planning authority in writing. Replacement tree species for any removed trees, with tree planting measures, are also to be agreed in writing with the local planning authority and undertaken during the first available planting season following tree removal works.

Reason: To ensure the satisfactory landscape enhancements to the site which lies within the Dorset National Landscape.

11. Within 3 months of the date of this permission details of the hibernacula design and timetable for its construction shall have been submitted to and approved in writing by the local planning authority. The hibernacula shall be provided in accordance with approved details. After construction the hibernacula shall be permanently retained thereafter.

Reason: In the interests of enhancing the ecological value of the area.

Informatives:

1. 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.

2. 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.

- The application for planning permission was made before 12 February 2024.

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

2. 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.

Application: P/FUL/2025/05240

Application Site: Sidney Gale House Flood Lane Bridport DT6 3QG

Proposal: Demolish existing building, erection of a new 56-bed reablement centre (Care Home with Nursing) with associated communal and supporting accommodation, landscaped gardens and car park

Summary of Recommendation: Grant planning permission subject to the conditions.

Decision: That the application be granted subject to the following conditions:

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

2252-ST-XX-XX-DR-A-1051 A02 Location plan
2252-ST-XX-XX-DR-A-2150 A02 Demolition plans - site plan
2252-ST-XX-GF-DR-A-2151 A02 Demolition plans - ground floor
2252-ST-XX-01-DR-A-2152 A02 Demolition plans - first floor
2252-ST-XX-02-DR-A-2153 A02 Demolition plans - second floor
2252-ST-XX-RF-DR-A-2154 A01 Demolition plans - roof plan
2252-ST-XX-XX-DR-A-3151 A02 Demolition elevations - north & south elevation
2252-ST-XX-XX-DR-A-3152 A02 Demolition elevations - east & west elevation
2252-ST-XX-XX-DR-A-1251 A02 Proposed site plan
2252-ST-XX-GF-DR-A-2251 A02 Proposed ground floor plan
2252-ST-XX-01-DR-A-2252 A02 Proposed first floor plan
2252-ST-XX-RF-DR-A-2253 A02 Proposed roof plan
2252-ST-XX-XX-DR-A-3251 A02 Proposed elevations - north & south elevation
2252-ST-XX-XX-DR-A-3252 A02 Proposed elevations - east & west elevation
2252-ST-XX-ZZ-DR-A-2235 A02 Proposed gross internal & external area (GIFA & GEFA)
2252-ST-XX-XX-DR-A-3253 A02 Proposed elevations - lightwells
2252-ST-XX-XX-DR-A-4051 A02 Site context sections
2252-ST-XX-XX-DR-A-4251 A02 Proposed sections - typical household section
2252-ST-XX-XX-DR-A-4252 A02 Proposed sections - cut & fill
31886/9003 P01 Vehicle tracking - fire appliance
31886/9002 P01 Vehicle tracking - refuse vehicle
250246-TMA-XX-DR-L-3100 P05 Landscape plan
250246-TMA-XX-DR-L-3101 P05 General arrangement plan
250246-TMA-XX-DR-L-4100 P04 Hard landscape plan
250246-TMA-XX-DR-L-4200 Soft landscape plan
250246-TMA-XX-DR-L-4300 Planting schedule

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

2. 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).

3. Prior to development above damp proof course level, details and samples of all external facing materials for the walls and roofs shall be 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.

4. The soft landscaping works detailed on the approved drawings 250246-TMA-XX-DR-L-4200, excepting for specimen tree planting, details of which and a timetable for planting shall have first been submitted to and approved by the Local Planning Authority prior to development above damp proof course level, must be carried out in full during the first planting season (November to March) following occupation of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping and tree planting shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

5. The hard surfacing/paving, walls, fences and other external structures as detailed on approved drawing 250246-TMA-XX-DR-L-3100 P05 shall be completed before the first occupation/use of the building hereby approved.

Reason: To ensure satisfactory landscaping of the site and to enhance the visual amenity and character of the area.

6. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on the approved plans to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of demolition, construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity

7. The development hereby permitted shall be undertaken in accordance with the approved Arboricultural Method Statement 250246-TMA-XX-RP-AP-2700-P02 Dated August 2025 and Tree Protection Plan therein.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees.

8. Prior to the installation of the kitchen vent as indicated on the approved plan, a scheme showing precise details (including any means of alleviating and/or filtering fumes and odours) shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented before the development is first occupied or brought into use and shall be permanently retained thereafter.

Reason: To safeguard the character of the locality and in the interests of the appearance of the development.

9. Before the development (including the demolition) hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction and demolition works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- location of construction site access
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities

- measures for controlling noise and dust
- inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase

- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise the likely impact of development and construction traffic on the surrounding area and highway network and prevent the possible deposit of loose material on the adjoining highway.

10. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 2252-ST-XX-XX-DR-A-1251 Rev A02 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.

11. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 2252-ST-XX-XX-DR-A-1251 Rev A02 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

12. The development shall not be commenced until a Habitat Management and Monitoring Plan (the HMMP) has been prepared in accordance with the approved Biodiversity Gain Plan and submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- i) A non-technical summary;
- ii) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- iii) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan and a timetable for implementation;
- iv) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of the habitat and enhancement works as set out in the HMMP.
- v) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Thereafter the development shall be carried out, along with the management and monitoring of habitat, in accordance with the approved HMMP.

Reason: In the interests of biodiversity to secure the monitoring and management of significant onsite habitats.

13. Notice in writing shall be given to the Local Planning Authority within one month of the habitat creation and enhancement works as set out in the approved Habitat Management and Monitoring Plan having been completed. The notice shall include a completion report evidencing the completed habitat enhancements.

Reason: In the interests of biodiversity to secure the monitoring and management of significant onsite habitats.

14. The detailed biodiversity mitigation, compensation and enhancement strategy set out within the TMA Landscape Ecological Management Plan 250246-TMA-XX-RP-L-4700-P03 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

i) the mitigation, compensation and enhancement measures detailed in the approved Biodiversity Plan have been completed in full, in accordance with any specified timetable, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and

ii) evidence of compliance, including photographic evidence, in accordance with section F of the approved Biodiversity Plan has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved Biodiversity Plan and thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

15. Before the development is occupied or utilised the EV parking bays, and associated infrastructure shown on Drawing Number 250246 -TMA-XX-DR-L-3101 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

16. Before the development hereby approved is occupied or utilised, an updated Travel Plan must be submitted to and approved in writing by the Planning Authority. Thereafter the development shall operate in accordance with the Travel Plan.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

17. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, and a timetable for implementation has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details and in accordance with the approved timetable.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

18. Prior to occupation of the development, details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

219. A Flood Warning and Evacuation Plan shall be submitted to and approved by the Local Planning Authority and implemented prior to the first occupation of the development hereby approved. The measures in the agreed plan shall thereafter be adhered to for the lifetime of the development hereby approved.

Reason: In the interests of flood resilience and the protection of property and life.

20. The finished floor levels of the building hereby approved shall be 6.75m AOD.

Reason: In the interests of flood resilience and the protection of life.

Informatives:

1. Informative: 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>

2. 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.

3. Informative: 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.

4. Informative: The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations: Approved Document B: To improve safety and reduce property in the event of fire

5. Informative: The applicant is advised to have early discussions with Wessex Water in relation to the possible adoption of SuDS features in order to ensure that the final design of the proposed SuDS features are in line with their design requirements.

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.
- The applicant was provided with pre-application advice.

Application: P/FUL/2024/05592

Application Site: Farnham House, Flat 9 Stile Lane Lyme Regis DT7 3JD

Proposal: Erect replacement dwelling.

Summary of Recommendation: Grant subject to conditions.

Decision: That the application be granted subject to the following conditions:

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

Proposed Site and Location Plans – drawing number A04 P3

Proposed Plans and Elevations – drawing number A02 P4

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

2. 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).

3. 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that order with or without modification), no additional window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 order shall be constructed in the Western elevation of the building hereby approved.

Reason: To prevent unacceptable impacts upon the amenity of neighbouring residents.

5. Prior to commencement of the development approved details of the finished floor level(s) of all the building hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

6. Prior to development above damp-proof course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

7. 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 enlargement(s) of the dwellinghouse hereby approved, permitted by Class A of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

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

8. Prior to commencement of development an updated Geotechnical Appraisal and Ground Stability Assessment shall be submitted and agreed in writing by the Local Planning Authority, the report shall include borehole data from the site showing the geology. The borehole data collected and the requirement to protect the Yew tree

shall inform the chosen construction method and foundation design of the development hereby approved which shall be set out in the report. Thereafter, the development shall be carried out in accordance with the agreed construction method for the site.

Reason: In the interests of ground stability and the protection of the Yew Tree.

9. All surface water from the development hereby approved shall be discharged to a piped drainage system and not to a soakaway.

Reason: In the interests of ground stability.

10. Prior to the commencement of any development hereby approved an updated Arboricultural Method Statement and Tree Protection Plans (having regard to ground stability and the information required for condition 8) shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter accord with the approved Statement.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

11. Prior to the commencement of development (including ground clearance, tree works, demolition or construction) a pre-commencement site meeting shall be held on site and attended by the Local Planning Authority (LPA) Tree Officer, the developers appointed Arboricultural Consultant and Site Manager/Foreman to discuss details of working procedures and agree either the precise position of the approved tree protection measures to be installed or that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the protected Yew Tree to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

12. The development shall be carried out in accordance with the recommendations of the Preliminary Roost Assessment, produced by Arbtech (survey date: 14/10/2024), the enhancements as detailed in the report shall be carried out within 6 months of the date of this permission or in accordance with a timetable to be first agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity.

Informatives:

1. Informative: National Planning Policy Framework

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.
- The applicant was provided with pre-application advice.

2. Informative: Community Infrastructure Levy

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: Land Instability

This site lies within an area where there is evidence of unstable land. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner.

4. Informative: Rights of Way

The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on a right of way, then a Temporary Path Closure Order must be obtained. This can be applied for through Rights of Way at Dorset Council see <https://www.dorsetcouncil.gov.uk/w/changing-the-definitive-map>, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.

Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980 by the applicant.

5. Informative: 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>

6. Informative: 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.