

Application Number:	P/FUL/2024/06334
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Abbotswell Lyme Road Uplyme DT7 3TJ
Proposal:	Retention of Shepherds Hut
Applicant name:	S Weldin
Case Officer:	Robert Parr
Ward Member(s):	Cllr Bawden

1. In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council owns part of the land on the application site and the application was previously deferred at the meeting of the Western and Southern Area Planning Committee on 11th December 2025.

2. Summary of recommendation:

Grant planning permission subject to conditions.

3. Key planning issues

Issue	Conclusion
Principle of development	Within Defined Development Boundary and as such principle accepted under Local Plan Policy SUS2. Proposal is for new built tourist accommodation and as such the principle is accepted under Local Plan Policy ECON6.
Scale, design, impact on character and appearance	The design would be in keeping with the character of the area.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable impact.
Flood risk and drainage	Acceptable subject to condition.
Economic benefits	Small contribution to local economy from tourism related spending.
Highway impacts, safety, access and parking	Acceptable now 20mph speed limit is in place
Impact on trees	Acceptable subject to condition.
Contaminated land	Acceptable.
Biodiversity	Biodiversity Net Gain exempt as development completed prior to 12 February 2024.
Environmental Implications	None.

4. Description of site

- 4.1 The application site is located within the curtilage of a detached property known as Abbotswell, which is situated on the border between Dorset and Devon County/East Devon District. Abbotswell is a generous sized detached property within its own grounds which includes part of the line of the former Axminster to Lyme Regis railway line at the southeast end of the property. The existing Shepherds Hut is set down at a much lower level than the main garden areas of the property, especially in the vicinity close to the site entrance where the Shepherd's Hut is located. Access to the site is off the B3165 Uplyme Road, which leads to a driveway and parking area serving the existing property and the proposed development. A timber fence is located at the top of the embankment, following the line of the driveway and this acts as a boundary to the area containing the Shepards Hut, which is accessed by a pedestrian gate and steps. The Shepherds Hut sits on a levelled area of gravel, in a sunken wooded setting.

5. Description of development

- 5.1 The proposal is to retain the existing Shepherds Hut for use as a holiday let. The Shepherds Hut is approximately 6.4 metres long, 2.4 metres wide and 3.2 metres in height from ground level, has a rectangular plan form, is raised off the ground on four wheels, has timber external walls in natural finish and a curved corrugated metal roof. On the northwest elevation is a window and steps leading to French doors 2/3 glazed.

6. Background and relevant planning history

None

7. List of constraints

Dorset Area of Outstanding Natural Beauty (AONB) (National Landscape)

Lyme Regis Defined Development Boundary

East Devon Area of Outstanding Natural Beauty (AONB) (National Landscape) - Distance: 10m

Devon County - Distance: 11m

Dorset Council Land

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Surface water flooding - 1 in 100 year event plus 20% allowance

Surface water flooding - 1 in 100 year event plus 40% allowance

Radon: Class: Class 1: Less than 1%

RAD - Radon: Class: Class 4: 5 - 10%

Contaminated Land

8. Consultations

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

Consultees

1. East Devon District Council

No objections.

2. Forestry Commission

No comment.

2. Dorset Wildlife Trust

No response received.

3. Bournemouth Water Ltd (South West Water)

No comment.

4. Dorset Council Highways

Response 12 December 2024

- This application would mean an intensification of use at a site with substandard visibility onto a main road.
- The Highway Authority recommends that permission be REFUSED for the following reason:

The existing access lacks adequate visibility onto The B3165 Lyme Road, and its increased use would be likely to cause additional danger to road users.

Response 24 January 2025 (Following additional information and plan from applicant)

- Inadequate plan to show the visibility splay.
- Would expect a detailed Ordnance Survey drawing showing all key parts, such as the bridge railings and wall, hedge and telegraph pole.
- Need to show that the land was in the applicant's control.
- Cut vegetation can grow back.
- Replacing the hedge with a fence sounds like the visibility would not be opened up further.
- There is no information regarding the ownership of the hedge and believe that it is in the ownership of Dorset Council, but the applicant would need to show that they have control or ownership of land in which a visibility splay is shown.
- Cutting down vegetation may cause a hazard as a disused railway cutting is behind it.
- How would this area be made safe?
- If the area was open for visibility, then access to the public at this location may occur.
- It appears that even if the hedge and vegetation was removed the railings and bridge wall would obstruct visibility.

Response 31 March 2025 (Following plan showing visibility splays)

- Nothing further to add to its previous observation dated 24 January 2025.

Response 27 February 2026 (Following approval of a 20mph scheme for Lyme Regis)

- Following site visit, satisfied that if a 20mph scheme was put in, then the site visibility would be attained. Speed survey team have confirmed that the mean speed figures fitted their criteria for a the 20mph scheme.
- Likely that once a 20mph scheme is implemented speeds will be even lower. Therefore, once the 20mph scheme is in place I would not object regarding site visibility in future.

5. Dorset Council Env. Services – Protection

- Recommended that, should consent be granted, a suitable condition is applied which requires the applicant, in the event that ground contamination is encountered during any groundworks related to this development, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority.

6. Dorset Council Waste Team

No response received.

7. Dorset Council Building Control West Team

No comment.

8. Dorset Council Asset & Property

No response received.

9. Dorset Council Trees

No response received.

10. Lyme and Charmouth Ward Member

- The town council recommends approval.
- No objection to proposed Shepard's Hut.
- Consider the Shepards Hut to be a useful and appealing way to add to the accommodation offering for visitors in Lyme, albeit for occasional use.
- Confused by the Highways objection as the access is onto a straight stretch of the Uplyme Road, although the angle could make it partially unsighted, the proposed removal of the hedge should improve the visibility.
- If the proposed 20mph scheme relating to Uplyme Road is agreed the risk leaving the driveway should be reduced.

11. Lyme Regis Town Council

- Lyme Regis Town Council Planning Committee, Minutes of meeting held on 17 December 2024: Item 24/228/P - 3. - The town council recommends approval of the application because it is in broadly in accordance with the approved development plan and any impacts are extremely minor in nature.

Representations received.

No representations received.

8. Duties

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

Section 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (formerly known as Areas of Outstanding Natural Beauty)

9. Relevant policies

Development plan

In this case the development plan comprises:

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

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

INT1 - Presumption in favour of Sustainable Development

ENV1 - Landscape, seascape & sites of other geological interest

ENV5 - Flood Risk

ENV9 - Pollution and contaminated land

ENV10 - The landscape and townscape setting

ENV12 - The design and positioning of buildings

ENV16 - Amenity

SUS2 - Distribution of Development

ECON6 - Built tourist accommodation

COM7 - Creating a safe & efficient transport network

Material considerations

The Dorset Council Local Plan

The Dorset Council Local Plan Options consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

National Planning Policy Framework 2024 (2025 as amended)

Paragraph 11 sets out the presumption in favour of sustainable development. Proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 9 'Promoting sustainable transport'
- 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'- In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

National Planning Practice Guidance

All of Dorset:

Dorset AONB Landscape Character Assessment

Dorset National Landscape Management Plan 2026 – 2031 - The policies considered relevant to this application are:

- Policy C1a: Development should seek to conserve and enhance the National Landscape
- Policy C2a: Require high-quality landscape assessment and evidence-based planning
- Policy C4a: Prevent and mitigate negative impacts of development on landscape and visual character affecting the National Landscape
- Policy C4c: Limit forms of development with the greatest potential for harm

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.

Dorset Local Nature Recovery Strategy 2025

Supplementary Planning Documents/Guidance For West Dorset area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

10. Human rights

Article 6 - right to a fair trial.

Article 8 - right to respect for private and family life and home.

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

11. Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims: -

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning

application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

- Access - The Shepards Hut proposed for retention is accessed by steps from the driveway/car parking area and then steps provide access into the Shepards Hut. Therefore, it would appear that access for people with disabilities such as mobility impairments or for people pushing buggies has not been accommodated in the design of the development.

12. Planning Assessment

Principle of development

- 12.1 Local Plan Policy SUS2 sets out that amongst other towns Lyme Regis will be a focus for future development and that within defined development boundaries (DDB) residential, employment and other development that meets the needs of the local area will normally be permitted. Furthermore, Local Plan Policy ECON6 sets out that new built tourist accommodation will be supported within an established settlement of more than 200 population. As the proposed site is in Lyme Regis DDB (which has greater than 200 population) and is proposed development in relation to new built tourist accommodation, the principle of development is accepted in this instance.

Scale, design, impact on character and appearance

- 12.2 The existing Shepherds Hut proposed to be retained is in a discrete location being set down in the landscape, being in a wooded setting and having a timber boundary fence approximately 1.8 high on top of the embankment on the northeast side of the Shepherds Hut. As such the development is considered to have minimal impact on the landscape surrounding the site. Furthermore, the traditional form and materials are considered to be in keeping with the character of the site and the area. Lyme Regis is a tourist destination, with existing tourist accommodation within close proximity of the site and as such the provision of holiday accommodation at this location is considered to be in keeping with the character of the area. Therefore, it is considered that the appearance of the development in the site and its use as holiday accommodation would be in keeping with the site and the area and would not harm the character or natural beauty of the National Landscape. Furthermore, the proposal is considered to accord with the relevant policies of the Dorset National Landscape Management Plan.

Impact on the living conditions of the occupants and neighbouring properties

- 12.3 The proposed Shepherds Hut is set down in the landscape in a secluded location, with a generous amount of separation from adjacent dwellings. As such it is considered the proposal would not result in a significant adverse impact on amenity as a result of loss of privacy, overbearing, overshadowing or noise impact. Therefore, it is considered the proposal is acceptable in terms of amenity impact.

Flood risk

- 12.4 The application site is in an area recorded as being at a 1:30 and 1:100-year risk of surface water flooding in the Council's Strategic Flood Risk Assessment (SFRA) level 1. In the Environment Agency's recently published new National Flood Risk Assessment (NaFRA2) the site is at 1:1000 year risk of surface water flooding. As such the application is supported by a Flood Risk Assessment (FRA). The FRA has identified the surface water flood risk and sets out mitigation measures to address this including, the ground level having been raised by more than 900mm (the expected flood risk depth for a 1 in 100-year event) and the area covered with a water permeable layer of granite chippings. Furthermore, the FRA sets out

that the Shepherds Hut sits on spoked steel wheels which raises the floor level a further 900mm above ground level and allows any surface water to run beneath it. The FRA does not include any information of how potential flood events would be monitored and no emergency plan details are provided.

- 12.5 Paragraph 175 of the NPPF (2025 as amended) sets out that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding. However, Planning Practice Guidance Reference ID: 7-027-20220825 Paragraph: 027 sets out the following guidance in regard to the need for a sequential test to be applied to planning applications.

“In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied”.

- 12.6 Given the flood risk mitigation measures set out in the FRA and the minor scale of the development, it is considered that the occupiers of the Shepherds Hut would remain safe for the lifetime of the development, without increasing flood risk elsewhere. As such it is considered the requirement for a sequential test is not triggered in this instance.
- 12.7 Therefore, it is considered that the scheme would be acceptable in terms of flood risk subject to details being submitted and approved in regard to flood warning and emergency procedures.

Economic benefits

- 12.8 It is considered that the retention of the Shepards Hut as tourist accommodation would make a small contribution to the local economy through the likely spend of guests, which would support retail, food and drink and travel services in the area.

Highways

- 12.9 Local Plan Policy COM7 sets out that development will not be permitted unless it can be demonstrated that it would not have a severe detrimental effect on road safety, or measures can be introduced to reasonably mitigate potentially dangerous conditions.
- 12.10 The Highway Authority previously recommended the application was refused given the proposal is considered to result in an intensification of use of the site where the existing access onto the Lyme Road (B3165) has substandard visibility and this lack of adequate visibility onto the highway and the intensification of use would likely cause additional danger to road users. However, following deferral of the application at the Western and Southern Planning Committee on 11 December 2025, a 20mph speed limit for parts of Lyme Regis, which includes the visibility splay section of Lyme Road (B3165) relevant to this proposal. Following this change in speed limit, the Highway Authority has set out that once the 20mph scheme is in place the development would have acceptable visibility onto the highway.

- 12.12 The Visibility Splay drawing no.1576.005 submitted with this application sets out proposed alterations to the boundary fence to the north of the site access and removal of a hedge to the south of the site access. The hedge proposed to be removed is on Dorset Council land and the applicant has provided an email from the Dorset Council Arboricultural Officer in which they raise no objection to the applicant removing the hedge, subject to the removal taking place outside of bird nesting season (1st March to August 31st). The hedge has already been removed.
- 12.13 The proposal is considered to be an intensification of use of the site for holiday accommodation. However, given the visibility of the access to the site as detailed on drawing no. no.1576.005, the reduced speed limit of 20mph in Lyme Regis and the comments by the Highway Authority, the proposed development is now considered to be acceptable in terms of highway safety and as such accords with Policy COM7 of the West Dorset, Weymouth & Portland Local Plan 2015 and paragraphs 115b and 116 of the NPPF (2025 as amended).

Impact on trees

- 12.14 There are numerous mature trees on the application site, however the development has already taken place, and no response has been received from the Tree Officer. The proposal includes the removal of a boundary hedge, and correspondence with the Dorset Council Arboricultural Officer has raised no objection to this subject to its removal taking place outside of the bird nesting period. The hedge has already been removed.

Contaminated land

- 12.15 The application site sits on land which previously formed a section of the Lyme Regis branch line to Axminster and is recorded as potentially contaminated. The Environmental Protection officer recommends that should planning permission be granted a precautionary condition is required, which sets out that in the event that ground contamination is encountered during any groundworks related to this development, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority. However, it is considered that as the proposal is to retain the existing development and as no further groundworks are proposed, such a condition is not necessary.

Biodiversity

- 12.16 The proposed development has already been carried out and according to the application the scheme has been in place since June 2023. As the development was carried out prior to 12 February 2024, the scheme is considered to be exempt from the requirements of Biodiversity Net Gain. Furthermore, as the development is in place it is not possible to assess what ecology has been impacted by the development. However, given the modest scale of the application site, which is not a designated habitat, it is considered the impact on biodiversity is likely to be acceptable.

Environmental implications

- 12.17 The application is to retain the existing development and there are considered to be no significant environmental implications in doing so.

13. Conclusion

- 13.1 The proposed development is considered acceptable in regard to its scale, design, impact on character and appearance, amenity impact, flood risk, impact on trees, contamination and

biodiversity, and highway safety subject to conditions. As such the proposal is considered to accord with Policies INT1, ENV1, ENV5, ENV9, ENV10, ENV12, ENV16, SUS2, ECON6 and COM7 of the West Dorset, Weymouth & Portland Local Plan (2015), and the National Planning Policy Framework (2025 as amended) and there are no material considerations indicating permission should be refused. Therefore, the application is considered to be in accordance with the development plan and subject to conditions it is recommended planning permission is granted.

14. Recommendation

14.1 Grant planning permission subject to the following conditions:

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

Location Plan – Dwg no. 1576.004

Proposed Plans & Elevations – Dwg no. 1576.001

Site Plan – Dwg no. 1576.002

Block Plan - Dwg no. 1576.003

Visibility Splays - Dwg no. 1576.005

Block Plan - Dwg no. 1576.003

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

2. Within 1 month of the date of this decision a flood warning and response plan (FWRP), which must include flood resilience measures, and an emergency evacuation plan shall be submitted to the Local Planning Authority for approval. The development thereafter shall be carried out in accordance with the approved FWRP and shall be managed and maintained in accordance with it. If the FWRP is not submitted to the Local Planning Authority within 1 month of this decision or the Local Planning Authority confirms in writing that it does not agree the FWRP within 3 months of its submission the use of the building for the purposes the subject of this planning permission shall immediately cease and shall not re-commence unless and until the FWRP has been submitted to and approved in writing by the Local Planning Authority. If the FWRP is submitted to the LPA in accordance with this condition and the LPA does not respond within 3 months of its submission, the development shall be carried out managed and maintained in accordance with the submitted FWRP.

Reason: In order to safeguard and minimise the risk posed to the building and its users from flooding.

Informatives

Informative: National Planning Policy Framework Statement

1. 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 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.

Read more about Biodiversity Net Gain at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

3. 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.