

Application Number:	P/OUT/2025/06511
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=418530
Site address:	3 Maiden Castle Road, Dorchester, Dorset, DT1 2QG
Proposal:	Erection of 1no. dwelling (outline application to determine access & layout)
Applicant name:	Ms Abigail Cook
Case Officer:	Jamie Francis
Ward Members:	Cllr Canning and Cllr Fry

1. **Reason application is going to committee:** Objection from Ward Member (Cllr Fry), contrary to Officer recommendation to grant permission.

2. **Summary of recommendation:**

Grant of planning permission subject to conditions as set out at the end of this report

3. **Key planning issues**

Issue	Conclusion
Principle of development	In terms of location for a new dwelling, the site is in accordance with the West Dorset, Weymouth and Portland Local Plan's (LP) spatial strategy. The site is located within the Defined Development Boundary (DDB) for Dorchester, and under Policy SUS2 (Distribution of Development) of the LP this is where residential development will be permitted. Policy SUS2 identifies Dorchester as a main town and therefore is a "highest priority location" for new development.
Scale, design, impact on character and appearance	This is an outline application, that only determines access and layout. However, a reasonable sized home and private garden area can comfortably be delivered on the plot, whilst allowing the existing dwelling to retain sufficient private garden space. The layout of the site indicates that the dwelling will be positioned relatively close to the front of the site. Whilst this is not typical, the south side of Maiden Castle Road features dwellings at various orientations and layouts.
Impact on the living conditions of the occupants and neighbouring properties	The overall impact on amenity cannot be fully assessed at outline stage, however it is considered feasible to deliver a dwelling in this location without resulting in significant harm to neighbouring amenity through overshadowing and loss of privacy.

Issue	Conclusion
Impact on heritage assets	The site is within the wider setting of Grade II listed 18 Maiden Castle Road, which is located the opposite side of the road and further along to the West. The setting of this building has been largely diminished by modern development surrounding it, and therefore it is considered that the setting does not contribute greatly to the asset's significance. For this reason, the proposed development is considered to result in no harm to the setting of such.
Highway impacts, safety, access and parking	The access would be positioned in close proximity to traffic calming chicanes. The Highways Officer determined that the new access would not result in safety concerns. Adequate parking and turning space will be created on site. The parking provision meets the Council's standards.
Impact on trees	The site features a mature beech tree; however, this tree is not protected by a Tree Preservation Order (TPO), nor is it protected by virtue of being located in a Conservation Area. The Council's Tree Officers do not intend to serve a TPO on the tree. Therefore, the tree is not fundamental to the principle of development in this location. The Council would prefer for this mature tree to be maintained as part of any landscaping scheme, and this is what is indicated on the site plans and within Biodiversity Net Gain assessments.
Biodiversity Net Gain	The proposed development results in a net loss of 0.03 habitat units, and a net loss of 0.05 hedgerow units. The habitat lost is largely vegetated garden and ornamental hedgerow, which is considered of low distinctiveness. Therefore, the proposed development fails to meet the required 10% net gain on site. Given that habitat creation and enhancement cannot be legally secured in private gardens, BNG will be delivered using off site credits. This is considered acceptable.
Nutrient Neutrality	The site is located within the Poole Harbour Nutrient Catchment Area. The scheme relies on the purchase of phosphorus/nitrogen credits from an approved nitrogen mitigation scheme. Natural England has no objection to this approach.

4. Description of site

The site is located along the south side of Maiden Castle Road. The site is currently in use as domestic garden area of 3 Maiden Castle Road, a detached two-story dwelling that is accessed through Temple Close. The site is currently bordered by domestic/ornamental hedges.

The overall site under the same ownership (red and blue line boundary) is approximately 800 square metres, which would be segregated into two parcels of land, with the site at the focus of this development (within red line boundary) at approximately 375 square metres.

The site appears to be relatively flat, with no obvious slopes. The garden area is largely lawn, featuring a mature beech tree.

The site is surrounded by residential development in all directions. The other dwellings on the south side of Maiden Castle Road, and the cul-de-sac of Temple Close are suburban housing estates likely constructed in the 1970s. The dwellings along the south side of Maiden Castle

Road are laid out in a mixed form, some perpendicular to the road, and others facing the road. The dwellings are largely detached, and set back from the road, but there is not a consistent building line.

5. Description of development

Erection of 1no. dwelling (outline application to determine access & layout)

6. Background and relevant planning history

Reference: P/HOU/2024/01836. Decision: Granted. Decision Date: 20/05/2024

Description: Erect 2 storey side extension

7. List of constraints

- Site is within Poole Harbour Nutrient Catchment Area
- Site is within a Groundwater Source Protection Area
- Setting of nearby Grade II listed building: 18 Maiden Castle Road

8. Consultations

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

Consultees

1. Natural England

The scheme relies on the purchase of phosphorus/nitrogen credits from an approved nitrogen mitigation scheme. I can confirm Natural England has no objection to this approach. Please note however as the Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in the nitrogen calculation, and that the nutrient budget calculation is correct.

On this basis Natural England agrees with the submitted Appropriate Assessment. The authority should be mindful of the need to secure the mitigation measures including ensuring that the proposed new development is required to limit water use to 110 l per person per day. Ensuring the requisite phosphorus/nitrogen credits are secured by any permission.

2. DC - Environmental Assessment

The submitted nutrient calculator is acceptable and the nutrient budget for the development is 3.14 kg TN/yr pre-2030 and 1.14 kg TN/yr post- 2030 (annual).

3. DC - Highways

The location for this access is in a 30mph zone and the requirement for a clear line of sight is 43m in both directions. When a vehicle egresses out of the proposed access, it will have the visibility from the footway located behind the traffic calming.

The traffic calming will act as a speed deterrent which will allow for a vehicle to come onto the D20915, Maiden Castle Road in a safer manner. Any vehicles travelling from east to west would have to slightly veer to the centre of the road to avoid the traffic calming or slow down to allow for an oncoming vehicle to pass, therefore, making it safer for a vehicle to egress out of the access.

Vehicles that may speed along this stretch of highway will need to be reported to the police. I understand this may be a cut through for those taking their children to school, but it will not be

any different to accesses located on an A or B road which would have a more intensification of use.

Looking at the collision history, I see there were 2 minor incidents in 2023 opposite Britannia Road and the other in 2024 near Capitol Close. Both incidents do not involve any traffic calming or any accesses coming onto Maiden Castle Road.

Overall, the proposal meets the MFS and the NPPF 115,116 standards and is not a highway safety issue. The Highway Authority has no objection, subject to conditions.

4. DC - Dorset Waste Team

No comments received

5. DC - Building Control

Building Regulations approval would be required. Compliance with Requirement B4 would need to be checked if the boundary has moved to facilitate the development

6. DC – Trees

I recommend that a Tree Survey comprising an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement that complies with British Standard (BS) 5837:2012 - is submitted for approval to demonstrate the feasibility of the proposal and design whilst protecting the significant Beech tree in particular).

7. DC – Conservation

I can confirm that there are no objections on heritage grounds.

8. DC – Dorchester West – Cllr Canning

No comments received

9. DC – Dorchester West – Cllr Fry

Wish to object to the driveway for the following reasons:

- The property already appears to benefit from a safe vehicle access directly onto Temple Close, and the proximity of traffic calming furniture adjacent to the property.
- Installing an extra driveway will simply be dangerous for both the householder and other road users, adding confusion to an already crowded street scene.

10. P - Dorchester TC

No objection. The Committee asked that the design of the proposed dwelling be in keeping with the established character of the locality

Representations received

Total - objections	Total - No objections	Total - comments
5	0	0

Summary of comments of objections:

Objections were raised citing reasons of:

- Negative impact upon Highway safety

- Negative impact on free flow of traffic
- Negative impact on pedestrian safety
- Layout is out of character with locality/neighbourhood
- Proposal would constitute overdevelopment
- Negative impact on trees and wildlife

9. Duties

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Relevant policies

Development plan

In this case the development plan comprises:

West Dorset and Weymouth & Portland Local Plan 2011 – 2031 (Adopted 2015):

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

- INT1: Presumption in favour of sustainable development
- ENV2: Wildlife and Habitats
- ENV4: Heritage Assets
- ENV10: The Landscape and Townscape Setting
- ENV11: The Pattern of Streets and Spaces
- ENV12: The Design and Positioning of Buildings
- ENV13: Achieving High Levels of Environmental Performance
- ENV15: Efficient and Appropriate Use of Land
- ENV16: Amenity
- SUS1: The Level of Economic and Housing Growth
- SUS2: Distribution of Development
- COM7: Creating a Safe & Efficient Transport Network
- COM9: Parking Provision

Material considerations

Emerging local plans:

Policy DM4: Emerging development plan proposals 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

The emerging Dorset Local Plan is being prepared in accordance with plan-making processes set out in the Levelling Up and Regenerating Act 2023 and Local Planning Regulations (2026). As the plan is still at an early stage of the plan making process, limited weight can be attached to it when taking decisions on planning applications. Decisions on planning applications should continue to be assessed against the policies in adopted development plans, national planning policy and any other relevant material considerations.

Local Nature Recovery Strategy

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 (17 August 2026)

The National Planning Policy Framework (NPPF), published on 17 August 2026, sets out the Government's national planning policies for both plan-making and decision-making in England.

When determining development proposals decision-makers are required to take a positive and proactive approach and to seek to approve sustainable development where possible.

The NPPF introduces a permanent presumption in favour of sustainable development, through Policies S3 to S5 (which replaces the former "tilted balance" contained in paragraph 11 of the previous NPPF) and sets out the principles for development within and outside settlements. The Framework also confirms that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Other relevant NPPF chapters and policies include:

- Chapter 3: Decision making policies. DM3: Determining development proposals Local planning authorities should approach decision making positively, proactively and proportionately. They should work with applicants through pre-application engagement and consultations and aim to resolve concerns through planning conditions or obligations where possible to avoid delay and to enable an approval rather than a refusal. Applications that accord with the development plan, the NPPF and other material considerations should not be refused where they can clearly be approved.
 - DM3 Determining development proposals
 - DM6 Use of planning conditions and obligations
- Chapter 4: Achieving Sustainable Development. The objective of the policies in this chapter is to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements, enabling development which will support the rural economy, rural communities and the provision of infrastructure, and limiting development away from settlements to help safeguard the intrinsic character and beauty of the countryside.

- S3 Presumption in favour of sustainable development
- S4 Principle of development within settlements
- Chapter 6: Delivering a sufficient supply of homes. Planning decisions should give substantial weight to providing homes which will contribute towards meeting the evidenced accommodation needs of the community.
 - HO7 Meeting the need for homes
- Chapter 12: Making effective use of land. Planning decisions should give substantial weight to proposals that make more effective use of land and buildings, while maintaining good design, living conditions and local character. This includes redevelopment of previously developed, vacant, underused, contaminated or derelict sites, reuse of existing buildings, creation of additional homes through sensitive infill, upward extensions and development within existing plots. Higher-density development is also promoted within settlements in well-connected locations near public transport. Development that fails to make efficient use of land in accordance with the policy should be refused.
 - L2 Making effective use of land
 - L3 Achieving appropriate densities
- Chapter 14: Achieving well-designed places. Development should be high quality, respect and enhance local character, deliver sustainable and attractive places, and accord with relevant design policies. Proposals that demonstrate good design and place-making should be supported, while those that fail to meet established design standards should be refused unless clearly justified.
 - DP3 Key principles for well-designed places
 - DP4 The design process
- Chapter 15: Promoting sustainable transport. The objective of the policies in this chapter is to ensure that transport considerations are taken fully into account in the preparation of development plans and the evolution and assessment of development proposals; using a vision-led approach to embed the role that transport infrastructure and choices can play in creating well-designed, sustainable, inclusive and popular places.
 - TR3 Locating development in sustainable locations
 - TR4 Street design, access and parking
 - TR6 Assessing transport impacts

National Planning Practice Guidance

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.

Housing land supply

Dorset Council is unable to demonstrate a 5-year housing supply. The position set out in the latest Housing Land Supply Report is 2.53 years on 1st April 2025. In addition, the adopted local plans are not designed to deliver the levels of housing needed under the Government's revised standard method. Recent calculations suggest a need of c. 3,246 new homes per year. Under the new NPPF, the consequence is that Policy S5(1)(j) applies. This supports granting permission for development outside of settlements that aims to address unmet need. It states that development needs to be "physically well-related to an existing settlement ... and be of a scale which can be accommodated taking into account the existing and proposed availability of infrastructure." However, Policy S5 suggests that permission should not be given when:

- "the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the [NPPF]"; or
- "the nature of the development would make this inappropriate"

Housing Delivery Test (HDT)

The latest HDT results (2025 measurement) show that insufficient homes have been delivered within the local plan area (88%) and that a local action plan is required.

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.

12. Planning Assessment

The application is for outline planning permission for the principle of residential development, which is for the erection of 1 dwelling, and the access and layout of the development, with all other matters reserved.

Principle

Policy SUS1 (Level of Economic and Housing Growth) outlines that in the period 2011-2031 provision will be made for a deliverable supply of housing land to accommodate in the region of 15,500 dwellings.

In terms of location, the site is considered in accordance with the LP spatial strategy. The site is located within the Defined Development Boundary (DDB) for Dorchester, and under Policy SUS2 (Distribution of Development) of the WDWPLP residential development will normally be permitted. SUS2 identifies Dorchester as a main town, and therefore is a “highest priority location” for new development.

Therefore, the principle of housing in this location accords with development plan policy, and material considerations further emphasise the acceptability of the principle, owing to Dorset’s housing shortfall in both supply and delivery, and the sustainable location of the site.

Access

The main point of contention with regarding the site, appears to be in relation to the new access proposed off Maiden Castle Road. The proposed access would be positioned in close proximity to traffic calming chicanes. The Highways Officer determined that the new access would not result in safety concerns.

Further clarification was sought from the Highways Officer, who explains that the “location for this access is in a 30mph zone and the requirement for a clear line of sight is 43m in both directions. When a vehicle egresses out of the proposed access, it will have the visibility from the footway located behind the traffic calming. The traffic calming will act as a speed deterrent which will allow for a vehicle to come onto the D20915, Maiden Castle Road in a safer manner. Any vehicles travelling from east to west would have to slightly veer to the centre of the road to avoid the traffic calming or slow down to allow for an oncoming vehicle to pass, therefore, making it safer for a vehicle to egress out of the access”.

The Highways Officer recommends conditions relating to Vehicle access construction, Turning/parking construction, Cycle Parking and submission of a Construction Method Statement (CMS). The conditions relating to Vehicle access construction and turning/parking construction have been included on the decision note, to ensure the proper and appropriate development of the site in the interest of highway safety.

The condition requesting cycle parking is not considered necessary at this stage. The requirement of a CMS is not included as a condition. This is due to the small-scale nature of the project and the availability of accessing the site from Temple Close (a cul-de-sac), and sufficient on-site storage space for materials. Therefore, this condition is not considered to be necessary or reasonable in this instance.

Whilst the objections and comments of the Ward Member and third parties are noted, overall, it is considered, owing to the assessment of the Highways Officer and conditions, that the proposed development will not result in safety issues for Highway users or pedestrians.

Layout

Objections were received on the basis of overdevelopment, and the layout not being in-keeping with the surrounding area. The site is broadly a rectangular shape, of approximately 375 square metres. The erection of 1 dwelling within such is not considered overdevelopment, and sufficient parking/turning space, a reasonable sized home and private garden area can comfortably be delivered on the plot, whilst allowing the existing dwelling to retain sufficient garden space.

The layout of the site indicates that the dwelling will be positioned relatively close to Maiden Castle Road. Whilst this is not typical, the south side of Maiden Castle Road features dwellings at various orientations and without a consistent building line. Whilst the dwellings to the North side of Maiden Castle Road are positioned in a uniform manner, with a clear building line, the dwellings to the south side of Maiden Castle Road are uniform in design but more eclectic in positioning and building line.

Whilst the dwelling would be located closer to the highway than other dwellings, this is not considered to result in significant harm to the character of the area, which features some

variation in frontages. This would particularly be the case if the design of the dwelling at reserved matters stage is in-keeping, and a sufficient landscaping scheme is delivered.

Other Matters

Trees

The site features a mature beech tree; however, this tree is not protected by a Tree Preservation Order (TPO), nor is it protected by virtue of being located in a Conservation Area. The Council's Tree Officers do not intend to serve a TPO on the tree. The Council's Tree officer requested an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement. However, owing to the fact that the tree is not protected and Council has no intention to protect this tree, these documents are not considered necessary at this stage, as the retention of the tree is not fundamental to the principle of development in this location.

Whilst the Council would prefer for this mature tree to be maintained as part of any landscaping scheme, and this is what is indicated on the site plans and within Biodiversity Net Gain assessments. Tree protection measures or further details relating to foundations may be investigated further at Reserved Matters stage.

Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The site could be considered to be within the wider setting of 18 Maiden Castle Road, which is located the opposite side of the road. 18 Maiden Castle Road is designated for its special architectural or historic interest. The building was originally constructed within a suburban area, and the setting of this building has been further diminished by modern development surrounding it, and therefore it is considered that the setting does not contribute greatly to the asset's significance. For this reason, the proposed development is considered to result in no harm to the setting of such.

Biodiversity Net Gain (BNG)

The proposed development results in a net loss of 0.03 habitat units, and a net loss of 0.05 hedgerow units. The habitat lost is largely vegetated garden and ornamental hedgerow, which is considered of low distinctiveness. Therefore, the proposed development fails to meet the required 10% net gain on site. Given that habitat creation and enhancement cannot be legally secured in private gardens, BNG will be delivered using off site credits.

Nutrient Neutrality

The site is located within the Poole Harbour Nutrient Catchment Area. The scheme relies on the purchase of phosphorus/nitrogen credits from an approved nitrogen mitigation scheme. Natural England has no objection to this approach, subject to conditions relating to purchase of credits and limiting water usage to 110 litres per person per day. These conditions have been included on the decision note to ensure nutrient neutrality is secured through effective mitigation.

Groundwater Source Protection Area

The site is within a groundwater source protection area. An informative note has been included on the decision note, whereby the applicant is advised that care should be taken during the construction to avoid any contaminants entering the groundwater.

13. Summary of issues and the planning balance

The proposed development is considered to result in an additional dwelling within a highly sustainable location, within the defined development boundary of Dorchester. It is not

considered to result in adverse effects in relation to highway safety, heritage assets, neighbouring amenity, character and appearance of the area, or internationally protected sites. Therefore, the proposed development is judged to comply with the development plan taken as a whole, and no material considerations indicate a decision should be made otherwise.

14. Recommendation

Grant of planning permission subject to the following conditions

1. No part of the development hereby approved shall commence until details of all reserved matters (appearance, landscaping, scale) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

2. An application for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
4297_P_001 Location Plan
4297_P_003A Proposed Site Plan

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

5. Before the development hereby approved is first occupied the first 5 metres of the vehicular access, 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.

6. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. 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 in the interest of highway safety.

7. No development shall commence until the necessary nutrient mitigation credits to mitigate the impacts of the development on the Poole Harbour Special Protection Area (SPA) have been secured from an accredited nutrient provider and a copy of the Nutrient Credit Certificate demonstrating that purchase, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sufficient mitigation is provided against any impact which may arise from the development on the Poole Harbour SPA.

8. Details of measures to limit the potential consumption of wholesome water use by persons occupying the new dwelling to 110 litres per person per day as measured in accordance with regulation 36 of the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved by the Local Planning Authority before the dwelling is occupied. The submitted details shall include a water consumption calculation for the dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented and maintained to the satisfaction of the Local Planning Authority thereafter.

Reason: To secure nutrient neutrality through effective mitigation in the interests of protected Habitat Sites

Informative Notes:

1. 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.
2. The applicant is advised that the site lies within an area of groundwater protection. Care should be taken during the construction to avoid any contaminants entering the groundwater.
3. Informative: National Planning Policy Framework

In accordance with policy DM3 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.

4. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for 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>

5. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

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

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.