REPORT SUMMARY

REFERENCE NO. 3/16/2751/FUL

APPLICATION PROPOSAL Erection of new dwelling to service the Old Pit Site and the removal of the current mobile home at the Pound, Horton Road.

ADDRESS The Old Pit Kings Lane Woodlands Verwood BH21 8NE

RECOMMENDATION – Refuse (see Section 9 of the report for the full recommendation)

SUMMARY OF REASONS FOR RECOMMENDATION

- The proposal for a new dwelling on the site would be inappropriate development in the Green Belt
- There are no ‘very special circumstances’ to permit a new dwelling in the Green Belt.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

Contributions to be secured through CIL: £19388.00
Net increase in numbers of jobs: N/A

The following are not considered to be material to the application:

Estimated annual council tax benefit for District: £207.32
Estimated annual council tax benefit total: £207.32
Annual New Homes Bonus per residential unit, per year (for first 4 years): £1,200

REASON FOR REFERRAL TO COMMITTEE

The application has been called to the Planning Committee as Knowlton Parish Council support the scheme and have requested Committee referral if the Local Planning Authority recommendation is to refuse.

WARD Crane
PARISH/TOWN COUNCIL Woodlands
APPLICANT Mr. Roger Cutler
AGENT JN Planning Consultants Ltd

DECISION DUE DATE 30/3/17
PUBLICITY EXPIRY DATE 1st February 2017
OFFICER SITE VISIT DATE 27th November 2016

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

<table>
<thead>
<tr>
<th>App No</th>
<th>Proposal</th>
<th>Decision</th>
<th>Date</th>
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<tr>
<td>3/16/0174/FUL</td>
<td>Erection of new dwelling to service the Old Pit Site and the removal of the current mobile home at the Pound, Horton Road.</td>
<td>Refused</td>
<td>26/5/16</td>
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### Reasons for Refusal

<table>
<thead>
<tr>
<th>Refusal</th>
<th>Reason</th>
<th>Approved Date</th>
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<tbody>
<tr>
<td>3/12/0270/COU</td>
<td>Change of Use of The Pound to a Mixed use of Single Dwelling with Residential Curtilage and Commercial Yard for the Parking and Storage of Contractors Plant and Equipment, Agricultural Contractors Plant and Equipment and Plant Hire Plant and Equipment with Use of the main Building for the Repair and Maintenance of Same and Retain Caravan on Site for Purpose Incidental To the Enjoyment of the Dwelling House (part retrospective).</td>
<td>17/7/12</td>
</tr>
</tbody>
</table>

Notwithstanding its Green Belt status the site had a lawful commercial status which was recognised through this consent and approved subject to conditions and legal agreement to secure occupancy of mobile home.

**Appeal decision details:**

- Enforcement Appeal reference: APP/U1240/C/08//2072111
- Council reference GC/RA/PL/3/724

The appeal allowed insofar as it relates to the material change of use of the land shown edged red on the plan attached to the notice to the open storage of cut tree wood; the production of logs and wood chippings; the storage of open plant, machinery, machinery parts, skips, vehicles, trailers, and the storage in the southernmost building of wooden trestles and seats and planning permission granted under section 177 (5) of the 1990 Act as amended on the Land at Pit Copse, Kings Land, Woodlands, Wimborne.

### MAIN REPORT

#### 1.0 DESCRIPTION OF SITE AND SURROUNDING

1.01 The Old Pit was once a waste disposal site and there is a history of enforcement complaints related to it. The closest description of the site can be found in paragraph 26 of planning appeal reference APP/U1240/C/08//2072111 which described the site as a 'mixed use' which operates a range of activities on the appeal site and the adjoining land. The site lies in open countryside outside the Village Settlement Boundary for Woodlands. It lies in the South East Dorset Green Belt and within an Area of Great Landscape Value. The field on which the proposed dwelling would be situated has recently been cleared of grass as evidence by the aerial photographs of the site between 2014 and 2015 and is situated adjacent The Old Pit, Kings Lane, Woodlands on agricultural Green Belt land. There are numerous large plastic storage items (manure) on the site together with some agricultural machinery. It is located adjacent to the access track from Kings Lane leading to The Old Pit site, but is otherwise separate from the site and any buildings or activities on the site lying approximately 80m to the east of...
the Old Pit site. There are two barns on the old field site together with machinery and other storage material/miscellaneous equipment.

1.02 The Planning Inspector identified and concluded that the use of the land in appeal reference: APP/U1240/C/08/2072111 was as the following:

‘I allow the appeal on ground (a) in part insofar as it relates to the material change of use of the land shown edged red on the plan attached to the notice to the open storage of cut tree wood; the production of logs and wood chippings; the storage of open plant, machinery, machinery parts, skips, vehicles, trailers, and the storage in the southernmost building of wooden trestles and seats and I grant planning permission on the application deemed to have been made under section 177 (5) of the 1990 Act as amended, for that part on the Land at Pit Copse, Kings Land, Woodlands, Wimborne.’

1.03 The site is quite separate from the existing site of the residential caravan at the Pound on Horton Road, Woodlands. The sites lie some 500m apart. The son of the applicant is currently housed adjacent the main dwelling at the Pound

2.0 PROPOSAL

2.01 It is proposed to construct a new detached bungalow on a portion of agricultural land approximately 80m from the Old Pit site. The Old Pit site is a commercial site that is operated by Cutler Bros Ltd. which is a mixed use comprising a plant/machinery hire company/agricultural contractors and forestry business. It is proposed to tie the use of the proposed dwelling to a personal use associated with the business use.

2.02 The purpose of the new dwelling would be to rehouse Mr. Christopher Cutler and his family. Mr. Christopher Cutler, who is the son of Mr. Toby Cutler, currently resides with his family at the Old Pound site in a caravan/static home that was approved by planning permission Ref: 3/12/0270/COU dated 17 July 2012. This permission was granted subject to a S.106 Legal Agreement which restricts the use of the site to the stationing of one caravan only, and the use of the caravan at clause (c) reads: "The use of the caravan used for incidental purposes to the enjoyment of a dwelling as such shall be restricted to a use by their son Mr Christopher Cutler and his wife Mrs Charlene Cutler and their child Toby Cutler and not any further family members and that of at any time the use of the caravan by their son Mr Christopher Cutler and his wife Mrs Charlene Cutler ceases that the caravan shall be permanently removed from the land". This consent did not create a separate planning unit. There is only one residential unit on this site.

2.03 The proposed dwelling and siting is the same as the previous scheme submitted under the refused application reference 3/16/0174/FUL. This scheme differs in that there is additional supporting information submitted with the current scheme for consideration which is assessed later in the report.
3.0 SUMMARY INFORMATION

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Previous scheme</th>
<th>Proposed</th>
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<tr>
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<tr>
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<tr>
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<tr>
<td>Approximate Eaves Height (m)</td>
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<tr>
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<tr>
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<td>Distance between side elevations proposed and at kings Lane street</td>
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<tr>
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</tr>
<tr>
<td>No of Bedspaces</td>
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<tr>
<td>No. affordable housing units</td>
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4.0 RELEVANT PLANNING CONSTRAINTS

- Green Belt
- Heathland 5 km zone

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 Christchurch and East Dorset Core Strategy 2014

- Policy HE2: Design of New Development
- Policy HE3: Landscape Quality
- Policy KS1: Presumption in Favour of Sustainable Development
- Policy KS3: Green Belt
- Policy PC4: The Rural Economy
- Policy ME2: Protection of Dorset Heathlands

5.02 The National Planning Policy Framework 2012 (NPPF) particularly at Section 3 ‘Supporting a prosperous rural economy; Section 6 ‘Delivering a wide choice of high quality homes’; Section 7 ‘Requiring good design’; and, Section 9 ‘Protecting Green Belt land’.

6.0 LOCAL REPRESENTATIONS

6.01 In addition to letters to neighbouring properties, a site notice was posted outside the site on 9 January 2017 with an expiry date for consultation on the 2nd February 2017.

6.02 1 representation has been received in support. The issues raised comprise the following:

- Encourages rural development
- Provision of housing for agricultural contracting family
- New house concealed from highway and not particularly visible

7.0 CONSULTATIONS

7.01 Parish Council in their comments received on the 5th January 2017 stated – ‘Support the proposal to provide a dwelling for a long standing local family run agricultural business. The impact on the Green Belt is minor and the workload on Officers monitoring the mobile home will be removed. Please note we request this application is sent to the Planning Committee if our comments are at variance to the Officers recommendation’

7.02 Community and Infrastructure Contributions Officer in their comments dated 27th February 2017 stated that a contribution is required as 128.92 m2 increase in floor space. Contribution required.

7.03 Dorset County Council Highway Authority in their comments received on the 17th January raise no objections.

8.0 APPRAISAL

8.01 The main considerations involved with this application are:

- the principle of the development
- the potential visual impact of the development
- the impact upon the character of the area
- the design and form of the proposal and the impact upon neighbouring amenity.
These points will be discussed as well as other material considerations under the headings below.

Principle of Development

8.02 The National Planning Policy Framework 2012. Section 9 – Protecting Green Belt land

Paragraphs 87 and 88 advise:

“87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The site lies within the South East Dorset Green Belt and the general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in Very Special Circumstances (VSC). Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to show why permission should be granted. Very Special Circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 (in part) advises:

“89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; ”

It further advises at Paragraph 89 that in exceptions in respect of the construction of new buildings in Green Belts that may be appropriate where they are for:

- Agriculture or forestry;
- Outdoor sport, recreation or for cemeteries providing the openness of the Green belt is maintained;
- The extension of a building provided it is not result in disproportionate additions to the original building;
- The replacement of a building provided it is for the same use and is not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green belt and the purpose of including land within it than the existing development.

8.03 Given the site’s location in the South East Dorset Green Belt which was designated on 5th February 1980, it is considered that the proposed development fails to satisfy the criteria laid out at Paragraph 79 of the NPPF, which advises that the overriding purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

8.04 Very Special Circumstances (VSC) are, therefore, required to justify a new dwelling within the Green Belt. Whilst the Council appreciates the desire to provide a new dwelling and garage for a family member to be on the site to improve security, this does not amount to very special circumstances to permit the construction of a new dwelling on a Green Belt site which would harm the openness and character of the Green Belt.

8.05 Under Paragraph 55 of the National Planning Policy Framework: ‘Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside’. In this case, there is no essential need for a new dwelling on the site as the applicants/workers already live near their place of work approximately one kilometre from the Old Pit site.

8.06 The construction of new buildings within the Green Belt is inappropriate unless it is for a number of purposes. (Set out above in Paragraph 89 of the NPPF) The site of the proposed dwelling is approximately 800 from The Old Pit site, which has been indicated as a mixed use facility comprised of agricultural contracting/plant hire with ancillary logging but is not specifically agricultural or forestry use. The applicant is not a farmer or a forester. In addition, given the ‘divorced’ nature of the site from The Old Pit, it is not considered that the site of the dwelling is closely related enough to The Old Pit for it to satisfy Green Belt Policy. Therefore, it would be classed as inappropriate development within the Green Belt, and it has not been demonstrated to the Local Planning Authority that the harm, by reason of its inappropriateness and any other harm is outweighed by the existence of any VSC.

8.07 A response to the additional supporting information submitted in the current scheme is outlined in italics below:
• A Supporting Statement from the applicant is provided setting out the day to day activity of the Old Pit and the contribution that it makes to the local economy in terms of providing rural employment and the need for an on-site presence. It is not disputed that the current operation makes a contribution to the local rural economy, however, this does not amount to very special circumstances to permit a new dwelling in the Green Belt.

• Evidence from Social Media of recent local thefts and general security issues that cannot be disputed. This is not disputed but is not considered to amount to VSC

• That the personal condition attributed to the mobile home at The Pound is now not supported by central government and the removal of the need to monitor The Pound by EDDC Enforcement Officers will ease the pressure upon the resources of EDDC. The retention of the caravan is incidental to the enjoyment of the dwelling at The Pound. The reasoning that the caravan should be replaced by a dwelling at The Old Pit site to manage and monitor activities on that particular site, is not viewed by the Council as a reason, or a very special circumstance sufficient for it to permit a new dwelling adjacent to The Old Pit site.

• That occupation of a mobile home is not conducive to providing healthy long term accommodation. There is a lack of affordable permanent accommodation in the local area for Mr Cutler Jnr and this in effect represents the opportunity to provide an affordable dwelling for a person with a longstanding connection within a rural area to live in a permanent home whilst ensuring that a rural enterprise can continue to thrive. The mobile home is limited accommodation incidental to the enjoyment of the existing dwelling at the Pound only and for use by named occupants only. The quality of the accommodation and its existence therefore does not amount to very special circumstances to permit a new dwelling in the Green Belt.

• That other aspects of the National Planning Policy Framework should be taken into account within the planning judgement, not least paragraph 28 which champions the need to support the sustainable growth and expansion of all types of enterprise in rural areas. Paragraph 28 of the NPPF has been taken into account but does not outweigh the requirements of Paragraphs 87, 88 and 89 which are designed to protect Green Belt land.

• The landscape benefits of replacing a mobile home with a permanent single storey dwelling. The existing modest sized mobile home is adjacent to the rear/side of the existing dwelling at the Pound and is limited in size being not highly visible and is not a permanent structure. The proposed dwelling would be substantially larger and in open countryside thus adversely affecting the openness of the Green Belt.

8.08 Consequently, it is considered that these additional points do not form ‘very special circumstance’s to permit a new dwelling in the protected Green Belt location. The commercial business run by Cutler Brothers is located approximately 500m away from the site and the existing caravan and there is
insufficient justification to permit a new dwelling in the Green Belt location which is divorced from the Old Pit site. It is therefore recommended that the decision to refuse the scheme be maintained to protect the openness and character of the Green Belt.

8.09 The erection of the new dwelling and garage is considered to be unacceptable as outlined above and no matters which are considered to outweigh the harm it would cause to the openness of the Green Belt have been put forward. Consequently, there are no VSC afforded, including the considerations that the proposal will improve site security that warrants a departure from the District Council’s normal policy of restraint and presumption against inappropriate development in the Green Belt.

8.10 In principle, the Council concludes that this proposed development would be inappropriate in this location and would be contrary to the Guidance relating to Green Belts outlined in the NPPF; and, the Council’s planning policies relating to development in the Green Belt as outlined at Core Strategy Policy KS3.

8.11 **Design and visual impact**
The design of the dwelling would be in a traditional cottage style. The site is relatively open and receptive to views from the south and east, although it is screened by woodland on adjoining land to the west and north on the opposite side of Kings Lane. Whilst such a design may reflect the local vernacular, nevertheless, the Council’s opinion is that any new dwelling would have an adverse visual impact on the character of the open countryside.

8.12 **Impact on neighbours amenities**
The new dwelling would be isolated from any nearby residential properties, and there would be no demonstrable harm to the residential amenities of occupants of any nearby dwellings.

8.13 **Highway safety and parking**
Use of the existing access onto Kings Lane to serve the proposed dwelling has raised no objections from the highways department.

**CONCLUSION**

8.14 The Council would not be willing to support an application for a dwelling and garage on the site near to The Old Pit on Kings Lane for the reasons outlined above. It already has control over the occupancy of the Mobile Home sited to the rear of dwelling at The Pound on Horton Road given the provisions of the S.106 Agreement attached to planning permission Ref: 3/12/0270/COU dated 17 July 2012, which is incidental to the enjoyment of the dwelling on that site. A similar Agreement attached to a permanent dwelling would be difficult to monitor as the dwelling, being of permanent construction, would remain whether the Agreement was enforced or not, whereas the existing caravan at The Pound can more readily be removed once its requirement to be there has past. The VSC put forward to justify the development of a dwelling in the Green Belt are not supported by the District Council.
9.0 **RECOMMENDATION** – REFUSE Subject to the following:

1. The proposed construction of a new dwelling on the site would be inappropriate development within the Green Belt that would harm the openness and character of the Green Belt and the grounds put forward by the applicant do not form Very Special Circumstances to allow a new dwelling in the proposed location. Consequently, the proposal would be contrary to Policy KS3 of the Adopted Core Strategy 2014 and the relevant sections of the National Planning Policy Framework 2012.

2. The application proposes the provision of a new dwelling and thus, falls within the criteria set out in the Council’s Community Infrastructure Levy Charging Schedule (adopted in September 2016 and effective from 3rd January 2017). In the absence of an undertaking, from the applicant, to secure the appropriate payment, the application fails to meet the requirements of the Community Infrastructure Regulations 2010 and the Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013, 2014 and 2015.

**Informatives:**

1. The following plans have been formally refused:

   Drawing No. 1157/201 The Pound and Old Pit Sites Location Plan  
   Drawing No. 1157/203 Proposed Block Plan  
   Drawing No. 1157/205 Proposed Elevations  
   Drawing No. 1157/204 Proposed Floor Plans  
   Drawing No. 1157/202 The Pound Site Plan

   Background Papers

   Parish comments  
   DCC Highway comments  
   Decision Notice for application reference 3/16/0174/FUL  
   Decision Notice for application reference 3/12/0270/COU

   Case Officer: Derek Smyth

**NB** For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.

The conditions/reasons for refusal set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.