



Planning Services

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Mr Sean Williams
Sean Williams planning Ltd
33 Roman Road
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DT35JQ

Date: 21 July 2022

Ref: P/OUT/2021/05611

Case Officer: Matthew Pochin-Hawkes

Team: Western and Southern

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Planning Decision Notice

Outline Planning Permission

Town and Country Planning Act 1990

Town and Country Planning

(Development Management Procedure) (England) Order 2015

Application Number: P/OUT/2021/05611

Location: 19A Knighton Lane Broadmayne DT2 8PH

Description: Application for outline planning permission for 6 dwellings

Dorset Council **refuses** outline planning permission for this development as detailed in the application. In making this decision the Council considered whether the application could be approved with or without conditions or should be refused.

This planning permission is refused for the following reasons:

1. The proposed development, by virtue of its location outside of a defined development boundary and being for open-market residential development would be contrary to Policies SUS2 and HOU6 of the West Dorset, Weymouth and Portland Local Plan 2015. The development plan forms the starting point for decision making and is considered to be up-to-date in respect of housing distribution such that where a planning application conflicts with the development plan permission should not normally be granted. There are not considered to be any material considerations which justify the provision of six dwellings outside of the DDB that in this particular case would indicate that the development plan should not be followed and as such the proposed development also conflicts with the National Planning Policy Framework (2021). This along with the reasons for refusal set out below add weight to the approach of following the development plan, as there are no material considerations that are considered to outweigh the identified conflict with the spatial strategy.

2. By reason of the quantum of development, shape and location of the site, the proposed development would be out of character with the surrounding area due to the provision of dwellings in a prominent location close to the road frontage on the west side of Knighton Lane. The provision of six dwellings would fail to relate positively to nearby buildings or make a positive contribution to the maintenance and enhancement of local identity and distinctiveness. It fails to optimise the potential of the site due to overdevelopment and harm to local character. The proposed development conflicts with: West Dorset, Weymouth and Portland Local Plan (2015) Policies ENV10, ENV12 and ENV15: the Design and Sustainable Development Planning Guidelines SPD (2009) Policies a) and h); and the National Planning Policy Framework (2021) Paragraphs 130 and 134.
3. In the absence of mitigation to ensure nutrient neutrality the associated likely significant effects on Poole Harbour SSSI, SPA and Ramsar through increased nitrogen and phosphate loads are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.

Informatives:

1. National Planning Policy Framework

In accordance with paragraph 38 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 applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/ agent did not take the opportunity to enter into pre-application discussions.
- The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

2. The plans that were considered by the Council in making this decision are:

- Location & Block Plan: 20/42/D2
- Illustrative Proposed Site Plan: 20/42/D3 Rev A
- Illustrative Proposed Site Plan: 20/42/D3 dated July 2022

3. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.



Decision Date: 21 July 2022

Mike Garrity
Head of Planning
Economic Growth and Infrastructure

Planning Decision Notes

Power to refuse planning permission

This decision is issued by Dorset Council as the local planning authority set out by the Town and Country Planning Act 1990 (as amended) and the Town and Country (Development Management Procedure) (England) Order 2015 .

Site Notice

If you have not already done so I would be grateful if you could take down and dispose of this application's site notice if it is still being displayed outside the property.

Appeals

If you disagree with our planning decision or the attached conditions, then you can appeal to the Secretary of State (Planning Inspectorate) under section 78 (1) of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within Six Months of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against our enforcement notice, then you must do so within 28 days of the date of service of the enforcement notice.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

An appeal must be made by the applicant. Forms are available on-line at www.planningportal.gov.uk/pcs

The Planning Inspectorate can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems that we could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

The Planning Inspectorate does not normally refuse to consider appeals solely because we based our decision on a direction given by them.

For further information about making can be found at www.planningportal.co.uk.

Purchase Notices

If either the Council or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner, in exceptional circumstances, may claim that neither the land can be put to a reasonably beneficial use in its existing state, nor can the land be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

If this happens, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).