

Church Knowle Parish Council – Response to Planning Application 6/2021/0262

The Church Knowle Parish Council **resolved to oppose this application** at an extraordinary meeting on 27th July 2021.

The fundamental objection is that there is an attempt to build on/develop agricultural land outside of the defined settlement in an Area of Outstanding Natural Beauty. The site itself, Betcher Farm, has a long history of having Planning Applications refused for exactly these reasons.

There is also specific opposition on several points:

- 1) The Application for Outline Planning Permission form (PP-09819151) is incorrectly completed and is misleading on several points, starting with the Name and Address of the Applicant. These are detailed in Appendix 1.
- 2) The Planning Statement is misleading and incorrect on several crucial and fundamental points.

- (2.2) The site is not within “a stone’s throw” of Russett Hollow. It is 180m to the south of Russett Hollow and is remote in an unspoilt pasture.
- (2.3) The “existing access” is in fact a new access put in by Mr. John Smith in May 2021 (the same date as the Planning Statement) on the instruction of the Planning Consultant.
- (2.4) There is no built character in the locality – it is an undeveloped field – and it is not “part of the village” which will be obvious from the Morgan Carey plan 2113401p3. It is quite remote from the settlement boundary.
- (3.1) There is no Certificate of Lawful Use for the site as Mr. Smith has never applied for one and now insists that as 10 years have elapsed he is immune from any need to or any enforcement.

To say there is no relevant planning history associated with the application site is simply false. The site is part of Betcher Farm, Withy Lakes is the name of the bungalow and a search of Betcher Glebe Farm/Betcher Farm/Withy Lakes in the Dorset Council Planning Portal will bring up some 19 applications relating to this Farm, many of which are outline planning refusals to build a dwelling (Appendix 2).

The last refusal (6/1986/0285) said:

1) The local Planning Authority has given consent for the stationing of a mobile home on this site on the basis of a temporary provision having regard to the very special personal circumstances of the applicant and as an exception to its normal policies. These policies contained within policy D1 of the Dorset (excluding south east) Structure Plan and the Dorset Rural Planning Policy, state that residential development will not normally be permitted in the open country side outside any settlement unless there is an essential agricultural, horticultural or forestry need which cannot be met in other ways. The Local Planning Authority is not satisfied that there is a justified, long term essential need for a permanent dwelling on this site and the proposal is considered to be contrary to the Local Planning Authority’s adopted policies.

2) To allow this proposal without any essential agricultural need would create an undesirable precedent for the construction of new dwellings for general occupation in the countryside, which would have a damaging effect on the visual amenities and character of the rural area, particularly within the designated Area of Outstanding Natural Beauty.

- (4.2) Here the applicants are implied to be Mr and Mrs Tom Smith yet the Morgan Carey drawings are for JW and LE Smith. Mr and Mrs Tom Smith sold a house in Bournemouth and elected to move to Church Knowle to reside with his parents at Withy Lakes. They will be regarded by the housing register as having made themselves intentionally homeless. It seems they are not homeless at all, they are residing at Withy Lakes and their children have been going to the local school for over a year.
The circumstances and background of the Applicants (whoever they are) should have no bearing on the Application. It should be evaluated on Planning principles alone.

3) The Planning Statement makes reference to the National Planning Policy Framework (NPPF).

Paragraph 11 of the Framework says:

Plans and decisions should apply a presumption in favour of sustainable development.

b) ... unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area. [plan area = Area of Outstanding Natural Beauty footnote 7]

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

It is clear the presumption in favour of sustainable development does not apply in Areas of Outstanding Natural Beauty where adverse impacts would outweigh the benefits. The Local Planning Authority obviously thought so for many years. It is certainly not sustainable, there is no employment or facilities, not even a shop or a bus route in Church Knowle.

There can be no benefits to the community of developing an AONB, and the irreversible adverse impact on this beautiful area of Dorset countryside is immeasurable.

Paragraph 72 says:

*Local planning authorities should support the development of entry-level exception sites... and should... not compromise the protection given to areas or assets of particular importance in this Framework... [areas = Areas of Outstanding Natural Beauty footnote 7. **Entry-level exception sites should not be permitted in ... Areas of Outstanding Natural Beauty** footnote 36]*

Paragraph 177 says:

When considering applications for development within... Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including the terms of any national considerations, and the impact of permitting it, or refusing it on the local economy;

b) the cost of, and the scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Foot note 60: For the purposes of paragraph...177, whether a proposal is a 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

4) The planning history and decisions of the Council on this and adjacent properties:

In 1990 the Coffens applied (6/1990/0185) for relief from the agricultural occupancy condition on “Russet Hollow” which is shown on the location plan for this application. It was refused for the following reason:

1. The existing dwelling lies outside the built-up confines of the village and within the open countryside of the Area of Outstanding Natural Beauty where further dwellings would not normally be permitted unless required to fulfill a proven, long-term agricultural need. The Local Planning Authority are not satisfied that sufficient efforts have been made to dispose of the dwelling to an agricultural worker and consider that the dwelling could help to meet any future demands for agricultural accommodation in the area.

The list of Applications for the present property Betcher Farm/Withy Lakes is listed in Appendix 2 and in all but the very reason ones the agricultural tie and the Open Countryside/Area of Outstanding Natural Beauty component has been a major plank in the arguments for refusing development. Indeed there has been a stringent insistence (6/2004/0045) that the agricultural tie requirement is met for occupation of properties so tied.

5) The proposal is contrary to Dorset Council’s policies and plans. A list of these and the reasons why the application fails is attached as Appendix 3.

It should be noted that as Mr. Smith has stated to the Parish Council that he has an agricultural holding number then the land is still agricultural as it has always been. It should further be noted that in his previous application (6/2016/0544) on the Application Form s.25 Mr Smith has signed form A, *“that none of the land to which the application relates is, or is part of, an agricultural holding (“agricultural holding” has the meaning given by reference to the definition of “agricultural tenant” in section 65(8) of the Act.)”*. This is clearly not the case as he has an Agricultural Holding Number and the property is subject to a strict agricultural tie.

There is nothing in this development that is in the public interest. A new build on agricultural land, in an Area of Outstanding Natural Beauty well outside of the defined settlement would indubitably be a major development as it would set a precedent that would snowball and permit development on much of the agricultural land in Church Knowle. Were this application to be passed it would certainly be difficult to constrain increased development at Betcher Farm. In terms of the NPPF criteria set out at 5.1 in the Planning Statement:

- a) There is no need for the development and there will be no impact on the local economy of refusing it.
- b) There is no need to be met. Research into the local planning register for Church Knowle will confirm this. The Smiths have elected to sell their Bournemouth house and move to Church Knowle to live with their parents. They are not homeless.
- c) The detrimental effect on the environment and landscape would be massive and cannot be moderated. Once piecemeal development over agricultural land is permitted the genie cannot be put back into the bottle.

The Parish Council requests that this application be put before the full Planning Committee for the following reasons:

1) The Dorset Council Policy Document (PG-17.05.17 Item 8 Appendix 1) says:

The Planning Board always determines the following types of planning applications:

- *Applications where the applicant or agent is an officer of the Council or the spouse or civil partner of an officer of the Council.*

Planning applications that Planning Committee may determine:

- *Applications where Officers intend to determine in conflict with a representation from a parish or town council, a neighbour or other representor.*

The Agent for the Applicants (Steve Tapscott) was himself an officer of the Planning Department until four years ago and the same considerations of loyalty, allegiances and concerns about objectivity, undue influence and impartiality must be considered and eliminated.

It is not possible to determine the intentions of the Officer as the pre-application advice (see Appendix 1) has not been made public. A Freedom of Information Request for this is pending.

The Church Knowle Parish Council asks that this application be put before the Planning Board and that the application be refused for the reasons given.

Andrew Parsons Ceng LLB
Clerk to the Church Knowle Parish Council

The Planning Application Form for 6/2021/0262
(Planning Portal Reference: PP-09819151)

The following errors, omissions and inconsistencies are noted:

Section 2.

No first name is given and the address given for Mr and Mrs Smith is Unit 5, Designer House, Sandford Lane BH20 4DY". Is the Applicant Mr. John Smith or Mr. Tom Smith? It is known that the actual residential address of both Messrs Smith is Withy Lakes, Church Knowle and yet the address given is that of the Planning Consultant.

Section 3.

The agent's details are the same as the Applicants'.

Section 4.

The application says that work has not been started without planning permission yet a new gateway through an ancient hedge was constructed specifically for this application in May 2021.

Section 6.

It is stated that the site is not currently vacant yet it is an empty field.

Section 7.

The only category ticked is "Self-build and Custom Build" yet the CL Planning Statement goes into some detail about Affordable Housing, indeed the presentations by Mr Smith at the Parish Council meetings make much of affordable housing yet this box remains unticked. There is even a supporting document from "S106 Affordable Housing (Hampshire) Ltd."

Section 14.

The Applicant has indicated on the Application that he has not sought pre-application advice from the local authority yet at the Extraordinary Parish Council Meeting on 27th July he said that advice of the Planning Officer, Cari Woodbridge was that he could well apply for two affordable houses on the site. When asked if he had had pre-application advice Mr. Smith said that he had. The clerk received an email on 9th June from Joanna Richards of the Development Management department of Dorset Council that clearly states, "*Withy Lakes applied for pre application advice with regards to an outbuilding and now they submitted application form but it is not validated yet.*"

In their previous application to convert the stables into a freehold dwelling (6/2016/0544) the pre-application advice was listed in documents folder. Pre-application advice is available as Freedom of Information request and such a request is being made to the Planning Department. Why is this pre-application advice not already listed here?

Section 16.

The applicant has entered form C which states that all reasonable steps have been taken to find the owner of the land. Since he owns the actual land one presumes that this refers to the lane. It is declared that an advert has been placed in the Bournemouth Echo yet no copy of this advert is included in the documentation. Information provided at the Extraordinary meeting of the Parish Council indicates that the most probable owner of the land is the Church, the original farm was purchased from the Church. Has any enquiry been made of the Church Commissioners? If not then all reasonable steps cannot have been taken.

List of Planning Applications – Withy Lakes, Church Knowle Appendix 2

Application	Title	Proposal	Applicant	Officer
6-1980-0029 - Granted - Com	Betcher Glebe Farm	Site temporary mobile home or caravan		
6-1980-0378 - Granted - Com	Betcher Glebe Farm	Erect stable, garage and site oil tank		
6-1980-0938 - Refused - Com	Betcher Farm	O/A Erect bungalow		
6-1982-0804 - Granted - Com	Betcher Farm	Erect stable, garage, oil tank and glasshouse (renewal)	Mr. H.L. Stevens	
6-1982-0805 - Granted - Com	Betcher Farm	Station temporary mobile home (renewal)		
6-1983-0517 - Refused - Com	Betcher Farm	O/A Erect agricultural bungalow		
6-1986-0285 - Refused - Com	Betcher Farm	O/A Erect a bungalow		
6-1988-1023 - Granted - Com	Betcher Glebe Farm Withy Lakes	O/A Erect an agricultural bungalow	Mr. H.L. Stevens	John Butler
6-1988-1253 - Granted - Del		Retain mobile home, garage and oil tank		
6-1989-0769 - Granted - Com	Betcher Farm Withy Lakes	Erect an agricultural bungalow with integral garage. RESERVED MATTERS	Mr. H.L. Stevens (L.D. Taylor)	John Butler
6-1991-0797 - Refused - Com	Betcher Glebe Farm	Retain mobile home, garage and oil tank	Mr. H.L. Stevens	
6-1992-0176 - Granted - Com		Change use of part of cattle pens to stabling for horses.		John Butler
6-1992-0459 - Granted - Com		Retain garage to use as store for tractor and agricultural implements.	Mr. H.L. Stevens	John Butler
6-1997-0479 - Granted -	Betcher Farm	Retain garage to use as store for tractor and agricultural implements (renewal).	Mr. H.L. Stevens	
6-2004-0045 - Refused - Del	Withy Lakes	Use of land for nursery, installation of polytunnels and cold frames and occupy dwelling accordance with PA 6/1988/1023 - Condition 2 - Agricultural occupancy.	Derek and Linda Welsh	Alan Davies
6-2004-0725 - Granted - Del	Withy Lakes	Erect three Polytunnels		
6-2012-0333 - Granted - Del	Withy Lakes	Erect extension		Ros Drane
6-2016-0544 - Granted - Delegated	Withy Lakes	Sever land and redevelop existing redundant agricultural building with small extension to north east side to create a single storey residential dwelling within its own curtilage	Mr John Smith	Tony Bird Alan Davies
6-2017-0107 - Granted - Delegated		Variation of condition 2 of planning approval 6/2016/0544 to include changes to the external appearance of the building including the roofline.		Tony Bird
6-2021-0262 - Consultation - Delegated		Erect detached dwelling		

7.5.11 Development Proposed in South East Purbeck

Policy SE: South East Purbeck

In order to ensure that new development is focused in the most sustainable locations, proposals in South East Purbeck **outside of the settlement boundaries** for Swanage, ... Church Knowle, ... will be strictly controlled in accordance with Policy CO: Countryside.

Elsewhere in South East Purbeck (Includes Corfe Castle, Church Knowle, Harmans Cross, Kingston, Kimmeridge, Langton Matravers, Studland and Worth Matravers) i.e. other than Swanage. Not in the countryside!... Small scale proposals for rural economic regeneration, community facilities and affordable housing.

The supporting text states:-

8.2.1 Countryside is defined as all land outside the settlement boundaries of Towns, Key Service Villages, Local Service Villages and Other Villages with a Settlement Boundary listed in Policy LD: General Location of Development. The Council seeks to protect the countryside from inappropriate development. However, there are some developments, which, by necessity, are located outside settlement boundaries, and therefore a countryside location is essential:

Examples of where a countryside location is essential:

- Development for the use of land for agriculture, forestry or horticulture, including dwellings for agricultural workers;
- Infrastructure (including telecommunications equipment, renewable energy developments and advertisement or directional signs).

POLICY CO: Countryside

Development in the countryside should aim to improve the sustainability of rural settlements, make a positive contribution to landscape character and enhance biodiversity.

This proposal does not of these any of these requirements

Development outside of a settlement boundary (classed as 'countryside') will be permitted where it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements, where:

- A countryside location is essential; or
- It comprises the reuse, alteration, extension or replacement of a rural building; or
- It comprises small-scale outbuildings within the curtilage of existing buildings; or
- It is an employment use...; or
- It is a farm diversification scheme; or
- It is a community facility or service...; or
- It is a rural exception site providing affordable housing in accordance with Policy RES: Rural Exception Sites; or
- It would meet an identified need and be in accordance with Policy GT: Gypsies,....

The proposal is none of the above. See observations on Policy RES below.

The rest of Policy CO is not applicable.

Policy AH: Affordable Housing

The Council will apply the following policy in relation to affordable housing provision when determining planning applications for all new residential development, including residential elements of mixed use schemes:

Developments that result in a net increase of 2 or more dwellings, or are on a site area of 0.05 hectares or more will be required to provide the following affordable housing contribution:

This policy is intended to make provision to meet the needs of an area in respect of households whose income is not sufficient to afford to rent or purchase housing in the open market. It is not intended to enable the more well off in society to circumvent policies for the protection of the countryside by building houses in the countryside for family members.

Policy AH is seeking to earmark a proportion of new housing to meet the needs of local people unable to compete in the open market. Such housing is required to remain affordable in perpetuity.

Policy RES: Rural Exception Sites

In order to meet local needs in rural areas, excluding the settlements of Swanage, Wareham and Upton, affordable housing will be allowed in the open countryside in and around settlements where residential development is not normally permitted, provided that:

- *The Council is satisfied that the proposal is capable of meeting an identified, current, local need within the parish, or immediately adjoining rural Parishes, which cannot otherwise be met;*
- *Ideally, the site is not remote from existing buildings and does not comprise scattered, intrusive and isolated development and is within close proximity to, or is served by, sustainable transport providing access to local employment opportunities, shops, services and community facilities. However if evidence can be submitted to demonstrate the site is the only realistic option in the parish, the Council will give consideration to supporting the proposal;*
- *The number of dwellings should be commensurate with the settlement hierarchy set out in Policy LD: Location of Development, of character appropriate to the location and of high quality design; and*
- *There are secure arrangements to ensure that the benefits of affordable housing will be enjoyed by subsequent as well as initial occupiers.*

There is no current identified need in the parish.

The site is isolated and the proposal amounts to scattered development not served by sustainable transport. There would be no secure arrangement to ensure the benefit of affordable housing would pass to subsequent occupiers.

Policy LHH Landscape, Historic Environment and Heritage

Proposals for development and other works will be expected to conserve the appearance, setting, character, interest, integrity, health and vitality of landscape (including trees and hedgerows) and heritage assets - be these locally, nationally or internationally designated or otherwise formally identified by the Local Planning Authority. In considering the acceptability of proposals the Council will assess their direct, indirect and cumulative impacts relative to the significance of the asset affected, and balance them against other sustainable development objectives.

Wherever appropriate, proposals affecting landscape, historic environment or heritage assets will be expected to deliver enhancement and improved conservation of those assets.

Proposals that would result in an unacceptable impact of light pollution from artificial light on intrinsically dark landscapes and nature conservation will not be permitted.

The site is within the AONB in open countryside. The proposed development would adversely impact on the character and appearance of the AONB.

The site lies just outside the Church Knowle Conservation Area and sporadic development in this location would adversely impact the setting of the heritage asset.

The proposal would introduce another source of light pollution into the otherwise dark landscape.

The applicant's agent refers to

Policy DH (Dorset Heaths International Designations) as allowing residential development beyond 400m of a protected heath, but requires proposals within a 400m – 5km zone to provide mitigation.

It does not say that. It is not a positive development policy. What it says is:-

*Development **will not be permitted** unless it can be ascertained that it will not lead to an adverse effect upon the integrity, of the Dorset Heaths' International designations.*

The Council is jointly preparing a Heathlands DPD with affected neighbouring authorities to set out a long-term mitigation strategy to ensure that the growth planned for South East Dorset can be accommodated without having an adverse effect upon the integrity of the Dorset Heaths.

This policy will apply until the Heathlands DPD supersedes it:

*The following forms of development (including changes of use) **will not** be permitted within a 400m buffer around protected heathland:...*

The policy only applies if development is otherwise acceptable.

Dorset Council Local Plan

The emerging local plan has developed a 4 tier spatial development strategy. Outside of the towns and villages in the the top 3 tiers will be strictly limited.

Tier 1 - Large built-up areas

Tier 2 - Towns and other main settlements

Tier 3 – Villages with ‘Local Plan Development Boundaries’

Church Knowle is not included within any of tiers 1-3.

Tier 4 – Villages without ‘Local Plan Development Boundaries’

DEV7: Development outside local plan and neighbourhood plan development boundaries in rural Dorset

In rural Dorset beyond the South East Dorset Green Belt and outside any local plan or neighbourhood plan development boundary, development will be strictly controlled, having particular regard to environmental constraints and to the need for the protection of the countryside. Development will be restricted to:

One exception is “● rural exception affordable housing;” which no doubt the applicants rely on.

HOUS3: Affordable housing exception sites

An affordable housing exception scheme will be permitted if:

I. it is adjoining an existing settlement;

II. the proposal is capable of meeting an identified local need for affordable housing within the settlement, parish or group of parishes where the scheme is located, including within the Green Belt, which cannot otherwise be met;

III. the character, scale and design of the scheme is appropriate to the location and size of the existing settlement; and

IV. there are secure arrangements to ensure the homes remain affordable in perpetuity.

This proposal does not qualify. It does not adjoin the settlement. It is not meeting an identified local need. There are no arrangements proposed to ensure the dwelling would remain affordable in perpetuity.