

PLANNING APPLICATION P/OUT/2023/00667

For the erection of 25 no. dwellinghouses with associated access, drainage infrastructure, LAP, public open space & landscaping (outline application to determine access, layout & scale only)

15 MARCH 2023

SUMMARY

Fontmell Magna Parish Council have commissioned Jo Witherden BSc(Hons) DipTP DipUD MRTPI of Dorset Planning Consultant Limited to support their objection to the above planning application.

The planning application is to some respect a repeat of a similar outline application (2/2017/2014/OUT) to which the Parish Council objected and which was refused by Dorset Council in May 2019. That earlier application was for 29 dwellings (4 more than the number now proposed) and did not look to establish the scale and layout of the development, although an indicative layout was provided as part of the application material.

Having appraised this new application and the previous reasons for refusal, and considered the current policy context and difference in the two schemes, the key points of objection to this application are:

- **the unsustainable nature of the location and lack of evidence to justify the local need for this development** (with reference to Paragraphs 70, 78, 104, 110 of the NPPF, Policies 2 and 20 of the North Dorset Local Plan and Policies FM10, FM17 and FM18 of the made Fontmell Magna Neighbourhood Plan)
- **the detrimental impact on setting of heritage assets, the character and appearance of the Fontmell Magna Conservation Area** (with reference to Paragraphs 194, 197, 199, 202, 203 of the NPPF, Policy 5 of the North Dorset Local Plan and Policy FM7 of the made Fontmell Magna Neighbourhood Plan)
- **the harm to the setting of the Cranborne Chase AONB and to the local character of the area** (with reference to □ Paragraphs 130, 132, 134, 174 and 176 of the NPPF, Policies 4 and 24 of the North Dorset Local Plan and Policies FM3, FM4, FM5, FM6 and FM8 of the made Fontmell Magna Neighbourhood Plan)
- **the permanent loss of grade 2 agricultural land** (with reference to Paragraph 174 of the NPPF and Policy 4 of the North Dorset Local Plan)
- **the potentially significant harm to biodiversity** (with reference to Paragraph 174 of the NPPF, Policy 4 of the North Dorset Local Plan, and Policy FM2 of the made Fontmell Magna Neighbourhood Plan)

It is acknowledged that, in addition to the reduction in the quantum of development, another key difference is in respect of the status of the Neighbourhood Plan (as it is now more than 2 years on from being made), and the five year housing land supply. This point is also covered in this objection, which highlights that a strategic housing shortfall does not negate the need to carefully consider the development plan policies and the weight that should be applied to them.

Furthermore, the current consultation on changes to the NPPF (a material consideration) will effectively mean that the policies in the Neighbourhood Plan should continue to have full weight until November 2024, and as such this should add weight to these policies in the interim.

Disappointingly, the supporting material provided by the applicant is inadequate to fully assess the implications of the development. For example, there is no detailed information on the scale of development proposed and how this relates to the surrounding land and buildings. The biodiversity mitigation plan does not appear to have been signed by Dorset NET, and details on off-site mitigation are lacking, and the cumulative impact of this development in conjunction with that proposed through the Neighbourhood Plan on the Fontmell Downs SAC has not been

assessed. The landscape impact assessment does not consider the impact on views from the public footpath going through the site, and provides scant evidence on the more detailed assessment / judgements that would normally be required as per the methodology. The heritage assessment has not included an assessment of the many non-designated heritage assets identified in both the Conservation Area Appraisal and Neighbourhood Plan. The agricultural land assessment is flawed with at least some of the data based on an incorrect map location. Concerns are also raised in respect of flood risk and drainage, given the lack of clarity over the proposed facility upgrades identified by Wessex Water and possible issues relating to discharging water from the proposed swale into a road drain which is already frequently overwhelmed in periods of heavy rainfall.

The above points are detailed more fully in the remainder of this objection.

UNSUSTAINABLE NATURE OF THE LOCATION AND LACK OF LOCAL NEED

The following policies are relevant to this issue:

- **Paragraphs 70, 78, 104, 110 of the NPPF**, in particular these emphasise the need for planning policies and decisions in rural areas to “be responsive to local circumstances and support housing developments that reflect local needs”, that “appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location” and “safe and suitable access to the site can be achieved for all users”.
- **Policies 2 and 20 of the North Dorset Local Plan**, which set out the spatial strategy and make clear that development at villages such as Fontmell Magna should be focused within the settlement boundaries and meet local (rather than strategic) needs.
- **Policies FM10, FM17 and FM18 of the made Fontmell Magna Neighbourhood Plan**, which reference the need to ensure suitable connections for safe walking or cycling access to local facilities, and directs new open market housing to locations within the defined settlement boundary (as updated).

The proposed development site is located outside of the settlement of Fontmell Magna. Whilst the village is identified as a larger village in the context of the North Dorset Local Plan, this is to meet local (rather than strategic) needs, as referenced in Policy 2: Core Strategy. The decision on which settlements should be defined as larger villages hinged on an assessment of the population size, range and proximity to services. Background papers to the Local Plan indicate that the inclusion of Fontmell Magna was marginal, in that it had one of the smallest populations amongst the larger villages, but the village was included as it was comparably well served, having a GP surgery, primary school, general stores, post office, community sports, public house, village hall and church, as well as a weekday bus service.

The Officer Report on the previous application noted that the site is, amongst other things, unsuitable for residential development on the grounds that it lies outside the settlement boundary, with limited access to the village facilities, in particular, the primary school, the Village Hall and adjoining playground which are located off West Street on the western side of the village - all of which lie on the other side of the A350 to the application site. The Officer also noted that Mill Street does not have pedestrian walkways either side of its carriageway along or opposite the site’s road frontage until the point west of Collyer’s Rise, and that, whilst the village is on a bus route, services provided are limited, and as such residents will inevitably need to rely on using a private car for many day to day journeys.

All of the above points continue to hold true. Furthermore, Blackmore Vale Partnership closed the branch surgery in Fontmell Magna in March 2020¹, so there are no longer any local

¹ The website <https://thisisalfred.com/community/we-can-get-through-this-shaftesburys-health-centre-makes-changes-to-protect-staff-and-patients-from-coronavirus/> notes the closure “until further notice” and <https://www.blackmorevalesurgery.co.uk/fontmell-magna> confirms that the premises are not currently in use.

healthcare facilities in the village, and the pub closed in August 2022 due to the significant increase in running costs (see extract from Facebook page in **Appendix 1**).

In regard to pedestrian access to services, the intersection of Mill Street with the busy A350 has limited visibility for pedestrians, which presents a high-risk for those attempting to cross at Crown Hill. The Parish Council are aware that the local Speedwatch team have recorded a 30% increase in speeding incidents along the A350 at the south entrance to the village. Buses (albeit infrequent as they are) when stopped at the A350/Mill Street junction further reduce this visibility. It is estimated that it takes approximately 5 seconds from when a vehicle becomes visible to when it would hit a pedestrian attempting to cross - this short time presents a severe challenge for elderly pedestrians (and even for vehicles) crossing the A350. More data on this is provided in **Appendix 2**.

The proposed footway in Mill Street is not shown on a detailed base of the site levels and current highway land, which is necessary to understand the degree to which any engineering works and additional land acquisition may be necessary to achieve the appropriate widths and gradients. The provision of the footway as shown (Appendix D of the Transport Statement) would appear to be within the hedgerow boundary to Fernlea Cottage (there is little highway verge at this point).

A recent appeal decision (reference APP/N1215/W/19/3227814) is relevant as it highlights the fact that a site adjoins a defined settlement boundary does not automatically imply that the location is a sustainable one. This particular appeal was for the residential development of up to 15 dwellings on land South of Churchfoot Lane in Hazelbury Bryan (another 'larger village' in the North Dorset area) and was dismissed at appeal in January 2020². In this appeal, the Inspector considered the distance and issues with the walking / cycling routes to the local facilities, noting that many of the facilities were towards the northern end of this overall settlement, the routes that would be used lacked lighting and footways, making walking or even cycling a less attractive option than the private car. On this basis, despite adjoining what is a larger village, he concluded that proposed location was unsuitable, undermining the possible benefits that would be derived from new homes, and would not constitute sustainable development.

In considering conflict with the policies, it is also relevant to consider the degree to which a local need for this development has been demonstrated. Whilst it is accepted that there is a national need for housing, and that there is a shortfall in respect of the North Dorset Local Plan area against the current housing land supply target, there is no evidence of any local need for this housing. Indeed, the construction of 30 new homes is now nearing completion on an allocated site to the south of the village. A Housing Needs Review of the Neighbourhood Plan has been completed (included as **Appendix 3**) and concludes that:

- the housing target of up to 40 dwellings (as reflect in Policy FM17) remains appropriate and will significantly boost housing delivery compared to the rate of development prior to the Neighbourhood Plan period;
- the plan remains on track to deliver this quantum of development (with added flexibility for barn conversions and for infill within the defined settlement boundary over and above this target), and is also on track to deliver sufficient housing to address current evidence of local need for affordable housing;
- there is no evidence to suggest that there should be any need to identify further sites for housing as part of this first review.

HERITAGE IMPACT

The following policies are relevant to this issue:

- **Paragraphs 194, 197, 199, 202, 203 of the NPPF**, which require a thorough assessment of any heritage assets affected, that great weight is given to the conservation of

² Appeal Ref: APP/N1215/W/19/3227814

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3227814&ColD=0>

designated heritage assets, and even less-than-substantial harm to their significance must be weighed against the public benefits of the proposal.

- **Policy 5 of the North Dorset Local Plan**, which broadly reflects national planning policy
- **Policy FM7 of the made Fontmell Magna Neighbourhood Plan**, which highlights the presence of the locally important heritage assets, and that the proposals must be designed to have due regard to neighbouring buildings, their setting, and the built and natural environment as described in the Conservation Area Appraisal.

The site is located within the Fontmell Magna Conservation Area, and is in close proximity to a number of important heritage assets, including:

- No. 34 Mill Street: Fernlea / Glyn Gift Cottage – adjoins the site (Grade II Listed);
- No. 36 Mill Street (Stumbles) – attached to No.34 (FMNP Map 1 and referenced in the CAA);
- No. 32 Mill Street (Middle Mill) – opposite the site (FMNP Map 1 and referenced in the CAA);
- No. 33 Mill Street – opposite the site (FMNP Map 1 and referenced in the CAA);
- Middle Mill Pump House – opposite the site (FMNP Map 1 and referenced in the CAA);
- Waterside by Collyer's Brook, including the Sheep wash, Stew Ponds and Mill Race / Middle Mill dam and sluice – opposite the site (FMNP Map 6 and referenced in the CAA).

The Officer Report with reference to the previous application noted that development site formed part of the setting of Fernlea Cottage, and was important to its significance, given the presence of the attached hay-store, outbuilding range and field gate into the application site. The Officer noted the narrative provided by the past use of the building and the connection between the building and the pasture (thereby giving the adjacent pasture historic value). They also acknowledged that Fernlea Cottage is an important element within the attractive street-scene and setting of Fontmell Magna, and that there are clear views to the building from footpaths N63/9, which crosses the application site, and N63/10 to the south. The Grade II Listed Building provides aesthetic value to both the street-scene and footpath views, and this would clearly be harmed by the proposed development.

The Officer Report also acknowledge the importance of the historic field pattern (found in this location since C19 and possibly earlier), as having historic value as an example of the close interconnection between the people living in the village and their occupation in the rural landscape.

The conclusion at that time was that the development, however designed, would cause less-than-substantial harm to the setting of the grade II listed Fernlea Cottage, and less-than-substantial harm to the evidential, historic and aesthetic value of the Conservation Area. All of these points hold true. Whilst the proposed layout has sought to set development further back from Mill Street where many of the heritage assets lie, it appears self-obvious that the appreciation of the Conservation Area and these assets will be significantly impacted by the development of the field as viewed walking along Mill street and via the public right of way crossing the development site. Furthermore, as mentioned earlier, the provision of the footway as shown (Appendix D of the Transport Statement) would appear to be within the hedgerow boundary to Fernlea Cottage (there is little highway verge at this point). The sloping nature of the land also brings into question the potential need for retaining walls at this point (including to facilitate the necessary gradients) and the impact that such engineered solutions would have on the character of the lane and Listed Building.

The applicant has not evaluated the significance or impact on the non-listed features in their assessment, which is a serious omission. There has been no attempt to provide visualisation of these impacts in either the LVIA or the Heritage Assessment, despite the layout and scale being fixed at this stage. Indeed there are no accurate plans showing the scale of the proposed development within the context of the wider area and adjoining buildings and paths, which is particularly concerning given the elevated nature of the site in comparison to Mill Street and the surrounding buildings.

AONB AND LOCAL CHARACTER IMPACT

The following policies are relevant to this issue:

- **Paragraphs 130, 132, 134, 174 and 176 of the NPPF**, which sets out the expectation that development should be sympathetic to local character, involve the local community and take into account local design guidance. It also seeks to protect and enhance valued landscape, recognise the intrinsic character and beauty of the countryside, and ensure that the scale and extent of development within the setting of an AONB should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.
- **Policies 4 and 24 of the North Dorset Local Plan**, which requires development to respect, conserve and enhance the natural environment, with particular reference to valued landscapes and the setting of the AONB, and that the design of development improves the character and quality of the area within which it is located, taking into account any local guidelines.
- **Policies FM3, FM4, FM5, FM6 and FM8 of the made Fontmell Magna Neighbourhood Plan**. Policy FM3 seeks to avoid harm to important views. Policy FM4 makes clear that within the visually sensitive area skirting the eastern extent of the village, which would harm the setting or natural beauty of the AONB will not be permitted unless it is clearly in the public interest to do so. Policy FM5 specifically seeks the protection of the character of rural lanes such as Mill Street, and the traditional field and plot boundaries of hedgerows and hedgerow trees. Policy FM6 seeks to conserve and enhance the intrinsic quality of the dark night skies. Policy FM8 requires the layout of new development should generally reflect the pattern of existing village lanes, and that particular regard is had to the sensitive transitional areas lying between the village and the open countryside.

The site falls within the setting of the AONB, a stance supported by the Landscape Officer of the AONB and set out in the Neighbourhood Plan. The Plan explains that this area is highly visible from Open Access Land and visually sensitive, and new built development is unlikely to be acceptable because of the impact it would have on the setting of this nationally important landscape. The supporting text to Policy FM4 notes that landscaping is unlikely to overcome the adverse effects of development in this location. Local landscape features include the presence of small fields (notable features in their own right), together with the hedgerow and hedgerow trees found along the boundaries, and the rural character of the lanes.

The Landscape Officer advice on the previous application was that the introduction of new built form in the rural fields on the site would be likely to have a high magnitude of change on the immediate rural landscape character surrounding the site and the site itself. The potential degree of effect on the local landscape character and the site itself was assessed as being moderate to substantial, with the Case Officer concluding that this would result in an unacceptable degree of harm.

Despite seeking to fix the scale of development at this stage, and suggested 6m wide landscape buffer zones (which appear to be primarily the retained trees and hedgerows plus retained strip of grassland, supplemented with further hedgerow tree planting), there are: no detailed plans indicating scale (the only indication of scale appears to be in relation to the number of storeys); no scaled drawings of elevations in relation to the surrounding development provided; and no evidence provided to indicate the extent to which any landscape planting would mitigate the development from wider views.

The applicant's landscape assessment (LVIA) includes viewpoints 9, 11 and 12, which broadly coincide with views 3, 2 and 1 respectively as shown on Map 5 in the Neighbourhood Plan (under policy FM3). The Neighbourhood Plan makes clear that any harm or negative affect on these views must be resisted. The LVIA acknowledges that two of these three views (photos as taken 2023 supplied in **Appendix 4** of this report) would be adversely impacted by the development, even with their proposed landscape mitigation in place.

- View 9 **FM View 3:** Fontmell Magna and the Blackmore Vale from Brandis Dow
High sensitivity, Medium change (Year 15), Moderate scale of visual effect
- View 11 **FM View 2:** Fontmell Magna and the Blackmore Vale from Littledown
High sensitivity, Negligible change (Year 15), Negligible scale of visual effect
- View 12 **FM View 1:** Fontmell Magna and the Blackmore Vale from Fontmell Down
High sensitivity, Low/Medium change (Year 15), Moderate scale of visual effect

There is no assessment of the change as experienced from within the site (using the public footpath) or directly outside from Mill Lane (although views from either end of the site from Mill Street are assessment to be moderately affected).

Considering the typical descriptors of the landscape effects included in Table 10 – which states that the landscape impact is ‘major adverse’ if the landscape has a high sensitivity and the proposed change would be at variance with the landscape character, the assessment would appear to be an underestimate of the impact, and that the previous conclusions of the Council’s Landscape Officer still hold true. Unfortunately there is little explanation on how some of the judgements made by the applicant were arrived at, given that the methodology in Appendix 1 of their report includes 11 tables, indicating 11 sets of judgement, and this is not replicated as part of the assessment of the site contained in the main body of the report.

What is clear, is that not only would the landscape character change as a result of the development from these viewpoints, but the proposal would alter the character of Mill Street as a rural lane, and urbanise the important traditional field and plot patterns and associated boundaries, which will be experienced within a much more urban context, with the hedgerow line along the lane moved back, away from its historic alignment, and severed within the site. Because of the narrow nature of the historic field patterns and attempt to retain the central hedgerow, the layout it contrived (with a lane on either side of the hedgerow) and does not reflect the pattern of existing village lanes, nor does it achieve a sensitive transition between the village and the open countryside. However designed, the area will also become more visible at night as a result of lighting within the proposed homes. Given all the above, the scheme would result in an unacceptable degree of harm to landscape character, including the setting of the AONB and features of local character.

PERMANENT LOSS OF GRADE 2 AGRICULTURAL LAND

The following policies are relevant to this issue:

- **Paragraph 174 of the NPPF**, which expects development to contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile agricultural land.
- **Policy 4 of the North Dorset Local Plan**, which seeks to direct development to sites that are not the best and most versatile agricultural land.

At the time of the previous application the site was considered to be part Grade 2 and part Grade 4 agricultural land. The former constitutes some of the best and most versatile agricultural land in the country, and is there a much valued resource. Additional evidence has been provided as part of the current planning application suggesting that the site is wholly Grade 4. However this is only based on a desk top analysis and site walkover, rather than any soil sampling. Furthermore, the site area is mis-identified on the map on page three of the report, which has indicated that the information researched on the site is based on a parcel of land to the east side of the Higher Shaftesbury Road (within Fontmell Wood). It is unclear because of the lack of any other data sources whether other significant errors have been made. The reference to EIA also seems to be misleading as this only applies to semi-natural grassland (for sites under 2ha) and is in any event intended to protect rural land in England that is uncultivated or semi-natural from changes in agricultural activities that might cause damage – which would be the outcome if developed for housing.

On this basis, the ‘new’ evidence is considered to be wholly unreliable, and the previous reason for refusal should still stand.

ADVERSE IMPACTS ON BIODIVERSITY

The following policies are relevant to this issue:

- **Paragraph 174 of the NPPF**, which expects development to avoid significant harm to biodiversity, and advises that the presumption in favour of sustainable development should not apply if significant adverse impacts on habitats site (either alone or in combination with other plans or projects) may occur, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site
- **Policy 4 of the North Dorset Local Plan**, which highlights the need to carefully consider the adverse impacts of recreational pressure on the Fontmell and Melbury Downs SAC
- **Policy FM2 of the made Fontmell Magna Neighbourhood Plan**, which identifies the hedgerows surrounding and dissecting the site as important.

The site lies approximately 600m from the Fontmell and Melbury Downs SSSI, which is also designated as a Special Area of Conservation (SAC), and as such is also of international importance. Whilst the proposed development in isolation falls below the trigger of 50 dwellings suggested in the SSSI risk impact zones, the development allocated through the Neighbourhood Plan similarly falls within this zone, and therefore it would be appropriate to consider the cumulative impact in this instance. This cumulative impact has not been fully evaluated in the ECIA (which instead relies on the HRA assessment for the Local Plan, which was based on a strategy that focused development in the larger towns and did not anticipate this scale of development for Fontmell Magna).

At a more local level, the development proposes the translocation of the hedgerow fronting onto Mill Street, and partial loss of the central hedgerow (to create the access through), as well as loss of grassland (of local value). It is assessed as having moderate adverse impacts in relation to habitats of local value, reptiles and bats. Whilst mitigation measures are proposed, including the swale along the frontage onto Mill Street and meadow areas to be managed within the site, the biodiversity plan has not been signed by Dorset NET, and relies on off-site mitigation to compensate for the loss of grassland and scrub habitats, for which no clear projects have been identified.

Another point of concern relates to the loss of two Willow trees within the site, that were not recorded on the tree survey (which refers to an Inspection date of November 2022) and felled in late January this year. The Parish Council is not aware that any application was made to the Council for their felling (despite being in a Conservation Area) and it is not clear whether their loss has been taken into account in the biodiversity metrics.

On this basis, the evidence does not demonstrate that the development will avoid significant harm to biodiversity, as required by the relevant planning policies.

STATUS OF THE DEVELOPMENT PLAN AND PLANNING BALANCE

Dorset Council is currently unable to demonstrate a 5 year housing land supply, based on the requirements of the current NPPF. An appeal decision in July 2022 (APP/D1265/W/21/3289314) estimated that the supply was in the region of 4.6 years, confirming that having regard to paragraph 11(d) of the NPPF, the most important policies for determining the appeal are out-of-date. It is anticipated that the published housing land supply may well be updated shortly to include 2021/2 completions and submissions.

Applying paragraph 11(d) of the NPPF effectively means that a 'tilted' balance in favour of new housing development should be applied when there is a housing shortfall, and that permission should be granted unless either (1) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or (2) 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.

To this end, for (1), the potential harm to the Fontmell Downs SAC, Cranborne Chase AONB and Fernlea Cottage (as a Grade II Listed Building) must all be considered prior to deciding whether to apply the tilted balance. If these points provide a reason for refusal, then the tilted balance should not be applied. Under (2), case law has also made clear that the development plan policies remain relevant and as part of this test, consideration should be given to what weight should be applied to each and every relevant policy, which will depend on the degree to which those policies are consistent with the NPPF. Whilst those policies that strictly apply the spatial strategy may be seen as having reduced weight, this does not undermine the NPPF requirement that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Full weight may still be applied to policies in respect of harm to the landscape, heritage assets, biodiversity etc, which are aligned to the Framework's policies seeking to conserve and enhance the natural and historic environment.

Changes to the NPPF are also being consulted upon, which is a further material consideration. The government intend to "respond to this consultation by spring 2023, publishing the Framework revisions as part of this, so that policy changes can take effect as soon as possible."³ The changes propose include how the tilted balance works when the housing land supply for the Local Plan area is out of date but a neighbourhood plan contains policies and allocations to meet its identified housing requirement (as set out in paragraph 14), as shown below.

14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided ~~all of the following apply~~¹⁰:
- a) ~~the neighbourhood plan became part of the development plan two-five years or less before the date on which the decision is made; and~~
 - b) ~~the neighbourhood plan contains policies and allocations to meet its identified housing requirement;~~
 - c) ~~the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and~~
 - d) ~~the local planning authority's housing delivery was at least 45% of that required¹¹ over the previous three years.~~

⁹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ~~(with the appropriate buffer, as set out in paragraph 74 and its the relevant housing requirement set out in strategic policies is more than five years old, unless these strategic policies have been reviewed and found not to require updating); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years (unless permissions for housing in excess of 115% of the requirement over the same period have been granted, as set out in footnote 49).~~

¹⁰ Transitional arrangements are set out in Annex 1.

¹¹ Assessed against the Housing Delivery Test, from November 2018 onwards.

³ Paragraph 5 <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy#chapter-1---introduction>

The changes would extend the period under which “the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits”, to apply to Neighbourhood Plans that have been made within the last five (rather than two) years. This would mean that, until November 2024, the substantial conflicts with the Fontmell Magna Neighbourhood Plan policies, identified above, would be likely to significantly and demonstrably outweigh the benefits under the tilted balance in paragraph 11d.

MISCELLANIOUS MATTERS OF CONCERN

Whilst it is understood that the previous application was not refused on flood risk grounds, the submitted Drainage Strategy provides very limited information on how sewage will be managed, or the feasibility and timings of the proposed facility upgrades identified by Wessex Water. Also, in relation to the new swale that is proposed along the Mill Street boundary of the site, it is understood that the swale water would need to pass into a road drain, the capacity of which is already frequently overwhelmed in periods of heavy rainfall.

The Parish Council understands that there are private access points from the gardens of Nos. 5 and 8 Collyer’s Rise onto the proposed site, which have been in place since the houses were built in 1979. Whilst this may be a civil issue, the layout as designed would not enable these accesses and presumed rights of way to continue and as such may not be deliverable.

Report and points of objection approved on behalf of Fontmell Magna Parish Council by:

Cllr. Andrew Davis
Chair, Fontmell Magna Parish Council

APPENDICES

APPENDIX 1 - FONTMELL ARMS CLOSURE ANNOUNCEMENT

<https://www.facebook.com/TheFontmell/>

The Fontmell
30 August 2022 · 🌐

It is with a heavy heart and great regret to say that The Fontmell will close with immediate effect other than to honour the bed and breakfast bookings that we already have.

This is not a decision that has been made lightly and we would like to thank all our guests for their support and help over the last 6 and a half years.

Supplier prices have increased to such a point that we are no longer able to pass that cost onto our guests.

Our utilities alone have increased by an extra £58,000 per year.

Until further notice and subject to the above proviso as regards current bookings, the building will remain closed.

John and team

🥺🥹👍 364

134 comments 93 shares

APPENDIX 2 - A350 CROSSING

Photos of the Intersection of Mill Street and the A350

Visibility from the corner of Mill Street looking North along the A350; approx. 5 seconds to cross the A350 from this point.



Visibility from the corner of Church Hill looking north along the A350; approx. 5 seconds to cross the A350 from this point.



Visibility from the corner of Mill Street looking south along the A350; approx. 5 seconds to cross the A350 from this point.



Sight-lines and Crossing Times for the Mill Street/A350 Intersection

The diagram shows the sight lines from Point A, at the corner of Mill Street and the A350, and Point D, at the corner of Crown Hill and the A350, to the point at which a vehicle becomes visible coming from the south and from the north.

The length of sight lines AB, AC, DE and DF was measured using Parish Online mapping software. The table below shows the time taken for a vehicle travelling at 30mph and 20mph to travel these distances.

Sightline	Length	Time taken to travel to crossroads	
		At 30mph	At 20mph
AB	62.03yds	4.23secs	6.34secs
AC	79.87yds	5.45secs	8.17secs
DE	73.46yds	5.01secs	7.51secs
DF	66.73yds	4.55secs	6.83secs



Date Created: 21-9-2017 | Map Centre (Easting/Northing): 386730 / 116871 | Scale: 1:695 | © Aerial Imagery - www.getmapping.com

APPENDIX 3

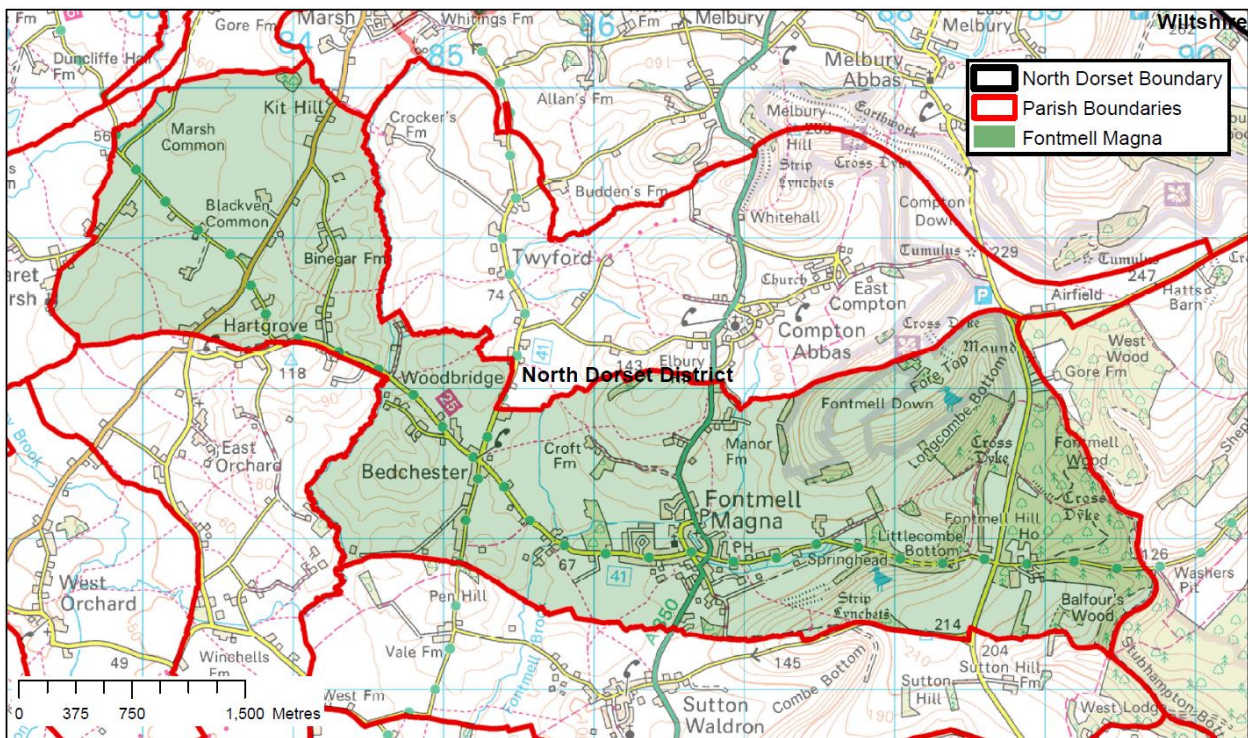
FONTMELL MAGNA NEIGHBOURHOOD PLAN REVIEW

HOUSING TARGET PAPER

27 FEBRUARY 2023

This paper looks at assess whether the housing target for the Fontmell Magna Neighbourhood Plan remains a robust basis for the plan.

NEIGHBOURHOOD PLAN AREA (DESIGNATED JUNE 2016)



Name of the neighbourhood area

Fontmell Magna Neighbourhood Area

Designation date

Consultation Draft

Organisation who made the application

Fontmell Magna Parish Council



NEIGHBOURHOOD PLAN PERIOD

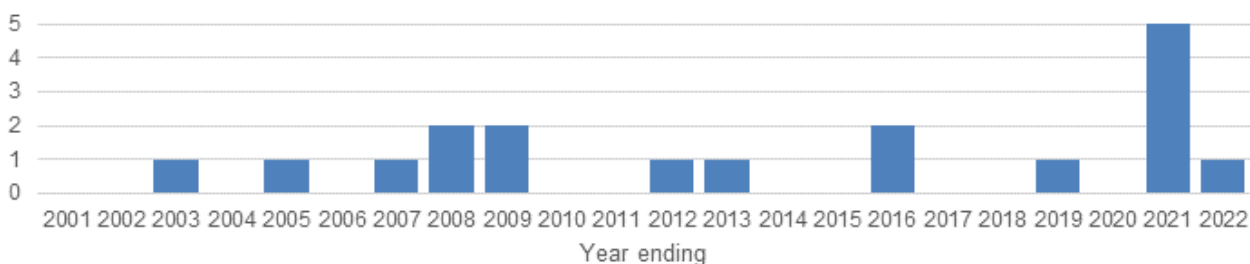
The Plan period runs from 2017 to 2031 (14 years in total).

PAST GROWTH RATES

Past growth rates provide an indication of the level of development that has taken place, and therefore what level of development could be expected to come forward with no intervention.

Detailed monitoring records on dwelling completions are available from 2000/1⁴. At the time the Neighbourhood Plan was being prepared, building rates had averaged around 0.6 dwellings per annum, ranging up to a maximum of 3 completions in any year. Updating this to include more

Dwelling Completions (net) Fontmell Magna parish



recent completions (to 2021/22) gives an average of 0.8 dwellings per annum, ranging up to a maximum of 5 completions in any year.

This includes **7 completions** from the start of the Neighbourhood Plan period (April 2017) to March 2022, detailed in the table below:

Year	Application	Address	Description	Dwellings
2018-19	2/2018/1822/ FUL	Little Hartgrove Farm, Gupples Lane, Hartgrove	Change of use outbuilding to dwelling (retrospective).	1
2019-20				-
2020-21	2/2018/1235/ AGDWPA	Barn At Gupples Lane, Hartgrove	Conversion of agricultural buildings into 1 No. dwelling	1
	2/2018/1260/ FUL	Land South of Little Orchard, Parsonage St	Erect 1 No. dwelling; detached garage etc	1
	2/2019/0840/ FUL	Gupples Farm, Gupples Lane, Hartgrove	Erect 3 No. dwellings, 2 No. car barns, form access etc	3
2021-22	2/2012/1049/ PLNG	Green Farm, Marnhull Road, Margaret Marsh	Replace temporary agricultural workers dwelling	1

AFFORDABLE HOUSING NEEDS

Affordable housing is defined in the National Planning Policy Framework⁵ and includes a range of affordable housing types, from social rented through to starter homes and discounted sale (where the property is sold at a discount of at least 20% below local market value, and this discount was carried forward in future sales). There is also an overlap between affordable and open market housing due to the role of the private rented sector in meeting the housing needs of those that can afford such private rented homes (with or without housing benefit) but are unable to afford the deposit or qualify for a mortgage to be able to become a home owner.

At around the time that the Neighbourhood Plan was being produced (February 2017), Dorset Council's Housing Register had identified 14 households interested in finding accommodation in Fontmell Magna, although the majority (11) of these did not put Fontmell Magna as their

⁴ The data was researched as part of the previous Housing Needs Assessment for the made Neighbourhood Plan, based on previous monitoring records published by Dorset County Council up to 2014, and monitoring records since 2015 supplied by Dorset Council.

⁵ <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

preferred choice, and most of the demand came from those currently living in Shaftesbury. The mix of house types needed were 1 – 3 bedroom.

Dorset Council undertook a major overhaul of their Housing Register in late 2021 following a refresh of the allocation policy, which required households to re-register (therefore eliminating households that were on the register but no longer in actual need), still focused on looking for rent. An update from the Register was requested in February 2022, and this identified 5 households who would qualify for an affordable home and who had declared a connection to Fontmell Magna, with a further 1 application not yet assessed. The mix of house types needed were 1 – 3 bedroom. There were also other households with no local connection who had expressed an interest in Fontmell Magna as one of their preferred areas.

Households with a local connection to Fontmell Magna on the Housing Register February 2023	Affordable dwellings needed				
	1 bed	2 bed	3 bed	4 bed	5 bed
Band A - Urgent Housing Need	-	-	-	-	-
Band B - High Housing Need	1	-	-	-	-
Band C - Medium Housing Need	-	-	-	-	-
Band D - Low Housing Need	3	-	1	-	-
n/k (to be assessed)	1	-	-	-	-

The majority of those on the housing register are looking for affordable rented accommodation. It is difficult to assess how many households may need affordable home ownership tenures, but this is likely to come primarily from those currently housed in the private rented sector, and there may be some overlap with those in Band D (lowest housing need).

The latest viability evidence⁶ suggests that major development sites (of 10 or more dwellings) should be sufficiently viable to provide 35% of the housing mix as affordable homes, including some social rented homes for those in greatest need and allowing for higher standards of design and sustainability. This is not dissimilar to the 40% affordable housing requirement for rural areas as tested under the adopted Local Plan.

ADOPTED LOCAL PLAN

The current adopted North Dorset Local Plan (2016)⁷ sought to address the housing needs of the wider area as part of its housing strategy, policies and allocations. This was based on a housing needs assessment from 2012⁸.

The Local Plan does not identify a specific housing need figure for the neighbourhood plan area of Fontmell Magna, or for the village. However, it does set out a housing need figure for rural areas outside the four main towns. Over the period 2011 to 2031, it states that at least 825 dwellings out of a minimum of 5,700 dwellings district wide will be built in Stalbridge and the eighteen villages (of which Fontmell Magna is one).

⁶ Dorset Local Plan Viability Assessment, May 2022, Three Dragons <https://www.dorsetcouncil.gov.uk/-/dorset-council-area-viability-assessment> - where the Neighbourhood Plan area falls within the Dorset West and Central market area

⁷ North Dorset Local Plan Part 1 2011 -2031, January 2016, North Dorset District Council <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/adopted-local-plans/north-dorset-adopted-local-plan>

⁸ Bournemouth / Poole Housing Market 2011 Strategic Housing Market Assessment Update, January 2012, JG Consulting in association with Chris Broughton Associates <https://www.dorsetcouncil.gov.uk/documents/35024/285432/Summary+Report+for+North+Dorset+District+Council.pdf/d2f99ec9-4da0-3d6b-6442-0aac54a78480>

To establish the specific Local Plan housing need target for Fontmell Magna, we can look at what this would mean applying this rural target on a pro-rata basis. The pro-rata apportionment is therefore based on Fontmell Magna's percentage of the total 'Stalbridge and more sustainable villages' housing stock in North Dorset (as existing at the beginning of the plan period), multiplied by the rural area target. The process for calculating this (based on households as the more appropriate indicator than population) is set out below:

Step 1: 2011 'pro rata' estimate

Total household spaces in Fontmell Magna [334] ÷ Total household spaces in Stalbridge and the 18 villages [9,045]

= 3.69%

Step 2: applying the 'pro rata' estimate to the rural target

Rural target [825] x Pro-rata amount [3.69%]

= 30 - 31 dwellings for the period 2011 - 2031

Step 3: deduct completions for years prior to start of plan period

Target [30 - 31] – Completions between 2011/12 – 2016/17 [4]

= 26 - 27 dwellings for the period 2017 - 2031

ADJUSTMENT: LATEST HOUSING NEEDS ASSESSMENT (DORSET COUNCIL)

At the time of making the Neighbourhood Plan, an uplift was applied to this target based on the most recent housing needs assessments (looking at the 2015 housing needs assessment). This further step resulted in a proposed uplift of 15.8%, that suggested a housing target in the region of 30 dwellings.

Data from the published Local Housing Needs Assessment for the emerging Dorset Local Plan⁹ calculated a potential housing figure for the North Dorset area as 332dpa¹⁰ - this is an uplift of approximately 16.5% compared to the adopted Local Plan target of 285dpa (slightly higher than uplift applied at the time that the Neighbourhood Plan was made).

These statistics can be updated further, based on more recent data from the Office for National Statistics (ONS), which includes updated median house prices, median workplace-based earnings, and the ratio between the two (as 11.00)¹¹. Based on this latest information, the housing need figure for North Dorset calculated using the standard method figure for 2022 onwards would be 377dpa. The calculation is shown below:

Step 4a - projected household growth

34,631 - 32,009 (anticipated household growth in North Dorset between 2022/3 to 2032/3)

= 2,622 over 10 years

= 262dpa

Step 4b - affordability adjustment

Adjustment of $((11.00 - 4) \div 4) \times 0.25 + 1 = 1.4375$

Applied to projected household growth = [262dpa] x 1.4375

⁹ [Dorset and BCP Local Housing Needs Assessment](#), Icen Projects Limited on behalf of Bournemouth, Christchurch and Poole and Dorset Council, November 2021

¹⁰ the household growth figure (set out in Table 5.2) is 264 dwellings per annum. The report then factors in an affordability adjustment (set out in Table 5.3), which raises the figure to 332. It then considers whether this exceeds the 40% 'cap' at that level (Table 5.4), which it does not do.

¹¹ Available from

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningsforformerlocalauthorities>

= 377dpa

Step 4c - capping adjustment

Capped at the higher of either:

40% above the projected household growth = $262 \times 1.4 = 367\text{dpa}$; or

40% above the Local Plan housing requirement figure = $285 \times 1.4 = 399\text{dpa}$.

As such, it would not be applicable to apply a cap (as 399dpa exceeds the revised target)

Retaining the adopted spatial strategy, the latest housing need assessment would suggest an 'uplift' of 32.3% (based on the difference between 285dpa and the revised rate of 377dpa from Step 2). As such, the overall target for the current Neighbourhood Plan period would be as follows:

Step 4d – Uplift applied to Fontmell Magna Local Plan-based target

Proportional uplift = $(377 - 285) \div 285$

= 32.2%

Applied to Fontmell Magna's pro-rated share (26.5 dwellings for the period 2017 – 2031)

= 26.5×1.322

= 35 dwellings for the period 2017 - 2031.

As seen in Step 2, the overall target includes an affordability uplift.

EMERGING LOCAL PLAN

Only limited weight can be afforded to the emerging Dorset Local Plan¹² at present, given its early stage (the plan is not expected to be examined until 2025¹³). Nonetheless, it is useful to consider the early draft plan to understand whether it would suggest a different strategy.

The first draft of the emerging Dorset Local Plan includes an indicative housing requirement figure for Neighbourhood Plans areas such as Fontmell Magna, based on the existing completions and commitments, any adopted housing allocations (including those in made Neighbourhood Plans), capacity on major sites (of 10 or more dwellings) within development boundaries as evidenced through the SHLAA, plus a windfall allowance based on past trends on small sites (i.e. excluding major development and based on the data from 2013/14 onwards, projected forward for Year 4 onwards). The published draft plan (Appendix 2) gives a figure of 62 dwellings for the Fontmell Magna Neighbourhood Plan area using this method, which would apply for the proposed Local Plan period (April 2021 – March 2038). **Dorset Council planning officers have confirmed that this housing target is not dependent on making any further site allocations to meet the indicate Local Plan housing target for Fontmell Magna.**

For completeness, a pro-rata apportionment based on the comparative size of Fontmell Magna to the rest of the Dorset Council area (based on the latest available Census data), has been tested, but this does not take into account the focus of the proposed strategy on the main towns and strategic site allocations. The calculation is shown below:

Step 1: 2021 'pro rata' estimate

Total households in Fontmell Magna (2021) [302] \div Total households in Dorset [169,300]

= 0.18%

¹² The first (and only) draft to be published is the Dorset Council Local Plan Options Consultation, January 2021, Dorset Council <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-council-local-plan/about-the-dorset-council-local-plan-january-2021-consultation>

¹³ The Local Development Scheme for Dorset Council, October 2022, Dorset Council <https://www.dorsetcouncil.gov.uk/documents/35024/282495/Dorset+Council+Local+Development+Schem e+-+October+2022.pdf/dae6a342-c6f2-a946-8cf2-3bdb87ef56ed>

Step 2: applying the 'pro rata' estimate to the Local Plan target

Applied to Local Plan target 1,793 x 0.18%

= **3.2dpa** (suggesting a target of 45 dwellings over a 14 year plan period).

It is recognised that the emerging Dorset Local Plan target will be revised in the next version of the plan based on the latest available housing figures and standard methodology, however it is also noted that the Government has indicated as part of its latest consultation (December 2022)¹⁴ that the standard method is due to be reviewed in 2024 after the new household projections data based on the 2021 Census are published, and that they are considering making it clearer that the derived figure is advisory and what demographic and geographic factors may be used to demonstrate exceptional circumstances to deviate from this.

Whilst only limited weight can be afforded to the emerging Dorset Local Plan and the above calculations, it would appear clear from this light-touch analysis that there is no apparent reason to assume that the strategy for the area will change in any significant way.

HOUSING SUPPLY

In the period from April 2017 to March 2022, monitoring data confirmed by Dorset Council records 7 dwelling completions. Together with the following extant permissions¹⁵ and existing site allocations, there is a demonstrable housing supply of at least 45, and up to **55 dwellings** for the plan period (from 2017 to 2031), including at least 12 affordable housing units:

Address	Application Ref / Allocation	Granted	Dwellings	AH
Completions			7	
Home Mead Cottage, 8 North Street	2/2015/0459/FUL	29/01/2016	1	
Buildings At Lower Hartgrove Farm, Green Lane, Stour Row	2/2020/1025/FUL	27/01/2021	4	
Middle Farm, Lurmer Street	2/2017/1856/FUL	14/08/2018	3	
Land south of Home Farm	2/2020/0577/FUL NP allocation FM19: Site 20	07/01/2022	30	12
Blandfords Farm Barn	NP allocation FM20: Site 22		up to 10	tbc
TOTAL			45 - 55	12+

All of the permitted developments are extant (having made a material start), with the largest site (land south of Home Farm) being built by Pennyfarthing Construction Ltd, a local housebuilder. This large site was based on the Neighbourhood Plan site allocation and included a direct benefit to the village (through the provision of a parking areas for the school) together with affordable housing (a legal agreement (S106 planning obligation) has been signed and the developer will provide not less than twelve (12) of the dwellings as affordable housing units, of which at least half (6) will be affordable rented homes). The remaining site allocation (Blandfords Farm Barn) is identified for self/custom-build housing, or affordable housing.

In addition, the plan also considered that there were potential opportunities for one or two small scale rural exception sites to come forward under the Local Plan policy, should a demonstrable need over and above that being brought forward through the site allocations be needed. At the present time such need is not apparent.

HOUSING TARGET CONCLUSIONS

The current made Neighbourhood Plan includes provision for up to 40 dwellings to be built in Fontmell Magna between 2017 and 2031. Policy FM17 makes clear that, unless a countryside

¹⁴ <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

¹⁵ Excluding the two permissions for replacement dwellings, ref 2/2009/0229/PLNG and 2/2017/0224/FUL:

location is essential, new open-market development should take place within the defined settlement boundary, on allocated sites, or through the re-use of existing buildings in line with national policy where their existing use is no longer required. This was considered a sustainable strategy and amount of growth by the Inspector, who considered in detail how the housing target had been calculated and the site allocation process. It will significantly boost housing delivery compared to the rate of development prior to the Neighbourhood Plan period.

Taking into account the most recent data on housing need, the housing target of up to 40 dwellings remains appropriate, and the plan remains on track to deliver this quantum of development (with flexibility for barn conversions and for infill within the defined settlement boundary over and above this target). It is also on track to deliver sufficient housing to address current evidence of local need for affordable housing. There is no evidence to suggest that there should be any need to identify further sites for housing as part of this first review.

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APPENDIX 4 –IMPORTANT VIEWS FROM FONTMELL DOWN / STRIP LYNCHETS

View from Fontmell Down



View from Strip Lynchets

