
Appeal Decision

Site Visit made on 26 July 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/D1265/W/21/3267634

64 Station Road, Alderholt, Dorset SP6 3RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Quest Estates against Dorset Council.
 - The application Ref 3/20/1219/FUL, is dated 16 July 2020.
 - The development proposed is to demolish the outbuilding; sever land; erect a pair of detached dwellings to the rear; and erect garage and parking to serve No.64 Station Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The planning application was not determined by the Council before it was appealed. From the Council's Appeal 'Statement of Case', Planning Officer Report, interested party correspondence and all the other evidence submitted, I would regard the main issues as being the effect of the development on (1) parking provision and highway safety, and (2) the integrity and value of the Cranborne Common Site of Special Scientific Interest (SSSI) (which is also part of the Dorset Heathlands Special Protection Area (SPA), the Dorset Heaths Special Area of Conservation (SAC) and the Dorset Heathlands Ramsar) and the River Avon SAC/Avon Valley SPA/Avon Valley Ramsar designations.

Reasons

Parking Provision

3. The site is to the edge of the village. The proposal includes one parking space and a garage to serve each proposed property and one parking space and one garage space for the parent dwelling. The Council states that the Dorset Residential Car Parking Study Calculator sets a requirement for two additional spaces for this development, such as a visitor space and an unallocated space.
4. Whilst I accept that the proposal may lead to some on-street parking, this is unlikely to be in any significant numbers (such as for visitors, for example). From my observations there are opportunities for parking along Station Road, without resulting in highway safety issues. As such, I would regard there as being adequate parking provision for the proposed development in these circumstances, with a condition for cycle parking also possible to provide some sustainable transport options. The proposal is in broad accordance with policy

KS12 of the Core Strategy, which has regard to provision of parking for developments.

International Ecology Sites

5. As described by the third reason for refusal of the planning application, there is an issue where phosphates are adversely affecting the River Avon Special Area of Conservation (SAC), Avon Valley SPA and Avon Valley Ramsar, as set out by Natural England (NE). The site is within the catchment of the River Avon. Additional residential development within this catchment could result in increased levels of phosphate/nutrients entering the River Avon catchment system, thereby worsening the situation which is already considered unfavourable.
6. The River Avon SAC is designated for its important and diverse species of wildlife that depend on the good water quality such as the Avon. This SAC is particularly vulnerable to the effects of pollutants including phosphate which may enter the river via sewage treatment works for example. In this case, the development of just two dwellings could, in combination with other developments of housing in the catchment, have the effect of deteriorating the quality of River Avon waters, which is important to wildlife species.
7. An appropriate assessment must be undertaken to ensure there is no reasonable scientific doubt as to the effects of the proposal, in combination with other developments. Natural England advise that all new residential developments, including those of a smaller scale, within the catchment should achieve 'nutrient/phosphate neutrality'. If they do not, then additional phosphate loads could enter the water environment causing significant adverse effects on the River Avon SAC/SPA/RAMSAR.
8. Whilst a relatively minor development in scale, without mitigation there could be significant adverse effects on the integrity of the River Avon habitat which could arise in combination with other plans or projects. As the proposal would be an increase of two dwellings on this site there could be an increase in phosphate. Nutrient neutrality has not been demonstrated as possible with this development by the appellant.
9. The appellant is suggesting the use of a 'Grampian' condition requiring a mitigation to address the additional nutrient/phosphate output arising from the development. However, there is no substantive evidence of mitigation that could adequately address this issue, either currently or in the near future. As this substantial uncertainty remains, it would not be reasonable or adequate to use a 'Grampian' style condition to try to address this issue as it would not provide sufficient assurance for me, as the competent authority, that the proposal would not adversely affect the integrity of this valuable habitat arising from the development.
10. Without detail of a mitigation package or how nutrient/phosphate neutrality can be achieved at this stage or any other evidence that could persuade me that the development would not affect the River Avon ecological designated sites, then there is a considerable amount of uncertainty remaining. An appropriate assessment must consider detailed mitigation proposals at this decision stage, which is not before me. As such, I cannot conclude with any clear certainty that, following the conclusions of this appropriate assessment, the adverse effects on the integrity of the River Avon would not arise from the

- development, in combination with other developments within the River Avon catchment area.
11. For this reason, the proposal would therefore conflict with policy ME1 of the Christchurch and East Dorset Core Strategy, which requires that development protect, maintain and enhance internationally designated sites such as the SAC, amongst other things.
 12. The application site also lies within 5km but beyond 400m of Dorset Heathland SPA (Special Protection Area), the Dorset Heaths SAC (Special Area of Conservation) and RAMSAR sites. There are also Sites of Special Scientific Interest within 5km. There could be an adverse impact to this important ecological site through increased housing in the area through recreational pressures. This would be as a result of more people living in the area and potentially visiting the nearby heathlands, with the recreational pressures this is likely to result in. This impact would be in combination with other plans and projects.
 13. Other projects include the potential housing which could be built through unimplemented planning approvals which have been highlighted by NE and the Council. The new housing which could be built under these permissions and in combination with the increase in dwellings at this site would likely result in an increase in future recreational impacts to the SAC and SPA, for example.
 14. As set out within the Dorset Heathlands Planning Framework 2020 - 2025 (Supplementary Planning Document) SPD, in many cases Dorset Council would collect a standard contribution towards a Strategic Access Management and Monitoring (SAMM) through CIL. However, the SPD states that the threshold for the number of homes that trigger the requirement to provide a Suitable Alternative Natural Greenspace (SANG) is "around 50", such as through a settlement extension. NE state that in considering an extant approval and the two additional houses in this appeal "the combined number of additional dwellings is over 65 without considering other applications in the vicinity". I have no substantive evidence to the contrary.
 15. Although the proposal would only result in an additional two dwellings, this would increase the housing numbers which would clearly be over the threshold of "around 50" that the SPD sets and so a Heathland Infrastructure Project (HIP) such as a SANG should be secured to provide suitable mitigation for these developments. Due to the level of housing that could be built in the vicinity a contribution towards SAMM would not be sufficient. I understand that there are plans for a SANG, but this is not developed as yet, and it is not clear whether there would be capacity for this appeal development to contribute towards it.
 16. The appellant has also drawn my attention to other projects (such as a SANG in Fordingbridge) not far from the appeal site, which they state the appeal scheme could contribute towards to mitigate its impacts. However, there is a lack of evidence that this is possible or how this would be achieved. There is significant uncertainty, therefore, that a contribution to a project elsewhere is either possible or would sufficiently mitigate the recreational pressures on the Heathlands from this proposed housing development, based on the evidence before me.

17. With this level of uncertainty over the possibility of a SANG contribution this has meant there is no appropriate measure of mitigation proposed for this development of two houses that can be relied upon, contrary to the advice of NE and also not in accordance with the SPD.
18. As with the River Avon SAC phosphate issue, the use of a 'Grampian' condition requiring mitigation would not provide sufficient certainty at this stage over the course of mitigation that would be taken. There is no substantive evidence of mitigation deliverable within the timescale of the permission that could adequately address this issue and safeguard the Heathlands against additional recreational pressures from occupants of the proposed dwellings (in combination with other developments).
19. As competent authority for the purposes of the Habitats Regulations, I cannot be satisfied that the proposal would not have an adverse effect on the integrity of the Dorset Heathlands. Consequently, the proposed development would have a potential adverse effect on the Heathland sites and would conflict with policy ME2 of the Christchurch and East Dorset Core Strategy which requires that development provide suitable mitigation where necessary to avoid harmful effects to the heathlands. The proposal would also conflict with the Dorset Heathlands Planning Framework 2020 – 2025 SPD on this matter, which is also referred to in policy ME2.

Planning Balance

20. The appellant states that there is a shortfall in the housing land supply provision. However, paragraph 182 of the Framework states:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."
21. Therefore, even if there is a lack of sufficient housing land supply in the area, as the proposal would have a harmful impact to a habitat site, the Framework in paragraphs 11 and 182 makes clear that the 'tilted balance' in favour of the development does not apply.
22. Nonetheless, the proposal would result in the provision of two additional dwellings towards the local housing supply. There would be economic benefits from the construction of the dwellings and from spending by future occupants in local businesses. This development could be considered an efficient use of the site, with some biodiversity enhancements. These benefits, amongst other potential benefits as raised by the appellant, would be limited as only two dwellings are proposed. Therefore, such cumulative benefits would be significantly and demonstrably outweighed by the harm to the River Avon/Dorset Heathland as internationally important and valuable ecological sites and habitats.

Conclusion

23. For the reasons given above, having regard to all matters raised, the appeal should be dismissed due to the potential adverse impacts to the international/national nature conservation sites such as the River Avon and Cranborne Common/Dorset Heathlands.

Mr S Rennie

INSPECTOR

