



Appeal Decision

Site visit made on 10 January 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/D1265/W/22/3294500

Beacon Hill Farm, Wareham Road, Corfe Mullen, Dorset BH21 3RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Parker against the decision of Dorset Council.
 - The application Ref 6/2021/0071, dated 27 January 2021, was refused by notice dated 9 November 2021.
 - The development proposed is described as, *'The building is near completion as a farm shop and offices (as approved). Unfortunately, due to covid and other unforeseen circumstances the business is no longer viable. Our client therefore is looking to change the building into a bed and breakfast. Hopefully then able to recover the costs of conversion'*.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken directly from the application form. There is a dispute between the main parties about the proposed use. The appellant considers it would be sui generis or a C1 use whereas the Council determined it as a C3 holiday let. The evidence before me indicates that a lounge, dining room and kitchen would be provided. This degree of self-containment goes beyond a bed and breakfast use by enabling occupiers to cater for themselves for the duration of their stay. Therefore, I have determined the appeal on the basis that it would result in the provision of self-catering holiday accommodation.
3. The emerging Purbeck Local Plan is at an early stage of preparation and therefore its policies carry very limited weight in this appeal which I have determined having regard to the relevant policies in the Purbeck Local Plan Part 1 Adopted November 2012 (LP).

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the integrity of the Dorset Heathlands Special Protection Area (SPA).

Reasons

5. The appeal site falls within the 400 metres buffer zone of the Dorset Heathlands Special Protection Area (SPA), Special Area of Conservation, Site of Special Scientific Interest and Ramsar Site containing protected priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes.

6. Natural England were consulted as part of my determination of this appeal. Although no response was received, the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document dated April 2020 (SPD) was prepared with advice from Natural England. It sets out that the special qualities of the SPA are being damaged from the activities of people living nearby or visiting the area. As such, the SPD sets out the strategy of restrictions on development within the 400 metres heathland area and requires mitigation for developments within the 400 metres and 5km heathland area.
7. The appeal site lies within the former and Figure 3 in the SPD is clear that self-catering accommodation is not permitted within 400 metres because the effects arising from such development cannot be mitigated. This approach is also expressed in Policy DH of the LP.
8. As a result, the appeal proposal would have a likely significant effect, alone and in combination with other plans and projects in the area, on the integrity of the SPA that cannot be mitigated. The proposal would therefore conflict with Policy BIO and Policy DH of the LP insofar as they seek to ensure that there are no adverse effects upon the integrity of the SPA.

Other Considerations

9. As there are farm animals on site, visitors would not be permitted to bring pets. However, that would not prevent the risk of harm to the SPA arising from an increase in the number of people visiting and staying close to the protected area. I accept that some of the users of the proposed accommodation would stay for reasons other than being on holiday and may have limited time or opportunity for recreation. However, given the appeal site's proximity to the SPA, it would be an attractive proposition and could not be prevented through any planning controls. Whilst secure fencing around the perimeter of the site could prevent animals straying onto the SPA, it would not confine visitors to the appeal site. The suggested shortfall in overnight accommodation locally has not been evidenced but in any event, none of these options would prevent potential harm to the SPA. This confirms that no acceptable means of mitigation can be provided in this case.
10. The appeal site also lies within the Recreation Zone of the Poole Harbour Special Protection Area and Ramsar site which supports internationally important bird populations including migratory species. As such, mitigation measures would be required to address the adverse effects of recreational pressure on the protected site. However, given my findings on the main issue, it is not necessary for me to consider this further.
11. The appellant's financial circumstances and manner in which the Council dealt with the planning application are not matters which can be taken into account in my assessment of the planning merits of this appeal.

Conclusion

12. The proposed development would be contrary to the development plan and the Habitat Regulations and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Alison Fish

INSPECTOR