



Appeal Decision

Site visit made on 22 October 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2024

Appeal Ref: APP/D1265/W/23/3335315

Innisfree, Burts Lane, Mannington, Wimborne, Dorset BH21 7JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Thomas Brickell against the decision of Dorset Council.
 - The application Ref is P/HABR/2023/04755.
 - The development proposed is Regulation 77 of the Conservation of Habitats and Species Regulations 2017 for a small eco-campsite to be open from April to September.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the appellants details and site address from the appeal form as there was no formal application form. I have taken the description from the Council's decision notice as it succinctly describes the appeal proposal.

Background and Main Issue

3. From the evidence submitted, I understand that a campsite currently operates from the land for not more than 28 days in any calendar year. The appeal relates to the operation of a campsite offering ten pitches for tented camping and five pitches for small camper vans under Schedule 2, Part 4, Class BC of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) for not more than 60 days in total in any calendar year.
4. Article 3(1) of the GPDO grants planning permission for classes of development subject to Regulations 75-78. This prohibits commencement of any 'permitted development' that would affect a European Site until such time as the Council provides a written notification of approval of a Regulation 77 application. Regulation 77 approval can only be given if the development is not likely to have a significant effect on a European Site or would not lead to an adverse effect on the integrity of any such site.
5. Accordingly, the main issue in this appeal is the effect of the proposed development on the integrity of the Dorset Heathlands Special Protection Area and the Dorset Heath Special Area of Conservation.

Reasons

6. The Dorset Heaths Special Area of Conservation (SAC) is designated for its rare and vulnerable wet and dry heathland habitats, which support the southern

damselfly. The Dorset Heathlands Special Protection Area (SPA) supports heathland bird species including nightjar, Dartford warbler and woodlark during the breeding season, and hen harrier and merlin over winter. Together, these are European designated sites which form an extensive network of lowland heath recognised for their national and international importance for nature conservation.

7. The Dorset Heathlands Planning Framework 2020-25 is a Supplementary Planning Document (SPD) adopted April 2020, prepared with advice from Natural England. It sets out that an increase in residential development has had an adverse effect on the heathland ecology. The main effects arising from this are set out in Figure 1 of the SPD and is based on evidence collected since 2007.
8. The evidence presented both by the Council and the appellant shows that the land identified in red as the appeal site, would be within 400m of the Holt and West Moors Heath Site of Special Scientific Interest (SSSI) which is part of the designated SAC and SPA. Figure 3 in the SPD states that touring holiday accommodation is not generally permitted within 400 metres of the SPA or SAC because the effects arising from such development cannot be mitigated. However, the SPD¹ is clear that each proposal should be assessed on a case by case basis. Further advice is provided in Appendix 2 of the SPD.
9. In respect of this appeal, there is no public access to the Holt and West Moors Heath from the appeal site. For this reason, many of the urban effects set out in Figure 1 of the SPD, such as disturbance and trampling would not arise from the appeal proposal.
10. However, the appeal proposal would lead to increased visitor numbers and therefore the increased use of roads surrounding the SAC and SPA. Amongst other things, Figure 1 of the SPD refers to fire risk from car thrown cigarettes, pollution or enrichment causing vegetation change in transport corridors, road kills increasing mortality rates and noise and light pollution from vehicles all having an urban effect on the SAC and SPA. Taking a precautionary approach, I find that these urban effects could arise from the operation of the proposed campsite. Accordingly, 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 SAC and SPA. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), I am required to carry out an Appropriate Assessment.
11. I do not doubt that the appellant's management of the site has had a positive impact on the immediate environment in terms of its flora and fauna nor that they are committed to operating the campsite in an environmentally considerate manner including offering extensive recycling options. However, this would not mitigate the likely significant effect on the integrity SPA and SAC from increased urban pressures that I have identified above.
12. The appellant has referred me to correspondence they received from Natural England². However, this relates to proposed operations on land within an SSSI which is not relevant to the proposal before me.

¹ Paragraph 4.5 of the SPD

² Email dated 6 October 2022 from Lead Advisor, East Dorset Team

13. I therefore conclude that the appeal proposal lies within 400m of the SAC and SPA and would have a likely significant effect, alone and in combination with other plans and projects in the area, on the integrity of the SAC and SPA that cannot be mitigated. I have considered whether there are any imperative reasons of overriding public interest but there are not.

Conclusion

14. The proposal would be contrary to the Habitat Regulations. Accordingly, for the reasons given, the appeal must fail.

Alison Fish

INSPECTOR