



Appeal Decision

Site visit made on 10 December 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2025

Appeal Ref: APP/V1260/W/24/3339959

Ebenezer Cottage, 41 Old Wareham Road, Poole BH12 4QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Tracey Sturgess against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00772/F.
 - The development proposed is the erection of annexe to provide additional ancillary habitable accommodation that can be rented out separately to the main dwelling on a short-term basis.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the location of the appeal site is suitable for the proposed development having regard to the local development strategy on the uses appropriate within an employment area;
 - the effect of the proposed development on the living conditions of occupiers of Ebenezer Cottage (the host property), with particular reference to privacy and the provision of private outdoor space;
 - whether future occupiers of the proposed development would experience acceptable living conditions, with respect to privacy, private outdoor space, internal space, bicycle and bin storage, car parking and noise; and
 - whether the proposed development would be likely to have a significant effect on the integrity of the Dorset Heathlands, including the Special Protection Area (SPA) and the Dorset Heaths Special Area of Conservation (SAC), and the Poole Harbour SPA.

Reasons

Location

3. The appeal site is located within an existing employment area that is safeguarded by Policy PP16 of the Poole Local Plan (the Local Plan) for uses which generate employment and which are appropriate to the location. In addition to employment uses, other appropriate development may include those that have a close association with neighbouring businesses, those that would not be appropriate in more sensitive locations or due to the lack of suitable alternative sites. None of these circumstances apply to the appeal scheme.

4. In addition, it has not been demonstrated that the use of the proposed glamping pod as a separate unit of living accommodation to the host property would not compromise the activities and vitality of the employment area as a whole.
5. Consequently, the location of the appeal site is not suitable for the proposed development, having regard to the local development strategy on the uses appropriate within an employment area, therefore conflicting with the requirements of Policy PP16 of the Local Plan in this respect.

Living conditions – existing occupiers

6. The proposed development comprises the erection of a glamping pod within the garden of the host property, sited close to its side elevation and alongside the existing garden path. Access to the glamping pod would be provided via the patio doors into the lounge/kitchen area at the rear, requiring future occupants to enter the garden through the gate off the front drive and walk along the path. Therefore, future occupants would be able to see straight into the living spaces of the host property through the windows on its side elevation from a very close distance, resulting in an unacceptable loss of privacy for its occupiers.
7. Additionally, the position of the ground floor windows of the host property have not been included on the elevations. As such, I am unable to conclude with certainty that direct views from the glamping pod into the living space of the host property would not be possible, despite the height of the existing windows. Nonetheless, even if the positioning of the windows of the glamping pod would be offset from the host property's openings, the close views from the path would still be possible.
8. Although an area of garden is to be retained for use by occupants of the host property, this detail is not shown on the plans. Nonetheless, the quantum of garden indicated by the appellant to be retained would be sufficient to support the activities occupiers would reasonably expect to undertake in a private outdoor space. Screening between the retained garden area and the proposed private outdoor space for the glamping pod would be provided by relocating the potted bamboo plants elsewhere on the site. Again, this detail is not shown on the plans. Despite this, the location and specifications of the boundary treatment could be required by the imposition of a suitably worded condition were I to allow this appeal. This would ensure the proposed development retains a suitable area of private outdoor space and would not result in a loss of privacy for existing occupiers when using it.
9. Nonetheless, I conclude that the proposed development would harm the living conditions of existing occupiers of the host property, with particular regard to privacy. This would be contrary to Policy PP27 of the Local Plan which supports development provided that it does not have a harmful impact upon local residents, amongst other matters.

Living conditions – future occupiers

10. As concluded above, occupiers of the host property would experience a loss in privacy given the close siting of the glamping pod and its access path. The reverse would also be the case, with direct and close views available through the windows into the glamping pod. As a result, future occupiers of the glamping pod would not experience adequate levels of privacy.

11. Private outdoor space for the glamping pod would comprise an area of decking adjacent to the lounge area, albeit this area is not shown on the application plans. In addition to providing private outdoor space, the decking would, therefore, also be used to gain access to the accommodation. As such, even if it were to be larger than the average hotel balcony, its functionality as a private place to sit, for example, would be limited by the outward opening doors, and vice versa.
12. The internal space within the glamping pod would be lower than the minimum area indicated in the nationally described space standard¹ for a one bedroom, two-person single storey home. Whilst this area would be larger than a two-berth caravan that could be positioned in the garden, nevertheless the size of the glamping pod is unlikely to be sufficient to support the day-to-day living requirements of future occupiers. Even if I were to conclude that the glamping pod is of a size sufficient for occasional holiday use, limiting the number of occupants and the length of occupation would be difficult to enforce. On this basis, the imposition of such a planning condition would be unlikely to meet the six tests as set out in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance.
13. The size and shape of the existing hardstanding adjacent to the host property restricts where storage and parking areas are located for the host property. Although it is indicated that this area would also be used for bicycle and bin storage, and car parking for the glamping pod, this detail is not shown on the application plans. Therefore, whilst such facilities could, theoretically, be accommodated on the site with details provided via a planning condition, it has not been demonstrated that this could be achieved without resulting in conflict between the use of an already constrained area. As consequence, the provision of adequate facilities for the future occupiers of the glamping pod would be compromised and, in turn, it would be detrimental to their living conditions.
14. Given its location within an existing employment zone, the noise character of the area differs from an area of predominately residential uses. However, I have limited compelling evidence before me to conclude that noise from the surrounding uses results in levels which would have a significant effect on the living conditions of future occupiers of the glamping pod. Despite hearing the sound of traffic travelling on nearby roads and various machinery and/or equipment being used, the noise levels I experienced at the time of my site visit do not alter this view.
15. Nonetheless, I conclude that future occupiers of the proposed development would not experience acceptable living conditions, with respect to privacy, private outdoor space, internal space, bicycle and bin storage, and car parking. It would conflict with requirements of policies PP27 and PP28 of the Local Plan where support for new development requires a lack of harm to the amenity (living conditions) of future occupiers, amongst other provisions.

Dorset Heathlands and Poole Harbour

16. The appeal site is located within 5km of the Dorset Heathlands which comprises a SPA and SAC, and within the recreation zone of the Poole Harbour SPA. These are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017.

¹ Technical housing standard – nationally described space standard

17. The special interest of the Dorset Heathlands relates to its extensive network of lowland heaths which support a variety of priority habitats and species of birds and reptiles. In the case of Poole Harbour, it's special interest results from the rare, vulnerable and migratory birds that inhabit the area. As set out in the Council's SPDs², the overarching conservation objective of both the Dorset Heathlands and the Poole Harbour is to protect their respective habitats.
18. One of the main challenges to achieving this objective relates to the significant pressure from the increasing number of people living in close proximity to the Dorset Heathlands and/or the Poole Harbour. Public access to the Dorset Heathlands leads to an increase in wildfires and damaging recreational uses. In addition, the introduction of incompatible plants and animals, loss of vegetation and soil erosion, and disturbance by humans and their pets has an adverse effect on the heathland ecology. In regard to the Poole Harbour, recreational activities within and around the harbour can disturb the birds and their habitats, which can influence behaviour and ultimately survival rates.
19. As the proposed development comprises residential development it would add to the number of people living in the vicinity of both designated sites which in turn would result in greater urban pressures on the area. It is therefore likely that the proposed development, taken both in isolation and cumulatively, would have a significant adverse effect on the integrity of the Dorset Heathlands and the Poole Harbour. This is the case irrespective of the existing uses located between the appeal site and the designated sites. As the competent authority, it is therefore necessary for me to conduct an Appropriate Assessment regarding these effects.
20. The approach to avoiding or mitigating significant effects on both the Dorset Heathlands and the Poole Harbour, as set out in the SPDs, is through securing contributions towards the Council's Strategic Access Management and Monitoring (SAMMs) for each area. These contributions are calculated on a per dwelling basis plus an administrative fee and paid either prior to the grant of planning permission as an upfront payment or prior to commencement if secured by an appropriate legal agreement. The SPDs therefore, provide sufficient information for me to conclude that the obligations sought are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the Framework's planning obligations tests.
21. However, whilst the appellant has confirmed a willingness to pay the contribution, I have no further evidence before me confirming an upfront payment has been made or that an appropriate legal agreement is in place to secure the contribution we I to allow the appeal. The appeal scheme does not, therefore, comply with the requirements set out within the SPDs.
22. Consequently, I conclude that the proposed development would be likely to have a significant effect on the integrity of the Dorset Heathlands and the Poole Harbour, contrary to the requirements of the Habitat Regulations. It would also conflict with policies PP32 and PP39 of the Local Plan which reiterate the application of the Habitat Regulations and specify the Council's approach to development contributions.

² Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document April 2020 and the Poole Harbour Recreation 2019-2024 Supplementary Planning Document April 2020 (the SPDs)

Other Matters

23. Whilst a glamping pod shares some characteristics with a caravan, including being designed or adapted for human habitation, a caravan is, by definition, mobile. No compelling evidence has been presented which confirms that the glamping pod would be capable of being moved from one place to another. Indeed, it would be connected to utilities in situ, including an air source heat pump. Therefore, the development as proposed does not accord with the statutory definition of a caravan. As a result, whether or not the appellant is able to position a caravan on the appeal site does not alter my determination of this appeal.
24. The proposed development would provide some social and economic benefits from its construction and occupation, including through supporting local amenities and tourist attractions. However, the scale of the scheme and its partial offsite construction limits the benefits which could be derived from it. Any support of the Framework's objective of significantly boosting the supply of housing would similarly be small. Even if it would have a lower environmental impact than other construction methods and fitted with an air source heat pump, the environmental benefits which would be derived from the glamping pod would also be of a low scale. Consequently, I attach minor weight to these benefits.
25. Planning permission for the erection of an annexe to provide additional ancillary habitable accommodation on the site was granted in March 2023³. However, the approved annexe was restricted by a condition preventing its use as a separate unit of living accommodation or let out separately to another party, either permanently, or for any seasonal or holiday period. Notwithstanding this appeal, there is a greater than theoretical possibility that the approved annexe would be built and, as such it represents a fallback.
26. Although described as ancillary to the host property, the approved annexe would be in use as ordinary living accommodation as part of the existing dwelling, allowing the appellants family to reside within the existing dwelling. It would therefore be an integral part of the residential use of the appeal site, irrespective of the number of people who would live on the site as a whole. Whilst the annexe could support independent living for the appellant, there would still be comings and goings between the host property and the glamping pod, particularly given the familiar relationship between the occupants.
27. The appeal scheme would enable the appellant to rent out the glamping pod to a separate household unit and it would not, therefore, be in use as part of the host property. Given the harm I have identified above, the appeal scheme would result in a more harmful development than the approved annexe, regardless of the length of time it is occupied and even if it were to be advertised as having a maximum occupancy limit.
28. The evidence before me indicates that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. In this circumstance, the Framework states that the policies which are most important for determining the application are out of date and development should be granted permission. However, at paragraph 11di, the Framework states that the presumption in favour of sustainable development does not apply where the

³ Ref: APP/22/01276/F, dated 27 March 2023

application of policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development. This includes habitat sites (footnote 7) such as SPAs and SACs.

29. Having regard to my findings that the development would be likely to have a significant effect on the integrity of the Dorset Heathlands and the Poole Harbour, the application of the Framework's policies regarding the protection of habitat sites provides a clear reason for refusing the development. Consequently, the presumption in favour of sustainable development does not apply in this case.

Conclusion

30. I conclude that the proposed development is contrary to the development plan as a whole and material considerations, including the provisions of the Framework, do not indicate that the proposed development should be determined other than in accordance with it.
31. For the reasons set out above, having had regard to all relevant matters raised, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR