



Appeal Decision

Site visit made on 16 January 2025

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/D1265/W/24/3344296

Higher Manor Farm, Littlemead, Weymouth, Dorset DT3 5DL

- 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 and Mrs Studley against the decision of Dorset Council.
 - The application Ref P/FUL/2023/05544 is dated 22 September 2023.
 - The development proposed is change of use of land for siting 2 holiday lodges and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of land for siting 2 holiday lodges and associated works at Higher Manor Farm, Littlemead, Weymouth, Dorset DT3 5DL in accordance with the terms of application Ref P/FUL/2023/05544, dated 22 September 2023, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether or not the proposed development would constitute rural diversification for the purposes of planning policy;
 - the effect of the proposed development on the character and appearance of the area, with reference to the Area of Local Landscape Importance (ALLI) and the setting of the Dorset National Landscape (the DNL);
 - whether or not the site would be suitable for the proposed development with regard to flood risk; and
 - the effect of the proposed development on the integrity of the Chesil and the Fleet Special Area of Conservation (SAC) and the Chesil Beach and the Fleet Special Protection Area (SPA).

Reasons

Rural diversification

3. The appeal site is a field which is part of Higher Manor Farm, within the open Dorset countryside near the Weymouth suburb of Broadway. Access is from the lane Littlemead to the southeast. Higher Manor Farm has experienced diversification in recent years, and now has a mixture of uses including farming, equestrian, education and leisure.
4. Policy ECON8 of the West Dorset, Weymouth & Portland Local Plan (adopted 2015) (the Local Plan) addresses rural diversification projects. It states that to

constitute rural diversification a scheme must make an on-going contribution to sustaining the enterprise in question and may be required to be tied by legal agreement to that enterprise.

5. The appeal is accompanied by a Unilateral Undertaking (the UU) which seeks to do that. The Council is concerned about the drafting of the UU. However, the appeal site is part of the same title DT400489 as the wider agricultural holding and the UU is binding on that part of title DT400489 coloured green on Plan 2, which includes the appeal site. There are also a series of explicit undertakings in Schedule 2 of the UU which would secure the rural diversification status of the proposal; undertakings c) and d) retain the appeal site in the same ownership as the agricultural holding, and any severance of the two would require the permission of the Council pursuant to undertakings e) and f). Undertaking g) further restricts the disposal of the proposed holiday lodges.
6. Consequently, with the UU, the proposed development would constitute rural diversification for the purposes of planning policy. In this respect, it would accord with the requirements of Policy ECON8 of the Local Plan.

Character and appearance

7. The appeal site is within a locally designated ALLI and the South Dorset Ridge and Vale character area as identified in the Weymouth and Portland Landscape Character Assessment (2013). It is also within the setting of the DNL, which is a short distance away across a few fields to the north. There is a network of Public Rights of Way (PRoWs) around the site linking the countryside to Broadway, notably including the footpaths S1/54 and S1/55 to the south and north respectively.
8. The South Dorset Ridge and Vale area is characterised by a series of small limestone ridges and clay vales running east to west, enclosed by the South Dorset chalk escarpment to the north. Towards Weymouth the landscape becomes broader in scale with urban fringe land uses encroaching into the open countryside. Of these uses, caravan parks and other visitor-based development are especially identified as a visual threat.
9. Even during the Winter, the site is enclosed by trees and dense hedgebanks. The lodges and their associated trappings would be set down so as to be largely obscured from views from S1/54 by this boundary vegetation. With the augmentation of the boundary, and the introduction of new linear planting, views of the development would be very highly screened. If the roofs were to be glimpsed in passing, it would be combination with other buildings at Higher Manor Farm, notably a barn to the immediate west. The topography combined with a new planted boundary would similarly screen the development from S1/55. The lodges may be more visible from the wider PRoW network, but given the distances involved they would appear innocuous.
10. The introduction of new landscape planting would not in and of itself be alien to this location. Indeed, the Weymouth and Portland Landscape Character Assessment identifies the land cover within the area to be a patchwork of enclosures with mixed boundaries of stone walls and hedges and occasional hedgerow trees, with tall and bushy hedgerows towards Weymouth. Moreover, the proposed orchard planting would reintroduce a landscape feature that has become a diminishing attribute of this area.

11. Whilst there is a concern about urbanisation, the buildings would maintain a simple, utilitarian design, finished predominantly in timber. There is the potential for light and noise pollution, but this would be experienced within the context of Broadway, the close presence of which is obvious when travelling S1/54 in an easterly direction. The scheme would proliferate visitor type development in the area, but it would do so at a modest scale and in a discreet way, unlike larger, more overt visitor development in the vicinity.
12. It follows that the scheme would not harm the receiving landscape in visual or character terms, nor the setting of the nearby National Landscape. The Council is also concerned about the scheme setting a precedent for future leisure uses. However, each case must be assessed on its own individual merits.
13. Accordingly, I conclude that the proposed development would have an acceptable effect on the character and appearance of the area, with reference to the ALLI and the setting of the DNL. It would accord with the visual and landscape objectives of Policies ENV1, ENV10, ENV12, ECON7 and ECON8 of the Local Plan and the Framework.

Flood risk

14. The access to Higher Manor Farm passes through Flood Zone 2 and an area that I understand could be susceptible to surface water flooding. The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This is the sequential test. Where development is deemed necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
15. As the scheme seeks the diversification of Higher Manor Farm, it must be on the holding. Given that it must be on the farm, it must be served by the access to the farm, and therefore the access to the development must pass through the area of flood risk. It logically follows that there are no sequentially preference locations for the development. The sequential test is passed.
16. As to the practical implications of the scheme, the lodges themselves would be a long distance from the area of flood risk, so their presence would not increase risk elsewhere. If the access route were to flood, the lodges could be cut off for a period of time. However, there is a flood warning system in place here that would give people the time to vacate the site before the flood event. If that did not happen, there would also be the opportunity to wait it out, or make use of an existing PRow to access the village of Nottingham and the highway network to the southwest.
17. Therefore, I conclude that the site would be suitable for the proposed development with regard to flood risk. It would accord with the relevant aims of Policy ENV5 of the Local Plan and the Framework.

European sites

18. The site is within the 5km zone of influence of the SAC and the SPA. The SAC is designated for its habitats of lagoon, scrubs, stony banks, and drift lines. The SPA occupies the Fleet lagoon and immediate saltmarshes and reedbeds. It supports overwintering birds such as the Dark Bellied Brent Goose. In Spring and Summer, Chesil Bank is an important breeding ground for the Little Tern.

19. Given the high likelihood that tourists staying at the lodges would make use of the SPA and SAC as important recreational environments, it cannot be ruled out that there would be likely significant effects on their respective integrity. In order to mitigate this, the UU would secure a payment towards projects suggested by Natural England, such as wardening, monitoring, fencing and other infrastructure projects. On this basis I am satisfied that the UU provides a sufficient mechanism to enable the delivery of proportionate and relevant mitigation.
20. I therefore conclude that, with the provided mitigation, the proposed development would not have an adverse effect on the integrity of the SAC and the SPA. It would accord with Policy ENV2 of the Local Plan, the Habitats Regulations and the Framework insofar as they seek to secure the long-term protection of such sites and mitigate any adverse effects on their integrity.

Conditions

21. Aside from the standard time condition, it is necessary to identify the approved plans in the interest of certainty. In the interest of highway safety, it is necessary for a condition to secure the delivery of the parking and turning areas before the occupation of the lodges, and for these spaces to be retained to be used as such. In order to assimilate the development into its location, it is needed for a condition to secure the delivery and maintenance of the landscaping strategy set out in the appellant's landscape evidence.
22. Given that the scheme is put forward on the basis of rural diversification, a condition is essential to secure the status of the lodges as holiday accommodation. It is necessary, in the interests of ecology, for the recommendations made within the submitted ecology evidence to be delivered. Finally, in line with the Council's technical advice, a condition is required to ensure the appropriate management of any unexpected contamination that is identified on the site.

Conclusion

23. For the reasons outlined above, and taking all matters raised into account, I shall allow the appeal.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the allowed appeal.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2022 17 03, 2022 17 04 A.
- 3) Before the development hereby approved is first occupied, the turning and parking shall be constructed in accordance with the approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.
- 4) Prior to the occupation of the lodges hereby approved, the landscaping works shall be carried out in full in accordance with the approved details within Figure 4 of the Landscape Statement originally dated August 2023 by The Landscape Practice. The approved scheme shall be implemented during the planting season November - March or within a timescale to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the occupation of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 5) The development hereby approved shall be occupied for holiday purposes only; shall not be occupied as a person's sole, or main place of residence; and the owners/operators must maintain an up-to-date register of the names of all occupiers of the accommodation and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.
- 6) The development hereby approved shall be carried out in accordance with the Ecological Impact Assessment by Abbas Ecology dated February 2023 and the Certificate of Approval to the submitted Biodiversity Plan dated March 2023 by the Local Planning Authority. When carried out the nature conservation mitigation measures shall be retained as such.
- 7) Any contamination that is found during the course of the approved development shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.