



Appeal Decision

Inquiry held on 11-12 and 16-19 December 2024

Site visits made on 10 December 2024 and 9 January 2025

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/D1265/W/24/3348224

Knoll House Hotel, Ferry Road, Studland, Dorset, BH19 3AH

- 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 Kingfisher Resorts Studland Ltd against the decision of Dorset Council.
 - The application Ref is P/FUL/2022/06840.
 - The development proposed is Redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartment and villa accommodation and associated leisure and dining facilities.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for partial awards of costs have been made by both parties. These are the subject of separate decisions.

Preliminary and Procedural Matters

3. I held a Case Management Conference on 4 October 2024. The purpose of this was to provide an opportunity for me to give a clear indication as to the ongoing management of the case and the presentation of evidence to enable the Inquiry to be conducted in an efficient and effective manner. There was no discussion of the evidence or merits of the appeal.
4. The Inquiry was closed in writing on 6 January 2025 in order to allow the parties time to agree to and finalise the planning conditions and to address each other's cost applications.
5. Following agreement between the parties in the run up to the Inquiry, I didn't need to hear formal evidence on biodiversity or drainage.
6. Between submission of the appeal and the opening of the Inquiry, the Purbeck Local Plan (the Local Plan) was adopted (on 18 July 2024). The policies within it supersede the policies in the previous Local Plan and the parties agreed the list of new policies that apply to my consideration of the appeal. I have taken those policies into account.
7. A planning obligation (by way of a Unilateral Undertaking (UU)) has been submitted under Section 106 of the Town and Country Planning Act 1990 and was discussed at the Inquiry. The Agreement sets out a number of provisions to come into effect if the appeal is allowed. I return to this later in my decision.

Main Issues

8. The main issues are:

- whether the proposal would conserve and enhance the landscape and scenic beauty of the Dorset Area National Landscape
- its effects on the character of the Purbeck Heritage Coast
- whether the proposed scheme would be of an acceptable design
- its effects on protected trees

9. These main issues interplay with one another so I address them in the round.

Reasons

10. The Countryside and Rights of Way Act 2000 (the CROW Act) includes a duty to conserve and enhance the landscape and scenic beauty of the country's National Landscapes. This is reflected in the NPPF and in Local Plan Policy E1. The Purbeck Heritage Coast (the Heritage Coast) has been awarded a European Diploma for Protected Areas. It is one of only five areas in England to hold that Diploma. One of the key characteristics of this part of the Dorset Area National Landscape (Dorset Area NL) is its undeveloped rural character. Whilst the existing hotel development pre-dates these designations, the area is nonetheless highly sensitive to change.
11. The key characteristics of the South Purbecks Heath Landscape Character Area (LCA) include its tranquil and remote character derived through perceived naturalness and the absence of built development¹. Unsurprisingly, these are broadly similar to the purposes for which the Dorset Area NL and the Heritage Coast have been designated.
12. The existing hotel complex comprises around thirty buildings scattered across the site and many of these have been sporadically located over time. It is evident that many have reached or are nearing the end of their practical use. The proposed development would result in a more planned and rational arrangement of buildings.
13. The appellant put to me that the current, white rendered building is an anomaly, alien and not built to blend in² and thus inherently harmful³. However, because of roadside hedgerows and extensive surrounding tree cover, the views of the hotel from along Ferry Road are limited to those at close quarters. The building is predominantly low rise with a horizontal emphasis and a façade punctuated by its many windows. It is set back from Ferry Road behind a well treed frontage. In longer distance views, the hotel buildings are not prominent. Overall, therefore, the visual effects of the existing hotel complex are modest and localised. Moreover, there is variation in building styles and materials within Studland and the surrounding area and the white render is not an alien feature in this context. The current hotel building does not result in the harmful visual effects advanced by the appellant.

¹ As set out in the Landscape Statement of Common Ground

² Landscape and Visual Impact Assessment (CD1.059, paragraph 6.123)

³ Mr Sneesby in cross examination

14. Whilst there would be a suitable landscape scheme within the site that aims to reflect the character of the surrounding heathland, the loss of mature trees is a significant and detrimental aspect of the proposal. Around 80 trees are proposed for removal (out of around 120). These include 16 Pines in the western part of the site. That would be a very significant number of mature trees lost to facilitate the proposed development. The existing trees currently make a very important contribution to the area's character and appearance and thus the scenic beauty of the Dorset Area NL. Their loss would therefore have a detrimental effect on this part of that sensitive landscape. I acknowledge that the proposals include the planting of a large number of new trees. However, they would take many years to mature and make an equivalent contribution to the Dorset Area NL.
15. Even then, the proposal would be more physically substantial than the existing development and whilst new landscaping would eventually mature to provide some mitigation over the long term, there would nevertheless be an enduring perception that the proposed development would be of greater scale, mass and more strident than the existing hotel complex. Furthermore, the elevation fronting Ferry Road would include a very significant amount of glazing across the whole façade of the building, which would only serve to add to this perception. It seems clear to me that the appeal scheme represents a very different proposition to the lower-key existing development.
16. The level of tree loss also leads to doubt on the accuracy of the appellant's visualisations. Coupling this with the proposals for tree management works on adjoining land, it is evident that the proposed development would be much more apparent in longer distance views than the current development. This would have a detrimental effect on the appreciation of this part of the Dorset Area NL and thus, the proposal would fail to conserve and enhance its special qualities.
17. The Geotechnical report that accompanied the application is dated 2018. It states that no extensive earthworks are expected for the site. However, this is plainly not the case as set out in the appellant's rebuttal evidence⁴ which includes details of substantial proposed earthworks and a retaining structure in the north-western part of the site. At the Inquiry, the appellant suggested that retaining structures could be formed by gabion baskets. However, I have no details of this and cannot therefore make an informed judgement as to their suitability for that purpose. There would nevertheless be a very pronounced change to the levels on at least a substantial proportion of the site.
18. The appellant fairly accepted that not all of the scheme's elements have been sufficiently detailed at this stage⁵. In addition to the above, these also include the suitability and effectiveness of the green roofs in minimising the visual effects of the proposal in views from the south. Given the sensitive character of the area, these are all very significant failings of the appeal scheme.
19. There is a prominent, protected Oak tree next to where the proposed swimming pool would be located. Regardless of whether the tree would suffer direct harm from the construction and operation of the pool, I do not consider that the resulting spatial relationship between tree and pool to be reflective of good design even with day-to-day management processes in place. I have taken into account the appellant's argument that that the proximity of the tree to the pool will be a positive

⁴ Proposed Boundary Sections/existing overlaid 19/11/24

⁵ Mr Sneesby in cross examination

factor in the visitor experience, but that does not lead me away from my conclusion that this represents another flaw in the scheme's design. The proposal therefore has significant shortcomings, and such fundamental issues should be addressed at the planning and design stage when the scheme would be sited in one of the country's finest landscapes.

20. At the Inquiry, there was a significant amount of evidence related to whether or not the proposal comprises major development. The appeal scheme includes elements of significantly larger scale and mass compared to the existing hotel complex. In addition to the main hotel building, it would introduce a substantially proportioned block of 3-storey villas. This building would be of regimented crescent form located towards the western edge of the site. There would also be a 2-storey villa block and a large block of apartments all in addition to the conventional hotel building. Its nature, scale and setting would have a significant adverse impact on the purposes for which the area has been designated. It would comprise major development in the Dorset Area NL and the Heritage Coast.
21. In terms of the Dorset Area NL, the proposal would not reflect national considerations. There would be economic benefits associated with it but in the circumstance that the appeal fails, these benefits would not be realised. Whilst I accept that tourism development is a crucial part of the Dorset economy, the appeal scheme on its own would make an important but nonetheless modest contribution to it in the context of the County as a whole. Moreover, an alternative scheme could come forward to provide a similar level of benefits but without the residual identified harms. I acknowledge that the proposed landscape would be of high quality and appropriate to the location. Clearly, it would not be practical for the development to take place outside the designated area. I have found that there would be unacceptable harm caused to the Dorset Area NL and do not find there to be exceptional circumstances to justify the appeal scheme. It therefore fails the tests in paragraph 190 of the National Planning Policy Framework (the NPPF).
22. Paragraph 191 of the NPPF states that major development within a Heritage Coast is unlikely to be appropriate unless it is compatible with its special character. I have not found that it would be. Consequently, the proposal fails this national policy test. Conflict with NPPF paragraphs 190 and 191 is sufficient to warrant dismissal of the appeal.
23. The application boundary does not include what were described as a number of 'fingers' of land (also described as 'no man's land') that project from the boundary to the west. There remains dispute between the parties as to whether a Landscape and Environmental Management Plan would address these areas. However, even if works could be secured off-site, that would do little to mitigate the above-described harms.
24. Taking all of the above into account, the proposal would result in harm to the Dorset Area NL and the Heritage Coast. It would fail to safeguard important trees that make a valuable contribution to those designations. It would not represent an appropriate design response to the character of the area. It would therefore run counter to Policy E12 of the Purbeck Local Plan (2024) (LP) which, amongst other things, expects proposals for all development to positively integrate with its surroundings. It would not accord with the conserve and enhance objectives within LP Policy E1. It would also run counter to Policy C1c. of the Dorset Area of Outstanding Natural Beauty Management Plan 2019-2024. Whilst I note the date

of that plan, it's overall aims for what is now the NL, remain pertinent to the consideration of the appeal scheme. I have also already found the proposal be contrary to national policy.

Other Matters

25. The parties do not agree on whether the appeal scheme would result in significant adverse effects on the Dorset Heathlands Special Protection Area (SPA). This dispute centres around whether the scheme would include a C3 use. The description of development refers to 'tourist accommodation' although the application form includes a tick in the 'market housing' box.
26. I have options open to me in relation to controlling the use of the scheme. I agree that the matter could be controlled by condition. I have been provided with a recent appeal decision⁶ that included such a condition and have no reason to find in the alternative. The appellant is willing to accept a limitation on the length of stay and I could impose a condition accordingly. The UU includes controls on the use of dogs through a permit scheme. Taking all of this into account, I am satisfied that there would not be significant adverse effects on the SPA.
27. I note the support from the business community, Studland Parish Council and others. Having heard all of the evidence and having seen the hotel at close quarters, there can be no doubt that it is in decline and in need of regeneration. I agreed that the proposal would make a valuable economic contribution. However, that must be balanced against any resulting harms. In this case, I have found that the proposal would be harmful to the Dorset Area NL and the Heritage Coast, Great weight must be given to these harms, and they are sufficient to outweigh the benefits.

Planning Obligations

28. The UU includes a number of things to come onto force in the event the appeal is allowed. These are, a travel plan, shuttle bus, dog occupancy controls, a C1 use restriction and restrictions on gym/spa use. However, as I am dismissing the appeal for other substantive reasons, I do not consider these further.

Conclusion

29. For the above reasons, the appeal does not succeed.

H Baugh-Jones

INSPECTOR

⁶ APP/D0840/W/24/3344255

APPEARANCES

FOR THE APPELLANT:

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He called:

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Richard Sneesby Landscape Architects

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Dr Rebecca Brookbank BSc(Hons) CIEEM

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Edward Cleverdon BSc(Hons) Arb MArbor A
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FOR THE LOCAL PLANNING AUTHORITY:

James Neill, Counsel

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He called:

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Oliver Rendle BSc PIEMA

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Gemma Fitzpatrick BA(Hons) MRUP MRTPI

on behalf of Dorset Council

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Dorset Council

INTERESTED PARTIES:

Cecilia Bufton

Dorset Local Enterprise Partnership

David Battle

local resident

Tom Munro

Dorset National Landscape

Councillor Nick Boulter

Chairman of Studland Parish Council

Dr Gareth Sherwood

Dorset Chamber of Commerce and
CEO of YMCA

Councillor Ben Wilson

Dorset Council

DOCUMENTS

ID01 Panoramic visualisations

ID02 Appellant's opening

ID03 Local planning authority's opening

ID04 Appeal decision APP/D0840/W/24/3344255 – Meudon Hotel, Maenporth,
Cornwall