



Appeal Decision

Hearing held on 18 November 2025

Site visit made on 19 November 2025

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2025

Appeal Ref: APP/D1265/W/25/3370051

Land at Chaffeymoor Farm, New Road, Bourton, Dorset SP8 5BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Landström Group Ltd against the decision of Dorset Council.
 - The application Ref is P/OUT/2024/00603.
 - The development proposed is erection of up to 50 dwellings with new cycle/pedestrian link to West Bourton Road and the provision of public open space (outline application to determine access only).
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Decision

1. The appeal is allowed and planning permission is granted for erection of up to 50 dwellings with new cycle/pedestrian link to West Bourton Road and the provision of public open space (outline application to determine access only) at Land at Chaffeymoor Farm, New Road, Bourton, Dorset SP8 5BX in accordance with the terms of the application, Ref P/OUT/2024/00603, subject to the conditions in the attached schedule.

Preliminary Matters

2. This appeal (Appeal B) was co-joined with another appeal reference APP/D1265/W/25/3365232 Land adjacent to Sandways Farm, New Road, Bourton SP8 5BQ (Appeal A). As a result, a single hearing was held dealing with both appeals concurrently. However, Appeal A is the subject of a separate decision.
3. The appeal is accompanied by a signed Planning Obligation Agreement under Section 106 of the Town and Country Planning Act 1990 that has been agreed with Dorset Council. This details the provision of obligations towards affordable housing, allotments, community facilities, education, highways, play area, libraries, NHS, open space, sports facilities, and village hall.
4. Prior to the hearing, the Council confirmed that as of 1st November 2025 Dorset Council's Annual Position Statement had expired, and Dorset Council is now no longer able to demonstrate a 5-year housing supply as required by national policy. In addition, the Council stated that the strategies for meeting housing needs in the adopted local plans are not designed to deliver the housing need under the Government's standard method and therefore, in accordance with the National Planning Policy Framework (the Framework) footnote 8, the housing policies within the adopted Development Plan are out of date and the presumption in favour of sustainable development applies.

5. Furthermore, the Council confirmed that The Emerging Dorset Local Plan is not sufficiently progressed and can be afforded very limited weight in decision making. Based on the latest information and evidence available, Dorset Council advised that it can currently demonstrate a deliverable supply of new homes on deliverable sites equivalent to 2.53 years.

Agreed Matters

6. Before the Hearing the two main parties for Appeals A and B submitted a joint Appellants' Statement of Common Ground. This describes the areas of agreement between the two appellants and states that there is overlap between the two proposals with regard to the first reasons for refusal for each appeal. It goes on to state that there is no overlap between the two proposals with regard to the other reasons for refusals in relation to both appeals with Appeal A providing a site for a new village hall with Appeal B proposing a financial contribution towards the existing, or new village hall. Furthermore, it states that the Council housing land supply is 2.67 years with the Local Plan settlement boundaries out of date and that both appeals would result in proportionate growth for the village.
7. Before the Hearing the appellant and Council submitted a Statement of Common Ground (SoCG). This describes the appeal site, appeal proposal, planning history, planning policy context, matters not in dispute and matters remaining in dispute. Those in dispute reflect the three reasons for refusal.

Main Issues

8. In light of the Preliminary and Agreed Matters above, the main issues are:
 - whether the appeal site is an appropriate location for the proposed development, with particular regard to the local development strategy and access to services and facilities,
 - the effect of the proposed development on the setting of the designated heritage asset forming Chaffeymoor Farmhouse; and,
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Whether appropriate location

9. Policy 2 of the North Dorset Local Plan Part 1 January 2016 (LP) sets out the Core Spatial Strategy for development. It defines the countryside as the areas outside of the defined boundaries of the four main towns, Stalbridge and the larger villages where the best access to facilities are provided. Policy 2 identifies Bourton as a larger village and as such it is expected to take growth to meet local needs. There is no dispute between the main parties that the site lies in the countryside outside of, but adjoining the edge of, the settlement boundary for Bourton and I have no reason to disagree.
10. LP Policy 6 states that in the countryside, the level of housing and affordable housing provision will be the cumulative number of new homes delivered to contribute towards meeting identified local and essential rural needs. It further states that at least 825 dwellings will be provided in the countryside during the

period 2011-2031. Mr Lennis confirmed orally at the hearing that Policy 6 does not put a limit on the number of dwellings allowed in the countryside. However, the proposal is not directly related to quantified needs arising in Bourton and as such it does not gain support from LP Policies 2 and 6.

11. Mr Lennis also confirmed orally that LP Policy 20 allows for development outside of defined settlement boundaries if identified for development in a Neighbourhood Plan and that LP Policy 20 allows housing development in the countryside where it can be demonstrated that there is an overriding need.
12. With regard to an overriding need, Paragraphs 8.187 to 8.190 of the LP explain that for other types of development to be acceptable in principle the Council has to be convinced that there is an overriding need for a countryside location, citing certain types of agricultural, horticultural, grey, social or green infrastructure projects as examples. The proposal does not represent one of these types of examples.
13. Although the proposal provides financial contributions towards the existing or new village hall, as it does not seek to provide a site for a new village hall, associated parking and amenity space, the proposal does not gain support from Policy 5 of the Bourton – Dorset Neighbourhood Plan 2016 – 2031 Made on 26 January 2018 (NP). Furthermore, Ms Westcott confirmed orally at the hearing that the appellant's case is not reliant upon compliance with or support from NP Policy 5.
14. At the hearing, Mr Lennis explained that the proposal causes harm due to its distance from a range of services and facilities. There is a dispute between the appellant and the Council regarding whether the site is well located close to a range of services and facilities with differing distances quoted. All parties however acknowledge the very restricted bus routes and bus stops serving the settlement.
15. Although Mr Lennis raised concerns orally regarding some of the services and facilities being greater than 800m or a 10-minute walk and raised concerns regarding the quality of the route on narrow pavements adjacent to a busy road, Mr Lennis accepted that a number of the facilities are reasonably accessible.
16. As part of my site visit I walked between the site and the facilities and did not find the walk or width of pavement to be unpleasant. Whilst I find that the village hall, church and school would be generally walkable/cyclable for the majority of people, I acknowledge that the shop/garage, public house and doctor's surgery are considerably further and would therefore be less attractive for a number of people to access by foot. I further acknowledge the very restricted bus services and need for future residents to use motor vehicles to access these services and facilities and a wider range of shopping, leisure and employment facilities.
17. As a result of the above, and as agreed between the main parties in the SoCG, the proposed development would be contrary to the spatial strategy of the adopted Local Plan. As such, the appeal site is not an appropriate location for the proposed development, with particular regard to the local development strategy and access to services and facilities. The proposal is therefore contrary to LP Policies 2, 6 and 20 and does not gain support from NP Policy 5.
18. The Council's first reason for refusal also references NP Policy 2. However, as the policy generally relates to trees, hedges, open space, planting, spaces between buildings and boundaries, with matters of layout and landscaping reserved for future consideration, this policy is not determinative in relation to this main issue.

Setting of designated heritage asset

19. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
20. Chaffeymoor Farmhouse is a Grade II Listed farmhouse (Listing Number 11172203) from the early C18. The farmhouse fronts New Road with barns creating a courtyard frontage. The farmhouse faces out onto countryside to the rear; there is a dwelling fronting the road to its eastern boundary with the farmhouse set down from the appeal site that is located further to the east. The farmhouse is visible from large parts of the appeal site, particularly from the higher ground and from the lower parts to the western side of the site. Furthermore, on approach to the appeal site along New Road, it is viewed in association with the farmhouse.
21. As a result, and given the evidence before me indicates that the appeal site formed part of the farm, the appeal site falls within the setting of the listed building with its significance derived from its age, architectural detailing and open farmed countryside setting comprising medium sized fields and far-reaching views, particularly to the rear.
22. There is no dispute between the main parties that as a result of the above and given the introduction of the proposed development on rising land to the east of the farmhouse, the proposal would result in less than substantial harm to the setting, and significance, of Chaffeymoor Farmhouse. I have no reason to disagree.
23. There was however disagreement expressed orally between Mr Carleton-Pragnal and Mr Josephs regarding the level of harm. Mr Carleton-Pragnal put the harm at the highest order of less than substantial with Mr Josephs stating that the harm was at the lower end of less than substantial harm.
24. Mr Carlton-Pragnal explained at the hearing that the level of harm identified was as a result of the large scale of the proposal extending built development down the prominent hillside toward the farmhouse visible from the road and nearby public rights of way. Mr Josephs did not agree stating that the farmhouse is self-contained, set down and back from the road with its main setting related to the road frontage. Furthermore, Mr Joseph stated that planning permission recently granted for conversion of the frontage barns to dwellings reduces the rural setting and feel of the farmhouse, that the presence of a hedge and 150m planted buffer proposed between the proposed dwellings and farmhouse, and orientation of the farmhouse not directly facing the site, significantly reduces the level of harm.
25. I acknowledge that the proposed development would result in the loss of a large open field that forms part of the open countryside setting to the farmhouse. I also acknowledge that the proposed development would be viewed in association with the farmhouse on approach along New Road and from public rights of way. Nonetheless, by virtue of the considerable landscape buffer between the farmhouse and the proposed dwellings, and the front and rear outlook from the farmhouse not looking directly over the proposed dwellings and being read in association with other nearby built form, I find that the harm would be at the lower end of less than substantial.

26. Accordingly, the proposal would result in 'less than substantial harm' to the setting of the designated heritage asset forming Chaffeymoor Farmhouse at a very local level and for the reasons given above, the harm would be at the low end of the spectrum, but nonetheless of great weight.
27. LP Policy 5 and the Framework, amongst other things, state that clear and convincing justification for any development that would cause harm to the significance of a designated heritage asset will be required, and that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal. I assess the justification and consider the proposal against the public benefits later in this decision under the Planning Balance.

Character and appearance

28. The appeal site lies to the western end of the settlement comprising two agricultural fields devoid of any significant built form and bounded by a mix of hedgerows, trees and fencing.
29. The land slopes down from New Road to the west/southwest with the southernmost boundary adjoining the A303. The site is adjoined by New Road to the north with sporadic development opposite. Residential properties and West Bourton Road are close to its eastern boundary. To the west is Grove Cottage and Chaffeymoor Farmhouse.
30. The majority of the site lies within the Clay Vale Landscape Character Type/Blackmore Vale Landscape Character Area. This consists of a flat to gently undulating or bowl-shaped landform flanked and defined by surrounding hills and ridges. It is a grassland landscape with a patchwork of small to medium sized fields, woods or ribbons of trees and dense trimmed hedgerows. Mature hedgerow and field oaks dot the landscape in a distinctive pattern, and the area has a long tradition of dairy farming. There are often open views across the undulating to flat pastoral landscape to the hills and ridges which enclose and define it. The site displays these characteristics.
31. Due to the rising topography of the site, it is highly visible from footpath N57/2 to the west of the site. There are further middle-distance filtered views from footpaths N57/5, N57/6, N57/7 to the north. At the time of my site visit, there were no uninterrupted significant views of the site possible from footpath N57/8 due to intervening planting.
32. Map 2 of the NP identifies several Important Views as Defined in the Bourton – Dorset Village Design Statement September 2011. In relation to the appeal site, the relevant Important Views are northward from the West Bourton Road bridge over the A303; southward from New Road across the site; and eastward along New Road west of the site. There are further, more distant views from the north and the National Landscape, but the main parties agree that the impact from the scheme from such long-distance views would be negligible and I have no reason to disagree.
33. These Important Views are considered integral to the village's identity with NP Policy 1(b) stating that 'Development shall not have a significantly adverse effect on important views of the countryside from the village or those towards the village, especially those identified on Map 2.'

34. Ms Duke and Ms Skidmore confirmed orally that Bourton is rural in character and spread out along New Road with the built form separated by green fingers of land. Furthermore, they reiterated that the proposed development would be prominent when viewed from the important viewpoints identified above.
35. Ms Duke and Ms Skidmore further explained orally that the appeal site is at the transitional edge of the settlement with the large and dense nature of the proposal diluting and eroding the rural character of the settlement and distinction between the settlement and countryside, particularly on approach from the west when the rising nature of the proposal would be visible against the rural edge of the settlement and backdrop of the church. It was explained that as the site is approached from the west the hedge line on the western edge of the settlement marks a clear and distinct boundary between the unseen settlement to its east and the countryside to its west. Conversely that there is a clear sense of leaving the settlement and entering the countryside at this point when heading west along New Road. As a result, it was stated that the Council consider that the extension of built development over the brow of the hill and down the slope would result in a significant landscape and visual impact, particularly from the identified footpaths and Important Viewpoints. Furthermore, it was stated that the conversion of farmland to public open space would further alter the area's character.
36. In response Mr Harris disagreed stating that the settlement is linear in form with some breaks but that the development responds to New Road and would be nucleated with the church and adjacent housing, but at a lower level. Mr Harris disagreed that the site is isolated from the village that has evolved over time to extend west of the church. Furthermore, the inclusion of considerable green infrastructure would soften the development and integrate it into the settlement.
37. It was however agreed orally by the main parties that the landscape impact is at a local level with the overall conclusion within the appellants Landscape and Visual Assessment (LVIA) agreed. This states that the significance of landscape effects is assessed to be moderate adverse with the significance of visual effects assessed to be moderate adverse.
38. I have no doubt that the appeal site contributes to the setting and character of Bourton by reason of its openness, location and visual prominence close to the settlement. However, by reason of the presence of sporadic development on both sides of New Road on approach to the appeal site from the west, and presence of gates, signage and change to 30mph speed limit further to the west along New Road, I find that the appeal site reads as being part of the existing built edge of the settlement.
39. Although the proposal would continue the linear settlement pattern being clustered with the church and adjacent housing development, with the proposed open space reflecting the character of green fingers of land between built forms, the proposal will result in the loss of open agricultural landscape that contributes to the character and setting of the village. Furthermore, due to the open sloping nature of the site and scale of development, landscaping and planting, while softening the built form, would not fully mitigate the loss of openness.
40. Therefore, from the Important Viewpoint from New Road, there would be a significantly adverse effect by reason of the introduction of the built form, even though the development is shown to be arranged to retain a slightly different

viewing corridor towards the countryside. However, there would be a lower level of harm in more distant views, from views along New Road and from the view from the bridge over the A303. This would be by reason of the inclusion of landscaping and recreational areas shown on the indicative drawings, presence of intervening planting and views being more clearly in association with existing built form.

41. Therefore, as a result of the topography of the site, scale of development proposed, impact upon views from footpaths and Important Views, particularly from footpath N57/2 and change to the Important View across the site from New Road from the introduction of built form within the viewpoint, I agree with the LVIA conclusion that overall the proposal would result in harm to the character of the area with the significance of landscape and visual effects moderate adverse.
42. It follows from the above that the proposed development would harm the character and appearance of the area. As such, it is contrary to LP Policies 4 and 24 and NP Policies 1 and 2. Amongst other things, these seek to protect the landscape character of the District through retention of features that characterise the area, ensure development is designed to improve the character and quality of the area within which it is located, not have a significantly adverse effect on important views of the countryside from the village or those towards the village, and maintain the settlement pattern and character.

Planning obligation

43. The completed S.106 Agreement dated 12 November 2025 provides for a policy compliant level of affordable housing. It also provides obligations towards allotments, community facilities, education, highways, play area, libraries, NHS, open space, sports facilities, and the village hall. These provisions are all necessary and meet the requirements of the Community Infrastructure Levy Regulations 2010.
44. Furthermore, the contributions comply with LP Policies 13, 14 and 15 by virtue of providing contributions and facilities to mitigate the impact from the additional dwellings in accordance with the Grey, Green & Social Infrastructure Note V1 May 2018 – Updated 2020.
45. Although Appeal A seeks to provide a site for a new village hall, this appeal proposal includes contributions towards community facilities in accordance with LP Policy 14. The relevant contribution in relation to the village hall could be spent on either the existing village hall or contribute towards construction of a new village hall to mitigate extra demand and usage by additional local residents.
46. I acknowledge the points made at the hearing regarding the school and doctors' surgery being at capacity, and to the lack of play space. Nonetheless, the proposal seeks to address the school and outdoor recreation facilities matters through the payment of financial contributions agreed with the relevant providers towards education and outdoor sports facilities. In addition, the proposal includes a sizable area of outdoor planted amenity space and provision of a Locally Equipped Play Area (LEAP) and a financial contribution towards Primary and Secondary NHS Community Care to mitigate its effects.

Other Considerations

47. I have had regard to the comments received regarding the proposal representing overdevelopment of the site, to traffic, parking and highway concerns, ecological impacts, flooding and living conditions. However, given the scheme is in outline form, with flexibility in layout and subject to careful design and landscaping at the reserve matters stage, I have no substantive evidence before me to conclude that a suitable proposal of the scale proposed that would not be overly urban in appearance with adequate space between and around the buildings, could not be assimilated successfully into the settlement whilst retaining its wider character and development pattern and protecting living conditions.
48. With regard to traffic, parking, highway and flooding concerns, again I have no substantive evidence before me that the proposal would result in harm in these regards subject to the imposition of suitable conditions. Furthermore, it is noteworthy that the Council came to the same conclusion in relation to these matters.
49. Concerns have been raised that allowing the proposal will set a precedent for bypassing the plan-led system that would undermine the NP and the wider democratic process given the high number of objections to the proposal. However, given the Council's housing land supply position, the most important policies in the NP and LP for determining the application are now out of date and the proposal must be considered against this changed planning policy position. I will return to this below.
50. Finally, I acknowledge that there have been recent housing completions and planning permissions in the settlement, in nearby settlements and with very large developments planned for Gillingham with the proposal being considered at the same time as Appeal A for 30 dwellings elsewhere close to the settlement. Nevertheless, and given the planning obligations and lack of harm to highway safety, I have no substantive evidence before me demonstrating that there would be harmful cumulative impacts should both proposals under Appeals A and B go ahead.
51. I do not have any substantive evidence before me to indicate that the development would not be able to connect to the existing sewage system and is subject to significant flooding.
52. Details of sustainability benefits to be incorporated into the buildings and provision of electric vehicle charging points can be considered at the reserve matters stage once the detailed design of the buildings are known and submitted for consideration.

Planning Balance

53. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise.
54. The Council acknowledge that since the determination of the planning application, they are now unable to demonstrate the required five-year supply of deliverable housing sites. The Council's five-year housing land supply position represents a

serious level of housing need that includes an affordable housing need. There is no up to date spatial strategy that responds to this position, and no prospect that a new local plan will be adopted in the very short term. I do however acknowledge that it was accepted by the Council that at present the larger villages will be required to accommodate some of Dorset's housing need going forward.

55. The scheme would provide much needed housing, including affordable housing, against this background.
56. Along with the proposed housing and affordable housing, and notwithstanding the limited services within close walking distance of the site, its location close to some facilities together with the new footpath link and on-site open space would help to retain some trips and encourage walking within Bourton reducing reliance on the use of the motor vehicle. The additional housing and associated spend from future occupiers would also support the existing services and facilities.
57. The delivery of new market and affordable dwellings are therefore accorded significant weight.

Heritage Balance

58. The heritage asset affected by the proposal is the Grade II Listed Chaffeymore Farmhouse that requires consideration in the Heritage Balance.
59. Great weight attaches to any harm to the significance of heritage assets but as discussed above, the asset affected by the scheme would experience a low level of less than substantial harm to its significance. It is important to note however that 'less than substantial harm' does not equate to a less than substantial planning objection and bearing in mind the statutory duty set out in the Planning (Listed Buildings and Conservation) Act 1990 the harm still attracts considerable importance and weight. Paragraph 215 of the Framework requires that 'less than substantial harm' should be weighed against public benefits of the proposal.
60. In this regard, Mr Lennis orally stated that the public benefits include the provision of housing, provision of affordable housing, provision of associated open space and financial contributions to community facilities and the village hall. Ms Westcott and Mr Coombs agreed with the Council but orally added public benefits in the form of economic benefits from construction jobs and supply chain, local spend, Council Tax receipts, environmental and biodiversity benefits/enhancements and support for existing services and facilities.
61. I acknowledge all of the public benefits put forward by the main parties, and it is relevant to add here that there would be benefits to the supply of housing generally given that the Council cannot demonstrate a five-year supply of deliverable housing sites. As a result, I find that the public benefits arising from the scheme are significant and outweigh the 'less than substantial harm' to the heritage asset.
62. As a result, in this case, I find that the harm to the heritage asset is outweighed by the public benefits included in the appeal scheme that I have identified above. As a result, the proposal complies with LP Policy 5. Amongst other things, this states that clear and convincing justification for any development that would cause harm to the significance of a designated heritage asset will be required, and that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal.

Conflict with Development Plan

63. I have identified above that the proposal conflicts with the local development strategy. However, in light of the Councils five-year housing land position, I only accord very limited weight to the conflict with LP Policies 2, 6 and 20.
64. With regard to access to services and facilities, the location of the site close to some services and facilities, and provision of on-site open space, will minimise the number and distance of car journeys. In this regard it is relevant to note that Paragraph 110 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. As a result, and given the Council's serious housing land supply shortage, and direction of travel of the Emerging Local Plan seeking to place residential development at the edge of the larger villages, I find the harm from the location of the site in relation to a range of services and facilities carries limited weight.
65. I have also found above that the proposal would result in harm to the character and appearance of the area from the loss of rural character and openness of the site. However, in light of the harm identified, and given the local effect of the proposal, I give this moderate weight. Consequently, the proposal would conflict with the development plan as a whole.

Planning Balance Conclusion

66. As I have found above that the public benefits outweigh the harm to the significance of the heritage asset, and given the Councils' housing land supply position, the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is engaged.
67. Paragraph 11d)ii of the Framework requires that where the Council is unable to demonstrate the required housing land supply, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework when taken as a whole.
68. I have considered the benefits of the appeal scheme which relate to the provision of market and affordable housing, provision of associated open space, LEAP and financial contributions to community facilities and the village hall, economic benefits from construction jobs and supply chain, local spend, Council Tax receipts, environmental and biodiversity benefits/enhancements and support for existing services and facilities. I accord the provision of housing and affordable housing significant weight with moderate weight given to the other benefits.
69. I have given limited weight to the location of the site in relation to services and facilities, moderate weight to the landscape harm and considerable importance and weight to the harm to the heritage asset.
70. I therefore conclude that in this instance the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. As such the proposed development benefits from the Framework's presumption in favour of sustainable development. Consequently, there are material considerations, including the Framework which justify a decision other than in accordance with the development plan.

Conditions

71. I have had regard to the conditions discussed at the hearing and to the conditions provided by the Council. I have considered these against the advice in the Framework and Planning Practice Guidance. I have amended some conditions in the interests of precision, brevity and clarity.
72. In addition to the standard reserve matters and time conditions, it is necessary for a condition to confirm the approved plans in the interests of certainty.
73. Conditions are necessary to ensure that the proposed access is completed to at least binder course prior to any other development commencing with the final construction specification agreed in writing by the Council prior to first occupation or use. These are necessary in the interests of highway safety.
74. A condition is necessary to ensure details of a surface water management scheme and ongoing maintenance and management are submitted to and approved by the Council. This is to prevent flood risk and to protect water quality. I have combined the Council's two suggested conditions into a single condition for reasons of brevity.
75. A condition is necessary to ensure the submission and approval of a Construction Environmental Management Plan for Biodiversity prior to commencement of development on site. This is in the interests of protecting biodiversity during construction.
76. Conditions are necessary to ensure that a construction environmental method plan and landscape environmental management plan are submitted to and approved by the Council prior to commencement of any development. This is necessary in the interests of health and safety, to protect the living conditions of nearby occupiers from the start of construction works and in the interests of biodiversity.
77. A condition is necessary to ensure that prior to commencement of any development, an Arboricultural Method Statement is submitted to and approved by the Council. This is in order to protect trees and hedges during and after construction.
78. A condition is necessary to ensure that details of any lighting are submitted to and approved by the Council prior to the commencement of development. This is in the interests of protecting biodiversity.
79. Conditions are necessary to ensure that no surface water drains onto the highway and that the approved visibility splays are provided prior to first occupation in the interests of highway safety. For the same reason, and to support sustainable modes of transport, conditions are necessary to ensure that details of the internal access, highway, turning and parking arrangements and cycle parking facilities are agreed in writing prior to first occupation.
80. A condition is necessary to ensure that the footway/cycleway access from West Bourton Road is provided before the development is occupied. This is in the interests of encouraging sustainable means of transport. I have amended the plan number referenced by the Council to reflect the latest submitted plans.

81. A condition is necessary to ensure that the development is carried out in accordance with the submitted ecology report to mitigate ecological effects and to provide biodiversity gains.
82. A condition is necessary to ensure an updated tree report accompanies the relevant reserve matters application to make sure that the condition of trees on the site is suitably assessed. This is necessary in order to protect valuable trees and in the interests of protecting the character and appearance of the area.
83. The Council has suggested a further condition related to the submission of details of foul drainage, but it was agreed at the hearing by the main parties that this is not reasonable or necessary as it is covered by other approvals, and I have no reason to disagree.

Conclusion

84. For the reasons given above the appeal is allowed and outline planning permission is granted subject to conditions and the completed S106 Agreement.

C Rose

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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|------------------|---|---|
| Bridget Westcott | - | MSc MRTPI, Associated Planner (Pegasus Group) |
| Jonathan Coombs | - | MSC, Associate Planner (Pegasus Group) |
| Paul Harris | - | BA Dip LA CMLI, Director (MHP Design) |
| Andrew Josephs | - | BA (Hons), Director (Andrew Josephs Associates) |
| Mike Skinner | - | Technical Director (Landström Group) |

FOR THE LOCAL PLANNING AUTHORITY:

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| Robert Lennis | - | Lead Project Officer, MRTPI |
| Tobias Carleton-Pragnal - Senior Conservation Officer, Spatial Planning & Majors, Masters Degree (World Heritage Conservation) | | |
| Sophie Duke | - | Senior Urban Design Officer, BSC (Hons) MA Planning, PG Dip (Urban Design) |
| Alex Skidmore | - | Lead Project Officer |

INTERESTED PARTIES:

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| Peter B Williams OBE | - | Chairman, Bourton Parish Council |
| Paul Curry | - | Parish Councillor |

Cllr Valerie Petheary - Ward Member (Gillingham)
James Holmes - Local Resident

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing nos:
Location Plan – 273_PL-001 Rev C
Parameter Plan – 273_PL-002
Access Overview – 273_PL01 Rev B
Access Layout – 273_PL02 Rev B
Potential Footway/Cycleway Connection to West Bourton Road – 273_PL07 Rev C
- 5) Prior to commencement of any works on-site (other than those required by this condition) the first 15 metres of the proposed access road, including the junction with the existing public highway, shall be completed to at least binder course level.
- 6) Prior to the commencement of development, a detailed surface water management scheme for the site, along with details of the lifelong operation, maintenance and management of the scheme, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details including the timetable for implementation.
- 7) Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) (Biodiversity) must be submitted to and approved in writing by the local Planning Authority. The CEMP must include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The development shall take place strictly in accordance with the approved CEMP.

- 8) Prior to commencement of any works on site a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP must be implemented in accordance with the approved details.

- 9) Prior to commencement of development hereby approved a Construction Environmental Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and vehicle/wheel wash facilities), temporary traffic management measures where necessary, hours of works, storage of waste materials prior to removal, confirmation that there shall be no bonfires on site, measures to protect nearby receptors from dust arising from construction activities. The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.
- 10) Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree

specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to and approved in writing by the Council. Thereafter, all works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- c) a schedule of tree work conforming to BS3998;
- d) details of the area for storage of materials, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- f) details of any no-dig specification for all works within the root protection area for retained trees;
- g) details of the supervision to be carried out by the developers' tree specialist.

- 11) Prior to commencement of work on the site details of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy will reflect the need to avoid harm to protected species and to minimise light spill from lighting associated with pre-construction, construction and operational activities, and demonstrate how the current best practice guidance, including Guidance Note 8 Bats and Artificial Lighting (BCT/ILP, 2023) has been implemented. There shall be no lighting of the site other than in accordance with the approved strategy.
- 12) Before the development is occupied or utilised the first 15 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.
- 13) Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number PL01 Rev. B must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any Order revoking or re-enacting that Order, the visibility splay areas shall thereafter be maintained and kept free from all obstruction above this height.
- 14) Prior to first occupation of the development hereby permitted details of the access, geometric highway layout, turning and parking areas shall be submitted to and agreed in writing by the local planning authority. The development shall be completed in accordance with the agreed details and thereafter these areas shall be maintained for the lifetime of the development, kept free from obstruction and available for the purposes specified.
- 15) Before the development hereby approved is occupied or utilised provision must be made to ensure that no surface water drains directly from the site onto the adjacent public highway in accordance with details which shall have,

prior to development above damp-proof course level, been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved details and when provided they shall be retained and maintained as such, and the approved drainage works shall be retained and maintained for the lifetime of the development.

- 16) Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority: The provision of a footway/cycleway access from West Bourton Road, as shown on Drawing Number 273_PL_07 Rev C (or similar scheme to be agreed in writing with the Planning Authority). Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any Order revoking or re-enacting that Order, once implemented the access details shall be maintained, kept free from obstruction and available for the purpose specified.
- 17) Prior to use or occupation of development hereby approved, a scheme showing details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme with cycle parking facilities shall be provided, maintained, kept free from obstruction and available for the purpose specified at all times.
- 18) The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in the ecology report titled EcIA report version 2, by Quantock Ecology Environmental Consulting dated 28/06/2024, and certified by the Dorset Council Natural Environment Team on 02/07/2024. The development hereby approved must not be first brought into use unless and until:
 - i) the recommendations detailed in the approved ecology report have been completed in full, in accordance with any specified timetable, unless otherwise agreed in writing with the Local Planning Authority; and
 - ii) evidence of compliance has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.
- 19) The reserved matters application related to landscaping shall include a tree survey which covers the entire development site detailing the condition of all trees and mitigation for the loss of any trees.

END OF SCHEDULE