

**APPEAL ON BEHALF OF LAND VALUE ALLIANCES  
LAND SOUTH OF LOWER ROAD, STALBRIDGE**

**LPA REF: 2/2020/0406/OUT**

**OUTLINE PLANNING APPLICATION FOR THE ERECTION  
OF UP TO 114 DWELLINGS, UP TO 2,000 SQM OF  
EMPLOYMENT SPACE (USE CLASS B1, WITH UP TO ONE  
CLASS A1 UNIT), VEHICULAR ACCESS POINTS AND  
ASSOCIATED WORKS**

**STATEMENT OF COMMON GROUND**

**ISSUE 1:**

Whether the proposed development would provide a suitable site for housing, with regard to local and national planning policies that seek to manage the location of new development.

This issue will have particular regard to:

- Location for planning purposes.
- Proximity to services and whether the site is accessible by a range of modes of transport.

**AGREED BETWEEN GRASS ROOTS PLANNING  
(REPRESENTING LAND VALUE ALLIANCES) AND  
DORSET COUNCIL**

**APRIL 2021**

## 1.0 INTRODUCTION

- 1.1 This Statement of Common Ground ("SOCG") has been prepared jointly by Grass Roots Planning Ltd on behalf of Land Value Alliances (LVA) "the Appellant" and Dorset Council as the Local Planning Authority ("the LPA").
- 1.2 It relates to the first issue as identified by the Planning Inspector in the notes dated 3 March 2021 that followed the case management telephone conference held on 25 February 2021.
- 1.3 This SOCG sets out the main matters that are agreed between the two parties and summarises the areas of disagreement between the parties.

## 2.0 **APPEAL SITE AND SURROUNDINGS**

- 2.1 The 5.67-hectare site is broadly triangular in shape, located to the south of Lower Road and currently comprises two agricultural fields. It is bounded on all sides by mature hedgerow, with a hedgerow running through the centre of the site, interspersed trees. A single-track lane runs along part of the western boundary, providing access to a residential property. A gas governor is located in the western corner of the site.
- 2.2 The ground rises gently from the south eastern corner towards to north-western corner. A public right of way runs along the site's south western boundary.
- 2.3 The site falls outside the settlement boundary of Stalbridge. The main built up area of Stalbridge is located immediately to the north west of the site, with the areas closest to the site being predominantly two storey houses, with some bungalows. Recent planning permissions have been allowed on adjacent sites to the north and west. Construction is currently underway on the site to the north. Land to the south and east is currently undeveloped agricultural land in arable use.
- 2.4 The site contains no designated or non-designated heritage assets. No other designations, such as the Green Belt, AONB, SAC, SSSI, SPA, Conservation Area apply, nor do any listed buildings lie in proximity to the land. Natural England in their email dated 01 April 2021 have raised the need to take into consideration the combined effects of both permitted and allocated development on the air quality of the Rooksmoor SAC, namely Lydlinch Common which is bisected by the A357 and A3030 and lies approximately 3.5km to the south of the appeal site (as the crow flies).
- 2.5 The site is located in Flood Zone 1. A number of trees and groups of trees which are located within the site boundary and the centre of the site, have recently been made subject to a Tree Preservation Order (ref: TPO-642-2020), which was confirmed on 26<sup>th</sup> November 2020.
- 2.6 A public right of way (ref: N51/39) runs along the site's western boundary.

### 3.0 **THE PROPOSED DEVELOPMENT**

- 3.1 Outline planning permission is sought to "Develop land by the erection of up to 114 No. dwellings and up to 2,000 square metres of employment space (for Business use (Class B1), with up to 1 No. Retail (Class A1) unit). Form vehicular and pedestrian access, form public open space and carry out associated works." with all matters, except for access, reserved for future consideration.
- 3.2 A concept masterplan is provided with the application, to show how the site could be developed. A Development Parameters Plan (ref: LVA101-3502D, replacing the previous version 3502C) shows the proposed development areas, building heights and areas of open space and is submitted with the application for approval.
- 3.3 The residential parcel of development would be accessed directly from Lower Road. A concept masterplan (ref: LVA101-3202C) is submitted with the application, which shows that the residential element of the proposed development could comprise a mix of detached, semi-detached and terraced properties, predominantly two-stories in height, but with the potential for additional rooms within the roof space. Up to 40% affordable housing is proposed, and whilst an annotated mix is indicated in LVA101-3502c-MIX, the exact mix and location of housing within the area identified in LVA101-3502D would be determined at reserved matters stage.
- 3.4 The employment land is proposed in the north west corner of the site, with a dedicated vehicular access from Lower Road. This part of the development would comprise use Class B1 (now use Class E), with up to one being provided in a form that would accommodate a small shop or café (now use Class E).
- 3.5 An area of open space is indicated on the Development Parameters Plan, including areas along the site boundary. Potential pedestrian links are shown in the Concept Masterplan, these suggested links are a reserved matter for future approval.
- 3.6 The concept masterplan provides further details of where existing trees and hedgerows are proposed to be retained. SUDS and ecological areas would be included within areas of public open space. The details of these areas are reserved for future approval.

#### 4.0 **RELEVANT PLANNING POLICY**

4.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless other material considerations indicate otherwise. In this case the relevant development plan which applies to the application proposals is the following:

- North Dorset Local Plan Part 1 ("LPP1"), adopted in 2016; and the
- Saved policies contained within the North Dorset Local Plan ("NDLP"), adopted 2003

4.2 The parties agree that the development plan policies listed in Appendix 1 are potentially relevant to the determination of this appeal.

4.3 Dorset Council is now in the process of preparing a Local Plan for the whole county area. The Options Consultation document was ratified by Cabinet in December 2020. The consultation ran from 18<sup>th</sup> January until 15<sup>th</sup> March 2021. It includes consideration of preliminary housing targets and requests views on various options, including potential "preferred" site allocations and options.

4.4 Draft Policy DEV1 confirms that in the Plan period (2021-2038), provision is made for a deliverable supply of housing land to accommodate a minimum of 30,481 dwellings (delivered at an average annual rate of 1,793dpa) and a minimum of 131ha of employment land.

4.5 The Options Consultation proposes an amended settlement hierarchy (Figure 2.3), with Tier 1 comprising large built-up areas – areas contiguous with the Bournemouth / Poole conurbation, Dorchester and Weymouth, and Tier 2 comprising towns and other main settlements. Stalbridge is included as a Tier 2 settlements (along with Gillingham, Sturminster Newton, Shaftesbury and Sherborne), in the proposed Northern Functional area. Tier 3 comprises villages with development boundaries (which are listed in Figure 2.5) and Tier 4 comprises all other villages without boundaries.

4.6 Both parties agree that the Emerging Local Plan carries very limited weight given that it is at an early stage of production.

4.7 The 'other material considerations' referred to in Section 38(6) of the Act includes the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), Planning Circulars, and relevant Supplementary Planning Guidance (SPG) or Supplementary Planning Documents (SPD) (emerging and adopted).

4.8 National planning policy is provided in the National Planning Policy Framework, which was revised in February 2019, following the initial July 2018 revision and it sets out the Government's planning policies for England.

4.9 Both parties agree the general provisions of the NPPF contained in Appendix 2 are potentially relevant to the appeal.

*Matters of uncommon ground:*

*Both parties differ in their views on the extent to which the policies within the development plan are relevant to this appeal.*

4.10 The site is not allocated in the development plan document and it is situated in the countryside just outside, but close to the edge of the settlement boundary. This is with reference to the definition of countryside as set out in para 8.174 of LLP1 which states that "For the purposes of the Local Plan, the countryside is defined as all land outside the settlement boundaries of the District's four main towns, Stalbridge and the eighteen larger villages"

4.11 The appeal site is included in the emerging Local Plan as a potential "preferred site" for consultation for residential development, as policy STAL5 (Land to the South of Lower Road). This allocation as part of the emerging Local Plan carries very limited weight.

4.12 Both parties agree that the main development plan policies relevant to the principle of housing in terms of its location are as follows:

- Policy 2 - Core Spatial Strategy
- Policy 6 - Housing Distribution
- Policy 20 - The Countryside

4.13 Policy 11 of the Local Plan is also relevant to the principle of economic development in this location.

*Matters of uncommon ground:*

*The appellant contends that the settlement boundary has not been updated since the 2003 NDLP and is out of date.*

*The LPA contends that the settlement boundaries were considered through the examination of LPP1 and remain relevant to this appeal.*

*There is no agreement between the two parties on the weight to be accorded to the policies in the planning balance. Whilst there is agreement that the absence of a 5-year supply of housing land acts as a trigger for the tilted balance to be applied, this is dependent on the matters raised in regard to ecology and the Rooksmoor SAC not providing a clear reason for refusal under para 11di*

## 5.0 ASSESSMENT OF NEEDS

### Housing Need and Five-Year Housing Land Supply

- 5.1 The LPP1 (policy 6) sets a requirement that at least 5,700 new homes are provided over the plan period (2011-2031), which is an annual rate of 285 dwellings per annum (dpa). The policy identifies that at least 825 dwellings will be provided in 'countryside' locations (including Stalbridge and the villages) during the Plan period. Both parties agree that the use of the term "at least" indicates that this is a minimum requirement.

*Matters of uncommon ground:*

*The appellant contends that there is no cap on the number of dwellings that should be provided in the "countryside".*

*The LPA contends that whilst there is no numerical cap, the level of development that should be provided in the "countryside" is informed by the main development plan policies.*

- 5.2 Paragraph 73 of the NPPF requires local authorities to identify and annually update a supply of deliverable sites to provide a minimum of five years' worth of housing against their housing requirement. Paragraph 75 states that where the Housing Delivery Test indicates that delivery has fallen below 95% of the local authority's housing requirement over the last three years, the NPPF requires the authority to prepare an action plan in line with national guidance, to assess the cause of under delivery and identify actions to increase delivery in future years (para 75). Para 11d of the NPPF is relevant where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 5.3 The Council acknowledges that it cannot demonstrate a five-year housing land supply ("5YHLS").
- 5.4 In its most recent Annual Monitoring Review (2020) it shows the Council having a supply of 3.3 years This figure is based on the LPP1 annual delivery target of 285dpa. More recent housing projections have suggested a higher annual delivery target:
- The Eastern Dorset SHMA (2015) proposed 330dpa

- The Indicative Local Housing Need (December 2020 Revised Methodology) published by MCHLG on 16th December 2020 included a target of 353dpa.

5.5 For the purposes of this appeal, given the above, both parties consider that the figure of 3.3 years is a reasonable one on which to base the decision.

*Affordable Housing Need*

5.6 As identified by the Council’s Housing Enabling Officer’s formal consultee response, there are currently over 1,000 households on the Housing Register requiring accommodation in the North Dorset Area.

5.7 The SHMA 2015 show an affordability ratio using median prices of 10.15 for North Dorset. Both parties agree that the housing affordability ratio in Dorset means that current house prices are out of the reach of many.

5.8 The Housing Register can be interrogated to provide data on households with a local connection to each parish (or grouped parish). The data obtained for Stalbridge and a selection of the adjoining or nearby parishes that may be considered relevant in assessing the affordable need is set out below:

	Appellant’s data	LPA’s data
Stalbridge	45	53*
Stourton Caundle	3	3
Purse Caundle	0	0
Lydlinch	2	
Marnhull	24	
Fifehead Madgalen	1	
West Stour	2	
Kingston Magna	3	
Sturminster Newton	248	

\* this is broken down by house size (bedrooms) in the LPA proof of evidence

5.9 The 2015 SHMA provides an indication of the following mix for the affordable sector, which broadly aligns with the needs shown on the affordable housing register:

**Table 12: Estimated dwelling requirement by number of bedrooms (2013 to 2033) – Affordable Sector**

Area	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
North Dorset	45.9%	36.5%	16.0%	1.6%
Eastern Dorset	46.3%	32.4%	18.5%	2.9%

5.10 Data in the 2015 SHMA, along with other statistical evidence, can be used to consider affordable housing need where there is no up to date local area housing needs survey. The SHMA was completed in August 2015 and used data such as the 2012-based Sub-National Population Projections. A new SHMA has been commissioned to inform the emerging Local Plan but is not available at this time. Table 36 of the Eastern Dorset SHMA 2015 estimates a new affordable housing need of 146dpa for North Dorset. This projected annual need has not been met as set out in the annual affordable housing completions in the Council’s Annual Monitoring Reports. The cumulative shortfall based on this calculation is -775 dwellings.

*Matters of uncommon ground:*

*The appellant contends that all the parishes listed above plus Henstridge in South Somerset (for which no data has been provided) should be considered, which totals 328.*

*The LPA contends that of the adjoining parishes, only Stourton Caundle and Purse Caundle would look to Stalbridge to meet their affordable housing needs, with the remaining parishes either containing larger villages with a range of facilities where affordable housing is planned, or would naturally look to the larger towns of Sturminster Newton or Gillingham where affordable housing is planned. The same applies to Henstridge in Somerset which is a similar size to Marnhull in population, and as a parish adjoins Milborne Port, which is a 'rural centre' in the South Somerset Local Plan with a population of just over 3,000, so at least equivalent of not higher than Stalbridge in their settlement strategy.*

*There is a difference in the figure for Stalbridge which both parties will aim to resolve prior to the commencement of the Inquiry.*

*Based on this data, the two parties arrive at different conclusions of estimated gross need:*

	<i>Appellant's estimate</i>	<i>LPA's estimate</i>
<i>Stalbridge</i>	<i>45</i>	<i>53</i>
<i>Wider parishes</i>	<i>40</i>	<i>3</i>

<i>Subtotal</i>	<i>85</i>	<i>56</i>
<i>Convert to annual flow of households in affordable need (divide by 5)</i>	<i>17</i>	<i>Stage omitted for the purpose of assessing an identified need</i>
<i>Add estimated annual flow of new households and existing households falling into need seeking to be housed</i>	<i>44</i>	
<i>Of whom are likely to be in affordable need (47.2% SHMA table 31)</i>	<i>21</i>	
<i>Total</i>	<i>38dpa</i>	<i>56 overall</i>

5.11 Affordable housing supply arises from two sources: existing stock turnover and new supply. The private rented sector can also play an important role in providing housing for those unable to access affordable housing, affordable or market home ownership as well as newly forming households.

5.12 New supply within Stalbridge parish with planning consent currently comprises 108 units. The appeal site would potentially provide a further 46 affordable homes @ 40% of 114.

*Matters of uncommon ground:*

*There are additional affordable homes with planning permission in the wider parishes (such as Marnhull) but the total supply in all of these locations has not yet been quantified or the areas to which these should relate agreed.*

*The appellant has provided a method for estimating the gross affordable need and supply for the study area based on the 2015 SHMA and 2011 Census data. This has not been agreed between both parties.*

*The appellant contends that the private rented sector is only capable of making a small contribution to the unmet need: This contribution has not been quantified by either party.*

**Private Market Housing Need**

5.13 The supply of market housing in Stalbridge (as evidenced in Land Registry sales data) has historically been in the region of 40 – 45 units for sale annually. The majority (51.2%) of private market homes (excluding private rented) are 3 bedroom, and a quarter (26.6%) are 4 or more bedrooms. There are relatively few private market homes dwellings with 1 bedroom (1.2%), with the remaining 21.1% being 2 bedroom homes, as shown in Table A2.5 of the

appellant’s Desktop Housing Needs Assessment. It is agreed that the household composition and population projection data reveals an aging population, and a low proportion of young households and children. It has been assumed that this applies those in private market housing.

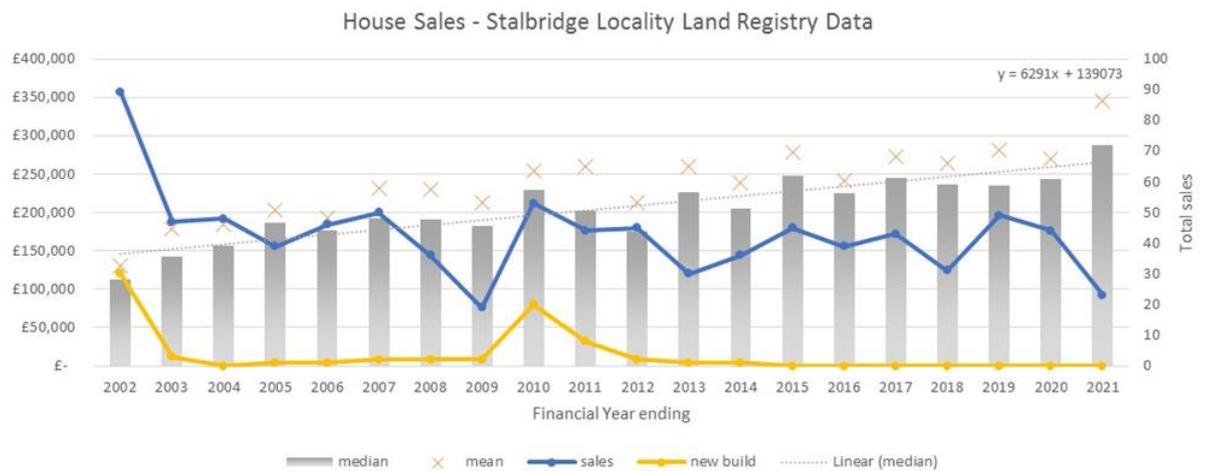
5.14 The 2015 SHMA provides an indication of the following mix for the market sector:

**Table 11: Estimated dwelling requirement by number of bedrooms (2013 to 2033) – Market Sector**

Area	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
North Dorset	4.2%	37.6%	42.5%	15.7%
Eastern Dorset	9.8%	42.6%	36.1%	11.4%

5.15 The current identified supply within Stalbridge parish (not including the wider parishes) is 102 open market dwellings.

5.16 House prices have risen in the area as shown below.



*Matters of uncommon ground:*

*The appellant contends that house prices in Stalbridge have increased markedly over the last 10 years, and sold prices in Stalbridge over the last year increased by 29% when compared to the previous year and 19% up on the 2018 peak of £286,141. These house price increases will have been exacerbated by the lack of supply that has resulted in the persistent under-delivery that has occurred in the area.*

*The LPA contends that whilst house prices have increased (as shown in the graph below) these are not directly linked to housing supply in the area.*

*The appellant has provided a method for estimating the annual market housing need for the study area based on the 2015 SHMA data. This has not been agreed between both parties.*

### *Employment Land*

- 5.17 The NPPF is supportive of a prosperous rural economy, confirming that decisions should enable the sustainable growth of business in such areas.
- 5.18 Policy 11 of the Local Plan supports economic development in the countryside (including Stalbridge and the District's villages) by enabling rural communities to plan to meet their own local needs and to support certain forms of economic development through countryside policies (29 – 32) including those relating to the re-use of existing buildings; the retention and small-scale expansion of existing employment sites; the provision of certain forms of tourist accommodation; and equine-related developments. The policy also envisages that neighbourhood plans would bring forward economic development and it is acknowledged that Stalbridge does not have, and is currently not preparing, a neighbourhood plan.
- 5.19 The policy notes that 3,630 new jobs are projected by 2031 in North Dorset and that 49.6 hectares of land will be developed primarily for employment use between 2011 and 2031. The supporting text states that projections showed a need for 30.5 hectares of employment land for the period 2011 to 2031, including a 20% flexibility allowance. The projections indicate that 21.9 hectares are required between 2011 and 2021 and 8.6 hectares are needed in the period 2021 to 2031. On that basis, the District-wide need for employment land for the plan period (2011 to 2026) is 26.2 hectares (para 6.20). There is no specific target for Stalbridge of the countryside in the policy, but Figure 6.1 gives an 'estimated need' for the rest of the district (outside of the 4 main towns) of 1.6ha (2011 to 2026). In Stalbridge, the Local Plan Inset Map identifies land off Station Road E/40/1 as a committed employment site.
- 5.20 The Council's Annual Monitoring Reports confirm that 14.9 hectares of employment land has been developed in the period 2011-2020
- 5.21 The AMR (page 28 para 5.29) identifies 0.7ha of employment land that has not yet been developed for employment uses shown under E/40/1 of the Local Plan. This relates to land to the south side of Station Road (south of The Sidings and to the east side of the disused railway line).

5.22 It is agreed that Dorset Council's Economic Growth & Regeneration Department (EGR) holds a register of enquiries for employment land and the most up to date data that they hold on such enquiries in the local area is set out at Core Document 60.

*Matters of uncommon ground:*

*The appellant contends that the established employment areas, predominately focused on Station Road, have limited signs of vacancy or under use and there is clear evidence to suggest demand for the units proposed on the appeal site*

*There is no agreement between the parties on the extent to which there is an undersupply of employment land or the level of demand relevant to this appeal.*

## 6.0 THE SUSTAINABILITY OF THE LOCATION FOR DEVELOPMENT

6.1 LPP1 policy 2 identifies Stalbridge (and other larger villages) as the focus for growth to meet the local needs outside the four main towns. Stalbridge is the largest settlement beyond the four main towns.

6.2 The Council's RFR1 relates to whether there is a sufficient range of services, facilities and employment to support housing growth at Stalbridge.

### Availability of Facilities

6.3 The appeal site is located outside the settlement boundary, but within 2km of a number of facilities and services, which is the distance within which *Manual for Streets Guidance* in which car trips could be replaced by walking or cycling. Distances (in metres) is provided by the appellant in Table 2.3 of the Transport Assessment and are agreed between the parties.

6.4 Facilities within Stalbridge include, but are not limited to:

- a. A primary school and pre-school (on the same site);
- b. Convenience stores (Dike & Son supermarket);
- c. A Post Office;
- d. Other shops and services;
- e. A pharmacy;
- f. A Town Council Hub including the community library; and
- g. A church.

6.5 There are some facilities that Stalbridge lacks, including, but are not limited to:

- a. Secondary and higher education
- b. GP surgery / hospital
- c. High Street Bank
- d. Indoor Sports Centre / Swimming Pool / Cinema

6.6 The LPA's reference to the primary school capacity in the proof of evidence was in relation to the policies on the spatial strategy relating to sustainability and the parties agree that contributions to education, which it is agreed can be secured through S106 contributions, would mitigate this issue and reference to the school capacity is not intended to introduce a new reason for refusal.

*Matters of uncommon ground:*

*The appellant has provided a comparison with the 18 villages (Table 10 in the proof of evidence), this has not been agreed with the LPA. The LPA has provided a comparison with the towns (Appendix 11), which has similarly not been agreed with the appellant.*

*There is some degree of variation between the parties in respect to the relative population size of Stalbridge and the other towns and villages. The comparable datasets are shown below: The appellant data is based on that shown in Appendix DR4 and the LPA data is sourced at parish level from the 2011 Census and for ease of reference it is shown here:*

	<b><i>Appellant sourced data</i></b>	<b><i>LPA sourced data</i></b>
<i>North Dorset</i>		<i>68,583</i>
<i>Blandford Forum and St Mary</i>		<i>11836</i>
<i>Gillingham</i>		<i>11756</i>
<i>Shaftesbury</i>		<i>5349</i>
<i>Sturminster Newton</i>		<i>4945</i>
<i>Stalbridge</i>	<i>2698</i>	<i>2698</i>
<i>Marnhull</i>	<i>1749</i>	<i>1998</i>
<i>Motcombe</i>	<i>1177</i>	<i>1474</i>
<i>Shillingstone</i>	<i>1170</i>	<i>1170</i>
<i>Charlton Marshall</i>	<i>1026</i>	<i>1156</i>
<i>Child Okeford</i>	<i>1114</i>	<i>1114</i>
<i>Pimperne</i>	<i>1109</i>	<i>1109</i>
<i>Milborne St Andrew</i>	<i>1062</i>	<i>1062</i>
<i>Hazelbury Bryan</i>	<i>734</i>	<i>1059</i>
<i>Iwerne Minster</i>	<i>978</i>	<i>978</i>
<i>Okeford Fitzpaine</i>	<i>737</i>	<i>913</i>
<i>Bourton</i>	<i>945</i>	<i>822</i>
<i>Winterborne Whitechurch</i>	<i>757</i>	<i>757</i>
<i>Milton Abbas</i>	<i>755</i>	<i>755</i>
<i>Fontmell Magna</i>	<i>734</i>	<i>734</i>
<i>Winterborne Stickland</i>	<i>653</i>	<i>653</i>
<i>Winterborne Kingston</i>	<i>643</i>	<i>643</i>
<i>Stourpaine</i>	<i>617</i>	<i>617</i>
<i>East Stour</i>	<i>573</i>	<i>573</i>

*There is also some disagreement of the relative self-containment of these settlements based on the analysis of the 2011 Census as shown below (NB this has only focused on the larger towns' obvious anomalies and does infer agreement on the other data sets):*

	<i>Appellant sourced data</i>	<i>LPA sourced data</i>
<i>Blandford Forum and St Mary</i>	<i>25.5% (a)</i>	<i>29.0%</i>
<i>Gillingham</i>	<i>27.3%</i>	<i>Not checked</i>
<i>Shaftesbury</i>	<i>30.9%</i>	<i>Not checked</i>
<i>Sturminster Newton</i>	<i>21.6%</i>	<i>23.1% (b)</i>
<i>Stalbridge</i>	<i>25.3%</i>	<i>21.4% (c)</i>

*(a) based on Blandford Forum and excluding Blandford St Mary*

*(b) based on excluding E00103546*

*(c) based on including E00171757*

*There is no agreement on the potential for the level of growth that the main towns may achieve and the extent to which the Local Plan strategy may need to change to accommodate the likely development requirements.*

### **Public Transport**

- 6.7 The closest north bound bus stop is situated on Lower Road, 50m from the site, and the closest southbound bus stop is 200m from the site, on Jarvis Way. The X10 between Yeovil-Sturminster Newton and Blandford operates approximately every 2 hours on weekdays but has no Saturday or Sunday services. The 58A service has recently changed to operate only on Saturdays, departing at 07:40 and 09:00 to arrive in Yeovil at 08:20 and 09:40 and departing Yeovil at 17:15 to arrive in Stalbridge at 17:59. The V001 is a High School Service which is not open to the public.
- 6.8 Templecombe railways station is located 7km. to the north. This provides services to London Waterloo, Exeter, Salisbury, and Yeovil.
- a. Matters of uncommon ground:*
  - b. The parties do not agree the extent to which these services provide a convenient and accessible level of provision which would encourage residents and workers to use these as opposed to the private car.*

**7.0 OTHER RELEVANT MATTERS THAT ARE AGREED TO NOT RAISE A REASON FOR REFUSAL**

- 7.1 In an email to the Case Officer, dated 7<sup>th</sup> October 2020, the Highways Authority has confirmed that they are of the opinion that there are “...*no highways safety issues presented by the proposals or any residual cumulative impact on the road network that can be recognised to be “severe”, when consideration to paragraph 109 of the National Planning Policy Framework (NPPF) – February 2019’* and a number of conditions are recommended should be imposed to any planning permission which may be granted. There is no disagreement on this point between the two parties
- 7.2 The parties agree that subject to conditions there are no technical flood risk or drainage constraints to developing the site.
- 7.3 There is no disagreement between the parties regarding the ability to retain the trees which have now been made subject to a TPO, and that no adverse effects on these trees is evidenced.
- 7.4 Both parties agree that no further archaeological evaluation is required and if planning permission is granted there is no need for an archaeological condition to be attached.
- 7.5 An Agricultural Land Assessment accompanied the planning application. There is no dispute that the site is Grade 3b agricultural land and the site does not therefore constitute “best and most versatile” agricultural land.
- 7.6 There is no disagreement regarding ground conditions, and both parties agree that the requirement for an intrusive ground investigation could be dealt with by way of conditions.
- 7.7 Matters of ecology including the retention of hedgerows will be covered in a separate SoCG.

**Section 106 Agreement**

- 7.8 Heads of Terms have been agreed between the parties and a s106 is at an advance stage of agreement.

**Signed on behalf of The Appellant:**  
Planning)



Director (Grass Roots

**Signed on Behalf of the Council:** .....  
*Robert Lennis*

### **Appendix 1 – Development Plan Policies**

- LPP1 Policy 1 (Presumption in favour of sustainable development)
- LPP1 Policy 2 (Core Spatial Strategy)
- LPP1 Policy 3 (Climate change)
- LPP1 Policy 4 (Environment)
- LPP1 Policy 6 (Housing Distribution)
- LPP1 Policy 7 (Delivering Homes)
- LPP1 Policy 8 (Affordable Housing)
- LPP1 Policy 11 (The economy)
- LPP1 Policy 12 (Retail, Leisure and Other Commercial Developments)
- LPP1 Policy 13 (Grey Infrastructure)
- LPP1 Policy 14 (Social Infrastructure)
- LPP1 Policy 15 (Green Infrastructure)
- LPP1 Policy 20 (The Countryside)
- LPP1 Policy 23 (Parking)
- LPP1 Policy 24 (Design)
- LPP1 Policy 25 (Amenity)
- NDLP Policy 1.7 (Development within Settlement Boundaries) - Settlement boundaries around the four main towns, Stalbridge and the eighteen larger villages are retained and will continue to be used for development management purposes ... until they are reviewed either through the Local Plan Part 2 or a neighbourhood plan.

- NDLP Policy 1.20 (Contaminated Land) - Contamination is a material planning consideration and 2003 Local Plan Policy 1.20 will be retained and will continue to be used for development management purposes until updated national guidance is published

## Appendix 2 – NPPF

- Paragraph 8 sets out the overarching objectives of sustainable development, which includes the following objectives:
  - i. an economic objective,
  - ii. a social objective and an
  - iii. environmental objective.
- Paragraph 9 states that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- Paragraph 11 sets out the presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or

*“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole<sup>8</sup>.*

Footnote 6 clarifies that for 11d(i) the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

Footnote 7 clarifies that, for applications involving the provision of housing, this includes situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test indicates that

the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

- Paragraph 15 states that the planning system should be genuinely plan-led.
- Paragraph 16a states that plans should be prepared with the objective of contributing to the achievement of sustainable development
- Paragraph 33 confirms that local plan policies and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. It goes on to state that reviews should be completed no later than five years from the adoption of a plan.
- Paragraph 59 notes that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
- Paragraph 73 states that LPA's should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including the addition of an appropriate buffer.
- Paragraph 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.
- Paragraph 78 states, that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- Paragraph 83 seeks to support a prosperous rural economy, confirming that decisions should enable the sustainable growth and expansion of all types of business in rural areas.
- Paragraph 86 of the NPPF states that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.
- Paragraph 88 advises that the sequential test does not apply to applications for small scale rural offices or other small scale rural development. It does not in any event apply to uses falling within former Class B1(b) and B1(c).
- Paragraph 103 states that the planning system should actively manage patterns of growth and significant development should be focused on locations which are or can be made sustainable, through limited the need to travel and offering a genuine choice of transport modes.
- Paragraph 108a states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate

opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.

- Paragraph 117 requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses.
- Paragraph 122 confirms that planning decisions should support development that makes efficient use of land.
- Paragraph 123 states that where there is an existing, or anticipated, shortage of land for meeting identified housing needs, "*...it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site*".
- Paragraph 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 requires that planning policies and decisions ensure that developments are, inter alia, sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- Paragraph 170 recognises that planning decisions should (b) contribute to and enhance the natural and local environment through, inter alia, protecting and enhancing valued landscapes and recognizing the intrinsic character and beauty of the countryside and (d) minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- Paragraph 177 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- Paragraph 213 states that due weight should be given to our-of-date policies according to their degree of consistency with this Framework.