



Development Management
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Mr Ben Read
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Date: 9 February 2022
Ref: 6/2018/0566
Case Officer: Andrew Collins
Team: Eastern Team
) [REDACTED]
* [REDACTED]

Town and Country Planning Act 1990
Town and Country Planning
(Development Management Procedure) (England) Order 2015

Planning Decision Notice
Full Planning Application

Application Number: 6/2018/0566
Case Officer: Andrew Collins
Applicant: Mr Nigel Chapman
Location: Knoll House Hotel Ferry Road Studland Swanage BH19 3AH
Description: Redevelopment of existing hotel to provide new tourist accommodation including 30 bedroom hotel, apartments & villa accommodation, associated leisure & dining facilities (Environmental Impact Assessment development)
Decision Date: 9 February 2022

Dorset Council **refuses** planning permission for this development as detailed in the application. In making this decision the Council considered whether the application could be approved with or without conditions or should be refused.

Reasons for the refusal are set out over the page.

Signed

[REDACTED]

Mike Garrity
Head of Planning
Economic Growth and Infrastructure

This planning permission is refused for the following reasons:

1. The proposal has been assessed as being major development within the Dorset Area of Outstanding Natural Beauty (AONB). As such there is a requirement to assess the impact upon the local economy, any scope for developing outside of the AONB and ensuring that there is no detrimental effect on the environment and landscaping. The proposal by reason of its scale, form and massing fails to ensure that there would be no detrimental effect upon the environment and natural landscape and fails to be compatible to the special character of the Heritage Coast. This impact has been considered against the substantial local economic benefits. The proposal however is contrary to Policies D, TA, CO and LHH of the Purbeck Local Plan Part 1, the aims and objectives of the NPPF, especially paragraph 177 and 178 and Policies C1 a, c and f, C2 d, e, and f and C4 a, c, d, e, f and g of the Dorset AONB Management Plan 2019 - 2024.
2. The application site is located within 400m of protected heathlands and C3 use is proposed. Mitigation measures have been identified but do not address all matters and have not currently been secured in perpetuity. In this instance there is no overriding public interest and as such it cannot be certain, on the evidence presented, that the proposal would not adversely affect the integrity of the Dorset Heathlands European sites and international sites. Or, for that matter the Poole Harbour due to increase recreation in the harbour. The proposals are therefore contrary to Policies DH (Dorset Heathlands) and PH (Poole Harbour) of the Purbeck Local Plan Part 1 and Dorset Heathlands Planning Framework (2020 – 2025) SPD, Nitrogen Reduction in Poole Harbour (SPD 2017) and Poole Harbour Recreation Supplementary Planning Document (SPD) and the aims and objectives of the NPPF especially paragraphs 180 and 182.
1. Informative Note - Refused Plans. The plans that were considered by the Council in making this decision are: 9016-PL-001, 9016-PL-002, 9016-PL-003, 9016-PL-020B, 9016-PL-021B, 9016-PL-022B, 9016-PL-023A, 9016-PL-024A, 9016-PL-025A, 9016-PL- 026A, 9016-PL-030A, 9016-PL-031A, 9016-PL-032A, 9016-PL-033A, 9016-PL-034B, 9016-PL-036B, 9016-PL-037B 9016-PL-038A, 9016-PL-039B, 9016-PL-040A, 9016-PL-041B, 9016-PL-042A 9016-PL-043B, 9016-PL-044A, 9016-PL-045B, 9016-PL- 047C, 9016-PL-050A, 9016-PL-051A, 9016-PL-052A, 9016-PL-053A, 9016-PL-054A, 9016-PL-055A, 9016-PL-060A, 9016-PL-061A, 9016-PL-062A, 9016-PL-063A, 9016-PL-064A 9016-PL-065A, 0163/001/P5, 0163/002/P5, 0163/003/P5, 0163/010/P5, 0163/011/P5, 0163/100/P6, 0163/300/P5, 0163/310/P5, 0163/401/P5, 0163/421/P5, 0163/451/P5 and 0163/452/P5.
2. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.
3. National Planning Policy Framework
In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:
 - offering a pre-application advice service, and –
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/ agent undertook pre-application discussions, but failed to address objections raised.
- The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.
- The applicant and council have worked together to minimise the reasons for refusal.

Planning Decision Notes

Power to refuse planning permission

This decision is issued by Dorset Council as the local planning authority set out by the Town and Country Planning Act 1990 (as amended) and the Town and Country (Development Management Procedure) (England) Order 2015.

Removal of application site notice

If you have not already done so I would be grateful if you could take down and dispose of this application's site notice if it is still being displayed outside the property.

Appeals to the Secretary of State

If you disagree with our decision or the attached conditions, then you can appeal to the Secretary of State (Planning Inspectorate) under section 78 (1) of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **SIX MONTHS** of the date of this notice.

If this is a decision on a planning application relating to the same or substantially the same land and development that is already subject to an **enforcement notice** [], if you want to appeal against our decision on your application, then you must do so within 28 days of the date of this decision notice.

If an **enforcement notice** is served relating to the same or substantially the same land and development as in your application and you want to appeal against our decision, then you must do so within **28 days of the date of service of the enforcement notice**, or within **SIX MONTHS** of the date of the decision notice, whichever date expires first.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

An appeal must be made by the applicant. You must use a form that you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or an appeal can be made on-line at this website <https://www.gov.uk/planning-inspectorate>

The Planning Inspectorate can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems that we could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

The Planning Inspectorate does not normally refuse to consider appeals solely because we based our decision on a direction given by them.

Purchase Notices

If either the Council or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner, in exceptional circumstances, may claim that neither the land can be put to a reasonably beneficial use in its existing state, nor can the land be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

If this happens, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).