

**PROOF OF EVIDENCE OF
BENJAMIN READ MRTPI
APPEAL REF: APP/D1265/W/24/3348224**

Land at

**KNOLL HOUSE HOTEL, FERRY ROAD, STUDLAND
BH19 3AH**

Prepared on behalf of

KINGFISHER RESORTS (STUDLAND) LTD

NOVEMBER 2024

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1 Qualifications and Experience

- 1.1 My full name is Benjamin Giles Read. I hold an MA in Town and Country Planning from the University of the West of England and a BSc in Geography from the University of Wales, Swansea. I am a chartered member of the Royal Town Planning Institute and have been since 2008.
- 1.2 I am a Founding Director of Black Box Planning Limited, Epsilon House, The Square, Gloucester Business Park, Gloucester, GL3 4AD and am principally based in their Bristol office at 36 King Street, Bristol, BS1 4DZ.
- 1.3 Prior to founding Black Box Planning, I was a Partner in the Town Planning Department of Rapleys LLP, 51 Great Marlborough Street, London. I was based in their Bristol Office between 2016 and 2018. Before that I was employed by Hunter Page Planning Limited in Cheltenham between 2005 and 2013 and then Swindon 2013 to 2016 where I established a new office for the business.
- 1.4 In total, I have been involved in town planning work for the last 19 years. During this time, I have obtained considerable experience in dealing with a wide range of planning matters relating to a variety of development proposals, and for a variety of clients, including landowners, developers, investment funds, hotel and resort operators, advertisers and local authorities (including planning authorities).
- 1.5 I have advised, and continue to advise, clients on a range of planning matters including residential, commercial and leisure focused development proposals.
- 1.6 I have been instructed to provide planning advice to Kingfisher Resorts ('Kingfisher') since they acquired the hotel in 2017. I have visited it and the surrounding area on a number of occasions during that time.
- 1.7 I have also provided planning advice to the same business in respect of their wider estate, including provision of new tourism accommodation in Cornwall.
- 1.8 I have extensive experience of advising on planning matters relating to tourism facilities in a range of sensitive environments, including: Gara Rocks, South Hams; Thornbury Castle, South Gloucestershire; Fowey Hall, Cornwall; Woolley Grange, Wiltshire; Hotel Meudon, Cornwall; New Park Manor, New Forest; Moonfleet Manor, Dorset; Manor-on-the-Green, Oxfordshire; the Pollurian Hotel, Cornwall; Bulstrode Park, Buckinghamshire; and Denham Mount, Buckinghamshire.

Declaration

- 1.9 The evidence I have prepared for this Inquiry (Ref: APP/D1265/W/24/3348224) in this Proof of Evidence is true and has been prepared in accordance with the guidance and Code of my professional institution and I confirm that the opinions expressed are true and are my professional opinions.

Scope of Evidence

- 1.10 The Scope of my evidence includes an assessment of the relevant planning considerations including the provisions of the development plan and other material considerations. It should be read in conjunction with:
- The evidence of:
 - Mr Richard Sneesby FMLI in respect of landscape impact;
 - Mr Mark Alkerstone BA (Hons) BArch ARB RIBA in respect of design;
 - Dr Rebecca Brookbank BSc (Hons) PhD MCIEEM in respect of ecology and impact on the designated sites; and
 - Mr Stephen Jenkinson MSc FIPROW in respect of focused issues in relation to heathland impacts, such as dog walking.
 - Planning Statement of Common Ground (SoCG) as agreed between the parties (pending at the time of writing).
- 1.11 It should also be read alongside an updated Arboricultural Impact Assessment prepared by Mr Edward Cleverdon BSc (Hons) Arb MArborA in respect of matters relating to trees, to be discussed in a roundtable format as indicated by the Inspector at the Case Management Conference.
- 1.12 Section 2 introduces the evidence to be presented, including the relevant background to the submission of the planning application. An overview of the appeal site and history is set out at Section 3.

- 1.13 An overview of the condition of the hotel and proposal is provided at Section 4. This is informed by a supplementary statement prepared by James Greenslade, Director, Hotel Capital Markets, at Savills (Appendix 1).
- 1.14 At Section 5, I provide an overview of the relevant planning policy context. A new Local Plan, the Purbeck Local Plan (2018-2034) (the PLP), has been adopted since the determination of the planning application. The PLP was at an advanced stage of preparation at the time of determination, but was not afforded weight by officers, despite submissions, made on behalf of the applicant, that it should. It has been necessary to reconcile the policies referred to in reasons for refusal. A comparison table is set out in Section 5.
- 1.15 I provide an assessment of the reasons for refusal, in the form of the key issues pertinent to the determination of the appeal at Section 6, and a response to third party comments at Section 7, albeit such comments are limited in number and content.
- 1.16 I undertake a planning balance exercise at Section 8, before drawing conclusions in respect of the Appellant's Case.

2 Introduction and Relevant Background

- 2.1 I was first instructed to provide planning consultancy advice in respect of Knoll House Hotel in 2017, in my role as a Partner in the planning team at Rapleys LLP. I have previously worked with those instructing for a period dating back approximately 15 years on various hotel and leisure related projects, including:
- New Park Manor, a Grade II listed hotel located within the New Forest National Park;
 - Una St Ives, Cornwall;
 - Fowey Hall, a Grade II listed hotel located within the Cornwall AONB; and
 - Thornbury Castle, a Grade I listed Tudor Castle and associated Scheduled Monument located in South Gloucestershire
- 2.2 Kingfisher Resorts are hotel and resort developers and operators. The team have a long pedigree of successfully operating high quality hotels across south and south west England, many of which are in sensitive locations or relate to designated heritage assets.
- 2.3 The principal objective for Knoll House Hotel, from the outset, was to renew the existing hotel provision and make it fit for purpose for the current tourism market. A once thriving hotel, it has slowly degraded over the years and, whilst still very popular, its offer is in decline. Operationally, it is no longer fit for purpose and the ability of the business to respond to capital expenditure requirements to maintain its aging estate is also in decline. I will refer to the written evidence of Mr James Greenslade, attached at Appendix 1, which sets out the need for development to meet the objective of delivering a proposal which delivers a high-quality offer and is sustainable in the long term.
- 2.4 The declining condition and offer of the hotel should not be conflated with a declining trade. The location of it and its effective management mean that it remains a popular destination. Occupancy rates since Kingfisher's acquisition support this. However, it does require a change in the modus operandi, giving rise to a model of higher frequency at lower rates.
- 2.5 The location of the hotel is recognised as highly sensitive from an environmental perspective. However, there is already a large-scale hotel operation in situ, operating without constraint. The proposal presents a clear opportunity to regulate the existing operations.
- 2.6 From the outset of the project, the Appellant has sought to engage with key stakeholders, including the Dorset AONB Management Board, the Local Planning Authority and Natural England at the very earliest stage.

2.7 In 2018 a combined Screening and Scoping request was submitted to the LPA, pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulation 2017. It was positively screened in respect of matters of:

- Landscape;
- Socio-economic Impacts; and
- Ecology.

2.8 An Environmental Impact Assessment was prepared on that basis.

2.9 Furthermore, a Community Liaison Group was established in 2019, to seek refined and iterative input into the scheme evolution. This approach has been part of a long programme of community engagement.

2.10 A planning application (ref. 6/2018/0566) (the First Application) was submitted by Black Box Planning (BBP), on behalf of our client, Kingfisher Resorts Studland Ltd. ('the applicant') in November 2018 for the redevelopment of the hotel. The description of the proposed development was as follows:

"Redevelopment of existing hotel to provide new tourist accommodation including: 30 bedroom hotel, apartments and villa accommodation, associated leisure and dining facilities."

2.11 The mix of accommodation proposed included:

- A 30 bedroom hotel;
- 41no apartments;
- 6no villas; and
- 16no maisonettes.

2.12 A perspective image of the First Application is attached at BR Appendix 2.

2.13 It was refused planning permission in February 2022 following presentation to the Eastern Area Planning Committee in February 2022, for two reasons relating to:

1. Major Development in the Dorset Area of Outstanding Natural Beauty (AONB). By virtue of scale, form and massing the proposal fails to ensure that there would be no detrimental impact on the environment and natural landscape and fails to be compatible to the special character of the Heritage Coast;
2. The application site is located within 400m of the 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.

- 2.14 A copy of the Decision Notice is within the documents at ref:CD8.006.
- 2.15 Following determination of the First Application, Kingfisher reviewed the reasoning, engaged with the Council and sought to prepare an alternative approach to address the reasons for refusal. A further pre-application enquiry was submitted in August 2022, following discussion with officers in July 2022.
- 2.16 There was also further engagement with Natural England to seek a resolution in respect of the potential for impacts on the Dorset Heathlands, which are located within 400m of the site and other designated sites.
- 2.17 A Second Application was submitted in November 2022. An alternative approach to design was prepared, including a reduced inventory comprising:
- A 30no bedroom hotel, including leisure and dining facilities;
 - 20no 2bed apartments;
 - 2no 3bed apartments;
 - 6no 2bed villas; and
 - 20no 3 bed villas.
- 2.18 The submission was accompanied by a new Environmental Statement (CD1.059) and a Shadow Habitat Regulations Assessment (sHRA) (CD1.063), prepared by Ecology Solutions. The sHRA provides reference to the historic discussion with Natural England.
- 2.19 In large part, the discussion with both the Council (incorporating the LPA) and Natural England related to the use and level of occupancy of the proposed development. It has always been presented that the proposal will deliver tourist accommodation. It has never been proposed that it will result in a housing estate in the countryside, an approach the LPA now seem to be pursuing in their Statement of Case.
- 2.20 Much of this discussion took place in the context of the First Planning Application but spanned both proposals. I set out a brief chronology, below.
- Discussion in Respect of Use, the First Application*
- 2.21 **Letter, dated 11th May 2020 (CD1.063 Annex 4, reproduced at BR Appendix 3)** – this provided a response to Natural England’s first consultation response to the First Application, submitted to the LPA. It set out clearly that the proposal comprised tourism accommodation, in response to Natural England’s assertions without regard to the submitted information.

2.22 **Natural England Meeting Note, dated 21st April 2021 (CD1.063 Annex 6, reproduced at BR Appendix 4)** – this reflected a meeting between Black Box Planning, the Appellant’s then ecological advisors, Ecology Solutions and Natural England. It was explained that the proposal constituted tourism accommodation which would function as part of the holiday resort, as set out in the Operations Report. It would not be open market housing.

2.23 **BBP Letter to Dorset Council, dated 12th January 2022 (BR Appendix 5)** – this letter included a Response Tracker following receipt of Natural England’s second round of comments in respect of the First Application, dated 14th December 2021 (sHRA CD 1.063 Annex 8). The Tracker provides a detailed response to matters raised. Item Ref 1, the applicant’s response set out that the proposal is to redevelop tourism accommodation. Item Ref 14 seeks to clarify NE’s misinterpretation of, then emerging, Policy E8 and the approach tourism accommodation in the context of the Heathlands. Item Ref 17, responds to Natural England’s concern over use, stating:

‘The applicant has repeatedly stated that the proposal is for tourism accommodation as stated within the description of development. This point was addressed in detail in the applicant’s letter, dated 11th May 2020.’

2.24 **Meeting Minutes, dated 1st February 2022 (BR Appendix 6)** – these Minutes followed a meeting with Natural England, the LPA and Black Box Planning. At it, Mr Squirrel of Natural England, again, expressed a concern about permanency of C3 accommodation. On this occasion, it was the turn of, the then, Case Officer, Mr Collins, to explain that reference to C3 does not mean the proposal will operate as a C3 residential development and that mechanisms would be used to enforce holiday accommodation restrictions.

2.25 The First Application was refused on 9th February 2022, but the submissions and engagement regarding the scheme generally and use specifically did not stop there. Following receipt of the Decision, the applicant commissioned a full review which led to the instruction of a, largely, new design team to address the issues of concern underpinning the refusal of the First Application.

The Approach to the proposed Use, the Second Application

2.26 The principal objective of the second application remained the redevelopment of Knoll House to deliver high quality tourism accommodation in a resort format, offering a mix of accommodation formats and supporting leisure provision. This is reflected in the virtually identical description of development set out to the First Application, namely:

“Redevelopment of existing hotel to provide new tourist accommodation including: 30 bedroom hotel, apartments and villa accommodation and associated leisure and dining facilities.”

2.27 **Pre-application letter, dated 12th August 2022 (CD Ref: 8.002) (reproduced at BR Appendix 7)** includes an overview of the revised proposal, including setting out the marked reduction in scale and occupancy levels when assessed against the first scheme. It also includes reference to the proposed use:

‘The inclusion of some C3 accommodation remains, as before. This is a matter which the applicant has provided a number of submissions on previously. It is commonplace with planning for C3 tourism accommodation to be controlled by use of occupancy restrictions. The proposed layout provides family accommodation that is set out in a way which is intrinsically linked with the hotel and leisure in terms of access arrangements and servicing. As such it would not be appropriate to being used as private residential dwellings which was previously raised as a concern. It is integrated within the proposed resort.

Natural England have previously referred to the C3 units as self-catering accommodation. However, in practice, they will not function as such. They will form part of a luxury resort where guests demand space and flexibility. The C3 units will continue to be operated, including servicing, in the same way as the hotel accommodation and guests will book them on a half or full board basis, with flexibility to dine (on a private or informal basis) in their own villa or apartment.’

2.28 The pre-application submission was prepared alongside further discussion with Natural England in respect of occupancy and approach. It was understood at the time, that they were comfortable with the occupancy levels being proposed as part of the, now, appeal proposal. Indeed, Mr Squirrell set out in an email, dated 4th August 2022 (CD 8.10, reproduced at BR Appendix 8), amongst other things that:

‘It is my view that the table below provides a reasonable basis upon which you can advise your client to take forward a new application in respect of the bare numerical information.’

2.29 The table referred to set out the following occupancy information:

	Existing	Refused Scheme	Revised Proposal
No. of keys	163 (106 Guest and 57 Staff)	93 (30no in hotel and 63 no. villas/apartments)	78 (30no hotel and 48no villas/apartments)
No. of staff living on site	66	0	0
No. of guests	273	324	296
Total	339	324	296
Difference vs existing		-15	-43

- 2.30 It is recognised that the table related to occupancy numbers rather than use and that Mr Squirrell's position did change following submission of the application.
- 2.31 Alongside the submission of a new Environmental Statement, which makes clear that the proposal assessed was a tourism resort, providing tourism accommodation (CD1.059 Section 4) a Planning Statement (CD1.046) and Operations Report (CD1.061) also adopted a consistent approach to the description of the proposal ie. the delivery of tourism accommodation.
- 2.32 This was re-iterated in the July 2023 Submission of revised information and which included a further reduction in scale of the proposed development (CD2.021, Covering Letter).
- 2.33 And (yet again) in a letter, dated 4th December 2023, (CD2.024) submitted in response to comments raised and following the first engagement with the new case officer. Further emails were exchanged with the Council through November and December 2023, including:
- CD 3.034 – email to Matthew Piles requesting the application be deferred to enable further discussion and concern that the Appropriate Assessment was unlikely to reflect the proposal for which planning permission was sought (email dated 30th November);
 - CD3.035 – emails to Ursula Fay requesting deferral of the Committee and further engagement in respect of matters effecting the Appropriate Assessment, which had yet to be completed at that stage.
 - CD3.036 – an email to Kim Cowell, dated 15th December 2023, Development Management Manager, setting out a further request to discuss matters;
 - CD3.037 – an email, dated 21st December 2023, to Kim Cowell, further requesting deferral of the application and to consider a C1 only use, setting out that there would be no conflict with the description of development in doing so.
 - CD3.038 – an email, 7th January 2024, supporting an accompanying letter identifying inaccuracies in the Officer Report to Committee, including the timing of consultation responses in the run up to Committee;
 - CD3.040 – an email, dated 8th January 2024, a request for members to made aware of the control of the development proposed to C1 only and implications for the Appropriate Assessment.
 - CD3.041 – an email, dated 9th January 2024, setting out the appellant's position in respect of C1 accommodation and other things.

2.34 The appellant has always been clear about the development for which planning permission has been sought. I am of the opinion that had the LPA engaged more openly on the issue of use, it would have been resolved prior to determination. It is unclear why they were intransigent on the issue. However, it does not change the appellant's position insofar as the key issue to be considered in the context of the Dorset Heathland is an impact driven assessment. The proposal seeks to replace one tourist accommodation facility with another but reduce the level of overnight accommodation by a considerable margin. Quantitatively, if the same type of people were doing the same type of thing, the impacts must be less. However, we also say that the proposal will introduce qualitative benefits through the introduction of additional facilities to enhance guest dwell time, reduce car borne movements, introduce regulated drainage, efficient energy, education and other soft measures to educate and inform guests about their environment.

Consultation Response Timings

2.35 Notwithstanding the LPA's lack of engagement, the timing of responses is also relevant to an overview of the background. The key issues associated with this site have always been the impact on the designated landscape and nature conservation sites. Those issues were set out in the First Application Decision for a much larger proposal.

2.36 Inquiry time is now likely to be spent on matters relating to the preparation of a Biodiversity Plan, drainage strategy for which the LLFA have now removed their objection and a lack of information relating to the potential for, or otherwise, on existing trees within the site.

2.37 The LPA set out in an email, dated 1st November 24 (BR Appendix 9), that they are content with the surface water drainage scheme, save for some ecological matters raised for the first time in the email. These issues are considered further in Section 6, but the chronology is relevant to their approach to these matters.

2.38 The timing of some of the responses, which now go to the heart of the reasons for refusal, are also a concern. For example, the first time the Dorset Natural Environment Team commented on the planning application, submitted in November 2022, was 3rd January 2024. That is one week before committee and after the publication of the Officer Report.

2.39 Similarly, the tree officer comments were dated 12th December 2023 and no further opportunity was provided to engage and resolve the issue. At the time of writing, we still have limited additional information on this issue. Mr Cleverdon has prepared an updated Arboricultural Impact Assessment in anticipation of what Mr Douglas may consider, but we remain unclear which trees, exactly (save for T40).

3 Description of Appeal Site & Planning History

Description of Appeal Site

- 3.1 A description of the appeal site and local area is set out in the Appellant's Statement of Case at section 2. I do not propose to repeat it here other than to re-iterate that it is a large previously developed site with undulating topography.
- 3.2 The condition of the existing hotel and built development generally is poor and its evolution of is reflective of its discordant nature.

Planning History

- 3.3 A summary of relevant planning history is also set out in the Statement of Case at section 4. Much of it relates to the tranche of submissions relating to Environmental Impact Assessment scoping and the First Application.

4 The Existing Hotel & The Appeal Proposal

- 4.1 It is clear from a visual inspection that the hotel fabric is in a poor and declining condition. Much of it remains unchanged since it first opened as a hotel in the 1930's. That is not to say that it is not maintained on a day-to-day basis, but there has been a trend of under investment over a long period. However, it now needs fundamental modernisation. The Report of Mr Greenslade (BR Appendix 1), Director of Hotel Capital Markets at Savills, includes a high-level cost appraisal setting out that in excess of £15m of investment would be required to modernise the hotel. A sum which exceeds its capital value and would therefore be unviable.
- 4.2 The existing hotel has:
- No surface water regulation;
 - Very inefficient buildings from an energy perspective;
 - A heating system which is carbon intensive; and
 - No regulation in terms of accessibility.
- 4.3 The proposal provides the opportunity to regulate all of these issues.
- 4.4 The lack of viability to modernise it means that there is no sound commercial rationale for upgrading it. The declining fabric and infrastructure condition will not support any change in Average Daily Rate as a means of increasing revenue. To protect revenue the hotel will be required to pursue an occupancy led strategy, offering cheaper rooms with lower levels of service standard. This will shift the guest demographic to a more value led consumer. High volume at low cost. It is the opinion of Mr Greenslade that this will draw more on the natural assets of the local area, a view shared by Kingfisher. In other words, a declining fabric will give rise to greater impacts on the surrounding area.
- 4.5 The modern luxury tourism market requires a high quality of accommodation and a range of facilities. More space per guest.
- 4.6 Commercially there is a need to redevelop the hotel. However, redevelopment provides the opportunity to regulate and beneficially affect the surrounding area both quantitatively and qualitatively, in a sustainable manner. Those effects go beyond the European Designated sites and the Habitat Regulations. I will explore, in conjunction with planning policy, the wide-ranging beneficial effects which can be secured alongside redevelopment.

The Appeal Proposal

4.7 The appeal proposal and agreed description of development comprises the:

'Redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartment and villa accommodation and associated leisure and dining facilities.'

4.8 There has been no change to the description of development throughout the planning application process. It is also virtually identical to the description agreed as part of the first planning application. The appellant's objective has remained consistent throughout. That is to redevelop the existing hotel to deliver a high-quality boutique resort. A tourism destination for guests. The type of development proposed is clear from the description of development.

4.9 The LPA claim in their Statement of Case that the appeal proposal is a housing development¹. They have never before contested the description of development nor do they now in their Statement of Case. The description of development is clear that is not the case. Whilst it is recognised that the development will involve controls over the occupation of the development to be secured by way of planning condition or planning obligation, it does not change the description of the development for which planning permission has been sought.

4.10 The LPA's resistance to the principle of development and the impact on the designated sites stems from their conclusions reached in respect of whether part of the proposal, namely the proposed villas and apartments fall within a C1 or C3 use. However, they do indicate that their concern particularly relates to the villas². It is unclear why they distinguish between the two as it completely undermines the point they make in any event.

4.11 The Town and Country Planning (Use Classes) Order 1987 defines C3 as:

'Use as a dwellinghouse, as a sole or main residence and occupied for than 183 days in a calendar year by:

- a) A single person or by people to be regarded as forming a single household;*
- b) Not more than six residents living together as a single household where care is provided for residents; or*
- c) Not more than six residents living together as a single household where no care is provided to residents.'*

4.12 The operative purpose of the Use Class Order is to enable flexibility in movement between uses, concluding that use movement does not constitute development. The extent to which a

¹ LPA SOC paragraphs 6.2 to 6.4

² LPA emails, dated 16th October and 29th October respectively, from Ms Fitzpatrick and Mr Rendle (BR Appendix 11 and 10 respectively)

house or dwelling falls within a C3 use is a matter of fact and degree. It is clear that tourism accommodation, as proposed, would not fall squarely within the definition of a dwellinghouse. The controls proposed in the s106 move it further away from the same. It is not a round peg for a round hole.

- 4.13 To understand the use and therefore its impacts, it is important to consider what is being proposed and the development for which planning permission is sought. The format of accommodation is capable of aligning to both C1 and C3, fact and degree, uses, alongside operative controls applied to any planning permission. Both would accord with the description of development.
- 4.14 The Operations Report (CD1.063) refers to a range of examples, with similarities, which fall within either C1 or C3 restricted uses. The extent to which one falls within one or another is a matter of the planning condition imposed on the planning permission. The lack of recognition that an assessment of anything more than the superficial approach adopted by the LPA, is surprising.
- 4.15 It is the appellant's position that the scheme is capable of being controlled, in use class terms, to either C1 or C3 restricted, and displaying the same degree of impact. To the guest visiting the redeveloped Knoll House, there will be no perceptible difference. Similarly, the casual observer passing by the resort will not notice any difference between the two.
- 4.16 The proposed villas and apartments are not residential dwellinghouses in the simplest application of the definition of a C3 use as defined in the Use Class Order. However, whilst they do have the ingredients to enable a day-to-day existence, their occupation has always been proposed to be controlled by way of condition or obligation to align them as tourism accommodation, operated commercially. A principle now recognised in the Purbeck Local Plan at Policy H14.
- 4.17 Similarly, in the real world, their operation also aligns with a C1 use. There is no prejudice to any third party in a control to one or the other. I am of the opinion that the LPA have become so entrenched in a principle, which is misconceived in any event, that they have lost sight of what is being proposed.

Accommodation Schedule and Occupancy

- 4.18 The appeal proposal comprises:
- A 30 bedroom hotel;
 - 16no 2 bedroomed apartments;
 - 2no 3 bedroomed apartments;

- 20no 3 bedroomed villas
- 6no 2 bedroomed villas;
- New leisure facilities including a new spa and swimming pool;
- Soft landscaping;
- 75 car parking spaces;
- 36 cycle spaces; and
- Retention of existing access from Ferry Road.

4.19 This constitutes four units less than the original submission. The July 2023 amendments included a reduction in height of the proposal, which led to the removal of 4no apartments. This constituted a reduction in the capacity of the resort by 16 overnight guests. A table of relative occupancy levels is set at Table 1.

Table 1: Relative Occupancy Levels				
	Existing	The First Application	The Second Application, October 22 (CD List 5(b))	The Second Application Amendments, July 2023 (CD List 5(c))
No. of keys	163 (106 Guest and 57 Staff)	93 (30n hotel and 63 apartments/villas)	78 (30no hotel and 48 villas/apartments)	74 (30no hotel and 44no villas/apartments)
BEDSPACE COMPARISON				
No. of staff living on site	66	0	0	0
No. of guests	273	324	296	280
Total	339	324	296	280
Difference vs existing	0	-15	-43	-59
DORSET HEATHLANDS SPD COMPARISON				
Overnight Capacity	269	170		142
Difference vs Existing	0	-99		-127

5 Planning Policy Context

- 5.1 In order to assess the acceptability of the proposal, consideration needs to be afforded to both national and local planning policy so far as it is relevant. In doing so, I have had regard to the Development Plan read as a whole.
- 5.2 With regard to national policy, the Inspector will be familiar with the provisions of the NPPF so I have not sought to reference specific policies here. So far as they are relevant, they will be considered in the context of the key issues elsewhere in this Proof.
- 5.3 At the time of determination, the Development Plan for the former Purbeck area of Dorset comprised the Purbeck Local Plan Part 1 (Adopted November 2012). However, a new Local Plan, the Purbeck Local Plan (2018-2034) was adopted in July 2024. Accordingly, those policies referenced in the Decision Notice have now been superseded. Table 2, below, provides a comparison between the adopted and superseded policies.

Table 2: Comparison of Policies referenced in the Decision Notice and recently adopted Purbeck Local Plan	
Purbeck Local Plan Part 1 Planning for Purbeck’s Future (Adopted November 2012)	Purbeck Local Plan (2018-2034) (Adopted July 2024)
Policy CO ‘Countryside’	Partly Replaced by Policy I7 ‘Community Facilities and Services’ and Policy H8 ‘Small Sites next to Existing Settlements’
Policy BIO ‘Biodiversity and Geodiversity’	Policy E10 ‘Biodiversity and Geodiversity’
Policy DH ‘Dorset Heaths International Designations’	Policy E8 ‘Dorset Heathlands’
Policy PH ‘Poole Harbour’	Policy E9 ‘Poole Harbour’
Policy GI ‘Green Infrastructure, Recreation and Sports Facilities’	Replaced by Policy I3 ‘Green Infrastructure, Trees and Hedgerows’ and Policy I4 ‘Recreation, Sport and Open Space’
Policy FR ‘Flood Risk’	Policy E4 ‘Assessing Flood Risk’

Policy D 'Design'	Policy E12 'Design'
Policy LHH 'Landscape, Historic Environment and Heritage'	Replaced by Policy E1 'Landscape' and Policy E2 'Historic Environment'
Policy TA 'Tourist Accommodation and Attractions'	Policy EE4 'Supporting Vibrant and Attractive Tourism'

5.4 In addition to the policies relevant to the reasons for refusal, the Local Planning Authority now also refer additional policies in their Statement of Case, including:

- Policy V1: Spatial Strategy for sustainable communities;
- Policy E3: Renewable Energy;
- Policy E5: Sustainable drainage;
- Policy E6: Coastal Change management areas;
- Policy E7: Conservation of protected species;
- Policy H1: Local housing requirement;
- Policy H2: Housing land supply;
- Policy H3: New housing development requirements;
- Policy H9: Housing mix;
- Policy H11: Affordable housing;
- Policy H14: Second homes;
- Policy I1: Developer Contributions;
- Policy I3: Green infrastructure, trees and hedgerows; and
- Policy I4: Improving accessibility and transport.

5.5 The Officer Report to Committee only references 3 policies in the, at that time, emerging Local Plan: Policy E1, E4 and E12.

5.6 Paragraph 8.1 of the LPA Statement of Case references those policies with which the appeal proposal would conflict. These are highlighted, in yellow, in paragraph 5.4 above and Table 2.

Overview – Principle of Development

- 5.7 The policy approach now taken by the LPA sets out that proposal is a housing estate beyond a defined settlement boundary and should not be considered in the context of Policy EE4 – Supporting Vibrant and Attractive Tourism.
- 5.8 The Development Plan should be read as a whole. It should also be viewed in the context of the existing site, which is one of the largest previously developed sites in the area. The principle of redeveloping such a site for the same type of use is consistent with the development plan when read as a whole.
- 5.9 **Policy V1: Spatial Strategy** sets out the spatial vision for the Purbeck area over the plan period, including the number of homes to be allocated. It is the spatial development strategy to meet the areas housing needs. This stems from paragraph 60 of the NPPF, a core tenet of national planning policy to address the needs of groups with specific housing requirements. NPPF 63 goes on to set out a list of those groups for which needs should be addressed.
- 5.10 **Policy H2: Housing Land Supply** sets out the capacity of allocated housing sites. It is difficult to see any relevance to the delivery of new tourism accommodation at Knoll House. It differs from the housing land supply consideration set out in the NPPF, which has the effect of engaging or disengaging Paragraph 11(d), the tilted balance.
- 5.11 It is the appellant's position that issues relating to housing land supply are not relevant to the determination of this appeal. It was not an issue of relevance at the time of determination and that remains the case now. I question that should the LPA pursue this issue it would not be a reasonable use of Inquiry time.
- 5.12 **Policy H11: Affordable Housing** sets out the approach to delivering affordable housing for which there is an identified need. It is surprising to see the LPA adopt the position that affordable housing is required, as set out at paragraph 6.4 of their Statement of Case. It was not an issue of disagreement and the Housing Officer responded to the planning application consultation confirming that an affordable housing contribution would not be necessary in light of the restriction of the use to holiday/tourism accommodation.
- 5.13 **Policy H14: Second Homes** is referred to as a relevant policy, and will be referred to by the LPA, but does not feature beyond a passing reference in their Statement of Case. It does provide clear distinction between homes which are commercially let for holiday makers and homes which are conventional dwellinghouses designed to meet identified needs, as required by the NPPF (paragraph 60).

- 5.14 **Policy EE2: Planning for Employment** supports the delivery of new employment in rural areas, where it does not harm the character of the surrounding landscape or have an adverse effect on biodiversity.
- 5.15 **Policy EE4: Supporting vibrant and attractive tourism** seeks to protect existing tourism accommodation and recognises the role tourism plays in supporting the local economy. It accounts for 21% of all employment in Purbeck. It is relevant to a development which seeks to deliver tourism accommodation and represent major investment in the confidence of the local tourism market, as well capital investment.
- 5.16 There is no conflict with the spatial distribution of tourism accommodation in light of the existing hotel, alongside the national policy prerogative to support brownfield development.
- 5.17 The policy goes on to set out criteria against which new accommodation will be considered (a-e), including:
- a. Impact on designated sites;
 - b. Impact on local services, roads and other infrastructure;
 - c. Scale of the proposed buildings in the context of landscape and amenity impact;
 - d. Economic impacts; and
 - e. Consistency with national greenbelt and AONB/NL policy.
- 5.18 The consideration of issues associated with the criteria are broadly consistent with the reasons for refusal in this appeal in respect of the designated sites (criterion a), landscape impact (criterion c, in part) and also similarly defers the assessment of impact on the designated site to national policy (criterion e). The LPA set out at paragraph 6.5 of their Statement of Case that the proposal does not meet 3 of the five criteria in the policy. It does not state which, but it is assumed they are: a, c and e.

Landscape

- 5.19 **Policy E1: Landscape** sets out the approach to considering landscape effects. In doing so, it distinguishes between the approach to consideration of proposals in designated and non-designated landscapes respectively. In the context of the Dorset National Landscape it also disaggregates between major development proposals, where it refers to consideration in accordance with national policy and effects of 'non' major development where the provisions of E1 will apply.

5.20 It is the appellant's position that the proposal does not constitute major development and, therefore, the proposal would engage Policy E1. The Council's position appears to be the reverse, which would have the effect of disengaging the policy and referring to the provisions of the NPPF. It is recognised that the issue of whether the proposal constitutes 'major development' in the National Landscape is a matter for the decision maker. Accordingly, both approaches will be considered in this Proof.

5.21 **Policy E12: Design** is a criteria-based approach to delivering good quality design, including provisions relating to:

- Integration with their surroundings;
- Building materials;
- Crime and anti-social behaviour;
- Sustainable modes of transportation;
- Impacts from overshadowing, overlooking, noise and any other adverse impacts including light pollution from artificial light;
- Supporting biodiversity through sensitive landscaping and in built features;
- Minimising energy consumption;
- Promoting efficient use of land; and
- Delivering buildings which are accessible to all.

5.22 The evidence of Mr Alkerstone will address the approach to design including the detailed and iterative approach adopted in preparing a well-designed proposal, including consideration of Policy E12.

European Designated Sites

5.23 It is understood that the Council's case relates solely to the recreational impacts of the proposed development on the Dorset Heathlands and Poole Harbour. Similarly, Natural England also raise the same issue in their Statement of Case. They do not refer to nutrient impacts on Poole Harbour, which is nutrient sensitive. The issue of nutrient neutrality is also a matter pertaining to Regulation 63 of the Habitat Regulations and the same policies within the Development Plan, referred to below. Similarly, the baseline of the existing hotel is a relevant consideration.

5.24 In the context of Poole Harbour, NE refer to the ability to secure strategic mitigation against recreational effects given the relative distance from the site.

- 5.25 The evidence of Dr Brookbank will consider the integrity of the designated sites in detail.
- 5.26 **Policy E7: Conservation of Protected Sites** is the catch all policy relating to potential for adverse effects upon the integrity, either alone or in combination with other plans and projects. It sits alongside the site-specific Policies E8 (Dorset Heathlands) and E9 (Poole Harbour).
- 5.27 **Policy E8: Dorset Heathlands** identifies two core components to potential adverse effects: recreational effects and air quality. The evidence of Dr Brookbank will address both matters. The policy refers specifically to dwellings, tourist accommodation and equestrian related development. It is an impact derived policy assessment, which recognises that there may be cases where a net increase in provision, as an exception, may be acceptable.
- 5.28 **Policy E9: Poole Harbour** differs slightly from E8 insofar as it does not prescribe 0-400m and 400m to 5km buffers around the designated site. It refers to the impacts being assessed on a site-by-site basis.
- 5.29 The test established in respect of nutrient neutrality also applies to any proposal which would increase the loading within the catchment. The acknowledgement from Natural England that the proposal is nutrient neutral is of relevance, insofar as it recognises that the proposal will not have a nutrient impact.
- 5.30 The consistency of the proposal with policy relevant to the protection of European Designated Sites aligns with the impact-based assessment pertaining to Regulation 63 of the Habitat Regulations. However, in light of the baseline impacts of the existing hotel the issue is also highly relevant to the planning balance insofar as removing an impact in the existing hotel and replacing it with an alternative project. The proposed development is not a further impact (which would fail the Appropriate Assessment) but results in a beneficial effect on the designated site and that is necessarily a matter for the planning balance.

Drainage

- 5.31 **E4: Assessing flood risk** refers to the approach to assessing flood risk on sites of more than 1ha or where there is a risk from flooding. It is the successor to Policy FR which is referenced in reason for refusal no4. However, the site is located in flood zone 1 and no risks from flooding have been identified, as set out in the submitted Flood Risk Assessment.
- 5.32 The LPA do not allege that there has been a breach of Policy E5: Sustainable drainage systems, which have been incorporated within the development proposals to store and slow the release of flood water to an existing surface water ditch adjacent to the site. The LLFA are comfortable with the approach suggested, which formed the basis of removing their objection.

Biodiversity

- 5.33 **E10: Biodiversity and geodiversity.** The relevance of Policy E10 relates to the absence of a Biodiversity Plan as set out in reason no4. The Council have indicated that the Plan submitted prior to determination is largely acceptable and it is anticipated that matters of dispute will be clarified in a Statement of Common Ground.
- 5.34 It is the appellant's case that the proposal has a positive effect on biodiversity within the site. It delivers net gain, despite the planning application being submitted in November 2022 before the implementation of mandatory BNG on 12th February 2024. Accordingly, it is exempt. Neither Policy E10 specifically nor the Local Plan generally refer to BNG.
- 5.35 **Policy I3: Green infrastructure, trees and hedgerows** sets out the expected approach to connecting and delivering green infrastructure alongside development, including the planting and replacement of native trees and hedgerows.

Dorset Heathlands Planning Framework 2020-2025 SPD (April 2020)

- 5.36 The Dorset Heathlands Planning Framework, published in April 2020, pre-dates the adopted Local Plan. However, it remains relevant and sets out a strategy for the avoidance and mitigation of impact(s) from new residential development upon the Dorset Heathlands. It includes tourism development.
- 5.37 It sets out that both C1 – hotels and guest houses and C3 dwellings (referencing: net additional dwellings, replacement dwellings, extension or granny annex and retirement dwellings) will have a likely significant effect where they generate a net increase.
- 5.38 It recognises that replacement dwellings will be acceptable in principle.
- 5.39 The SPD will be considered in more detail in the evidence of Dr Brookbank.

Dorset AONB Management Plan 2019-2024

- 5.40 The AONB Management Plan sets out a policy framework for the conservation and enhancement of its natural beauty. The objectives of the Management Plan are also aligned with the relevant policy in the Local Plan and the objectives of the NPPF.

6 Assessment

6.1 In this section I undertake an assessment of the appeal proposal, having regard to relevant planning policy and other material considerations. The approach aligns with the key issues set out in the Case Management Conference Note issued by the Inspector and addresses the reasons for refusal set out in the Decision Notice.

6.2 Following adoption of the Purbeck Local Plan (2018-2034) on 18th July 2024, the policy framework for the former Purbeck District is up to date. I assess the proposal in that context and, in doing so, go on to consider the proposal in the context of a 'flat balance' having regard to the Plan when read as a whole and applying the presumption in favour of sustainable development.

The Principle of Development

6.3 The site comprises 2ha of previously developed land and, given its nature and scale, it is reasonably well related to Studland village. The national policy prerogative to utilise previously developed land, set out at NPPF 89 should be encouraged. It is a largescale existing hotel, a business which already plays a role in the community and has a high degree of impact on its surrounding environment. The starting point for consideration, therefore, is not an undeveloped greenfield site.

6.4 Landscape impact is considered below, but the location of the site within the AONB directs that it is a sensible starting point to consider previously developed land. This aligns with the approach set out in the AONB Management Plan 2018-2024 (CD5.05) at objective C4, including:

'B. Require the use of previously developed land where this will limit the expansion of built development into sensitive undeveloped countryside.'

6.5 In addition to the principle of 'brownfield first', the proposals are also considered in the context of a 'do nothing' approach. The existing buildings are already prominent locally. Their decline will have a negative impact and redevelopment is required to, at least, stem this.

6.6 There is a need to redevelop the existing hotel. This goes well beyond 'patching it up' in the short term, an approach which is akin to managed decline. It requires wholesale redevelopment to ensure that it can deliver the high quality of provision whilst respecting the nostalgic appeal of Knoll House.

6.7 Mr Greenslade's Statement makes clear that the hotel is trading at a reasonable level given its condition. However, such is the level of refurbishment required (estimated to be in the region

of £15.3m) to bring it back to modern standard, it would not be economically viable to do so. It requires wholesale redevelopment.

- 6.8 The ability to expand the capacity of the existing hotel, would also be limited, notwithstanding viability constraints, by the impacts on the surrounding designated sites – an increase in capacity would give rise to adverse effects. Accordingly, options are limited. Wholesale redevelopment provides the opportunity to enhance the quality of the provision on site, increasing dwell time and attracting guests who come to experience the luxury on offer, whereas currently the biggest appeal is the great outdoors in the form of the beach, heathland and other local attractions.
- 6.9 To deliver all of the sustainability enhancements proposed it will be necessary to deliver a mix of accommodation and services to create a reasonable level of internalisation (self containment). This will enhance dwell time and expenditure retention, providing more facilities than currently to occupy guests on site rather than dispersal into the surrounding landscape. However, a critical mass of accommodation is required to underpin those facilities. The Operations Report explains that the level of accommodation proposed (inventory) is at the lower end of what the operator will require to commercially maintain the resort to a high standard.
- 6.10 The LPA's reasoning for refusal did not include concerns relating to the principle of development. This is reflected in the Officer Report to Committee which sets out that the principle of enhanced hotel and visitor facilities are accepted subject to meeting policy criteria. However, the criteria are not met due to impacts on the AONB and protected sites³. The Statement of Case takes an alternative position, setting out the view that it is housing outside of any settlement boundary and is contrary to the Council's spatial strategy (Policy V1) and the provisions for housing (Policy H2) relating to the spatial strategy.

Does the proposal constitute new housing in the open countryside?

- 6.11 The appellant has never suggested that the proposal constitutes a new housing development in the open countryside, which would conflict with the objectives of the Local Plan relating to general needs housing. It does not. It has been clear from the outset that the proposal comprises tourist accommodation, forming part of a resort, replacing the existing tourist accommodation on the site.
- 6.12 The starting point for considering what the proposal constitutes is the agreed description of development, which is:

³ Officer Report section 4, Key Issues

'Redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartment and villa accommodation and associated leisure and dining facilities.'

6.13 The proposal has been designed in a single resort format, with a number of features to support integration as a single operational entity, such as:

- Shared servicing corridors,
- Shared parking,
- A community heating network, serving the entire site;
- A sitewide energy and utilities strategy;
- Shared external servicing areas;
- Shared access; and
- Shared gardens.

6.14 The Environmental Impact Assessment (CD1.59) was prepared, following a Screening and Scoping Submission and response, on the basis that the proposal fell with category 12 (c) of Schedule of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017, that is for:

'Holiday villages and hotel complexes outside urban area and associated developments'

6.15 The size threshold for such developments is exceeding 0.5ha.

6.16 The Environmental Statement submitted reflected the development proposed. It is clear that the proposal is for tourist accommodation. This is also reflected in the socio-economic assessment which adopts a blended approach to guest accommodation, the associated economic benefits and effects across the entire development. A residential development in the countryside would have a very different economic profile insofar as it would not generate employment during the operational phase or other economic benefits outside of the generation of additional household expenditure.

6.17 The submission also included a detailed Operations Report which provides a real-world assessment of the proposal, including examples of comparable resorts.

6.18 The Council's Statement of Case identifies a conflict with PLP Policy V1 (Spatial Strategy) and Policy H2 (Housing Land Supply). However, neither policy is relevant to this case. Nor is the delivery of affordable housing (Policy H11).

6.19 Policy V1 establishes the spatial distribution of the identified housing requirement in the Local Plan. The requirement is established in the context of NPPF paragraph 61, to identify the *'minimum number of homes needed'*. NPPF63 goes on to set the context for establishing the need for particular groups which should be met, through strategic policies, including:

- Those who require affordable housing;
- Families for children;
- Older people;
- Students;
- People with disabilities;
- Service families;
- Travellers;
- People who rent their homes; and
- People wishing to commission or build their own homes.

6.20 The proposal does not fall within any of the categories identified.

6.21 NPPF 64 further sets out the approach to meeting affordable housing needs, as a component of general housing need. If proposals do not comprise a form of development which seeks to address an identified need, there is no requirement for it to contribute to affordable housing provision, set out in PLP Policy H11. This was the approach adopted by the Council's Affordable Housing Officer (CD 3.008), who commented that:

'For this proposal, the applicant has indicated a willingness to accept some form of holiday use restriction. I suggest this be done by means of a planning condition, to restrict use of the dwelling houses to holiday accommodation only.'

'With a restrictive condition in place this proposal should not seek to provide affordable housing or any financial contribution.'

6.22 The issue of affordable housing did not feature in the Officer Report Committee and does not appear in the reasons for refusal.

6.23 It is not clear why the Council now seek such a contribution or why they have concluded it is contrary to Policy H11 at Paragraph 6.4 of their Statement of Case.

- 6.24 Policy H2 quantifies the distribution of new homes for which there has been an identified need. It is silent on tourism accommodation. That is because there is no requirement to meet such a need in policy terms. Policy H2 is not relevant to the redevelopment of Knoll House.
- 6.25 Policy H14 refers to the provision of Second Homes, which provides clarity on the distinction between housing for which there is an identified need and other forms of accommodation, including new homes which are commercially let for holiday makers. In such cases, the policy requirement to deliver new homes as principal residences only (i.e. not as second homes), is disengaged. In such cases it sets out that a holiday restriction will be imposed by way of a planning condition or obligation.
- 6.26 The Local Plan Inspector's Report (CD5.015) provides clarity on this issue, setting out at paragraph 203 and 204 that:
- '203.....It would not apply to holiday lets which are run as a business given their contribution, both directly and indirectly to the tourism economy in the area.*
- 204. Second homes are not a category of need for which the Framework advises that provision should be made, therefore the policy would not conflict with national policy in this respect.....'*
- 6.27 Applying the appropriate context for PLP Policies V1, H2, H11 and H14, the proposal does not constitute housing for which there is an identified need, or a requirement to strategically plan for, and also accords with the provisions for accommodation which is solely operated for commercial purposes, set out in H14. The provisions of the Local Plan enable the proposal to be properly described as a development which will not result in an unsustainable form of housing in the open countryside.
- 6.28 More appropriately, the proposal is an economic led form of development, recognised as such in the NPPF at paragraph 88 as a tourism and leisure development which will make a substantial contribution to the local economy, a matter which is not in dispute by the LPA.
- 6.29 Policy EE2: Planning for Employment supports the delivery of employment in rural areas, encouraging it through well designed new buildings where the scale, appearance and layout of the proposal does not harm the character of the surrounding landscape or have an adverse impact on biodiversity.
- 6.30 The effect of tourism related development is also recognised specifically. The economic benefits of the proposal are substantial, a matter which is not in dispute. It will secure:
- Total construction investment – circa £65m (at 2022 prices) over an estimated 18 months construction programme;

Jobs:

- 148 jobs (112 FTE) directly at the hotel up from 66 currently (48 FTE)
- 21 jobs supported in supplier spend
- 59 jobs supported in visitor expenditure off site
- Total: 228 jobs in total. This amounts to a 14% increase in employment in Hotels and Restaurants in the former Purbeck District area
- The construction process will also generate 265 person years of employment. In others words it will employ 133 people for two years.

Wages:

- Direct employment: £2.9m in wages per year;
- Supplier: £505,000 in wages per year;
- Local guest spend: £822,530 in wages per year

Economic Projections:

- £65m construction investment. This generates £9.4m in wages and £25m GVA
- £5m GVA every year in operation for the local economic from onsite activity
- £1.1m GVA a year in the supply chain
- £2.3m a year in additional spend in the local area.

6.31 In context, the level of employment generated amounts to a 14% increase in the level of employment in Hotels and Restaurants in the former Purbeck District.

6.32 The economic benefits of the proposal are substantial and should be afforded **substantial weight**.

6.33 The type of tourism accommodation envisaged by the Local Plan is varied, including holiday parks which benefit from rural locations⁴. In this case, as I set out above, the existing hotel provides the context for the proposed development.

6.34 Policy EE4: Supporting vibrant and attractive tourism is clear in its opening paragraph that:

⁴ PLP paragraph 244.

'Development opportunities to enhance the visitor economy will be supported where they are of a scale, type and appearance appropriate to the locality and provide local economic benefits.'

- 6.35 This permissive approach goes on to set out scenarios where development will be permitted outside of settlement boundaries. It is silent on the replacement of existing accommodation but does include scenarios where new development will be permitted for new accommodation. The assessment criteria, in part follow the key issues in this appeal:
- a. Impact on the national site network (including European designated sites);
 - b. Impact on local services and the capacity of roads and other infrastructure;
 - c. Any harm to the character of the landscape or settlement;
 - d. Assessment of benefits to the local economy; and
 - e. Consistency with national policy in the context of AONB.
- 6.36 The consistency with criteria a and c are assessed alongside the detailed evidence of Dr Brookbank (a) and Mr Sneesby (c), and considered under distinct headings below. I also consider national policy in the context of AONB, having regard to the provisions of major development.
- 6.37 The impact on local services and capacity of roads, is a matter considered by the Local Highway Authority (CD3.012) who confirmed that the Transport Statement was robust and did not raise any objection to the proposal.
- 6.38 The provisions of the Framework Travel Plan (CD1.049) and the conclusion reached in the Transport Statement⁵ (CD1.048) that the proposal will offer a significant improvement to the existing arrangement on site and reduce impact of vehicular traffic on the local highway by up to 510 trips per day when at full capacity, encouraging more sustainable travel, decarbonising transport and delivering air quality enhancements. This is compounded by the reduction in the level of parking when compared to the existing situation down from 86no spaces to 75no. It is a matter which not only goes to the heart of the principle of development, it is a major benefit which should be afforded **significant weight**.
- 6.39 Having regard to the evidence of others, I conclude that the proposal is consistent with Policy EE4, the policy most relevant to considering the principle of development.

⁵ CD1.048 paragraph 7.10

What is the use of the proposed development?

- 6.40 As I explain above and in Section 2, the starting point for consideration of the proposal is the agreed description of development. Any form of development which comes forward will have to accord with that description.
- 6.41 There is no requirement for the description of development to reference use classes. The purpose of the Town and Country Planning (Use Classes) Order 1981 (as amended) is to specify the operations or uses which are not taken to comprise development for the purposes of the Town and Country Planning Act 1990 (section 55) and therefore do not require planning permission. In other words, it provides flexibility to enable movement between similar uses.
- 6.42 The appellant is not seeking to make use of the flexibility afforded by the Use Classes Order. It has always been clear that the proposal is to be operated as a holiday resort comprising tourist accommodation.
- 6.43 The proposal does not accord with the statutory definition of C3 accommodation set out in the Use Class Order in any event, because that expressly relates to the use of dwellinghouses as a sole or main residences. The language of C1 or C3 used in association with the proposed development has been used to assist the LPA precisely how the proposal will be operated as informed by the operational delivery and development economics. This is set out in the Operations Report, which makes clear that similar schemes can align with reference to either use class alongside the use of planning controls.
- 6.44 Throughout my involvement with the proposed development, both in respect of the Appeal proposal and the First Application, the appellant has sought to establish the Council's clear position on the potential effects on the designated sites. During the First Application, it was concluded that, whilst there was a concern over the reference to C3 accommodation, it could be mitigated. The LPA eventually departed from this position in determining the planning application which is now the subject of this appeal, adopting a position that all reference to C3 development would be unacceptable.
- 6.45 The appellant takes issue with this approach for two principal reasons:
- It pays no regard to an impact-based assessment, which underpins Regulation 63 of the Habitat Regulations and now reflected in Policy E8 of the PLP; and
 - It pays no regard to the development proposed.
- 6.46 Had the LPA paid proper regard to the use of the development proposed, as set out in the description of development, they could have incorporated controls over that use to enable the provisions of an Appropriate Assessment to properly conclude that the proposal will not give

rise to adverse effects on the Dorset Heathlands and Poole Harbour. This issue is considered in more detail in Issue 4, below.

Conclusions in respect of the Principle of Development

- 6.47 In conclusion, the proposal for tourist accommodation is appropriate in principle, having regard to the Development Plan and national policy. In reaching such a conclusion, it is recognised, as it has always been recognised, that controls relating to the use of the development will be required to ensure that it remains as proposed in the agreed description of development.

Issue 2 – Landscape effects, including character of Heritage Coast

- 6.48 In considering and drawing conclusions in respect of landscape effects, I have had regard to both Policy E1 of the Development Plan and National Policy, given the National Landscape designation. It appears that the Council's and Appellant's positions on major development are diametrically opposed. I am of the opinion that the proposal does not constitute major development, the Council the reverse. However, both of us have referred to the consideration of the alternative. Of course, this is a matter for the Inspector in accordance with NPPF Footnote 64.
- 6.49 The tests of major development go beyond landscape impact and I have considered these accordingly. However, in reaching a conclusion on landscape effects I draw upon the evidence of Mr Sneesby.
- 6.50 For the purposes of this evidence, I have subsumed the provisions relating to Heritage Coast into the landscape character considerations.

Does the proposal constitute major development for the purposes of NPPF 183?

- 6.51 The starting point for the consideration of 'major development' in the context of the National Landscape is the application of Footnote 64 itself. Determining the issue of whether something is or isn't major development is a matter for the decision maker. This directs a judgement to be applied and therefore it cannot be a uniform definition. However, it must 'take account its nature, scale and setting, and whether it could have a significant adverse effect on the purposes for which the area has been designated or defined.' That is not to say that all development in the designated landscape is either unacceptable or major.
- 6.52 There are many cases where large proposals for new homes on greenfield sites⁶ are not considered major. There are also examples of Local Authority assessments to conclude that

⁶ Land South of Berrells Road and West of Bath Road, Tetbury (APP/F1610/A/12/2173305) – 39no dwellings; Garden Mill, Derby Road, Kingsbirdge (APP/K1128/W/16/3156062) – 32 dwellings; Land off Middlelong Avenue, Ross-n-Wye (APP/W1850/W/20/3260641) – 44 dwellings;

proposed allocations of 60-70 houses on greenfield sites, such as the High Weald AONB, do not constitute major development. Of course, the appeal proposal is not proposed on a greenfield site, it is already occupied by extensive development of discordant appearance which has a harmful effect on the landscape. The declining condition will worsen that effect further.

- 6.53 **The context** for considering major development is the existing site and its existing condition, a major previously developed site. In this case Knoll House Hotel is currently an operational tourist destination and has been for 90 years. Over that period, it has played a vital role as a vibrant holiday destination for many, providing access to the locality and the coastal stretch of Studland and the surrounding area.
- 6.54 The hotel is in need of redevelopment otherwise the quality of the offer will continue to decline, having a detrimental impact on the area. The 'do nothing' scenario will have a far greater visual impact than a developed scenario. This will include the removal of 4,817sqm of development and a total of 8,283sqm of hard landscaping. Replacing it with a larger, but rationalised development strategy.
- 6.55 **The nature** of the proposed development, in terms of its use and the character of the use, will not change. However, it will result in fewer trips and fewer people staying overnight on site. A decrease in frequency of use and greater self-containment, is relevant in considering the scale of development, as well as the physical scale.
- 6.56 **The scale** of some of the buildings proposed will amount to a slight increase in height (3m in places), however, the landscape led approach to design, considered by Mr Alkerstone, which will replace the discordant assemblage of 30 existing buildings of poor and declining condition, is a key consideration in the context of major development.
- 6.57 Development areas will be rationalised, reducing the footprint of the developed site. This will contract the existing sprawling area of built development on the site.
- 6.58 Whilst the scale of development from a nil baseline would be large. It is not a greenfield baseline, which is integral to the assessment of major development or otherwise. I do not consider the proposal to constitute major development. Accordingly, the provisions of Policy E1 which deal with such cases is engaged. However, I have gone on to assess the proposal in the context of the major development tests set out at NPPF paragraph 183.

The Major Development Tests

- 6.59 NPPF Paragraph 183 identifies that major development in the AONB should be refused other than in exceptional circumstances. It also includes a public interest test. Consideration of major development proposals should include an assessment of:
- a. The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the economy;
 - b. The cost of, and scope for, developing outside of the designated area, or meeting the need for it in some other way; and
 - c. Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.60 I take these matters, in turn, below. The Officer Report⁷ in respect of the First Planning Application recognised that the proposal satisfied the first two tests in respect of need and impact on the local economy; and the cost and scope for developing outside the designated site.

The need and impact on the economy

- 6.61 I have identified, in the context of the principle of development, the proposal does not seek to respond to an identified need for housing. It is not a housing development. However, it is an economic form of development, set within the visitor economy, the backbone of the Dorset economy. The resort will deliver economic growth for the local area. A major economic development which will result in additional employment, additional direct spend, additional indirect spend, additional wages which generate economic growth, and improving investor and guest confidence in Dorset.
- 6.62 It will employ 112FTE. The staffing strategy will move from the current use of temporary staff, many of whom live on site in staff accommodation, to more permanent roles alongside a robust staffing strategy, enabling the staff to live in the community.
- 6.63 Without redevelopment, the existing hotel will become unviable with the cost of repairs outstripping the value of the asset. It will continue a spiral of managed decline, which is also directly related to the existing environmental impacts of the hotel.
- 6.64 I conclude that there is clear and cogent evidence which supports the need for the development.

⁷ CD8.011 page 45 and 46

The Cost and Scope of developing elsewhere

- 6.65 The proposal relates to the redevelopment of an existing hotel. It is locationally specific. It would be impractical to close Knoll House and redevelop a replacement elsewhere.
- 6.66 Notwithstanding the redevelopment, the proposal relates to a coastal resort. No alternative locations have been identified. The prospects of doing so outside of the AONB would be unrealistic as the designation covers 60% of the former Purbeck District and almost the entire extent of the Dorset Coast.
- 6.67 The appeal proposal is essentially a modernisation of the Knoll House in its prime. It will deliver a luxury destination. A big part of the appeal for visitors is the scenic beauty of the locality. It is recognised that such a proposal would not be feasible if it were not for the existing hotel. However, recognising the baseline, it would not be viable nor would there be realistic scope to develop elsewhere.
- 6.68 I conclude that it would not be practical or viable to develop the proposal outside of the designated site.

Any detrimental effect on the environment, the landscape and recreational opportunities

- 6.69 The final test is more than just a landscape consideration, covering environmental effects generally and recreational opportunities.
- 6.70 The evidence of Mr Sneesby sets out that there are landscape benefits from the proposal having regard to the impact of the existing hotel establishing the baseline. The visual impact of the proposal is largely limited to long distance views and the character of the area will not be detrimentally impacted by the proposal. The design is of a high quality and there are also benefits to be drawn from the proposal in the context of landscape character.
- 6.71 Mr Sneesby sets out the approach taken in the LVIA to consider the effect of the proposal on visual receptors. He concludes that from the wider landscape the change experienced is either slight (not adverse) or moderate to large (beneficial). The beneficial effects are derived from the proposed buildings being more visually recessive in the landscape when compared with the baseline. Overall, the effect on visual receptors is less than currently.
- 6.72 Having regard to the high degree of sensitivity associated with the National Landscape, Mr Sneesby concludes that the magnitude of effect of the buildings and elevations will be moderate, but not adverse. Similarly, lower significance of effects are identified for the World Heritage Site, effect on the seascape characteristics and the tranquillity of the area. Mr Sneesby concludes that the proposal will accord with Policy E12 from a landscape perspective, a conclusion I share.

6.73 However, the tests do not relate only to landscape impacts. There are wider environmental considerations. The wider environmental benefits will include:

- Biodiversity Net Gain⁸ – a 38.5% increase in habitat creation and 17.38% increase in hedgerow creation;
- Planting of 134 new trees, a net increase of 105;
- A regularised surface water drainage strategy, using a SUDS treatment train and controlled discharge rates;
- Delivery of renewable energy;
- Energy efficient buildings; and
- Air quality improvements as a result of reductions in trip generation.

6.74 With regard to recreational opportunities the retention of the hotel business will sustain a key facility to promote tourism. It is the appellant's case that the proposal will result in benefits to the designated sites and enhancements for nature conservation generally, but it will also continue to be used as a destination from which people will enjoy the local environment.

6.75 I conclude that the proposal will not result in detrimental effects on the landscape, environment or opportunities for recreation. It will offer enhancements for each.

Does the proposal conserve and enhance the landscape and scenic beauty of the Dorset National Landscape?

6.76 The policy test set out in PLP 'Policy E1: Landscape' is consistent with that of NPPF182 insofar as great weight should be given to conserving and enhancing landscape and scenic beauty. I have done so in undertaking an assessment of the potential for impact on the Dorset National Landscape. It is important to note that the great weight which comes with the consideration of such matters is not a bar to development, but proposals for non-major development must conserve and enhance the natural beauty of the area and be appropriate in terms of:

- a. Appearance, scale, height, layout and density;
- b. Any other effects on landscape character and visual quality (such as noise, light and traffic; and
- c. Compliance with other policies in the PLP

⁸ CD1.059 Appendix 7.1 Paragraph 7.64

- 6.77 The issue of design, including scale, appearance, height, layout and density is a matter considered by Mr Alkerstone. I concur with his conclusion that the proposal represents a high quality of design suitable for its location.
- 6.78 It makes good use of the site, reflecting and working with the topography to make efficient use of the area whilst retaining a comparison with the existing height (above AOD) of existing structures. The largest increase is less than 3m or less than one storey in height. However, this has been proposed alongside a rationalisation of the site boundaries and opening up of the central portion of the site, welcoming the landscape in. I consider it to be an effective approach in meeting the accommodation requirements and requisite facilities, but also remaining sensitive to its location.
- 6.79 It offers several benefits over and above the existing form of development on the site. In considering the design to be of high quality I conclude that it enhances the natural beauty of the area. It will become a feature of the local area, continuing to facilitate enjoyment for so many in years to come, as Knoll House once did.
- 6.80 This conclusion is supported by the Council's Design and Conservation Officer⁹ who supported the approach to design, stating, amongst other things that:
- 'The site, which is certainly a key one in the area, is generally in need of investment and reinvigoration, with a collection of tired building which have little or no architectural or historical value beyond the small central core, whose associative significance remains largely as an intangible characteristic rather than an association with specific spaces. **The bold, modern design approach is considered the right one overall in order to avoid a similar collection of nondescript, disconnected structures or one where pastiche of some selected element is the underlying philosophy. In any case, the Arts-and-Crafts idiom plays overall a very small part in the overall style of the site.'***
- 6.81 The view that the proposed architecture is bold is considered as a positive. Bold architecture which is of good quality should not be mistaken as impactful or harmful.
- 6.82 I conclude that the proposal accords with the provisions of Policy E1. It also accords with the national policy tests in respect of major development in the National Landscape (AONB). In meeting both development plan and national policy requirements, I conclude that the proposal, conserves the natural beauty of the National Landscape. I also consider that there are elements of enhancement. This is a matter to which I afford **moderate positive weight**.

⁹ CD3.010

Issue 3 – Whether the proposal would be of an acceptable design

- 6.83 The LPA's complaint in respect of design appears to be that the design is of urban character. It does concede that the buildings are architecturally interesting but their character is inappropriate.
- 6.84 The LPA approach and reasoning is extrapolated from Reason for Refusal 1 which refers to the scale, form and massing which underscores its contentions regarding the impact on the landscape.
- 6.85 As above, I have had regard to the evidence of Mr Alkerstone and the detailed approach taken to inform the design. I consider it to be a high quality landscape led design.
- 6.86 Mr Alkerstone identifies a number of reference points to the style of architecture considered. It is difficult to see the design in anything other than a rural context. The proposed Spa is inherently rural. It is contemporary, but that does not mean it cannot be rural.
- 6.87 In considering this in the context of PLP 'Policy E12: Design' the proposal is consistent with all of the relevant criteria, as follows:

- a. Positively integrates with their surroundings.

Assessment: the design is landscape led, absorbing the landscape into the site, replacing large areas of hardstanding and a discordant arrangement of buildings. It uses existing levels to hide back of house functions and car parking, replacing hardstanding with soft landscaping, reflecting a palette of locally appropriate materials as well as sensitive features such as green walls and roofs.

- b. Reflects the diverse but localised traditions of building materials found across Purbeck.

Assessment: Mr Alkerstone considers the approach to materials including the range proposed within the palette for the development. It draws on a variety of high-quality materials reflective of the character of the area in addition to the use of other sensitive features such as green roofs and walls. The choice of materials helps to assimilate the proposal with its surroundings, as reflected in Mr Sneesby's assessment of visual effects.

- c. Limits opportunities for crime and anti-social behaviour.

Assessment: the layout of the proposal is conducive to its management and guest experience. Limiting crime and anti-social behaviour is an essential operational requirement reflected in the design, including defensible boundaries, controlled servicing areas, drop off and reception.

- d. Where appropriate supports and promotes sustainable modes of transport.

Assessment: the use of a staff bus alongside a reduction in trip generation when compared with the existing operation of the site will result in significant benefits to the way the site is accessed by all in a more sustainable manner.

- e. Avoids and mitigates any harmful impacts from overshadowing, overlooking, noise and any other adverse impacts including light pollution from artificial light.

Assessment: The LPA allege at paragraph 6.22 of their Statement of Case that the addition of swimming pools and vehicular movements adjacent to the countryside will intrude on the rural character of the area. It is unclear what, if any, assessment they have undertaken in reaching such a conclusion but it pays no regard to the existing site where parking is dispersed across the entire site at levels in excess of those proposed. Similarly, the outside swimming pool and large terrace are located directly on the southern boundary. The proposal includes a swimming pool on this edge but with alternative adjoining indoor options. The format of the proposed spa will likewise enable a more effective approach to management. Similarly, stowing parking in largely underground or screened areas will limit any visibility from the countryside.

The LPA comment on matters relating to glare and light pollution, asserting that the design does not take this into account. The comment does not consider the information submitted in the DAS Addendum, July 2023 (CD2.014) or the design rebuttal issued in response to the AONB Comments (CD 2.022). Both assessments refer to the design measures taken to limit light spill. No evidence has yet been produced by the LPA to substantiate its position on this issue. However, it has been further considered by Mr Alkerstone, informed by a Lighting Assessment prepared in accordance with industry guidance to assess the most outward facing elevations of the proposal, to the east facing Ferry Road and the southern boundary. This lighting assessment assumes a 'worst case' scenario with all lights on and without consideration of existing natural features such as vegetation. The Lighting Assessment demonstrates that the proposal can meet the threshold lighting environment for a Natural Zone 1, most appropriate for a rural Natural Landscape. The eastern edge and southern boundary of the site are never above 0.5lux in a pre-curfew worst-case scenario. The Assessment recognised the architectural measures adopted to limit light spill, such as:

- Glazing specification with an appropriate visible light transmittance (VLT);
- Roof eaves design to prevent upwards spill;
- External slatted screens; and

- Specifying internal blinds.

Notwithstanding this, measures are proposed to further limit light spill, such as specifying appropriate external lighting, timing controls for external lights and controlling hours of operation for the Spa.

- f. Supports biodiversity through sensitive landscaping and in built features;

Assessment: the planning application was submitted prior to the introduction of statutory Biodiversity Net Gain and is therefore an exemption from the requirement. However, it has been assessed and does deliver a significant BNG. This is a direct result of the sensitive approach to landscaping, especially the introduction of soft landscaping to permeate into the site.

- g. Minimise energy consumption, including where possible inclusion of renewable energy;

Assessment: the existing hotel is currently unregulated from an energy perspective. It is incredibly inefficient. It uses LPG for heating. The proposal will decarbonize the power supply to the site, removing LPG and replacing it with electricity, much of which will be generated on site through an extensive roof mounted array. The proposal adopts a lean, clean and green approach comprising a combination of very good building fabric, high efficiency Air Source Heat Pumps and renewable energy. It will deliver MHVR and a hybrid low temperature site energy grid (a community heating loop). The improved efficiency of proposed buildings represents a substantial enhancement.

- h. supports the efficient use of land taking account of capacity in existing infrastructure and services, access to sustainable means of transport, the local area's prevailing character and the requirement to deliver high quality buildings and places;

Assessment: criterion h directs a balanced approach which makes best use of a site, whilst respecting the character of the area in the pursuit of high quality. The appeal proposal achieves that successfully.

Conclusion on Design

- 6.88 The LPA's allegation relating to design is not entirely clear. However, the evidence of Mr Alkerstone demonstrates the delivery of a landscape led and contemporary proposal which is of extremely high quality, befitting of its objective to deliver a luxury offer.
- 6.89 The development proposal, more widely, includes a series of strategies which will also deliver major benefits, such as energy efficiency, biodiversity net gain, consolidated drainage and a more sustainable approach to accessibility. These matters will be considered individually in the

planning balance I undertake at section 8 but are considered to be significant benefits of the proposed redevelopment.

- 6.90 Having regard to Policy, the proposal complies with PLP Policy E12 and the provisions of the NPPF to deliver good quality design. It follows that the proposal by virtue of its design, including scale, form and massing will not have an unacceptable impact on the character of the area.
- 6.91 I consider the design quality to be a matter which should be afforded **significant positive weight**. This view is compounded when compared to the discordant appearance and negative impact of the existing buildings.

Issue 4 – Impact on European Designated Sites

- 6.92 The appeal site is proximate to a range of European Designated Sites, particularly the Dorset Heathlands and Poole Harbour. This evidence has been prepared alongside that of Dr Brookbank, and Mr Jenkinson who deals with matters relating to dog walking, a major source of recreational impact on the Heathland.
- 6.93 It is recognised in the context of Regulation 63 of the Habitat Regulations that the threshold for the consideration of whether a project or plan will likely have a significant effect on a European site is low. It has been a central consideration throughout the 7 years Knoll House has been involved in the planning process.
- 6.94 Much of the LPA's position in respect of the European Designated sites relates to the potential adverse effects from an increase in recreational pressure. It should be (to be confirmed) common ground that the proposal will reduce overnight occupancy levels on the site, when compared with the existing hotel, by anything between 59 people (the appellant's position) and 127 people (the Officer Report to Committee) as set out in Table 1.
- 6.95 The LPA's position on the effects of development on the Dorset Heathland is predicated on the proposal being assessed as a housing development or an unrestricted C3 use. I am of the opinion that the LPA have misunderstood what is being proposed. However, as set out in section 2, the starting point for the consideration of what is being proposed is the description of development. It is, and has always been, clear that the proposal is for tourism accommodation.
- 6.96 Any reference to C1 or C3 is to assist in the operative control of the development and the use of conditions to control the proposal for its intended use (tourism accommodation) rather than to afford it the flexibility akin to a primary residence. In all of my long involvement with this scheme over the last 7 years the applicant / appellant has never alluded to the proposal being a housing development or primary accommodation. The LPA and Natural England have never fully engaged openly and objectively about the use and control of the proposed development.

This is highlighted by an email sent by Mr Rendle to the appellant on 29th October (BR Appendix 10), which sets out, amongst other things that:

'I believe that there is currently a dispute about what exactly the application is for (C3 residential or C1 tourist accommodation) and the Council is still awaiting a response from the Appellant on that. This is a key issue for the outstanding matters relating to the HRA. If what is being sought (particularly the villa element of the proposal) were to be amended to holiday/tourist accommodation and such an amendment is allowed by the Inspector, and subject to appropriate controls being proposed on that use – for example including restricting the letting of the villas to a certain number of days etc - which would be legally effective and enforceable, then from my perspective it is likely that we can come to an agreement on the HRA issue and this matter may be resolved.'

- 6.97 The appellant has provided a response setting out their position (BR Appendix 11), which has not changed. It is clear at Section 2 of this Proof that the appellant has sought to engage on matters of use for a very long time. It has been a critical issue. For Mr Rendle now to recognise that: *if what is being sought [...] were to be amended to holiday/tourism accommodation and such amendments is allowed by the Inspector, and subject to appropriate controls being proposed on that use.....from my perspective it is likely that we can come to an agreement on the HRA issue and this matter may be resolved.'* is surprising.
- 6.98 I am of the opinion that this position taken by the Council is unreasonable. This was the critical issue which led to members of the Committee refusing planning permission. It was debated at length and in the face of requests from both members of the committee and the ward member that determination be deferred to enable resolution, but that sensible approach was resisted.
- 6.99 Notwithstanding, Dr Brookbank demonstrates that the proposal will result in a reduction in the capacity of the site for overnight accommodation and will not result in an adverse impact on the Dorset Heathland or Poole Harbour.
- 6.100 A net reduction in overnight occupancy in the context of broadly comparable per capita impacts (adopting a precautionary approach) means that the proposal will not have an adverse impact, but a beneficial effect on these internationally protected sites. This is a matter which can be afforded **substantial weight** in the determination of the planning appeal.
- 6.101 Aligned with the appellant's nature conservation objectives to enhance the environment in which they operate, several further material benefits, derived from a range of qualitative measures, will be secured.
- Introducing a luxury offer increasing dwell time onsite and reducing offsite visitation;
 - Controlling the number of dogs on site to levels below existing;

- Decarbonising and reducing vehicular movements, improving air quality;
- Securing boundaries to designated sites to reduce permeability;
- Introduction of a circular route for dog walking outside of the designated sites;
- Improving fire safety, reducing the risk to the heathland;
- Improving water quality of surface water discharge through SUDS and controlling discharge rate;
- Delivering visitor information packs; and
- Reducing foul water discharge, offering nutrient benefits.

6.102 I give these qualitative benefits **significant weight**.

Conclusion on Designated Sites

6.103 The reduction in overnight capacity resulting from the proposal will ensure that the proposal will not result in an adverse impact on the European Designated Sites, notably the Dorset Heathlands which are located within 400m. The quantitative reduction in people residing on site is a matter which should be afforded **substantial weight** in the planning balance.

6.104 However, the reduction not only avoids conflict with the provisions of Regulation 63 of the Habitat Regulations, it is also relevant to matters planning policy and the planning balance. If a negative effect is avoided, the evidence shows that it will not be a neutral impact but beneficial. This is a material planning issue and should be afforded weight. The numerical conclusions also sit alongside a range of other enhancements set out.

6.105 I afford these benefits/enhancements further **significant weight in favour** of the proposal.

Issue 5 – Trees

6.106 The Council's concern relating to trees is understood to relate to the impact during construction on existing trees. They refer to T40, an oak tree located on the southern boundary.

6.107 It remains to be seen what evidence they will produce (none has been forthcoming to date) and the appellant reserves the right to respond to any new issues they might raise. However, in the context of T40 and the approach to existing trees generally, Mr Cleverdon has updated the Arboricultural Impact Assessment and Method Statement to demonstrate how trees will be protected so as not to risk their longevity where they are proposed for retention. This approach is sufficient to address Reason for refusal no5.

6.108 Further detail has also been provided, in consultation with a Structural Engineer to demonstrate how the detailed design of the swimming pool will be progressed in the context of T40. The appellant considers the retention of the oak tree to be a positive feature which will enhance the Spa experience. It is possible to do so.

Issue 6 – Surface Water Drainage

6.109 Clarification was sought and subsequently provided by the LPA, dated 1st November 2024, that they are content with the proposed surface drainage strategy. This follows the removal of the LLFA objection.

6.110 However, they remain concerned that the delivery of a small headwall into the existing drainage ditch because the presence of protected species, namely Water Vole and Otter.

6.111 Dr Brookbank has surveyed the drainage ditch and confirmed that it is not suitable for protected species. A conclusion, which I understand, the Council are satisfied with. My expectation would, ordinarily, be that the Council would be agreeable to confirming that reason for refusal no3 has been resolved.

Issue 7 - Ecology

6.112 It is understood, at the time of writing, that the Council are reluctant to agree the Biodiversity Plan. The issue in dispute relates to the ability to control lighting levels within identified dark corridors, as part of a sensitive lighting strategy. This was the approach the Council accepted as part of the First Application and also an approach advocated by Mr Williams in January 2024 when he agreed measures relating to the Biodiversity Plan by email (BR Appendix 12).

6.113 The position of Dr Brookbank is that such matters would usually be secured by way of an appropriately worded planning condition. That is a sensible approach and also the approach advocated by Mr Williams in January 2024.

6.114 It is unclear what evidence Mr Williams may produce on this issue and given the lack of clarity from the Council, the appellant reasonably reserves the right to respond to the issues raised.

6.115 In light of the position adopted by the Council in respect of the First Application, the lack of any response by the Natural Environment Team on this application, until after the Officer's Report to Committee, and their subsequent confirmation that such matters could reasonably be controlled by condition, I do not consider that this is a matter which materially impacts my conclusions in respect of the development as a whole.

7 Third Party Comments

- 7.1 I set out in section 2 of this evidence how the Appellant has sought to engage with the local community at every stage of the project. I have been involved in numerous presentations, consultation events, community liaison group meetings (independently chaired by a Member of Dorset Council), stakeholder meetings and discussions with members. This is reflected in the level of commentary from third parties. There has been none in respect of the appeal from local residents or the Parish Council. In my experience this is unusual.
- 7.2 A Statement has been submitted by Natural England alluding to their engagement as a Rule 6 Party. They did not pursue that approach and have not provided any further evidence.
- 7.3 I consider the issues raised by Natural England to have been addressed in the evidence of Dr Brookbank, insofar as they are relevant.

8 Planning Balance and Conclusion

- 8.1 In considering the development proposed, I have had regard to the Development Plan, national planning policy and other relevant planning guidance. I have also read and had regard to the evidence of Mr Alkerstone, Mr Sneesby, along with indications from Dr Brookbank and Mr Jenkinson. Furthermore, I have had regard to the additional Arboricultural Impact Assessment prepared by Mr Claverdon and Assessment of Need prepared by Mr Greenslade.
- 8.2 In drawing conclusions in respect of each of the main issues, I have set out a table of planning policy compliance, below. I then assess the consistency of the proposal with the Development Plan, when read as a whole, before undertaking a planning balance exercise.

TABLE 3: PLANNING POLICY COMPLIANCE		
POLICY REF	ASSESSMENT	COMPLIANCE/CONFLICT/Relevance
V1	Spatial Strategy for sustainable communities.	Not relevant
E1	Landscape – assessment identifies some positive effects. If considered Major Development, policy is disengaged.	Compliance
E12	Design – proposal meets all relevant criteria.	Compliance
H2	Housing Land Supply	Not Relevant
H11	Affordable Housing	Not relevant
H14	Second Homes – recognises that commercial holiday accommodation is not relevant.	Compliance
EE2	Planning for Employment – proposal is an economic development, which is supported subject to landscape and biodiversity.	Compliance

EE4	Supporting vibrant and attractive tourism. Meets all relevant criteria.	Compliance
E7	Conservation of Protected Sites – proposal secure beneficial effects.	Compliance
E8	Dorset Heathlands – proposals will secure beneficial effects.	Compliance
E9	Poole Harbour – follows that compliance with E7 and E8 will be compliant with E9.	Compliance
Policy I3	Green Infrastructure, trees and Hedgerows – proposal secures net benefits	Compliance

8.3 I conclude that the proposal is consistent with the relevant provisions of the Development Plan. Having regard to NPPF paragraph 11, it should therefore be granted planning permission without delay. Respectfully, I request the Inspector do so.

8.4 Irrespective of the appellant's primary contention that the proposal accords with the development plan as a whole, I have also undertaken a planning balance to consider the benefits identified in this evidence and also any impact(s) identified.

Table 4: Planning Balance			
Adverse Impacts of Development	Weight Attributed	Benefits of Development	Weight Attributed
Temporary construction impacts	Moderate	Economic Impacts set out at 6.30	Substantial
		Sustainable travel improvements, decarbonisation of transport and air quality	Significant
		Landscape benefits	Moderate
		Design and replacement of existing baseline, delivering a range of regulated and enhanced drainage and energy strategies.	Significant
		Beneficial effects for Dorset Heathlands, resulting from a reduction in occupancy.	Substantial
		Beneficial effects for Dorset Heathlands and nature conservation generally secured through bespoke enhancements. Listed at 6.100.	Significant
		BNG	Significant

		Impact on Dorset tourism market and investor confidence	Significant.
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- 8.5 I have reached my conclusions in respect of the relative benefits of the proposal having regard to the evidence referenced above. In short, this is an exemplar sustainable development proposal which will result in major beneficial effects (especially in the environmental and economic dimensions) for the local area (as reflected by the support from the local community).
- 8.6 It is my professional judgement that there are no conflicts with policy or impacts derived from the proposal that direct planning permission should be refused. The benefits are clear and substantial.