

## **Enforcement Notice Two**

# **IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended) (TCPA 1990)**

## **ENFORCEMENT NOTICE**

### **MATERIAL CHANGE OF USE**

### **UNAUTHORISED DEVELOPMENT**

**Issued by:** DORSET COUNCIL (the Council)

#### **1. Enforcement notice**

**This is a formal notice** issued by the Council because it appears to it that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the TCPA 1990, at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

#### **2. The land to which the notice relates**

Land known as **Anchor Paddock, Batchelors Lane, Holtwood, Holt, BH21 7DS** shown edged red on the attached plan (the Land).

#### **3. The Breach of Planning Control Alleged**

Within the subject planning unit identified as edged in orange on the plan, and pursuant to s171A (1) (a):

The barn conversion known as White Barn, Holtwood, Holt, BH21 7DS as shown edged orange on the Plan annexed to this notice:

- 1** Without planning permission the conversion of a barn/outbuilding to a habitable dwelling including operational development to extend the barn building;
- 2** Without planning permission, the construction of a garage, outbuildings, green house, swimming pool, chicken coup and associated hardstanding.

#### 4) Reasoning for Issuing the Notice

It appears to the Council that the development referred to above has occurred within the past 4 years, and pursuant to s171B (1) of the TCPA 1990, is not immune from enforcement action. It also appears to the Council that the material change of use of the Land has occurred within the past 10 years and pursuant to s171B(3) of the TCPA 1990 is not immune from enforcement action.

The land and unauthorised development lie within open countryside and the South East Dorset Green Belt. In general, the essential characteristic of green belt is openness and permanence. The development is considered to be inappropriate development which is by definition harmful to the Green Belt and should not be approved except in very special circumstances. No special circumstances have been demonstrated.

The taking of enforcement action must be assessed against development (local) plan, and any other material considerations [ s172 (1) (b) ].

#### **Local Plan Policy.**

The relevant policies in respect of the Land and the breach alleged are –

- Christchurch and East Dorset Local Plan - Part 1 (Core Strategy) adopted April 2014 –
- Policy KS1: Presumption in Favour of Sustainable Development
- Policy KS2: Settlement Hierarchy
- Policy KS3: Green Belt
- Policy ME1: Safeguarding Biodiversity and Geodiversity
- Policy ME2: Protection of the Dorset Heathlands
- Policy HE2: Design of new development

#### **Other Material Considerations**

- National Planning Policy Framework 2023 [NPPF] – in particular paragraph 11 and chapters 5,9, 12,13 and 15.
- Planning Practice Guidance [PPG] (since 2014 as amended)
- Countryside Design Summary
- Dorset Heathlands Planning Framework 2020-2025
- East Dorset Landscape Character Assessment (Woodlands)

#### **Key Local Constraints**

- Green Belt
- SSSI Impact Risk Zone
- Dorset Heathland 5KM Zone

#### **Planning Assessment**

##### Principle of Development

The site is outside any settlement identified in the Christchurch & East Dorset Local Plan, Part 1 Core Strategy 2014 (CS) under Policy KS2.

As the site falls outside of the settlement known as Holt, it falls under the 'Hamlets' category within local policy KS2 where 'development would not be allowed unless it was

functionally required to be in the rural area'.

- The dwelling does not benefit from express or deemed planning permission; works do not comply with permitted development criteria.
- The development carried out to convert the barn to a residential dwelling was not permitted development under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development)(England) 2015 as amended on the basis that:
  - The evidence suggests that the site was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013;
  - The barn was not an agricultural building at the date of the application for prior determination or at the date that the development to convert the barn to a C3 dwelling was undertaken;
  - The development carried out did not accord with the drawings submitted under the application for prior determination; and
  - The development extended beyond the footprint of the existing building contrary to the conditions of Class Q at the time of construction.
- The building forms a new separate residential planning unit, created without permission.
- The conversion of an existing building could benefit from the Green Belt exception at paragraph 155 of NPPF, however, the works undertaken include extensions to the original barn that are disproportionate to the scale of the original building, a wraparound L-shaped extension to the east and an extension to the north. Disproportionate extensions are inappropriate in the Green Belt and impact upon the openness of the Green Belt.
- No very special circumstances have been identified which would outweigh the harm by reason of inappropriateness and loss of openness.
- The dwelling is not immune from enforcement action (The Prior Approval application received complete 19 December 2020, deemed Prior Approval date 13 February 2021)
- Impact upon Protected Heathland

The site lies within 5km of internationally designated heathland. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document sets out that harm to protect Dorset Heathlands is likely to arise from the residential development. This document also identifies opportunities to mitigate that harm which is usually secured via the Community Infrastructure Levy payments.

Policy ME2 allows new residential development, subject to an appropriate

assessment and appropriate mitigation via CIL. In this case a unilateral undertaking to pay financial contributions towards mitigation under the Dorset Heathlands Planning Framework 2020-2025 was received in respect of development under the prior approval deemed consent. Notwithstanding the receipt of financial contributions, these did not apply to the unauthorised development that has since taken place.

It appears to the Council that planning conditions would not overcome the harm arising from the development.

## **5. What You Are Required to Do:**

*In respect of the development and use of the land outlined in orange on the plan. Permanently:*

1. Cease to use the land and building(s) other than for purposes ancillary to the residential use of Anchor Paddock’;
2. Remove all kitchen and bathroom fixtures and fittings from the building known as White Barn;
3. Remove the extensions to the building and foundations identified in orange on the plan;
4. Remove the outbuildings and swimming pool identified on the plan highlighted in yellow;
5. Disconnect all utilities provided to the buildings and structures identified in yellow on the plan;
6. Remove the retaining wall within identified on the plan as a blue line;
7. Remove any hardstanding surrounding the building identified as green hatching on the plan;
8. Restore the land and allow to recover;
9. Remove all building materials occurring from the works to dismantle the building from the land;

## **6. Time for Compliance**


6 months from the date the notice takes effect.

## **7. When this notice takes effect**

This Notice takes effect on 4<sup>th</sup> September 2024 unless an appeal is made against it beforehand.

Dated: 24<sup>th</sup> July 2024

Signed

  
*Mike Garrity*  
**Head of Planning**  
**Economic Growth and Infrastructure**

On behalf of:

**Dorset Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ**  
Case officer: Jane Meadows

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