

**MINUTES OF A MEETING OF HAZELBURY BRYAN PARISH COUNCIL HELD ON WEDNESDAY 2<sup>nd</sup> AUGUST 2023  
AT 7.15 PM IN ALEC'S FIELD PAVILION.**

**Present:** Councillors Steve Murcer (SM), Val Rubie (VR), Neil Robson (NR), Ken Huggins (KH), Liz Stockley (LS) and Ivana Booker (IB); Members of the public – 9; **Minutes:** Malcolm Wilson (MW) – parish clerk.

**143/23 - Apologies:** Received from Martin Richards (MR)

**144/23 - Declarations of interest:** None declared

**145/23 – Planning - to consider application P/PIP/2023/03925 – Permission in Principle to erect 5 dwellings on land west of the Causeway, adjoining the Red Barn shop:** SM invited members of the public to comment. Concerns were expressed over failures to notify neighbouring properties, the environmental impact, the lack of detail, the impact on the hedgerow and TPO protected trees and the fact the site is outside the settlement boundary.

MW outlined the areas where the application conflicts with the Neighbourhood Plan. He also updated the meeting on the progress being made with the Plan review and other technical points to bring to the attention of Dorset Council.

Councillors had concerns over the breaches of so many policies in the Neighbourhood Plan and the adverse impact of significantly reduced parking and the knock-on effect on the shop.

It was agreed to object to the application. A copy of the objection is attached as an appendix to these minutes

**146/23 – Date of next meeting:** This will be on Tuesday 8<sup>th</sup> August 2023 at 7.15pm in the village hall

**147/23 – Close of meeting:** With no further business to discuss, the Chairman closed the meeting at 7.35 pm

**Appendix 1 to the minutes of the parish council meeting on 2<sup>nd</sup> August 2023**

**Hazelbury Bryan Parish Council objects to the application P/PIP/2023/030925 – land west of the Causeway, adjoining the Red Barn. This decision was made at a parish council meeting held on Wednesday 2<sup>nd</sup> August 2023. The reasons are set out below.**

**1. The application conflicts with many policies in the Hazelbury Bryan Neighbourhood Plan, namely:**

**Policy HB 2 – Protecting and Enhancing Local Biodiversity:** The parish council has concerns over the loss of what is a historic hedge, potentially going back to a parish map of 1607. This was drawn by Ralph Treswell for the Earl of Northumberland who owned Hazelbury at that time. There are 6 trees protected by TPO's on the site (dated 24/10/2017). Five former mature specimens were felled in 2015 in breach of an earlier TPO and after some pressure from enforcement officials at North Dorset DC, replacements were planted. The parish council objects to the removal of the hedge but at the very least, a Biodiversity Mitigation and Enhancement Plan will be needed to secure an overall biodiversity gain.

**Policy HB 13 – Settlement Boundaries and Important Gaps:** This proposal is outside the defined Settlement Boundary. Whilst the Policy does support appropriate in-fill development this is only the case if the development is within the Settlement boundary. This is patently not the case here.

**Policy HB 14 – Supporting Community Facilities:** This proposal will have a profound, negative impact on the village shop. The shop is one of the key elements that makes Hazelbury Bryan a "sustainable village". The positive impact and service to the community made by the owners of the shop during the Covid lockdowns was immense and recognised by a presentation from the Lord Lieutenant of Dorset. The proposal will reduce the parking spaces from 10 to 7. Two of these are taken by the owner's vehicles leaving just 5 for customers. The shop depends a lot on passing trade and if the car park is full, people don't stop – they move on and shop elsewhere. The space for delivery vehicles

will also be reduced and the long, thin nature of the proposed new parking space will make manoeuvres tricky. When delivery vehicles park on the road outside the shop it creates major line of sight problems for drivers heading in the direction of Kings Stag. Given that the existing entrance will be used by residents in the proposed development it seems certain that a new entrance onto the highway will be required for shop use. This will cut across the grass verge and front display area of the shop, reducing retail space for fresh produce etc. This application conflicts with the letter and spirit of this policy.

**Policy HB 15 – Meeting Housing Needs – Amount and Location of New Dwellings:** This policy allocates specific sites for development to meet the identified housing need. Indeed, the identified sites exceed the housing need requirements. The policy is very clear that “the release of unallocated greenfield sites outside the settlement boundary should be limited to rural exception affordable housing sites and sites for open market housing should therefore be resisted”. This application clearly breaches this policy.

**Policy HB 16 – Meeting Housing Needs – Dwelling Types:** This application fails to meet any of the requirements of this policy. There is no affordable housing; the homes are not two and three-bedroom houses; this is not a site whose characteristics lend themselves to larger homes on the mini estate development envisaged in this application.

## **2. The status of the Hazelbury Bryan Neighbourhood Plan:**

Based on the approval of application P/PIP/2022/04655 by Dorset Council, the applicant’s agent has said that “the protection afforded by the Neighbourhood Plan no longer applies”. This is a major over simplification of a situation requiring a more nuanced approach.

The parish council recognised the desirability of reviewing and updating the Neighbourhood Plan and began work in earnest in January 2023. A detailed housing needs analysis was completed which indicated there was no housing need for additional sites to be allocated. On this basis a light touch review was judged to be sufficient. Dorset Council has undertaken SEA screening and its report in June 2023 confirmed that a full Strategic Environmental Assessment is not required.

Work on the Plan review was seriously delayed due to well publicised delays in the Government agreeing further funding for parish councils to obtain grant funding from Locality. An approach from Simon Hoare, MP, received a derisory brush-off from the Minister of State for Housing and Planning saying budgets had not yet been agreed for 2023/24 – this was in on 25 May 2023, 8 weeks into the financial year. It was only on 25<sup>th</sup> July that the grant scheme re-opened, a third of the way through the financial year! Conscious of the need for speed, the parish council agreed at its meeting in July to press on and use its own resources if necessary to push the Plan forward.

The parish council is now ready to launch the pre-submission consultation to the community and statutory consultees. Results of this will be ready at the end of September after the minimum 6-week consultation period. It is expected that the revised Plan can be submitted for Examination and Dorset Council approval before the end of 2023. Without the Locality delay the Plan would by now have been through consultation and been ready to go to Dorset Council. Hazelbury Bryan shouldn’t be punished for Government ineptitude.

## **3. Housing supply at Dorset Council and the tilted balance:**

We have no knowledge on the current position of Dorset Council in terms of its 3 year or 5-year housing supply. We hope that in making its decision, Dorset Council will take account of the comments from the Planning Inspector in regards to an application for development in Churchfoot

Lane, also in Hazelbury Bryan. Again, the housing supply position was uncertain. The appeal reference is APP/N1215/W/19/3227814 and the concluding paragraphs are shown below

*Appeal Decision APP/N1215/W/19/3227814*

*40. As previously mentioned, the Council accepts that it cannot identify a 5-year supply of housing land. This is an important aspect of the planning balance as footnote 7 of the National Planning Policy Framework (the Framework) confirms that the relevant housing policies of the development plan should be considered out of date in this circumstance. Paragraph 11 d) of the Framework states that where the relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole or where policies in the Framework that protect areas/assets of importance provide a clear reason for refusing permission. Footnote 6 of the Framework defines those areas/assets, none of which apply here.*

*41. There is, however, also a Neighbourhood Plan in place for Hazelbury Bryan. I have found that the proposals are not in accordance with some of the policies in this Plan. Paragraph 14 of the Framework states that where the tilted balance applies to applications involving the provision of housing, "the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits". However, this is on the basis that the Local Planning Authority has at least a three year supply of deliverable housing sites. The appellant states that the Council can only demonstrate substantially less than 3 years of housing land supply, and so paragraph 14 of the Framework is not in effect as a result. The Council disputes this and states that whilst it acknowledges it has less than the 5 years of housing land supply, it has more than 3 years. Evidence has been submitted by both parties regarding this matter, but there was no agreement at the Hearing.*

*42. Overall, I fully acknowledge the benefits the proposed housing would bring in this planning balance, particularly the provision of affordable housing where there has been a lack of delivery in recent years and that there is a local need. However, I have also concluded that there would be harm as a result of the development. The inappropriate location for the houses proposed, with the lack of accessible services or public transport links, together with the adverse visual impact to the rural character of the area, are such that the harm would be substantial and a compelling reason to dismiss the appeal following consideration of all matters in the planning balance.*

*43. Therefore, even if there was less than three years housing land supply that the appellant states that the Council can deliver, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Seen in the round this would not be a sustainable development as set out in the Framework.*

*Conclusion 44. For the reasons set out above the appeal should be dismissed.*

Hazelbury Bryan parish council believes the adverse impacts of this development would similarly significantly and demonstrably outweigh the benefits, given the precedent it would set for developers to be able to ignore the policies in the Neighbourhood Plan

#### **4. Other housing sites in Hazelbury Bryan:**

Since the site allocations were made in the original Neighbourhood Plan, applications for over 100 dwellings not included in the Plan have been received and rejected, largely by North Dorset District Council. Only one site has been approved outside the Plan, that was the application referenced by the applicant. If sites outside the Plan continue to be approved by Dorset Council, then it will surely undermine the development prospects of those sites in the Plan - which are brown field sites wholeheartedly approved by the community at the referendum for the Plan.

**5. NPPF Consultation:** The recent NPPF consultation recognised the futility of Neighbourhood Plans only have a short, fully effective life. The proposed change to a 5-year life is most welcome. Also welcome is the prospect that Neighbourhood Plans effectiveness will not be diluted by any failure of the planning authority to have a sufficient 3 or 5-year supply itself. The parish council hopes Dorset council will look forward to an improved regime when making its decision.

**6. Dorset Council's decision:** The importance of this application to Hazelbury Bryan and its future housing numbers and sites cannot be underestimated. Approval would set another precedent for all the owners of hope-value pony paddocks to bring forward plans for development over the next few months before the revised Plan is approved, as it surely will be. The parish council formally requests that if officers are minded to approve the application, then a decision is referred to the planning committee for it to decide. North Dorset District Council was always very supportive of this approach, particularly where emerging Neighbourhood Plans were nearing the final stages of completion.

Malcolm Wilson

Parish Clerk, Hazelbury Bryan Parish Council

3<sup>rd</sup> August 2023