



Appeal Decision

Site visit made on 5 February 2024

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/D1265/W/22/3310636

Land at Deer Park Farm, Deer Park Lane, Blandford, Dorset, DT11 7BN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Bryanston (RFE) Ltd and The Rothermere Foundation against Dorset Council (the LPA).
- The application ref. P/FUL/2022/03963, is dated 23 June 2022.
- The development proposed is described as *"To use land for the stationing up to 40 caravans to provide temporary accommodation for up to 5 years, together with the formation of ancillary bases, tracks, services communal amenity/green space, play areas, landscaping and bin stores. To provide low-level lighting to tracks and common areas. To convert redundant agricultural building to an amenity block and community area."*

Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal site lies within the Blandford St. Mary and Bryanston Conservation Area (CA1)¹ and is adjacent to the Blandford Forum and Approaches Conservation Area (CA2). It also forms part of the settings of the grade I listed building at Bryanston School and the grade II listed Church of St. Martin². In addition, the site is within the setting of a National Landscape (NL).
3. The LPA has informed me that had it determined the application that is now the subject of this appeal it would have refused planning permission for the following reasons:
 1. *The proposed development by reason of its siting would be contrary to Policies B1, and B10 of the Blandford + Neighbourhood Plan 2011-2033, Policy BL7 of the North Dorset District Wide Local Plan 2003, and Policies 2, 16 and 20 of the North Dorset Local Plan Part 1.*
 2. *The proposed development by reason of its siting, scale, and appearance within the River Stour Meadow would result in less than substantial harm to the Blandford (sic) Forum Conservation Area and the setting of various listed buildings contrary to Policies B10 and B12 of the Blandford + Neighbourhood Plan (including Blandford + Design Guidance and Codes (Design principles (para 4.1.2) and Code 11)), and Policy 5 of the North Dorset Local Plan Part 1, and paragraph 206 of the National Planning Policy Framework.*

¹ The provisions of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

² The provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

3. *The proposed development by reason of its siting would not avoid an area at risk of flooding and would thereby likely have an adverse impact by increasing flood risk contrary to Policy 3 and 13 of the North Dorset Local Plan Part 1, and paragraphs 165, 167 and 168 of the National Planning Policy Framework.*
 4. *The proposed development by reason of its siting and scale would have an adverse impact upon the foraging habitat used by the nearby Bryanston SSSI Greater horseshoe bat colony contrary to Policy 4 of the North Dorset Local Plan Part 1, and paragraph 186 of the National Planning Policy Framework.*
 5. *The proposed development by reason of its siting, scale, and appearance would have an adverse effect on the local landscape which is important to the character of the area including the setting of the Dorset National Landscape contrary to Policy 4 of the North Dorset Local Plan Part 1, and paragraph 182 of the National Planning Policy Framework.*
4. The LPA has informed me that it has a five-year supply of deliverable housing sites. The appellants' agent has informed me that their clients do not wish to challenge the LPA's position on this matter.

Main Issues

5. There are five main issues. These are: firstly, whether the siting of the proposed development would accord with national and adopted local planning policies for the location of new residential development; secondly, the effect upon the character and appearance of the area, including the River Stour Meadows and the setting of the Dorset NL; thirdly, the effect upon various heritage assets, with particular regard to the settings of Bryanston School and the Church of St. Martin, as well as the likely effect upon CA1 and CA2, and the effect upon the non-designated heritage asset of Bryanston School Park & Garden; fourthly, the flood risk implications and; fifthly, the likely effect upon the local population of Greater Horseshoe bats.

Reasons

Planning Policy

6. The development plan includes the 'saved' policies of the North Dorset District Wide Local Plan (2003), the North Dorset Local Plan Part 1 (LP) and the Blandford + Neighbourhood Plan 2011-2033 (NP). The NP was originally made in 2021 and was subsequently reviewed following an Examination. The Modified NP was made in October 2023.
7. My attention has been drawn to numerous development plan policies. The most important local planning policies to the determination of this appeal are: 'saved' policy BL7 (Crown Meadows); LP policies 2 (spatial strategy), 3 (climate change), 4 (natural environment), 5 (historic environment), 13 (grey infrastructure), 16 (Blandford), 20 (countryside) and; NP policies B1 (settlement boundaries³) and B12 (The River Stour Meadows).

³ There is a discrepancy regarding the extent of the defined settlement boundary. The 'B+ NP Constraints Plan' shows the access track and buildings on the appeal site (excluding field shelters) within the settlement boundary, whereas on the 'Policies Map - Inset B' all of the buildings and part of the access track lie outside the settlement boundary. Whilst noting the LPA's comments, I have determined the appeal on the basis of the settlement boundary shown on the 'B+ NP Constraints Plan'.

8. The LPA, amongst other things, has drawn my attention to NP policies B9 (local green space) and B10 (Blandford + Design Code). Although the appeal site is in very close proximity to the 'Land adjacent the Leisure Centre' local green space, it does not form part of this or any other green space as identified under NP policy B9. In addition, from the version of the Design Code sent to me, it is not possible to ascertain which character area the appeal site lies within. Whilst I am therefore mindful of the need to secure high standards of design, neither of these policies are determinative to the outcome of this appeal.
9. The appellants have, amongst other things, drawn my attention to LP policies 26 (Sites for Gypsies, Travellers and Travelling Show People) and 31 (Tourist Accommodation in the Countryside). However, as the intended occupants of the proposed caravans would not be gypsies, travellers, travelling show people or tourists, but instead, Ukrainian refugees, neither of these policies are determinative to the outcome of this appeal.
10. My attention has also been drawn to policy ECON8 (caravan and camping sites) of the emerging Dorset Local Plan. This policy is intended to provide tourist accommodation and has yet to reach a stage where it can be given any significant weight. It is not determinative to the outcome of this appeal.
11. I have also had regard to the provisions of the National Planning Policy Framework (the Framework) in determining this appeal.

First Main Issue – Location of New Residential Development

12. Blandford Forum and the smaller built-up area of Blandford St. Mary comprise a sizeable settlement that provides a range of services and facilities. These include a hospital, schools, shops, employment and bus services. It is a sustainable location for some new housing development, as reflected by its role within the development plan as a main service centre for this part of Dorset.
13. Under LP policy 2, Blandford acts as a main focus for growth, with LP policy 16 requiring at least 1,200 new homes to be provided within the defined settlement boundary between 2011-2031. This reflects the provisions of the Framework that aim to significantly boost the supply of homes and meet as much of an area's identified housing need as possible. Land outside the settlement boundary is defined as countryside, where development is strictly controlled unless it is required to enable essential rural needs to be met.
14. LP policy 20 provides that development within the countryside will only be permitted where it is of a type appropriate in the countryside, as set out in the LP, or where it can be demonstrated that there is an overriding need for it to be located within the countryside. This is broadly consistent with those elements of the Framework, which require planning decisions in rural areas to support housing developments that reflect local needs.
15. The Government recognises that the Russian invasion of Ukraine in 2022 has led to a grave humanitarian crisis, with millions of people in dire need, and millions registered as refugees across Europe. Amongst other things, the Government has committed millions of pounds in humanitarian assistance to Ukraine and the region around Ukraine, as well as launching the 'Homes for Ukraine' scheme in 2022. This scheme is intended to offer a lifeline to those who have been forced to flee. In launching the scheme, the Secretary of State

remarked *"I'm asking people across our country who can provide a home for Ukrainians to consider being sponsors."*

16. Although the proposed development does not fall within the remit of the 'Homes for Ukraine' scheme, the provision of 40 caravans would assist in helping to provide much needed (and safe) accommodation for Ukrainian refugees. The occupants would have convenient access to services and facilities and the conversion of a barn to community use would help the refugees socialise. It would also make effective use of a redundant building.
17. However, the proposed residential caravans are not of a type of development that is appropriate within the countryside. It has also not been demonstrated that there is an overriding need for these to be located beyond the defined settlement boundary for Blandford and within the countryside. Whilst it is a laudable aim to try and provide accommodation for refugees, it is very far from certain that the proposal is the only way of achieving this. Furthermore, although some Ukrainian refugees may already be living within the local area and/or others hoping to reside here, there is no cogent evidence before me to demonstrate that the proposal is reflective of any local need.
18. The LP pre-dates the events which commenced in Ukraine in 2022. However, the NP has subsequently been reviewed and modified. One of the main purposes of the policies in the NP is to either encourage planning applications to be made for things the local community wants to see happen or to discourage applications for developments that they do not want to happen. In the main, the appeal site remains outside the Blandford settlement boundary. The Government is committed to ensuring that the planning system remains plan-led and the Framework provides, amongst other things, a platform for local people to shape their surroundings. The proposal conflicts with the provisions LP policies 2, 16 and NP policy B1. If these policies were to be set aside, it would be likely to erode public confidence in the planning system.
19. 40 caravans is not an insubstantial number of residential units to provide on one site. Unlike the 'Homes for Ukraine' scheme where refugees live with a host, it is unclear to me what, if any, mechanism or support would be in place to help foster social interaction with the existing community. Whilst my decision does not turn on this particular matter, I share the concerns of some interested parties that such a large concentration of refugees on this site would be at odds with the Government's objective of promoting social interaction.
20. Even if permission was forthcoming, there is some doubt in my mind as to the extent to which the development would accommodate Ukrainian refugees. In this regard, the occupancy conditions suggested by the main parties refer to refugees within the terms of the UNHCR protocol. Whilst not unsympathetic to the plight of all refugees, it is by no means certain that the caravans would be occupied by those fleeing the war in Ukraine. Moreover, such a planning condition could be problematic for the LPA to monitor and enforce, especially given the constraints upon scarce local authority resources.
21. I conclude on the first main issue that the siting of the proposed development would conflict with national and adopted local planning policies for the location of new residential development.

Second Main Issue – Character and Appearance

22. This 2.6 ha appeal site comprises mainly valley pasture⁴, with some redundant farm/equestrian buildings, on the western edge of Blandford Forum. The northern edge of the site abuts some sports pitches of The Blandford School and the leisure centre, whilst to the east, lies the scout hut off Eagle House Gardens and the rear gardens of properties in Portman Place and Parklands. The western/south-western boundary of the site is undefined with pasture falling away towards the River Stour. The wooded escarpment known as 'The Cliff', which forms part of the Dorset NL⁵, lies on the opposite side of the river.
23. The unspoilt, open pastoral qualities of the appeal site form an integral part of the countryside that surrounds Blandford Forum. I understand that the site was part of 'Deer Park' meadow (formerly known as Crown Meadows) and much of it is now included within the locally designated River Stour Meadows. As I saw during my visit, this area of predominantly open land provides a very attractive parkland-like and picturesque setting to Blandford Forum. It also forms part of the charming valley pasture that provides a pleasing contrast to the wooded hillside of 'The Cliff'. The appeal site makes a small, but positive, contribution to the setting of this part of the Dorset NL. As noted within the NP, the River Stour Meadows is of significant local historic and landscape importance and a defining feature in the setting of Blandford Forum.
24. The appeal site also affords views out of Blandford towards 'The Cliff' and the Dorset NL. This includes views from Milldown Road (near the entrance to the hospital), the footway to The Blandford School/leisure centre, and along Deer Park Lane. From these areas, the site can be appreciated as part of the attractive countryside setting to the town. Whilst not part of the public realm, from within the site and across the site from some neighbouring residential properties, there are pleasing views of the countryside, including the listed Bryanston School and filtered views of the Church of St. Martin.
25. The proposed re-use of redundant buildings on the appeal site and some new landscape planting would have a minor positive impact upon the character and appearance of this area of valley/parkland landscape. However, the proposed 40 caravans, associated hard standings, tracks, children's play areas, external lighting, comings-and-goings of residents, as well as service/delivery traffic, would markedly change the character and appearance of the site and the contribution it makes to the settings of the town and the Dorset NL.
26. The loss of pasture and the introduction of residential accommodation, as well as the other man-made additions to the site, would considerably erode its unspoilt open qualities. The creation of a not insubstantial caravan park within this part of the countryside would be at odds with, and considerably detract from, the parkland setting to the town and this area of charming valley

⁴ I understand that much of the site lies within the 'Valley Pasture Landscape Type', as defined within the Dorset Landscape Character Assessment (LCA) and the 'Mid Stour Valley Landscape Character Type', as defined within the North Dorset LCA. The key characteristics of these landscape types include the important contribution such landscapes make to the setting of towns/Blandford. I also note that the overall management objective for the 'Valley Pasture Landscape Type' includes conserving the strong visual unity of the valley.

⁵ On behalf of the appellants, it has been calculated that the Dorset NL is about 250m from the appeal site. Whilst seemingly not a definitive public right of way, there is a very well used/worn riverside path along the bottom of 'The Cliff'. (The appellants have stated that this is not publicly accessible.) As part of my visit, I walked the section of path between Blandford Bridge and the Church of St. Martin. I passed several dog-walkers and was able, at various points, to look east towards the appeal site. Whatever the legal status of this riverside path, the River Stour Meadows, including the appeal site, can be seen by leisure users enjoying this part of the Dorset NL.

pasture. In effect, the proposals would also extend the western limits of the settlement boundary and, in so doing, encroach into the setting of the Dorset NL. This would dilute the pleasing contrast between the wooded escarpment along 'The Cliff' and the valley landscape within which the appeal site sits.

27. The proposed development would also be seen in views to and across the site. From the riverside path along 'The Cliff', the caravans, lighting and increased activity within the site would be apparent. Although the development would be seen in conjunction with The Blandford School and leisure centre, the rows of caravans by virtue of their number, size and form would contrast awkwardly with the attractive, unspoilt visual qualities of The River Stour Meadows and detract from the setting of Blandford and the picturesque qualities of the area. It would weaken the visual unity arising from the naturalistic qualities of the river valley and, to a limited extent, would diminish the quality of some scenic views from within the neighbouring part of the Dorset NL.
28. From a section of Milldown Road and much of the footway to The Blandford School/leisure centre, the upper sections of the caravans would intrude into and disrupt views towards 'The Cliff'. In so doing, the development would detract from the appearance of this part of the town and erode the visual qualities of the local environment. The development would also be likely to detract from the quality of numerous private views of The River Stour Meadows and 'The Cliff' from neighbouring properties⁶.
29. I conclude on the second main issue that the proposed development would harm the character and appearance of the area, including the River Stour Meadows and the setting of the Dorset NL. There would be conflict with the provisions of 'saved' LP policy BL7, LP policies 4, and 20, NP policy B12, and the overall management objective for the 'Valley Pasture Landscape Type'. My findings on this issue weigh heavily against granting planning permission.

Third Main Issue – Heritage Assets

Bryanston School

30. The significance (heritage interest) of this late 19th century mansion is derived primarily from its special architectural and historic qualities. These include its neo-Baroque style of architecture, designed by R Norman Shaw, with red (English bond) brickwork walls and Portland stone ashlar dressings, entrance façade of 11 bays, windows with rusticated ashlar surrounds, hipped slate roof, as well as its associations with Lord Portman and the Portman Estate.
31. This listed building has an extensive setting, which includes the settlements of Bryanston and parts of Blandford, as well the surrounding countryside. Over time, there have been numerous changes within this setting, including the growth of educational facilities. The appeal site is about 1km from Bryanston School and forms part of its countryside/historic landscape setting.
32. The largely unspoilt, green open qualities of the appeal site assist in affording an appreciation and understanding of the grandeur and relationship between this former country house and the surrounding area, including parkland. The site makes a small, but positive, contribution to the historic interest of this listed building. As I saw during my visit, there are also views across the appeal site towards the south-eastern facing façade of this imposing building.

⁶ The impact upon these private views would not be sufficient, by itself, to withhold planning permission.

33. The proposed development would intrude into the countryside setting of this grade I listed building. In particular, the erosion of the green open qualities of the appeal site, brought about by the introduction of 40 caravans and the children's play areas, would to a limited extent, diminish the river valley / parkland setting to Bryanston School. This, in turn, would detract from an appreciation of its historic landscape setting. Some of the caravans would also disrupt views across the site towards this designated heritage asset and, to a very limited extent, diminish an appreciation of the architectural qualities and grandeur of this important listed building.
34. In the context of the Framework, the proposal would result in less than substantial harm to the significance of Bryanston School. However, this does not amount to a less than substantial planning objection. Great weight should be given to an asset's conservation and the more important the asset, the greater the weight should be. Whilst the provision of accommodation for refugees would be a public benefit and further public benefits would arise during the 'construction' phase⁷, these would be insufficient to outweigh the less than substantial harm that I have identified.

Church of St. Martin

35. The significance of this late 19th century church (now in use as a school chapel) is derived primarily from its special architectural and historic qualities. These include its Decorated and Perpendicular style of architecture, designed by E P Warren, with of dressed Greenstone walls, 5-stage west tower and embattled parapet, as well as its role as a former parish church and associations with Lord Portman and the Portman Estate.
36. This listed building also has an extensive setting. This includes parts of the Bryanston School estate and the River Stour Meadows. Over time, there have been changes within this setting, including the growth of educational and sporting facilities. The appeal site is about 0.6km from this designated heritage asset and forms part of its historic countryside/landscape setting.
37. The largely unspoilt, green open qualities of the appeal site assist in affording an appreciation of the special architectural qualities of the Church of St. Martin. These qualities also help understand the historic role of this designated heritage asset as a place of religious worship within the local landscape and its association with a notable local family. The site makes a small, but positive, contribution to the heritage interest of this listed building.
38. The proposed development would also intrude into the countryside setting of the Church of St. Martin. The erosion of the green open qualities of the appeal site, brought about by the introduction of 40 caravans and children's play areas would, to a very limited extent, diminish the river valley/parkland setting to this listed building. This would detract from an appreciation of the historic landscape setting to this designated heritage asset. Notwithstanding intervening vegetation (trees), some of the caravans would also be likely to disrupt views across the site towards this heritage asset. To a very limited extent, this would diminish an appreciation of some architectural qualities of this listed building, notably the west tower.

⁷ Economic benefits associated with undertaking the works of adaptation to the existing buildings, access track works, providing hard surfaces and setting up the caravans on site, as well as some very minor environmental benefit through landscape planting.

39. In the context of the Framework, the proposal would result in less than substantial harm to the significance of the Church of St. Martin. However, as noted above, this does not amount to a less than substantial planning objection and great weight should be given to an asset's conservation. In this instance, when weighed with the above noted public benefits, matters are finely balanced. However, the harm just tips against granting planning permission.

Blandford St. Mary and Bryanston Conservation Area (CA1) and the Blandford Forum and Approaches Conservation Area (CA2).

40. CA1 is a sizeable area that straddles the River Stour. It includes The River Stour Meadows, 'The Cliff' and both Bryanston School and The Blandford School. The significance of CA1 is primarily derived from its special architectural and historic qualities. These include the contribution made by the listed buildings at Bryanston School, the Church of St. Martin and the historic pastoral/parkland setting alongside the River Stour. The contribution, which I have identified above, that the appeal site makes to the settings of these grade I and grade II listed buildings in turn, makes a very small, but positive, contribution to the heritage interest of this conservation area.

41. CA2 is a smaller area than CA1 and includes the historic core of Blandford Forum. The significance of CA2 is primarily derived from its special architectural and historic qualities. These include its numerous listed buildings, intact medieval town plan and its reconstruction during the mid-18th century, which has rendered it a fine example of a Georgian town. The River Stour Meadows form part of the historic pastoral, parkland landscape setting to this conservation area and the undeveloped parts of the appeal site make a small, positive contribution to an appreciation and understanding of the historic landscape setting of CA2.

42. The harm, arising from the proposed development, that I have found above to the significance/settings of the listed buildings at Bryanston School and the Church of St. Martin would detract from the special architectural and historic qualities of CA1. This would amount to less than substantial harm to the significance of this conservation area and would not be outweighed by the public benefits. The harm that I have identified above to the setting of Blandford Forum⁸ would, to a very limited extent, also detract from an appreciation and understanding of the historic landscape setting of CA2. This would amount to less than substantial harm to the significance of this conservation area and would not be outweighed by the public benefits.

Bryanston School Park & Garden

43. Bryanston School Park & Garden is considered to be of local significance by the Dorset Gardens Trust (DGT) and the LPA has identified it as a non-designated heritage asset. The representations made by Bryanston Parish Council helpfully include a description of this heritage asset (compiled by DGT) and a plan showing the 182 ha of land which it encompasses. The south-western section of the appeal site forms part of this locally listed park/garden. It is not lost on me that 'Deer Park' is mentioned (twice) within the site address.

44. The significance of this non-designated heritage asset includes the surviving layers of 17th, 18th and 19th centuries designed landscape features⁹. This

⁸ Part of the first main issue.

⁹ This includes woodland planting, drives, a grand entrance gate and parkland/deer park.

illustrates the changing form and style of this park and garden over a lengthy period of time, as well as the affluence of successive landowners (including the Portman family) and the importance they attached to this parkland. I note that the land on the eastern side of the River Stour (including part of the appeal site) is the only known example of a deer park established in the 18th century in Dorset. The appeal site makes a small, positive contribution to the significance of this non-designated heritage asset.

45. I agree with the observations of the LPA's Senior Conservation Officer that the proposals would result in encroachment of built form of development into a currently undeveloped part of the historic deer park. The caravans, hard standings and children's play areas would contrast awkwardly with the remainder of this former deer park. Moreover, the development would sever the south-western section of the site from this remaining area of parkland. In so doing, the proposal would erode the historic illustrative and associative values of the parkland and harm its significance. It would amount to less than substantial harm to the significance of this non-designated heritage asset.
46. The Framework requires that in weighing the effect on the significance of a non-designated heritage asset a balanced judgement is required, having regard to the scale of any harm or loss and the significance of the heritage asset. I am rather surprised that this asset is only locally listed. However, as it is not a designated heritage asset, the limited scale of harm/loss of significance that would ensue make it difficult to justify withholding planning permission.

Other

47. My attention has been drawn to a 2017 appeal decision¹⁰ for the erection of a dwelling to the rear of Deer Park Holm. I note the findings of that Inspector concerning harm to the setting of a grade II listed row of WWII anti-tank blocks. However, there is no cogent evidence to demonstrate that the proposal before me would harm the significance of this designated heritage asset.

Conclusion on Heritage Assets

48. I am mindful that permission is sought for a five-year period. However, the impact of some of the associated works (such as the internal tracks, hard standings, alterations to the access track and landscaping) would be longer lasting. In all likelihood, the residual effect of the proposals would bring about a more permanent change to the overall character of the site. The site would become a distinct and separate parcel of land within this valley landscape / parkland and diminish the significance of the various designated heritage assets. The harm that I have identified to such assets would be unacceptable.
49. I conclude on the third main issue that, on balance, the benefits of the proposed development would outweigh the harm to the significance of Bryanston School Park & Garden that I have identified. However, the public benefits of the proposal would not outweigh the less than substantial harm that I have found to a number of designated heritage assets.
50. The proposal would fail to preserve the settings of the Grade I listed Bryanston School and the grade II listed Church of St. Martin. It would also fail to preserve the character or appearance of CA1 and would detract from the setting of CA2. There would be conflict with LP policy 5.

¹⁰ APP/N1215/W/16/3155941.

Fourth Main Issue – Flood Risk

51. The appeal site lies within Flood Zone 1 (low flood risk) on the Flood Risk Map held by the Environment Agency. However, due to the topography of the area, part of the eastern section of the site is shown, after mapping, as having an elevated risk of surface water flooding. This relates to part of the access track into the site and an area that would be occupied by 8 caravans.
52. The Framework, amongst other things, states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where appropriate, applications should be supported by site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where (after undertaking sequential and exception tests, as applicable) it can be demonstrated that risks would, in effect, be minimised. In support of the application, the appellants submitted a Flood Risk Assessment and a separate Site Sequential Flood Risk Report (SSR).
53. I note the criticisms of the SSR by the Lead Local Flood Authority (LLFA) and agree that it does not adequately demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This shortcoming of the SSR weighs against granting planning permission. However, I also note that the 8 caravans, which would be located within the area at risk of surface water flooding, would be raised 450mm above ground level (150mm above the modelled flood level)¹¹. This would limit the risk of any flood water entering these units. I also note the appellants remark that the design of the caravans would be unlikely to create a barrier or significant displacement of overland flows across this part of the site.
54. The proposed drainage works would utilise ground infiltration via soakaways for the caravans, as well as filter trenches and porous paving for the access track. In this way, the proposal would reduce the volume/rate of runoff and intercept uncontrolled overland flows by directing it into the proposed drainage system. This could reduce flood risk overall. In this regard, I note that the LLFA accepts that a viable and deliverable surface water drainage system could be provided. In addition, a Flood Management Plan, which could be made a condition of an approval, could set out actions in the event of a flood to enable a safe means of exiting the site. When these matters are also weighed in the balance, the flood risk implications of the proposal are finely balanced. Nevertheless, the shortcoming of the SSR tips the balance against an approval.
55. I conclude on the fourth main issue that the proposal could have unacceptable flood risk implications and conflicts with the aims and objectives of LP policies 3 and 13, insofar as these policies relate to drainage and flood prevention.

Fifth Main Issue – Bats

56. I note from the appellants Ecological Impact Assessment (EIA) that bats are abundant and diverse within the area. In addition, the habitats on the appeal site are considered to be of high quality for foraging and commuting bats and the site is located within the core foraging zone for the Bryanston Site of Special Scientific Interest¹² (SSSI). The site is within a Band A 'Juvenile Sustenance Zone' (JSZ) and is of exceptionally high value for bats. I also note

¹¹ This in turn, would be likely to accentuate the visual impact of this part of the proposed development.

¹² This 0.3 ha SSSI is about 0.6km north-west of the appeal site and is designated as a breeding Greater Horseshoe bat colony. I note that colony is one of only seven remaining in Britain.

from the activity survey, undertaken on behalf of the appellants, that activity by Greater Horseshoe bats within the appeal site was "*abnormally low given the proximity of the site to a maturity roost*"¹³, which would indicate that utilisation of the site by this species is "*limited to occasional foraging activity.*" Nevertheless, the EIA recognises that the appeal site is of national value.

57. The EIA found that without mitigation, lighting during the construction phase of the proposed development could have a low adverse impact upon the SSSI. During the operational phase of the development, the EIA found that in addition to light spill there would be a loss of areas of improved and semi-improved grassland, which would disrupt commuting and foraging and have a moderate (adverse) effect upon Greater Horseshoe bats. I note the concerns of the LPA regarding the loss of foraging areas for young bats and the potential impact upon the SSSI. In this regard, the Dorset Biodiversity Appraisal Protocol, amongst other things, states that new build development on green field sites must be avoided within the JSZ in view of their sensitivity and importance as suitable habitat and foraging areas for young bats.
58. In an attempt to mitigate the impact of the proposed development, native hedgerows would be planted along the southern and eastern boundaries of the site, with scattered trees within the site. This has the potential to encourage foraging and commuting by bats, including Greater Horseshoe bats. In addition, it is also proposed to create a wildflower meadow which would be likely to increase invertebrate assemblages for bat foraging. A lighting scheme would be implemented in an effort to limit light spill.
59. Given the importance of the Bryanston SSSI and the value of the appeal site in supporting a colony of Greater Horseshoe bats, I consider that even with the proposed mitigation, the appeal scheme, poses an unacceptable risk to the viability of the SSSI. It is by no means certain that the proposed replacement planting would offset the loss of habitat or that any lighting scheme, together with the marked change in character of the appeal site, including a considerable increase in human activity, would have anything other than a significant adverse effect upon the local population of Greater Horseshoe bats.
60. I conclude on the fifth main issue that the proposal would be likely to harm the local population of Greater Horseshoe bats and would conflict with LP policy 4.

Other Matters

61. I note the concerns of some interested parties regarding highway safety and the LPA's comments, as set out within its Statement. However, there is no cogent evidence to refute the findings within the appellants' Transport Statement and to demonstrate that the existing site entrance is unsafe or that highway safety interests would be compromised by the increase in traffic that would arise from the proposal. I note that it is proposed to increase the width of the access track through the main body of the appeal site and highway safety does not form part of the LPA's putative 'reasons for refusal'.
62. I have considered the large number of representations that have been made to me. These include representations from the local Member of Parliament (MP), the Town Council, Bryanston Parish Council and some Members of Dorset Council. Whilst the volume of opposition is not, in itself, adequate justification

¹³ I note the LPA's comment that the survey results may have been influenced by the exceptionally hot weather that occurred at that time.

for withholding planning permission, it is evident from the representations that the appeal site forms part of a much cherished and valued landscape.

63. I am mindful that planning permission has only been sought for a five-year period. However, some of the proposed development, such as the works of adaptation to the existing buildings, the new hard surfaces and the works to the access track would be more permanent. Whilst it is to be hoped that any Ukrainian refugees occupying the caravans would find more suitable / permanent accommodation within five years, there is always likely to be a need to accommodate refugees from somewhere. It is also not lost on me that the appeal site lies within an area that is very popular with visitors.
64. Whilst I have determined this case on its own merits, an approval could make it difficult for the LPA to resist future pressure for caravans to remain on the site. Although my decision does not turn on this particular matter, the 'temporary' nature of the proposed development does not, in this instance, weigh significantly in favour of granting planning permission.
65. Amongst other thing, the local MP has urged me to make an award of costs against the appellants. Whilst it is open to an Inspector to initiate an award of costs, applications cannot be made on behalf of others. Moreover, although I have found in the LPA's favour in respect of all of the main issues above, there is nothing before me to demonstrate that the appellants behaved unreasonably and caused any party to incur unnecessary or wasted expense in these appeal proceedings. Had this not been the case, the LPA would no doubt have made a timely application to me.

Overall Conclusion

66. Given my findings above in respect of the main issues, including consideration of the benefits, I consider that the proposals conflict with the overall provisions of the development plan and the Framework when read as a whole. The proposals would not comprise sustainable development. Having regard to all other matters raised, I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector