



**Dorset
Council**

**Statement of Case of Dorset Council as the
Local Planning Authority
Statement Submitted on 30 September 2024**

**Appeal Reference: APP/D1265/W/24/3348224
LPA reference P/FUL/2022/06840**

**Inquiry to commence 11 December 2024 in relation
to: Knoll House Hotel, Ferry Road, Studland, Dorset,
BH19 3AH**

Description of Development:

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

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1. INTRODUCTION

1.1 This appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) (the TCPA) by Kingfisher Resorts Studland Ltd (the Appellant) against Dorset Council's (the Council) following the refusal of planning application P/FUL/2022/06840 (the Application) for the *Redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartment and villa accommodation and associated leisure and dining facilities.*

1.2 The Application was considered by the Eastern Area Planning Committee on 10th January 2024 with the decision issued on 17th January 2024. The Council refused planning permission for the following reasons:

1. The proposal has been assessed as being major development within the Dorset Area of Outstanding Natural Beauty (AONB). As such there is a requirement to assess the impact upon the local economy, any scope for developing outside of the AONB and ensuring that there is no detrimental effect on the environment and landscaping. The proposal by reason of its scale, form and massing fails to ensure that there would be no detrimental effect upon the environment and natural landscape and fails to be compatible to the special character of the Heritage Coast. This impact has been considered against the substantial local economic benefits. The proposal however is contrary to Policies D, TA, CO and LHH of the Purbeck Local Plan Part 1, the aims and objectives of the NPPF, especially paragraph 177 and 178 and Policies C1 a, c and f, Page 2 of 6 C2 d, e, and f and C4 a, c, d, e, f and g of the Dorset AONB Management Plan 2019 -2024.
2. The application site is located within 400m of protected heathlands and C3 use is proposed. Mitigation measures have been identified but do not address all matters and have not currently been secured in perpetuity. In this instance there is no overriding public interest and as such it cannot be certain, on the evidence presented, that the proposal would not adversely affect the integrity of the Dorset Heathlands European sites and international sites. Or, for that matter the Poole Harbour due to increase recreation in the harbour. The proposals are therefore contrary to Policies DH (Dorset Heathlands) and PH (Poole Harbour) of the Purbeck Local Plan Part 1 and Dorset Heathlands Planning Framework (2020 – 2025) SPD, Nitrogen Reduction in Poole Harbour (SPD 2017) and Poole Harbour Recreation Supplementary Planning Document (SPD) and the aims and objectives of the NPPF especially paragraphs 180 and 182.
3. Insufficient information has been provided regarding surface water management from the development. It has not been demonstrated that the proposed surface water drainage scheme can be viably achieved on the site. Contrary to Policy FR of the Purbeck Local Plan, and paragraphs 167 and 169 of the National Planning Policy Framework.
4. The proposal is not accompanied by a Biodiversity Plan or adequate details regarding the ecological baseline and proposed mitigation and enhancement measures. It therefore fails to provide adequately certainty a Biodiversity Net Gain can be achieved on site, or that proposed mitigation measures are

deliverable. The proposed development is therefore contrary to Policies BIO and GI of the Purbeck Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework.

5. Insufficient evidence has been submitted to demonstrate that the proposals will not result in damage/premature decline to trees proposed for retention through direct and indirect effects due to less-than-ideal growing conditions, their age and variable resilience to change, versus the magnitude of the development. In addition, insufficient details have been submitted to demonstrate that landscaping within the site including proposed earthworks will result in visually attractive, appropriate and effective landscaping of the development. The proposed development is therefore contrary to Policies LLH and D of the Purbeck Local Plan and paragraphs 135-136 of the NPPF.

1.3 The Council will produce evidence to the inquiry in support of the above reasons for refusal.

1.4 The Appellant has indicated that they wish to submit further evidence to address Reasons for Refusal 3 and 4 above. The Council will work with the Appellant in the coming weeks to see if these reasons can be overcome.

2. SITE LOCATION & DESCRIPTION

2.1 The site covers an area of 2Ha and is located 400 metres inland of Studland Bay. The hotel and grounds lie to the west of Ferry Road, which connects the village to Studland and Studland Beach and the Shell Bay ferry terminal 2.5 miles to the north. There are currently approximately 30 buildings onsite including the main hotel building, additional accommodation, an indoor swimming pool and storage sheds, as well as a significant amount of hardstanding which makes up the site access and car parking area.

2.2 The site is immediately bordered to the east by the B3351 Ferry Road, with land associated with the hotel beyond, accommodating an informal golf course, tennis courts and space for informal recreation. To the immediate south are open fields and to the west and north are heavily wooded areas. These areas fall within a leasehold from the National Trust, but have been, and continue to be, managed by the Hotel.

2.3 The site and the whole of the southern part of Purbeck is within a designated National Landscape 'Dorset Area of Outstanding Natural Beauty' (AONB) and also within the Purbeck Heritage Coast. The site is in close proximity to the designated UNESCO world heritage site Dorset and Devon Jurassic Coast (Natural site December 2021). The site is located in close proximity to Dorset Heathlands Special Protection Area (SPA) / Ramsar site (also designated as Studland & Godlingston Heath Site of Special Scientific Interest (SSSI), Dorset Heath and Studland Dunes Special Area of Conservation (SAC) and Poole Harbour SPA / Ramsar / Site of Special Scientific Interest (SSSI). An oak tree on the site and pine trees along the roadside frontage are protected with a Tree Preservation Order (TPO).

2.4 There are approximately 30 buildings covering a footprint of 4,817m². In total the existing hard standing amounts to 8,283m² across the 2ha site area. The site is not level with the land sloping steeply down towards the north western corner of the site. Buildings on site are mainly 2 storeys in height with a single storey element of staff accommodation in the north western corner of the site.

3. PROPOSED DEVELOPMENT

3.1 The proposal is described on the application form as “Redevelopment of existing hotel to provide new tourist accommodation including: 30 hotel bedrooms, apartment and villa accommodation and associated leisure and dining facilities.” It involves the removal of substandard existing buildings and the erection of new buildings to provide, in summary, 30 Hotel bedrooms (C1), 16 x 2 bed apartments (C3), 2 x 3 bed apartments (C3), 6 x 2 bed villas (C3), 20 x 3 bed villas (C3) providing an overall total keys (lettable units) of 74. The total capacity (overnight) would be 280 bedspaces. In addition to these bedspaces, the proposal includes a restaurant and spa and other hotel facilities. During the course of the application amended plans were submitted which reduced the height of part of the ‘hotel’ building through the removal of the 4th storey. This reduced the number of apartments proposed from 22 to 18 as well as making some amendments to the appearance of the proposed buildings.

3.2 All buildings on the site are proposed to be demolished, with only the central façade of the original hotel building retained. Alterations to this element would include new fenestration at ground and first floor, the addition of balconies and new cladding to the walls (timber) and roof (zinc). The existing stone columns would be retained.

3.3 A two-storey tiered car park would be provided to the west of the spa, adjacent to the open countryside. The site slopes away to the west and earthworks would cut a ‘lower ground’ car park into the hill. To the south the landscape would be reprofiled. A parapet wall would enclose the upper floor of the car park, with materials of Purbeck stone and timber. Along the western edge of the site, and at the south-west corner, the car park would be enclosed by a ‘green’ wall with a maximum height of 4.4m.

The residential component of the scheme

3.4 In terms of the residential C3 component of the proposal, the Appellant’s Statement of Case is extremely unclear about what the residential element of the proposal is. The Appellant’s Statement of Case states at paragraph 7.24 that “it will be demonstrated that whilst the proposed use could technically fall with Use Class C3 this can be restricted and controlled without impacting on the surrounding environment. However, the proposed development can be restricted to Use Class C1 albeit that the Appellant will demonstrate that such a restriction would not be necessary”. It also refers to “C3 villas” at paragraph 7.22.

3.5 The application form expressly refers to the provision of market housing and to a net gain of residential units.

3.6 In discussions with the Appellant, the Appellant has indicated that it would be willing to restrict the use of the proposed development to non C3 uses. The Council has not seen any draft wording as to how the Appellant proposes to amend the proposal to achieve this and fully reserves its position as to whether such an amendment would be permissible in line with Wheatcroft principles.

4. RELEVANT PLANNING POLICY

(1) Development plan

4.1 Since the Council's decision to refuse planning permission for the development the subject of this appeal the Purbeck Local Plan 2018-2034 has been adopted in July 2024. This replaces the Purbeck Local Plan Part 1 (adopted 13 November 2012) referenced in the Reasons for Refusal. Full weight should be placed on the policies in the Local Plan.

The following policies of the adopted Local Plan are now considered relevant and will be referred to in the Council's evidence.

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape

Policy E2: Historic Environment

Policy E3: Renewable Energy

Policy E4: Assessing Flood Risk

Policy E5: Sustainable drainage

Policy E6: Coastal change management areas

Policy E7: Conservation of protected sites

Policy E8: Dorset Heathlands

Policy E9: Poole Harbour

Policy EE4: Supporting vibrant and attractive tourism

Policy E10; Biodiversity and Geodiversity

Policy E12; Design

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 EE4: Supporting vibrant and attractive tourism

Policy I1: Developer Contributions

Policy I3: Green infrastructure, trees and hedgerows

Policy I4: Improving accessibility and Transport

Full weight must be given to this up to date adopted Plan and substantial weight must be attributed to each of the conflicts identified with it.

(2) National policy and guidance

National Planning Policy Framework (NPPF)

In particular: Section 2: Achieving sustainable development,

Section 4: decision-making,

Section 9: Promoting sustainable transport,

Section 12: Achieving well-designed and beautiful places,

Section 14: Meeting the challenge of climate change, flooding and coastal change,

Section 15: Conserving and enhancing the natural environment,

Section 16: Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

(3) Other guidance and SPDs

British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

The Dorset Heathlands planning framework 2020-2025 supplementary planning document adopted 31 March 2020.

Poole Harbour Recreation SPD

Nitrates SPD

Dorset biodiversity appraisal and mitigation plan.

Bournemouth, Poole and Dorset residential car parking study May 2011.

Development contributions toward transport infrastructure in Purbeck guidance February 2013.

Purbeck District design guide supplementary planning document adopted January 2014.

Dorset AONB Management Plan 2019-2024

Dorset AONB Landscape Character Assessment & Management Guidance 2019

Jurassic Coast Partnership Plan 2020 – 2025

5. RELEVANT PLANNING HISTORY

5.1 Details of the relevant planning history of the site are set out in the Officer's Report to Committee.

6. RESPONSE TO APPELLANT'S GROUNDS OF APPEAL

6.1 The Council sets out below the main issues that this appeal gives rise to and its key points in response to each of them.

(1) Principle of development

6.2 It is unclear what the Appellant's position is regarding the provision of additional residential units. However, on the face of the application the proposal proposes 44 residential houses and flats. For the avoidance of doubt, the addition of this level of residential housing on this unallocated site outside any settlement boundary is contrary to the Council's spatial strategy as set out in Policy V1 and the provisions of the Local Plan concerning the provision of housing including Policy H2 which refers to that spatial strategy.

6.3 The Council has an up-to-date Local Plan and the policies within it must be given full weight. The Council will also demonstrate that it has a 5 Year housing supply of deliverable housing sites.

6.4 Furthermore, no provision has been made for affordable housing and therefore the proposal is contrary to Policy H11 of the Local Plan.

6.5 Whilst the Council acknowledges that this site is an existing hotel, the increased provision holiday accommodation is contrary to Policy EE4 which refers to new hotel accommodation which would be distributed in accordance with the settlement hierarchy. Outside of existing settlement boundaries, it states that limited new tourist accommodation development is permitted that is closely related to existing buildings and which meets criteria (a) – (e). The proposal does not meet three of those five criteria. Therefore, the expansion of tourist accommodation in this location at the level proposed is not acceptable in principle.

(2) Landscape harm and impacts on the National Landscape - Dorset Area of Outstanding Natural Beauty (AONB) and the Heritage Coast

6.6 The proposal is located in the Dorset National Landscape AONB ("the AONB"). Policy E1 of the Local Plan states that great weight should be afforded to conserving and enhancing the Dorset National Landscape and that the scale and extent of any development within this designated area will be limited. It also refers to the tests set out in the NPPF which apply to proposals for major development within AONBs. Full weight should therefore be attached to this policy which is consistent and directly aligned with national policy.

6.7 The Council's position is that this proposal is contrary to Policy E1 as it constitutes major development for the purposes of NPPF paragraph 183 and there are no exceptional circumstances justifying it (this is set out in more detail below).

6.8 However, even if the proposal is not major development, this proposal in any event due to its scale, form and massing does not conserve and enhance the landscape and scenic beauty of the area and the special characteristics of the South Purbeck Heaths Landscape Character Area in particular. It is inappropriate in terms of its appearance, scale and height, and would significantly adversely affect the character and visual quality of the local landscape.

6.9 Policy E12 (Design) states that proposals should demonstrate a high quality design that (a) positively integrates with its surroundings and (e) avoids and mitigates any harmful impacts including light pollution on local amenity. Policy Since the proposal does not conserve and enhance the landscape and scenic beauty of the area, for the avoidance of doubt it follows that it does not positively integrate with its surroundings and is therefore contrary to Policy E12 on this basis as well. This policy is addressed in more detail below in respect of the more detailed design of the development and whether its design integrates well with its immediate surroundings.

The design of the proposal therefore is also contrary to those elements of Policy E12 referred to above.

6.10 The Appellant contends, at Para 7.10 of their Statement of Case, that the majority of visual receptors are distant and the effects upon them are largely either not adverse or beneficial. The Appellant further contends, at para 7.11 that the development 'has been designed to be more visually recessive in the landscape than the existing baseline situation'. The Council disagrees with these assertions.

6.11 The proposal has a significant negative impact on the important features of landscape character identified in the relevant Landscape Character Assessment for this part of the National Landscape and conflicts with the reasons for the designation of the AONB for its landscape and scenic beauty. This includes the undeveloped coast, panoramic views, tranquility and heathlands amongst other characteristics, all of which contribute to the scenic beauty.

6.12 The proposal also adversely affects the visual quality of the area. It is visible from a number of visual receptors including the publicly accessible heathland to the west and from various rights of way.

6.13 The Landscape Strategy Plan submitted in support of the proposal is, for a development of this size and impact, insufficient to demonstrate that the proposal would sit comfortably within the setting.

6.14 The Council also considers that reliance on existing trees together with proposed new planting, is unlikely to sufficiently offset the visual impact of the proposal, given the scale and massing of the proposed buildings and other proposals such as the car park.

6.15 The existing trees are widely acknowledged to make an important contribution to the character of the area. They are relied upon, to a considerable extent, to help to try

merge the proposal into the setting. The Council's concerns in relation to Trees are twofold. In the first instance, it has not been demonstrated that, given the size and scale of the proposed development, it would be possible to implement the proposals without damage to retained trees particularly where areas of excavation or fill are proposed. For instance, the T40 oak, one of the best trees on site, is a category B tree. Located close to south boundary and Ferry Road frontage, the proposed layout infringes the Root Protection Area and the crown would require pruning to provide vertical clearance over proposed structure. This Tree is not yet mature and has the potential to increase in size and amenity value. The Council considers that the proposed building would be unacceptably close to the tree and will provide evidence to that effect.

6.16 The reliance on existing trees together with proposed new planting, is unlikely to be sufficient to mitigate the harmful visual impact of the proposal and impact on character, given the scale & massing of buildings. This lack of evidence adds weight to the concerns regarding landscape impacts, as there is doubt regarding the deliverability and long-term retention of the mitigation proposed.

Major development and paragraph 183 of the NPPF

6.17 The Council also considers that, for the purposes of paragraph 183 of the Framework, the proposed development constitutes Major Development and that no exceptional circumstances exist to justify the development, nor have the Appellants demonstrated that the proposal is in the public interest.

6.18 The scale of the development is significantly greater than the existing hotel buildings. However, this is not the only measure to consider and the Council's position has taken into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. (Footnote 64 to paragraph 182 and 183 of the Framework refers). The Council considers it would have a significant adverse impact on those purposes, which includes their flora, fauna, geological and physiographical features.

6.19 Furthermore, the Council's evidence will demonstrate that the exceptional circumstances required to permit such development have not been established nor has it been demonstrated that such development would be in the public interest. This remains an area of disagreement between the parties (see para 7.13 & 7.14 of the Appellant's Statement of Case).

6.20 As such the proposal is contrary to paragraph 180, 182 and 183 of the NPPF and Local Plan Policies.

(2) Poor design

6.21 The officer report recommending refusal also identified concerns with the design of the development and in particular its urban and urbanising character, mainly arising from the significant levels of glazing. This results in an incongruous development.

6.22 The Council considers that those concerns remain well-founded. The proposal would result in a development of an urban character, which does not fit with the rural and countryside context of the site, for the reasons set out in the Officer Report to the

Council's Committee. While the proposed buildings may be architecturally interesting, their character would not be appropriate for its rural setting. The addition of balconies, terraces, swimming pools and vehicle movements adjoining the adjacent countryside to the south will intrude upon the rural character of the hotel's surroundings. The design also does not take into account glare and light pollution. The landscaping is also not effective.

6.23 The NPPF para. 135 (under Part 12 which refers to achieving well-designed and beautiful places) states that planning decisions should ensure that developments add to the overall quality of the area, and are visually attractive as a result of good architecture, layout and appropriate and effective landscape, and are sympathetic to local character and history, including the surrounding built environment and landscape setting. NPPF paragraph 139 states that development that is not well-designed should be refused. The proposal does not accord with these provisions of national policy.

6.24 In summary, the poor design of the proposal constitutes a further reason why this proposal is contrary to Policy E12, and the Purbeck Design Guide Supplementary Planning Document and the provisions of the NPPF relating to achieving well-designed and beautiful places.

(3) Impacts on protected sites

6.25 The proposed development is contrary to paragraphs 186-188 of the NPPF. The Council considers that the proposal, in the absence of adequate mitigation, would have adverse impacts on the Dorset Heathlands Special Protection Area (SPA), Dorset Heaths Special Area of Conservation (SAC). The Council agrees with the position of Natural England in this regard. The Council's evidence will address the extent of these impacts. The Council in particular disagrees with the Appellant's assertion that a reduction in overnight accommodation when compared to the existing hotel baseline will have less of an impact on the protected sites when compared with the existing hotel. (paras 7.19 & 7.20 of the Appellant's Statement of Case).

6.26 The Council assessed the application on the basis of 44 No. dwellings within an unrestricted C3 Use Class. The Appellant states that they "will be demonstrate that the impact of C1 or C3 villas and apartments are the same in this case" (para 7.22 of their statement of Case). The Council disagrees with this conclusion and will demonstrate that the nature of the uses made by occupants in the proposed C3 units would be different and likely more harmful given their unrestricted nature (e.g. pet ownership) from those in the current facilities, giving rise to a greater risk and an increased level of harm due to recreational access to the protected sites.

6.27 Due to the risk of adverse effect upon the Dorset Heathlands protected sites, the proposal therefore conflicts with Policies E7, E8 and E9 of the Local Plan and would be contrary to paras, 180 – 185 of the Framework.

Surface Water Management

6.28 Insufficient information has been provided regarding surface water management from the development. There is an objection from the Lead Local Flood Authority (LLFA) regarding the deliverability of the submitted drainage proposals. In the absence of evidence regarding the route, capacity and ownership of the proposed discharge to a surface water sewer, there is no certainty that a drainage solution can be secured.

6.29 An alternative solution to discharge into the Dorset Heaths SAC would be unacceptable due to impacts on this sensitive receptor. This would be contrary to Policy E4 of the Local Plan.

Biodiversity

6.30 The lack of a Biodiversity Plan or adequate details regarding the ecological baseline and proposed mitigation and enhancement measures results in a failure to provide adequate certainty that a Biodiversity Net Gain can be achieved on site, or that proposed mitigation measures are deliverable. There is currently insufficient evidence that the proposed development would not result in harm to biodiversity or could be adequately avoided, mitigated or, as a last resort, compensated for and would therefore be contrary to para 186 (a) of the Framework which states such development should be refused planning permission. The proposal also conflicts with Policies E10 and I3 of the Local Plan for the same reasons.

6.31 The Appellant has indicated a willingness to attempt to overcome this reason for refusal (para 7.27 of their Statement of Case) and the Council confirms its willingness to work with them and reserves its position pending further information from the Appellant in this regard.

7. OTHER MATERIAL CONSIDERATIONS INCLUDE SCHEME BENEFITS

7.1 The Council acknowledges that the proposed development would bring a range of economic benefits both direct and indirect. In coming to its decision on the application significant weight has been attributed to these benefits.

7.2 There would also be some benefit arising from the provision of 44 dwellings as a contribution towards housing supply. However, given that the Council can demonstrate a 5 Year housing land supply this benefit is limited.

8. PLANNING BALANCE AND CONCLUSION

8.1 In summary, the Council considers that the proposals conflict with the spatial strategy of the Local Plan Policies set out in V1, and policies H2, E1, E4, E7, E8, E9, E10, E12, EE4, I3, H2, and H11. The multiple and significant breaches of those policies, to which full weight should be afforded, means that the proposal fails to accord with the development plan as a whole. The proposal also fails to accord with NPPF paragraphs 130 and 135 and 180-188. Substantial weight should be attached to those conflicts.

8.2 The Council considers that there are no material considerations of sufficient weight (including the benefits of the proposals identified above) to outweigh that conflict, and therefore that permission should be refused and the appeal dismissed

9. CONDITIONS

9.1 The Council will prepare a draft list of conditions and seek to agree these with the Appellant prior to the opening of the Inquiry.