

**SUMMARY 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

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1 Scope of Evidence

- 1.1 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.
- 1.2 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.

2 Introduction and Background

- 2.1 Kingfisher Resorts are hotel and resort developers and operators. 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.
- 2.2 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.
- 2.3 The appellant has sought to engage with key stakeholders from the outset of the project. This includes pre-application submissions, Environmental Impact Assessment screening and scoping and an application (the First Application) for a proposal with almost identical description of development, albeit of differing scale. There has been extensive discussion about the proposed use, which I set out in detail in my Proof of Evidence, over many years.
- 2.4 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.

3 The Existing Hotel and Appeal Proposal

3.1 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. A high-level cost appraisal identifies 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.

3.2 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.

3.3 The proposal provides the opportunity to regulate all of these issues.

3.4 To protect revenue the hotel will be required to pursue an occupancy led strategy, offering cheaper rooms with lower levels of service standard.

3.5 There is a need to redevelop Knoll House Hotel. Redevelopment provides the opportunity to regulate and beneficially affect the surrounding area.

The Appeal Proposal

3.6 The development for which planning permission is sought, as set out in the agreed description of development, comprises:

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

3.7 There has been no change to the description of development throughout the process. The appellant's objective has remained the same. That is to redevelop the hotel to deliver a high-quality boutique resort. A tourism destination for guests.

3.8 Much of the Council's concern in respect of the principle of development and the impact on the designated sites stems from whether part of the development, the villas and apartments (but particularly the villas) fall within a C1 or C3 use.

- 3.9 The operative purpose of the Use Class Order is to enable flexibility in the movement between uses, concluding that use movement does not constitute development. Tourist accommodation does not fall squarely within the definition of a dwellinghouse. The controls proposed in this case move it further away from the same. It is not a round peg in a round whole.
- 3.10 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.
- 3.11 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.
- 3.12 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.
- 3.13 The proposal will result in a significant reduction in relative occupancy levels when compared to the existing baseline, as set out in Table 1.

4 Assessment

4.1 I undertake an assessment of the appeal proposal, having regard to relevant planning policy and other material considerations.

4.2 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. An overview of the relevant planning policies and other guidance are set out at Section 5 of my Proof of Evidence.

Issue 1 - The Principle of Development

4.3 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.

4.4 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.

4.5 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.

Does the proposal constitute new housing in the open countryside?

4.6 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.

4.7 The provisions of PLP Policy V1 (Spatial Strategy) and Policy H2 (Housing Land Supply) are not relevant to this case. Nor is the delivery of affordable housing (Policy H11).

- 4.8 The proposal does not comprise a form of development for which the needs of a particular group need to be met, as set out in NPPF61 and NPPF 63. Similarly, in the context of affordable housing, NPPF64. An approach supported by the Council's Affordable Housing Officer.
- 4.9 PLP Policy H14 relates to the provision of Second Homes, which distinguishes between housing for which there is an identified need and other accommodation, including new homes which are commercially let for holiday makers. Further clarification was provided by the Local Plan Inspector, disengaging tourism accommodation from general needs housing.
- 4.10 The proposal comprises economic development, recognised by NPPF88, which will make a major contribution to the local economy, a matter not in dispute by the LPA. 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 other 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.
- 4.11 The economic benefits of the proposal are substantial and should be afforded substantial weight.

- 4.12 The proposal is consistent with Policy EE4, which is the most relevant to considering the principle of development. In doing so, I have also concluded that the significant improvement to the existing arrangement in terms of reducing the impact of vehicular traffic, encouraging more sustainable transport, decarbonising transport and delivering air quality enhancements are matters which should be afforded significant beneficial weight.

What is the use of the proposed development?

- 4.13 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.

- 4.14 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.

Conclusions in respect of the principle of development

- 4.15 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 the Heritage Coast

- 4.16 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.

- 4.17 The tests of major development go beyond landscape impact. However, in reaching a conclusion on landscape effects I draw upon the evidence of Mr Sneesby.

Does the proposal constitute major development for the purposes of NPPF183?

- 4.18 There are many cases where large proposals for new homes on greenfield sites are not considered major. 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 impact on the landscape. The declining condition will worsen that effect further.
- 4.19 Having regard to the nature, scale and context of the proposal, it does not constitute major development. However, I go on to consider it against the major development tests. It will have a major positive economic impact and there is clear and cogent evidence which supports the need for the development. It would not be practical to develop the proposal outside of the designated site.
- 4.20 In respect of the consideration of 'any detrimental effect on the environment, the landscape and recreational opportunities', it is more than just a landscape consideration. The evidence of Mr Sneesby sets out that there are landscape benefits. Having regard to the existing baseline.
- 4.21 There are also a range of wider environmental benefits and it will not result in detrimental effects on opportunities for recreation.
- 4.22 Whilst it is the Appellant's position that the proposal does not constitute major development, it meets all three tests.

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

- 4.23 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.

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

- 4.24 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.
- 4.25 The LPA's 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.

- 4.26 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.
- 4.27 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.
- 4.28 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.
- 4.29 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

- 4.30 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.
- 4.31 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, 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.
- 4.32 Dr Brookbank demonstrates that the proposal will result in a reduction in overnight accommodation and will not result in an adverse impact on the Dorset Heathland or Poole Harbour.
- 4.33 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.
- 4.34 Aligned with the appellant's nature conservation objectives to enhance the environment in which they operate, several material benefits, derived from a range of qualitative measures, will be secured. I give these qualitative benefits **significant weight**.
- 4.35 The assessment of the scheme in the context of the designated sites not only avoids conflict with Regulation 63 of the Habitat Regulations, it is also relevant to matters of planning policy

and the planning balance. If a negative effect is avoided, the evidence shows that the effect will be positive.

Issue 5 - Trees

- 4.36 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.

Issue 6 – Surface Water Drainage

- 4.37 Following withdrawal of the LLFA Objection and confirmation from Dr Brookbank that the drainage ditch is not suitable for Water Vole or Otter, my expectation would, ordinarily, be that the Council would be agreeable to confirming that reason for refusal no3 has been resolved.

Issue 7- Ecology

- 4.38 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).
- 4.39 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. It is unclear why he has now changed his position.

5 Planning Balance and Conclusion

- 5.1 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.
- 5.2 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	Significant

		nature conservation generally secured through bespoke enhancements. Listed at 6.100.	
		BNG	Significant
		Impact on Dorset tourism market and investor confidence	Significant.

- 5.3 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).
- 5.4 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.