



Tess Square & Butts Close Planning Inquiry

Marnhull Parish Council
December 2nd 2024

Setting the scene.....

- Mr Crocker has appealed the refusal of planning permission for the Tess Square and Butts Close scheme and has been granted a full public inquiry
- Marnhull Parish Council is not a decision making party in planning matters – we are merely a Consultee as are many others (e.g James Vitali, our ward member)
- We are not planning experts and are volunteers
- We have limited funds to engage experts and consultants to help us. The Appellant has deep pockets and many “*experts*”
- Dorset Council is a party to the appeal but they too are hamstrung by a lack of funds and resources
- There is a broad spectrum of views regarding this application in the village – you may disagree with other peoples’ points of view and what you hear from MPC but please be respectful and courteous and please don’t shoot the messenger!



Agenda

- Overview of Planning Framework
- Inquiry Process and Timeline
- Overview of Original Planning Application
- Decision Notice July 2024
- Changes to Application
- MPC Consultee Response
- Grounds for Appeal of Decision
- MPC's Proposed Approach
- Call to Action
- Summary and Close



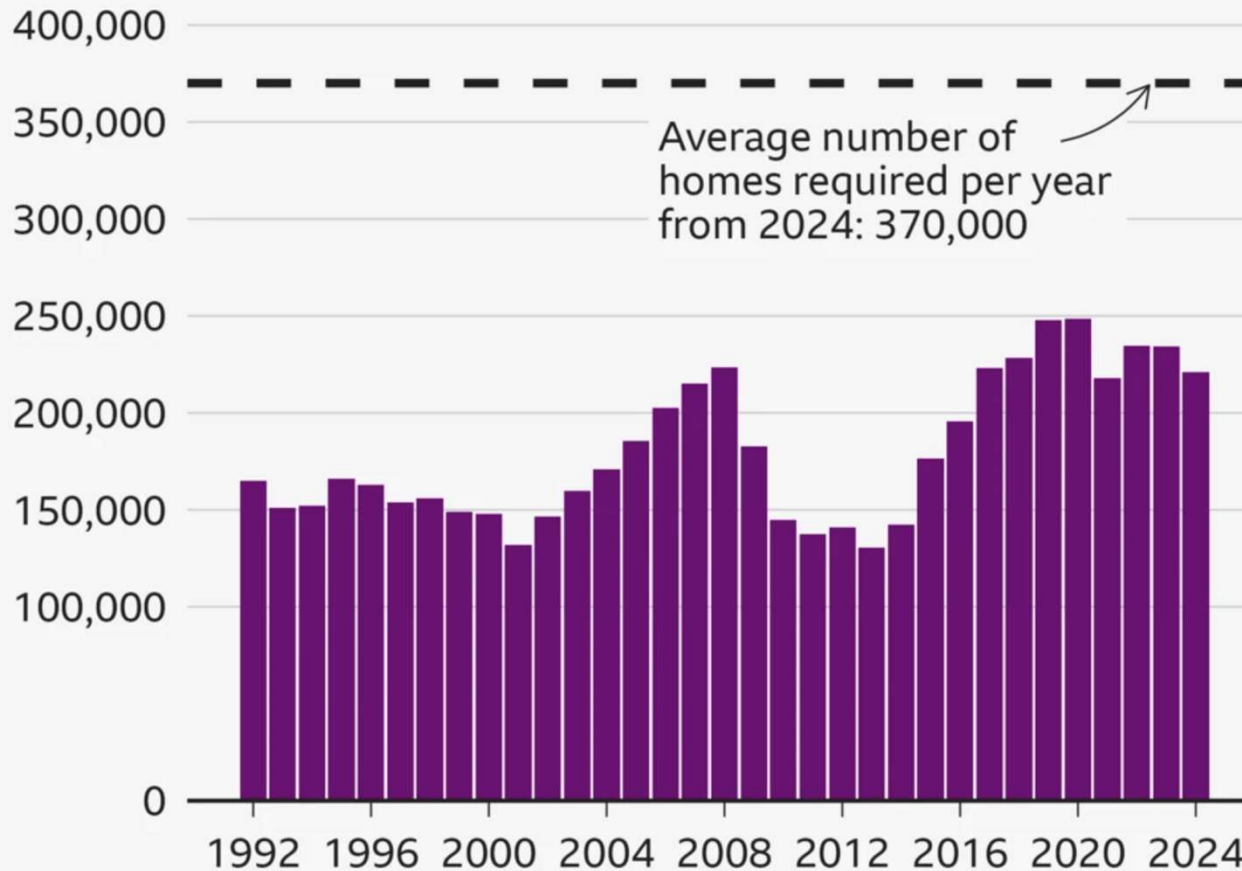
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Overview of Planning Framework

- Ministerial Statement from July 30th 2024

New homes completed in England, years ending March, 1992 to 2024



Note: New homes are net additional dwellings, including building conversions

Source: Ministry of Housing, Communities and Local Government

Overview of Planning Framework

- The National Planning Policy Framework (NPPF) is a land-use planning policy in England, originally published by the UK's Department of Communities and Local Government in March 2012. New version expected early in 2025
- The North Dorset local plan was adopted on 15 January 2016 and sets out Dorset Council's approach to managing planning development in the district. (*The replacement plan is in development.....November 2027?*)
- Dorset Council Strategic Housing Land Availability Assessment
- North Dorset Land Supply Report (APS under NPPF) published October 2024. 8,999 dwellings against a target of 1,793 per annum = 5.02 years
- Neighbourhood Plan



Ministerial Statement

- *“Planning is principally a local activity, and it is right that decision about what to build and where should reflect local views.....”* but with the caveat *“how to deliver the housing an area needs, not whether to do so at all”*
- *“It requires local authorities to plan for numbers of homes that are proportionate to the size of existing communities”*
- Brownfield and grey belt land prioritised where not allocated in a plan
- Other land released only where *“very special circumstances exist”* and must be supported by the necessary infrastructure – ie transport links

North Dorset Local Plan – key policies

Policy 2 – Core Spatial Strategy

- Blandford (Forum and St. Mary), Gillingham, Shaftesbury and Sturminster Newton are identified as the main towns in North Dorset. They will function as the **main service centres in the District** and will be the main focus for growth, both for the vast majority of housing and other development.
- Stalbridge and eighteen larger villages have been identified as the **focus for growth to meet the local needs** outside of the four main towns.
- **The settlement boundaries** defined around the four main towns, Stalbridge and the larger villages **are retained and will continue to be used for development management purposes**

North Dorset Local Plan – key policies

Policy 3 – Climate Change

- Where the proposal includes new buildings they should **be located in line with the Core Spatial Strategy in Policy 2** and where possible in areas served by a **good range of everyday facilities and facilitate cycling, walking and the use of public transport.**

Policy 4 – Agricultural Land

- The best and most versatile agricultural land will be safeguarded from permanent loss unless it can be demonstrated that there are no suitable alternative sites, or that **the proposal has significant economic or social benefits that outweigh the loss of the land from agricultural uses.**

North Dorset Local Plan – key policies

Policy 5 – The Historic Environment –Assessing Proposals that would harm a heritage asset

- For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. **Clear and convincing justification for any development that would cause harm to the significance of a designated heritage asset will be required however slight and whether through direct physical impact or by change to its setting.**

North Dorset Local Plan – key policies

Policy 6 – Housing Distribution

- The proposed strategic distribution of housing in North Dorset reflects both national policy and Policy 2 – Core Spatial Strategy. Provision for housing and affordable housing has been made largely at **the District's four main towns, which are the most sustainable locations for housing development.**
- **In Stalbridge, the eighteen larger villages and the countryside the focus is on meeting local housing needs.** Where a local housing need can be demonstrated in the countryside, neighbourhood plans can identify rural exception sites.
- The scale of housing and affordable housing provision in Stalbridge, the eighteen larger villages and the countryside will reflect **cumulative local and essential rural needs and local viability considerations.**

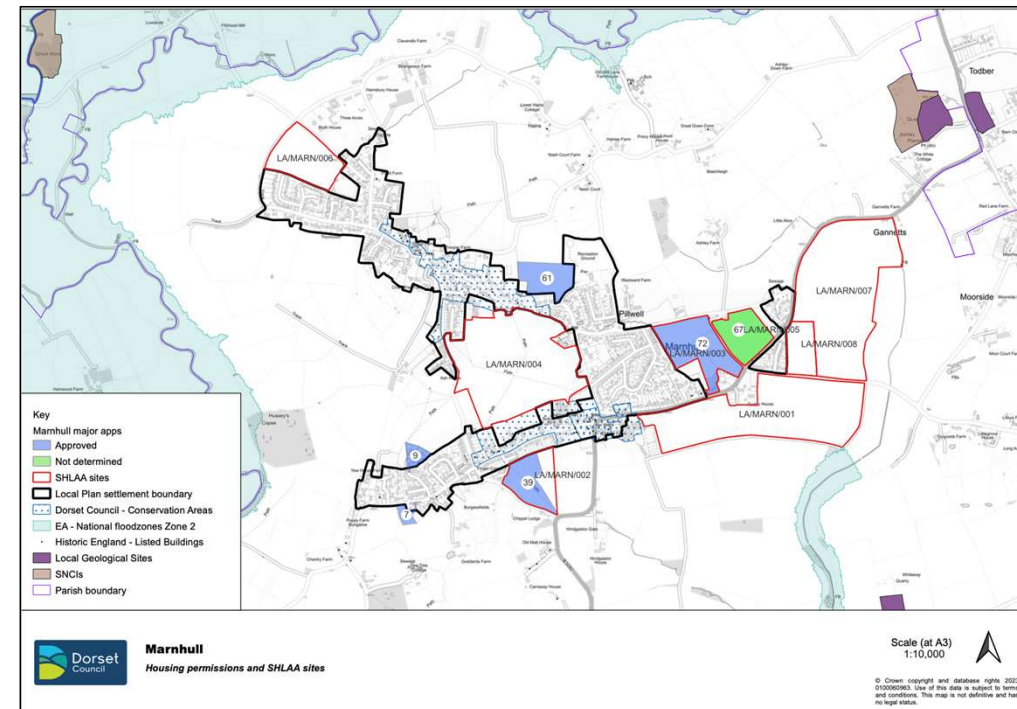
North Dorset Local Plan – key policies

Policy 20 – The Countryside

- Stalbridge and the eighteen larger villages will form the focus for growth outside of the four main towns.
- **Development in the countryside outside defined settlement boundaries will only be permitted if (1) it is of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan or (2) for any other type of development, it can be demonstrated that there is an ‘overriding need’ for it to be located in the countryside .**

Dorset Council Strategic Housing and Economic Land Availability Assessment

- SHLAA LA/MARN/002 Land at Butts Close
- **Suitability** - The site is outside the defined development boundary and the enlargement of the village to the south could undermine the setting of the conservation area (typified by linear style development which addresses principal roads through the village) and the setting of listed buildings.
- **Conclusion** - An unsuitable site
- **Excluded – Yes**
- SHLAA LA/MARN/004 Land off Church Hill
- **Suitability** - The site is outside the defined development boundary and the enlargement of the village into the site could undermine the setting of two separate parts of the conservation area (typified by linear style development which addresses principal roads through the village) and the setting of listed buildings.
- **Conclusion** - An unsuitable site
- **Excluded – Yes**

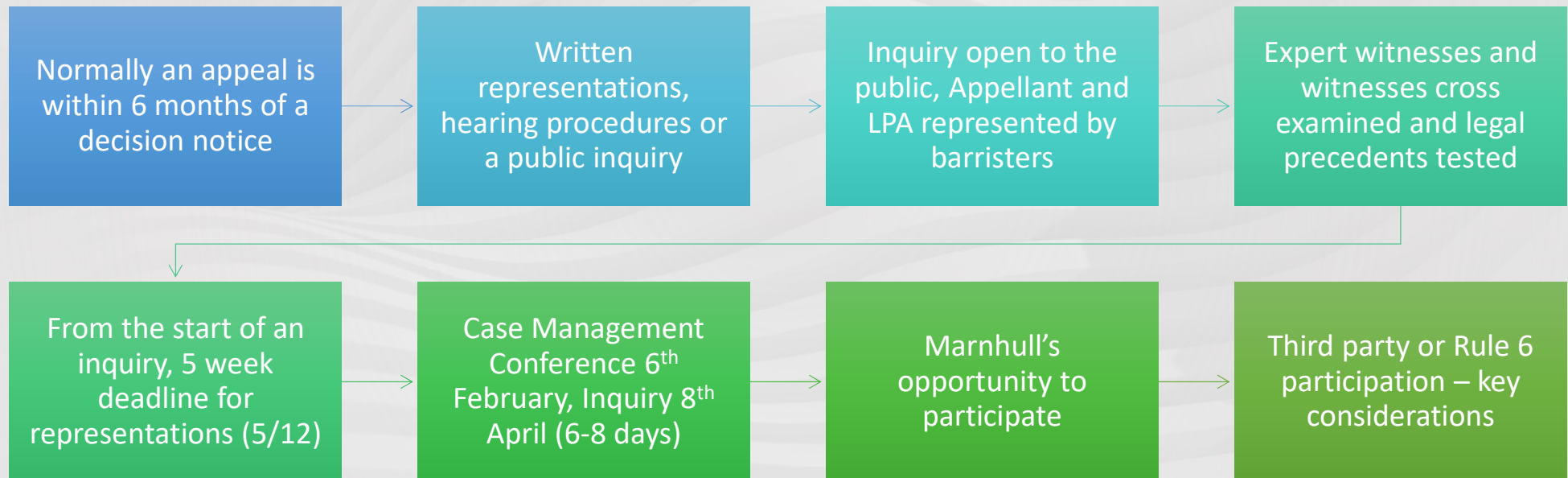




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What is the Appeal process?





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P/OUT/2023/02644 (valid date 2nd November 2023)

Hybrid planning application consisting of: Full planning permission for a mixed-use development to erect a food store with cafe, plus office space and 2 No. flats above. Erect building for mixed commercial, business and service uses (Class E), (e.g. estate agents, hairdresser, funeral care, dentist, vet). Form vehicular and pedestrian accesses and parking. Form parking area for St. Gregory's Church and St Gregory's Primary School. Carry out landscaping works and associated engineering operations. (Demolish redundant agricultural buildings). Land west of Church Hill.

Outline planning permission (to determine access) to erect up to 120 dwellings. Land off Butts Close and Schoolhouse Lane.



Tess Square:

- A full planning application for a mixed-use development comprising a food store, office space, café, and mixed-use space for Class E uses and 2x2-bed flats.
- Main parking area with 137 parking spaces, as well as 7 extra spaces in the existing surgery car park, a new parking area with 30 parking spaces for St. Gregory's Church and St Gregory's Primary School
- Landscaping and associated engineering operations

Butts Close:

- Outline planning application with all matters reserved except for access for up to 120 dwellings on land off Butts Close and Schoolhouse Lane, Marnhull.



Butts Close – potted history (from DC site)

- 2/2018/1808/OUT. This application sought permission for 74 dwellings on 4.6 hectares of land off Butts Close; this was subsequently reduced to 58 dwellings in the amended plans. However, the Council remained concerned that the quantum of development would have a harmful impact on the landscape and setting of heritage assets and the benefits associated with the housing would not outweigh this harm. **Application withdrawn.**
- P/OUT/2021/03030. This application sought permission to develop land by the erection of up to 39 No. dwellings, form vehicular and pedestrian access, and public open space. (Outline application to determine access).
- The Council can demonstrate a five year housing land supply, however the Housing Delivery Test result (2021) means that the '***presumption in favour of sustainable development***' still applies in North Dorset. **Application granted including 20 affordable dwellings in 2023**

PROPOSED SITE LAYOUT

In-curtilage parking has been prioritised where possible, to minimise the impact of on-street parking. Visitor parking spaces have been indicated on strategic points.
The dwellings are positioned to overlook the streetscape and areas of soft landscaping.
They are supported with ample private amenity spaces.

SUMMARY

Site Area

7.99ha

no. of dwellings

120units

HOUSING MIX

2 bedroom units

79m2 (33 no.)

3 bedrom units

93m2 (31no.)

3 bedroom units

97m2 (6 no.)

3 bedroom units

102m2 (13 no.)

4 bedroom units

106m2 (2no.)

4 bedroom units

116m2 (6no.)

4 bedroom units

135m2 (5 no.)

Total of 96 housing units

PARKING

192 allocated parking spaces

27 garages

15 visitors parkings

BUNGALOW MIX

2 bed bungalow

76m2 (4no)

2 bed bungalow

77m2 (11no)

2 bed bungalow

95m2 (3 no.)

3 bed chalet bungalow

115m2 (6no.)

Total of 24 bungalow units

48 allocated parking spaces

24 garages

4 visitors parking

Indicative proposed main vehicular access

Indicative proposed emergency access and maintenance

Redline boundary

Soft buffer

The site layout plan illustrates a residential development with a mix of housing types and parking. The site is bounded by a red line, with a soft buffer indicated by a dashed green line. The layout includes a central green area with a pond labeled 'SUDS Pond'. Surrounding streets include 'CHIPPEL LANE', 'SCHOOLHOUSE LANE', 'BUTTS CLOSE', and 'TOWN'. Existing buildings like 'Arlington House', 'Wisteria House', 'Newton House', 'Blenheim House', 'Braeburn House', and 'Chippel Lodge' are shown. The plan also features a 'LAP Play Area' and a 'Right of Way (M123)'. A scale bar (0 to 25m) and a north arrow are located in the bottom right corner.



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Decision Notice 16th July 2024

- The proposed development by reason of its location outside of the settlement boundary of Marnhull would be contrary to Policies 2, 6, and 20 of the adopted North Dorset Local Plan Part 1 (January 2016).
- The proposed development includes main town centre uses (use class E) measuring 2,356 sqm which is not considered to be small scale rural development contrary to Policies 2, 11 and 12 of the adopted North Dorset Local Plan Part 1, and paragraphs 90 and 91 of the National Planning Policy Framework.
- Insufficient details of the proposed development have been submitted to enable the Highway Authority to fully assess the highway safety and sustainable transport implications of the proposal and, consequently, it is not clear whether the proposal would be likely to endanger road safety or result in other transport problems contrary to Objective 6 – Improving the Quality of Life, and Policies 2 and 13 of the adopted North Dorset Local Plan Part 1, and paragraphs 108 criteria d) and e), and paragraph 117 of the National Planning Policy Framework.

Decision Notice 16th July 2024

- The proposed development by reason of its siting, scale (in terms of mass and quantum), and appearance would have a less than substantial harm on grade I listed Church of St Gregory, grade II* listed Senior's Farmhouse and Attached Barn, and Marnhull Conservation Area. It is considered that the harm identified would not be outweighed by the public benefits of the proposal contrary to Policies 2 and 5 of the adopted North Dorset Local Plan Part 1, and paragraphs 199, 200, and 202 of the National Planning Policy Framework.
- The proposed development would require financial contributions towards off-site improvements and possibly on-going maintenance, ecology, and affordable housing, that must be secured by a Section 106 legal agreement. The applicant has not submitted such an agreement, contrary to policies 4, 8, 13, 14, and 15 of the North Dorset Local Plan Part 1 (January 2016).



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Main changes in plans for Public Inquiry

- Tess Square - The removal of the existing access from Church Hill for the school drop off/pick up proposed parking area in lieu of an access through the proposed extended car park to the school drop off/pick up proposed parking area.
- Tess Square - Revised landscaping proposals to take account of the above change.
- Butts Close - The removal of the proposed pedestrian footway at the junction of Schoolhouse Lane.
- Pedestrian connectivity - surfacing of PROWS to all weather surfacing





Future development

Tess Square & Butts Close+

MB Crocker will be appealing Dorset Council's decision to refuse hybrid application ref: P/OUT/2023/02644 for the development of new retail facilities at Tess square & an additional 81 homes (over & above the existing outline consent at Butts Close).



Tess Square would lie at the heart of Marnhull within easy walking / cycling distance of the majority of the village & would promote linked trips with the neighbouring first school, doctors surgery & pharmacy, as well as the nearby village hall & pub. Whilst it is acknowledged that some people would still choose to drive, the proposed development would afford people the choice. At present, residents have little choice other than to drive to surrounding towns for goods & services or otherwise arrange for regular deliveries, generating vehicle movements & invariably involving longer distances. Tess Square & the range of shops & services therein have been specifically sized to meet the needs of Marnhull. Enabling development came in the form of 120 new homes at Butts Close (although there is already permission for 39. MB Crocker are also looking at a variant scheme for 160 homes on the land off Butts Close. Development would take a number of years through to 3032.

Land south of Musbury Lane

MB Crocker is looking to submit a revised outline application for a small-scale, sensitive scheme of seven homes, inclusive of two affordable discounted market homes and two self-build homes.

Future sports pitch, cemetery extension, allotment provision and school playing field

MB Crocker believe that as the population of Marnhull grows, there will be a need for enhanced and expanded facilities. Opportunities for the creation or expansion of the above facilities within MB Crocker's landholdings have been identified—see plan on central pages.

Future care and / or retirement living

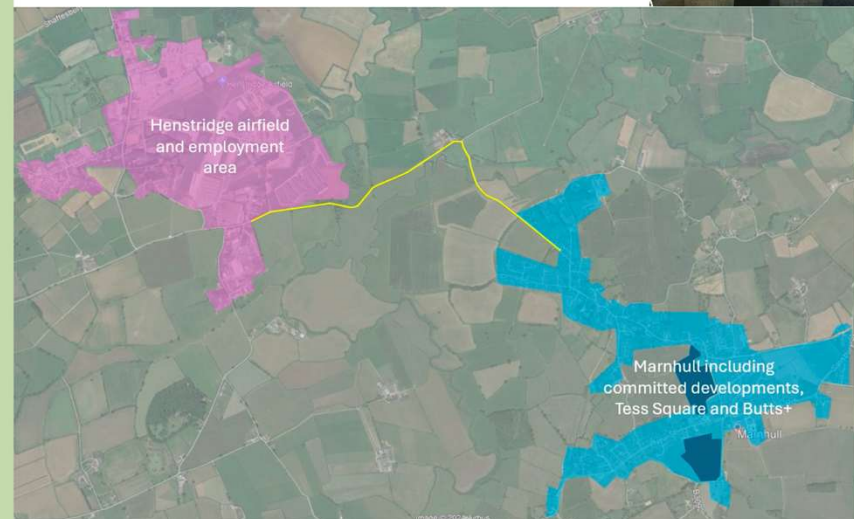
With an aging population, care and / or retirement living accommodation would allow residents to remain in the village and maintain family networks. An opportunity has been identified within MB Crocker's landholdings next to the proposals for Tess Square—see plan on central pages.

MARNHULLS FUTURE

The existing population of Marnhull is c.2,036 across 950 households (2021 census data). The demographic is heavily skewed towards older persons.

Marnhull is fortunate to have retained a good range of facilities including a first school, post office, shops, village hall, sports facilities, pubs, churches, doctors surgery & pharmacy; although a number of these owe their existence & / or survival to the intervention of MB Crocker.

Marnhull is located c.2km from Henstridge Airfield, an established employment area that has seen significant investment & rapid growth over the past decade.



Committed developments, that is those in build or benefitting from planning permission, equate to c.260 homes. The housing trajectory suggests that these homes will be built-out & occupied over the next 8-years, allowing residents to integrate into village life & add to its vitality.



MB Crocker entered into an innovative partnership agreement with CG Fry, selecting a Dorset based partner with an enviable track record of delivering high-quality, attractive homes. This is something that they are looking to replicate.



Committed Residential Development

A number of permissions for single dwellings have been approved in the village [Source: Dorset Council APS 2024]. Two small housing developments have recently been completed at the end of Kentisworth Road at the south-western end of the village & six net additional homes are at an advanced stage of construction adjacent to Joyces, New Street pursuant to Reserved Matters ref: P/RP/RES/2021/05447.

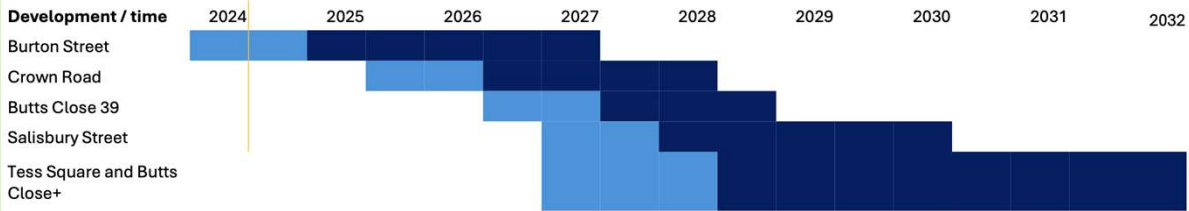
Renowned local housebuilder CG Fry are currently building-out 61 homes at Burton Street pursuant to Reserved Matters ref: P/RES/2022/05524. MB Crocker (in its capacity as landowner) has a partnership agreement with CG Fry, whereby it receives a share of receipts from house sales. This is very different from the traditional model of selling the land for maximum profit & helps to derisk the build. This aids both delivery & ensures the focus is on quality. The consented scheme includes a blend of 2, 3 & 4 bed homes, with one 5 bed home. A policy compliant level of affordable homes is proposed. The first residents are expected to move in later this year, with the development due for completion by April 2027 [Source: Dorset Council APS 2024 supported by correspondence from CG Fry].

Outline consent for 72 homes & new community facilities north of Crown Road was granted on appeal (ref: APP/D1265/W/21/3289314) on 1st July 2022 subject to conditions & a legal agreement. Following a non-material amendment to change the description to '... up to 72 dwellings ...', Hampshire Homes submitted a reserved matters application ref: P/RES/2024/03588 to erect 69 homes & associated infrastructure. At the time of writing this is still pending determination, but it is evident that the proposal is biased towards family housing. It is understood that Aster Group are likely to manage the site on completion, with a blend on affordable rented & shared ownership accommodation. Subject to a timely approval of Reserved Matters, & allowing for building regulation & other approvals, it is feasible that construction will commence in mid-late 2025. Given the secure tenure, we would anticipate homes being occupied from late 2026 & completion sometime in mid-late 2028.

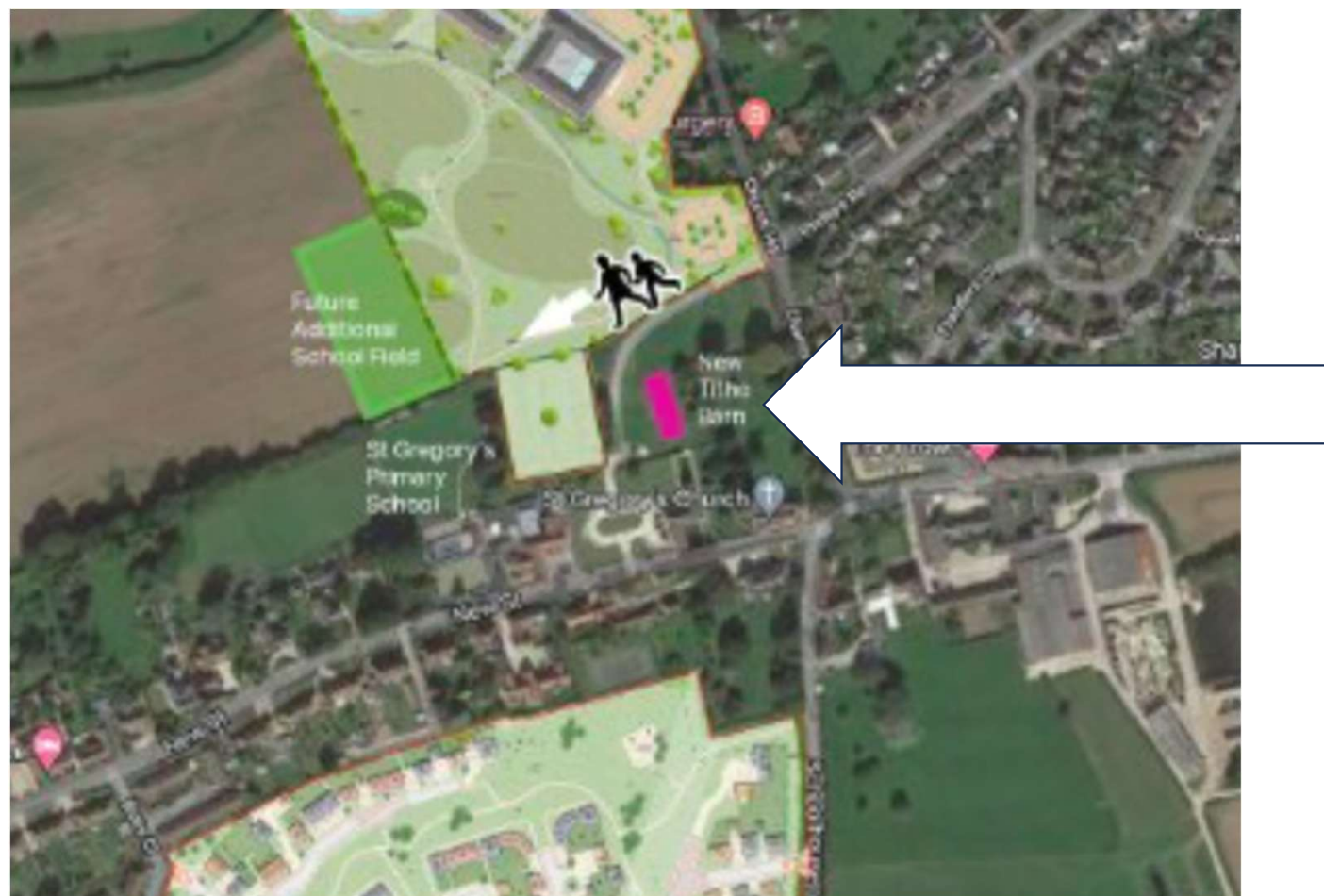
Outline consent for 39 homes at Butts Close was granted (ref: P/OUT/2021/03030) on 2nd March 2023. MB Crocker are the landowner & are currently in discussions with prospective development partners. It is anticipated that Reserved Matters will be submitted in 2024. Subject to a timely approval of Reserved Matters, & allowing for building regulation & other approvals, it is feasible that construction will commence in 2026. We would anticipate a 1.5-year build programme, with homes being first occupied in late 2028 & final completion in late 2030.

Outline consent for 69 homes at Salisbury Street of Crown Road was granted on appeal (ref: APP/D1265/W/23/3323727) on 2nd July 2024 subject to conditions & a legal agreement. MB Crocker are the landowner & are currently in discussions with prospective development partners. It is anticipated that Reserved Matters will be submitted in 2025. Subject to a timely approval of Reserved Matters, & allowing for building regulation & other approvals, it is feasible that construction will commence in 2027. We would anticipate the homes being first occupied in late 2028 & completion sometime in late 2030.

It is worth highlighting that the aforementioned schemes will contribute over £3million towards new offsite infrastructure, including additional education capacity, open space & play equipment, sports facilities, transport improvements. Such financial contributions are secured by means of legally binding agreements.



Some 214 consultation responses were received from local residents in relation to the above committed developments at outline stage. Many, some 23% objected on the basis of a lack of shops & services; 10% on additional traffic generation & 34% on the basis of lack of employment opportunities. MB Crocker concur that growth should be matched by new & bolstered infrastructure. Whilst the financial contributions secured by means of legal agreement will help to fund some forms of infrastructure, it will not provide for shops & services.





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MPC Consultee Comments – December 2023

Butts Close development

- Objection 1 – Contradicts key policies of North Dorset Local Plan 2016
- Objection 2 – Heritage and Landscape Impact
- Objection 3 – Transport and Highways Safety

Tess Square development

- Objection 1 – Contradicts key policies of North Dorset Local Plan 2016
- Objection 2 – Deliverability and Viability
- Objection 3 - Transport and Highways Safety



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Appeal of Decision – key points

- The Appellant will demonstrate that having due regard to local and national planning policies, the appeal application is supported by the presumption in favour of sustainable development and there are no identified material considerations to indicate otherwise.
- The Appellant will explain the numerous and significant benefits that will be delivered through the appeal scheme, to demonstrate that the planning balance weighs significantly in favour of granting permission. These will include the following:
 - The development will deliver a policy-compliant 40% affordable housing.
 - The delivery of much needed market housing.
 - The economic benefits that will be generated by the delivery of housing, both short and long term.
 - The proposal also includes a large proportion of open space which will benefit both the development and the wider village.
 - Occupants of the new dwellings will help support local facilities via increased patronage and will add new economic investment/growth thereby contributing to the increased viability and vitality of the growing community.

Appeal of Decision – key points (cont'd)

- The scheme will thereby add to the already proved sustainability credentials of the village.
- The Council has not actively planned development for this village for decades. This lack of proactivity means rural communities cannot grow and their fortunes reverse as local facilities and services are lost, and the demographic skews.
- This planning appeal represents a vital injection of long-overdue life and investment into Marnhull. This planning appeal meets the objectives and is in line with strong policy direction as set out in the Written Ministerial Statement (July 2024) to boost housing supply and the economy.
- In terms of impact on heritage assets the Appellant will demonstrate that there would be less than substantial harm and it is clear that the public benefits weigh heavily in favour of this proposal.
- Consequently, it will be respectfully contended that the appeal scheme represents an exemplary example of sustainable development and the Planning Inspector will be requested to allow this appeal and grant planning permission for this important sustainable development without further delay.



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MPC's Proposed Approach

- Given the strong mandate to object to the original application, we believe we need to continue to object as this is a pivotal application for the village
- There are many local issues here that may not be surfaced by Dorset Council in the Inquiry so we believe we may need to go “all in” as a Rule 6 party to produce a Statement of Case and Written Proofs to get our case across
- If we take this option we will need to hire an advocate and use some specialists to build out our case and to support us during the Inquiry
- We have some funding from our Parish reserves but we may need to crowdfund as a planning inquiry is expensive
- We are actively seeking expertise from within the village to help us – our plan is to mitigate costs by using locals as witnesses



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Call to Action

- Make sure your opinion, whether positive or negative, is heard by making a representation to the Planning Inspectorate
- Copies of the application documents and the appellant's full statement of case are available on Dorset Council's website: <https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=396600>
- When you send your representations you should include:
 - your name and address
 - the Planning Inspectorate appeal reference number (APP/D1265/W/24/3353912)
 - the address of the appeal site (Land off Butts Close and Schoolhouse Lane, Marnhull, Dorset)
- and either say:
 - 'I am against the appeal proposals' and explain whether it is for the same reasons as given by the LPA or, if not, explain your own reasons
 - 'I support the appeal proposals' and explain why
- Submit your representations online using the PI search facility. You have until 5th December
- Please come along to the Inquiry from April 8th (venue TBC)



Thank you for
your time