

Proposed Campsite at Northdown Farm

Article 4 Submission by the Sutton Poyntz Society and Osmington Society

1. Introduction

1.1. Background

The new owner of Northdown Farm, Sutton Poyntz, is starting to use part of his land as a temporary campsite during the summer, exploiting the permissive planning facility granted to landowners under the General Permitted Development Order of 1995 (the GPDO), which allows (subject to certain restrictions) “*the use of any land for any purpose for not more than 28 days in total in any calendar year*”, along with the provision of any moveable structures for the purposes of the permitted use. A website created by the landowner (see www.northdown.eu) contains details of the site, including an access map.

The local communities were first alerted to this proposal when the landowner (Mr Peter Broatch, trading as Eweleaze Farm Ltd.) submitted a licence application in relation to this campsite, for the sale of alcohol and provision of background music. A large number of objections were submitted, but the Weymouth & Portland Borough Licensing Committee decided to allow the sale of alcohol licence (but not the music licence).

The Sutton Poyntz Society and Osmington Society, acting for their villagers, accept that the findings of the Licensing Committee were correct. However we have severe concerns about the potential impact of the campsite itself on local environment and amenity, in particular on the natural beauty of the area. Fortunately, the law allows a Planning Authority to override the 28 day Permitted Development right, through what is known as an Article 4 Direction, the effect of which is that the development requires a full Planning Application and hearing.

This submission sets out what the Sutton Poyntz Society and Osmington Society believe is a strong case for an Article 4 Direction, and asks Weymouth & Portland Borough Council to take the steps needed to impose such a Direction in this instance.

1.2. The site

The location of the campsite is shown in Figure 1. The area in purple is the area for which an alcohol licence was granted; Northdown Farm also includes land to the north and south of this. The site is about 200 metres from the village of Sutton Poyntz, and 500 metres from Osmington, at its closest points. It is in a natural bowl, with the hills of the Ridgeway to the north and east, Winslow Hill to the south, and Chalbury to the west. The site runs along the north side of the Osmington Brook, which joins the River Jordan in Sutton Poyntz and runs south through Preston to the sea, close to existing holiday sites.

The whole of Northdown Farm is within the Dorset Area of Outstanding Natural Beauty (AONB).

The steep hill slope on the north side of the site is a Site of Special Scientific Interest (marked in light blue in Figure 1). The site abuts the Sutton Poyntz Conservation Area, and lies close to the Osmington Conservation Area (both marked in light green in Figure 1). It also abuts a Heritage

Coastline area (marked dark blue in Figure 1). Part of the site is within an Area of Archaeological Potential, as defined in the Weymouth and Portland Local Plan.

The site lies immediately between the A353, one of the main access routes into Weymouth, and the famous Osmington White Horse Ancient Monument which stands on the hill slope about 450 metres to the north of the site. The White Horse is a Scheduled Monument, as are numbers of ancient tumuli along the Ridgeway just above. Natural England, English Heritage, Ordnance Survey, experts from Dorset Countryside and the Council's Historic Environment Service, Dorset AONB Partnership, and many from the local community have recently put significant investment of funds and effort into improving the visual integrity of the White Horse; the proposed campsite, being right in the line of sight, will greatly reduce the benefit to be obtained from this investment.

Access to the campsite is by an existing farm track which turns off the A353 in the unrestricted section between Preston and Osmington. The farm track is quite narrow, and steep in places.

2. Protection of AONB

2.1. Legislation

Areas of Outstanding Natural Beauty (AONB's) were created, along with National Parks, in the 1949 National Parks and Access to the Countryside Act. The objective was to protect precious landscapes ***"whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them"***. AONB's and National Parks are not distinguished in terms of landscape quality but rather by scale and objectives.

The main current legislation relating to AONB's is the 2000 Countryside and Rights of Way Act (CRoW). Section 87 (1) gives objectives for the management of AONB's. These are ***"to have regard to (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding beauty, and (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty"***. Section 87(1) goes on to say that ***"if it appears ... that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a)"***. The law hence stipulates that conservation is to be regarded as more important than access and enjoyment.

Section 84(4) defines the powers of planning authorities in relation to AONB's: ***"to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area"***. Section 85(1) requires all public bodies to ***"have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty"***. Again, the focus of the Act is clearly on conservation.

Finally, Planning Policy Statement 7 (Sustainable development in rural areas) states: ***"... Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas"***. The conservation of these areas is to be given great weight by planners.

2.2. Dorset AONB Objectives

The CRoW Act 2000 requires AONB's to have Management Plans. The Management Plan (2009-2014) for the Dorset AONB contains a number of objectives which are clearly relevant in this case:

- a) Objective PD3 – ***“Remove, reduce and avoid intrusive and degrading features to enhance the special qualities of the AONB landscape”***:
 - Policy PD3a – ***“Protect the AONB from inappropriate development”***.
 - Policy PD3b – ***“Protect the quality of uninterrupted panoramic views into, within and out of the AONB”***.
- b) Objective L1 – ***“Conserve and enhance the special and distinctive character and quality of the AONB's landscapes and associated features”***.
 - Policy L1a – ***“Protect and enhance landscape character and quality and promote the use of landscape character assessment to shape decisions affecting the AONB”***.
 - Policy L1b – ***“Minimise and reduce the cumulative impacts of small scale incremental change that erodes landscape character”***.

An AONB Planning Protocol describes how the AONB works with local planning authorities to achieve these objectives. The Planning Protocol provides that planning authorities will consult with the AONB on relevant planning applications, and that AONB will base its responses on its primary purpose – the conservation and enhancement of natural beauty. Responses ***“will be led by the Countryside and Rights of Way Act 2000, ..., the Dorset AONB Management Plan and the AONB Landscape Character assessment”***.

The villages of Sutton Poyntz and Osmington sit in the area of the AONB designated “Ridge and Vale” in the Management Plan. In the section dealing with the condition of this landscape type, the Management Plan specifically comments on the ***“negative impact of caravan parks and other visitor based development”***. The Management Summary for this landscape type specifically recommends ***“reduc[ing] the impact of urban fringe and visitor based land uses”***. It could scarcely be more specific about the threat of the type of development proposed here.

Figure 2 shows a view of the White Horse taken from the A353. This is the view many visitors will remember of Weymouth, as they drive in to stay or to visit. The area of part of the proposed campsite is superimposed on the photograph (part of the campsite area is obscured by the eastern slope of Winslow Hill). This demonstrates the potential impact of the campsite on this iconic view.

Figure 3 shows the view from the White Horse (the photograph is taken from just above King George's head). The full area of the campsite is marked on the photograph. It can be seen that the potential impact of the campsite on this view is drastic. [N.B. Note that in these two figures, we have marked the perimeter of the licensed area, which may not be the same as the area of the campsite. The campsite could extend further to the north or south].

2.3. Weymouth & Portland Borough Local Plan

Weymouth & Portland Borough, both legally and as a partner in the Dorset AONB, is required to protect the AONB. A new Local Development Framework is currently being written, but until

that is in place, the Local Plan 2005 (as amended in 2008) defines planning policy for the Borough.

The Local Plan contains a number of relevant policies, but the most important are the following:

- a) **Policy N11** – *“Development in the AONB Policy Area, as shown on the Proposals Map, will be permitted only where it conserves or enhances the natural beauty of the landscape. Any development that is permitted shall be sited and designed so as to be in keeping with the surrounding area and with any existing development”*. This supports the national policy that preservation of natural beauty is to be given more importance than enjoyment of the AONB. Developments will not be allowed when they degrade the beauty of the landscape.
- b) **Policy TO18** – This policy relates specifically to sites for caravans and camping: *“Applications for the development of touring caravan, camper van and camping sites will be permitted provided that the following criteria are met in full”*. The criteria include the following:
 - “(i) there would be no adverse visual or physical impact on either the Best and Most Versatile agricultural land, the Area of Outstanding Natural Beauty, an Area of Local Landscape Importance, a Site of Special Scientific Interest, a Site of Nature Conservation Interest, the Heritage Coast or any other open coastal location”*
 - “(vi) the amenities of local residents are adequately protected from any significant adverse effect as a result of the proposed development”*

This policy states clearly how the AONB will be protected against what the AONB Management Plan called the *“negative impact of caravan parks and other visitor based development”*. It sets stringent criteria that proposed sites must pass, including an unambiguous requirement that there should be no adverse visual impact. We do not believe this proposed campsite passes either of the tests listed above.

Weymouth & Portland Borough Council have a statutory duty to protect the beauty of those parts of the AONB that lie within the Borough. Their Local Plan shows clearly that they take this duty seriously, and has policies specifically devised to ensure that the quality of the AONB landscape will not be degraded.

2.4. Dorset County Council Structure Plan

Although Dorset County Council is not the planning authority, the ‘saved policies’ of its Structure Plan are relevant. Tourism Policy E states *“Within the Areas of Outstanding Natural Beauty, proposals will be subject to the most rigorous examination”*. The clear implication is that the County Council expect the AONB to receive particular protection by planning authorities.

2.5. Heritage Coast

The same County Tourism Policy also states *“Within the Heritage Coast ... the development of new sites for chalets, caravans or tents should not be permitted”*. This Northdown Farm site is not within a Heritage Coast area, but the Purbeck Heritage Coast abuts the proposed campsite on its eastern side. It is worth noting in passing that the Purbeck Heritage Coast area does contain the site of the Eweleaze Farm camp-site, operated over the last few years by Mr Broatch using the same 28-day permitted development right.

This Eweleaze Farm campsite does not just sit in a national Heritage Coast (as defined and delimited by Natural England); the coastal strip in this area is part of the **Dorset and East Devon**

Coast World Heritage Site (commonly known as the **Jurassic Coast**). World Heritage Sites are defined by UNESCO as “**places of outstanding universal value**”. Clearly planning authorities with responsibility for such sites have an uncommonly significant duty of care. The Jurassic Coast team has its own Management Plan, with measures to manage the impact of tourism on this precious coast.

3. Safety

The Section above on legislation shows that planners have a heavy legal responsibility to protect the natural beauty of land within an AONB. The conclusion from this might well be that all proposals that could degrade the Dorset AONB ought to be subject to full planning scrutiny, rather than being permitted automatically. For this particular proposal, there are specific safety and environmental concerns that should strengthen this view.

3.1. Safe access to and from the site

Access to the proposed campsite is via an existing farm track on the north side of the A353, at a point on the hill between Osmington and Preston that has no speed restriction other than the national 60mph limit. The entrance to this farm track is seriously sub-standard in comparison to existing safety requirements; as a consequence, it presents a major safety issue both for the general travelling public and for visitors entering and leaving the site.

The three principal components to be considered in safe junction design are:

- The need for adequate forward visibility along the main road when leaving the site and when turning into the site;
- The radius of entry and exit; and
- The ability to enter the site safely.

Forward visibility: This location does not fall within a speed restricted area and the Highway Authorities design criteria for visibility for this category of Primary Route, having regard to traffic speeds, is 150 meters measured from the centre line of the access in both directions, i.e. to the east and west, along the northern edge of the carriageway. Furthermore, these points (150m) are to be visible over a length of 2.4 meters measured back from the road edge at a height of 600mm. These measurements are to simulate a vehicle’s bonnet and the driver’s eye height, and to ensure that the required visibility is available when drawing up to the main road.

All visibility lines are shown coloured red on the detailed road plan, Figure 8. It will be evident from the Plan and from the photograph Figure 4 that this visibility requirement for safe entry and exit is seriously compromised by the height of the highway verge and the hedge to the field boundary. The resultant visibility is in the order of 20 to 30 metres; a fraction of what it should be.

The access layout is, therefore, dangerously defective in the direction where traffic speeds are at their highest on the down gradient and where visitors’ awareness is sometimes distracted by the sight of Weymouth Bay suddenly coming into view.

Of further concern is the restricted visibility faced by vehicles turning into the site. It can be seen from the plan and the photograph Figure 5 that the forward visibility is partially blocked by

lengths of hedge along the field boundary on the opposite side of the road. It is worth noting that recent investigation of this site as a possible tourist view-point showed that this hedging would have to be removed in order to provide safe access.

Radius of entry and exit: Highway Authority regulations require that the radius for traffic leaving the site should be 9m, in order to permit vehicles safely to merge with main road traffic. There is little or no radius at present with the result that exiting vehicles are starting from stationary; this creates a hazard to the flow of vehicles on the main highway.

This acute lack of visibility results in vehicles having to pull into the road to see if it is safe to pull out, with those turning to the east possibly needing to cross the centre line to do so - a very risky manoeuvre!

Safe site entry: The alignment of the access track leading into the site, see Figures 6 and 7, takes an acute 90 degree bend within some 13 metres of the highway. For a vehicle to safely leave the road requires a distance of some 20 metres. It therefore follows that a realignment of the access track would be very beneficial.

The visibility to the west is satisfactory since it is on the outside of the bend.

Summary: There is no doubt that the layout of the access is seriously flawed and can only lead to an increased risk of injury to road users and site visitors alike, in a location which has already witnessed a cluster of three serious accidents in the three years 2006 to 2009. Indeed, this section of road already features as number 12 in the Dorset's top 20 Priority List. This proposal will increase the number of traffic movements at this access, making this section of road even more hazardous than at present.

The highway authority specifies design criteria for good reason, namely, in the interest of road safety. There can be no doubt that the proposed access does not remotely satisfy the required visibility requirements. Safe access to the site could not reasonably be provided without excavation works within the highway. Such works are explicitly excluded by the GPDO from the 28 day permissive planning facility, and would require Planning Permission.

3.2. Response by the Emergency Services

When the licence application for this site was heard by the Weymouth & Portland Borough Licensing Committee, a representation was made by the Dorset Police, on behalf of all the emergency services. This representation raised real concerns about the risk to occupants of the site, in the case of some emergency. The Dorset Police representation stated: ***"The track [leading to the site] is very steep in places with some land slippage, which would make it very difficult for a police response vehicle to gain safe access to the site under normal circumstances, regardless of the time of year"***. The representation concluded that the emergency appliances ***"would not be able to execute a suitable emergency operation due to the restricted access"***. From this, it is absolutely clear that occupants and workers at this proposed campsite would be at some risk should an emergency occur.

4. Environmental protection

4.1. Noise

Policy TO18 of Weymouth & Portland Borough's Local Plan, quoted above, seeks to ensure that local communities are protected from adverse effects caused by campsites. Given how near the proposed site is to the two villages of Osmington and more particularly Sutton Poyntz, noise annoyance caused by the site is a particularly strong risk.

This is exacerbated by the geography of the site, close to the centre of a natural bowl of hills. We have often noted how sound can appear to be amplified as a result of the shape of the valley.

We are grateful to the Borough's Licensing Committee for their action in controlling music associated with the on-site shop. Noise caused by exuberant campers will not be so easy to control, however, and could prove to be a lasting cause of friction.

5. Article 4 Direction

The General Permitted Development Order of 1995 (the Order which creates the landowner's right to alternative uses of land for up to 28 days), specifically gives Planning Authorities powers to rescind that right, in defined circumstances. The power is exercised through what is known as an "Article 4 Direction". The current nature of these powers is most clearly defined in Appendix D of Circular 9/95, in its November 2010 re-issue.

This Circular shows that the power to remove permitted development rights is not one to be taken lightly. It states: "**Local planning authorities should consider making article 4 directions only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area**".

Planning Authorities are directed that they must clearly identify the potential harm that the Direction seeks to address. The Circular defines the legal requirements that a Planning Authority must satisfy: "**that it is expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on an application**", and (for Directions of this particular sort) "**that the local planning authority considers that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenity of their area**".

The Sutton Poyntz Society and Osmington Society contend that these criteria are clearly satisfied. The proposed campsite clearly infringes policies of the AONB and of Weymouth & Portland Borough Council, as well as going against the AONB management objectives set out in CRoW 2000.

In support of this, Circular 9/95 sets out some exemplars where an Article 4 Direction might be appropriate. These include developments that would "**undermine the visual amenity of the area or damage the historic environment**".

CRoW 2000 sets out two types of Article 4 Directions: Article 4(2) Directions relate specifically to certain types of development within Conservation Areas; although the area for the proposed campsite abuts the Sutton Poyntz Conservation Area, Article 4(2) is clearly not relevant in this

case. Article 4(1) Directions relate to all other types of permitted development. Until 2010, Article 4(1) Directions could not be created without the agreement of the Secretary of State. The differences between the two types of Direction have recently been reduced. Article 4(1) Directions last initially for only 6 months, until confirmed by the Council. The Secretary of State has the power to overturn an Article 4(1) Direction.

An Article 4 Direction does not of itself prevent the proposed development. It has the effect of removing the permitted development right, so that the developer needs to submit a normal planning application, which will be processed and evaluated in the normal way.

If an application is then made and turned down, the applicant may have some right of compensation for actual losses. A recent study carried out by RPS Planning (see http://www.ihbc.org.uk/recent_papers/docs/Andrew.pdf) showed that actual instances where compensation was awarded are few and far between.

6. Summary

The proposed campsite sits at a point central to strategically important panoramic views of and from the Osmington White Horse Ancient Monument. It will reduce the public benefits obtained from the recent substantial investments in improving its integrity. The campsite is in the Dorset AONB, and is very close to the Jurassic Coast, a World Heritage Site.

Relevant law, supported by the policies and objectives of the Dorset AONB, Dorset County Council and Weymouth & Portland Borough Council, specifically requires that the conservation and enhancement of the natural beauty of AONB's should be given primacy. The Borough's Local Plan is explicit that development of this type will only be permitted if it has no adverse visual impact on the AONB. In practice, the campsite will have a significant impact on important views.

Problems with access to the proposed site create significant Safety risks, of two types: firstly, access onto and from the main road does not meet road safety criteria; secondly, the Police, reporting on behalf of themselves and the other Emergency Services, have stated that they cannot guarantee to be able to respond to emergencies on the site.

The site lies close to areas of population; the Borough Local Plan explicitly requires that the amenity of local residents should be adequately protected. The siting of this proposed campsite, in a natural bowl surrounded by hills, will make noise pollution an even greater risk than normal.

For all these reasons, the Sutton Poyntz Society and Osmington Society submit that there is an overwhelming case that the proposed development would infringe specific local planning objectives, and that an Article 4 Direction would meet at least one of the suggested criteria (undermining visual amenity) laid out in Circular 9/95. Under these circumstances, we submit that it is both legal and appropriate that an Article 4 Direction should be made, so that Weymouth & Portland Borough can properly review all proposals affecting its part of the Dorset AONB, and thereby be seen to be carrying out its duty to protect the natural beauty of the AONB.

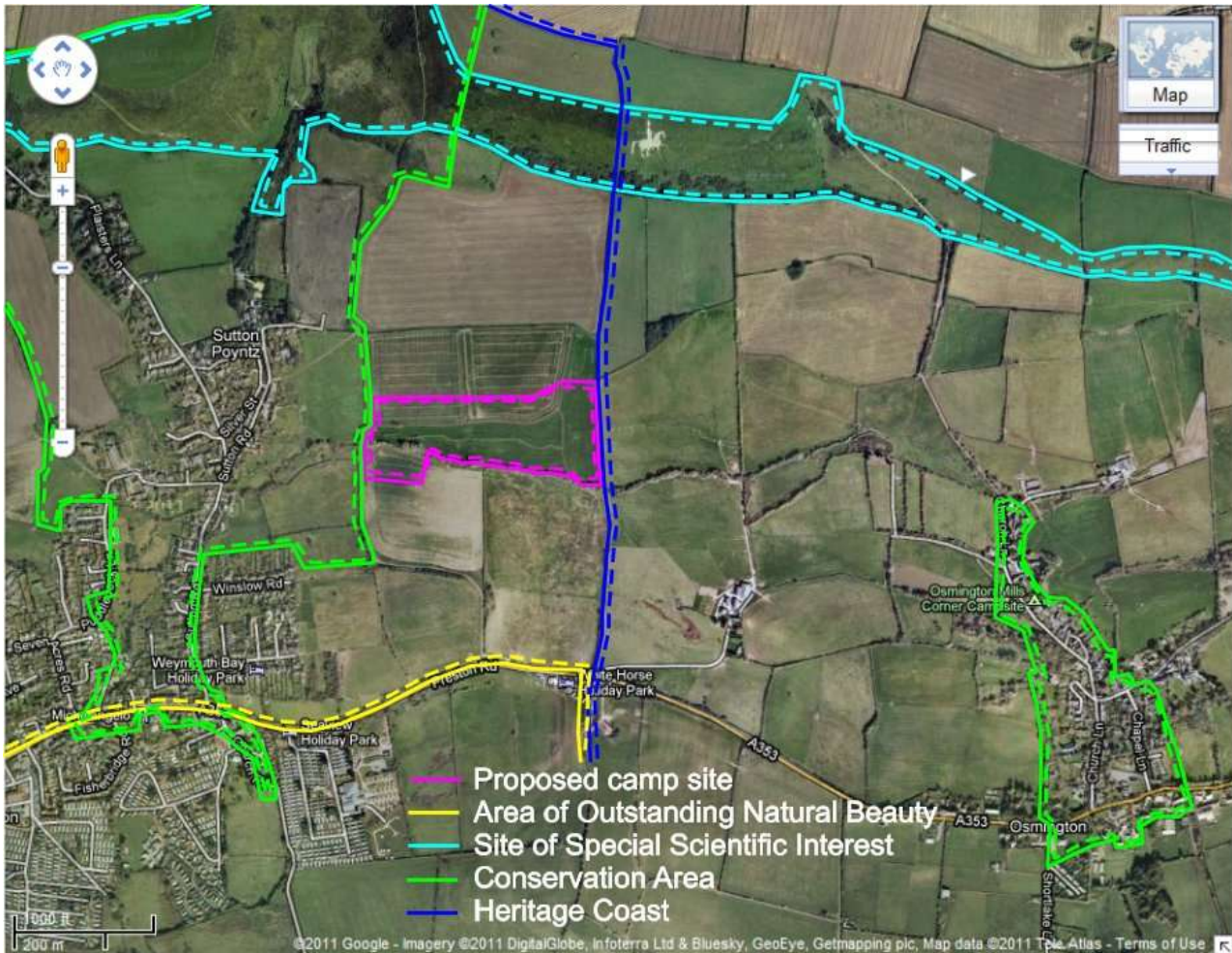


Figure 1 - Area of proposed campsite, in relation to preservation areas

(N.B. Whole area apart from bottom left corner is within the Dorset AONB.
Area on eastern half of map is within the Purbeck Heritage Coast)

Sources:

Map © Google Maps (copied under Fair Use policy).

Campsite area copied from licence application 10-1491-LAPRE. (Note that this is illustrative of the likely campsite area, which could include other land to the north and/or south of the area marked)

SSSI, AONB and Heritage Coast areas copied from DEFRA MAGIC.

Conservation Areas copied from Weymouth & Portland and West Dorset Local Plan maps.



**Figure 2 – View of White Horse, from A353
showing part of proposed campsite area**



**Figure 3 - View from White Horse
showing proposed campsite area**



Figure 4 – View up hill to east from access road, showing poor line of visibility



Figure 5 - View along A353, as seen by traffic trying to turn in to access road from the east, showing very restricted view of approaching traffic



Figure 6 – View into access track from across A353, showing sharp left turn immediately after entry



Figure 7 – View seen by traffic leaving the site, showing very limited view eastwards, and no view westwards, when approaching exit point

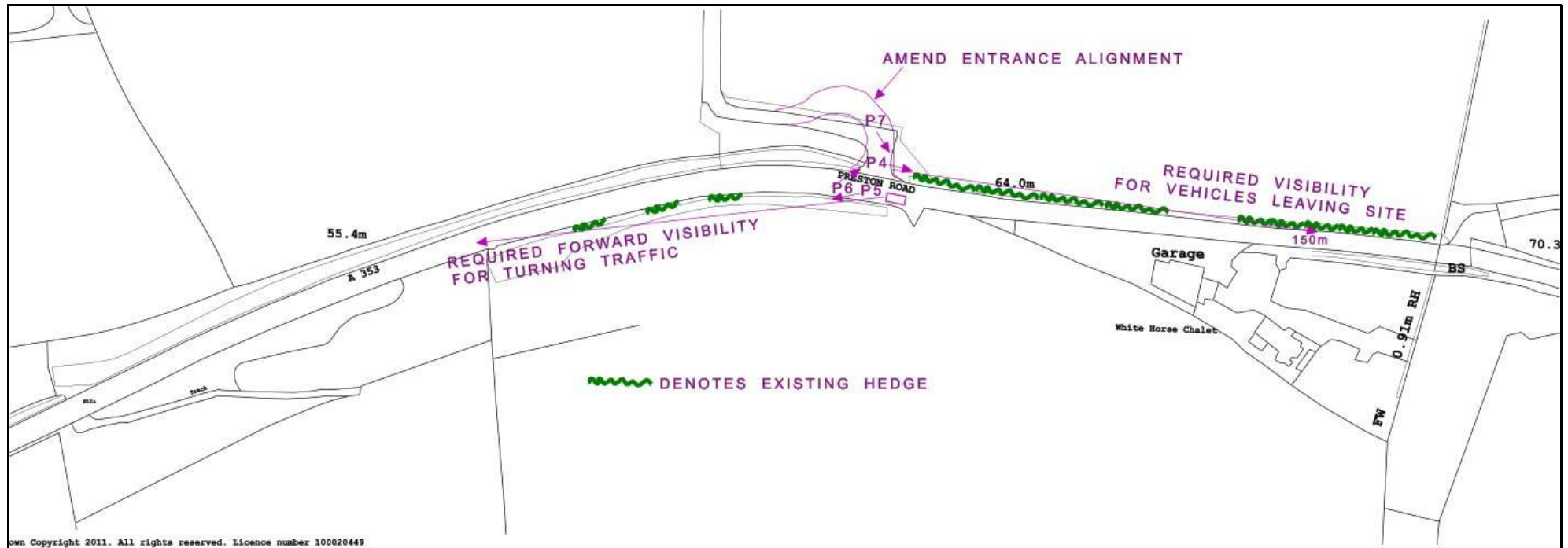


Figure 8 – Road plan for access from A353 to campsite, showing visibility requirements
 This also shows the locations from which the photographs in Figures 4 to 7 were taken