



Bothenhampton & Walditch
Parish Council since 1886

18th August 2023

Via email

Dorset Council
Planning Team Area West

Dear Planning Area West

RE: Application Reference P/MPO/2023/04147 – Land South of Barn Corner, Westown, DT6 4BQ

Bothenhampton and Walditch Parish Council objects to this application to discharge the requirements of the S106 planning obligation of 1993.

The PC organised a meeting on 14 August to discuss the Application. Around 50 residents attended, and the PC believes that its objection to the Application reflects local sentiment.

This piece of land is both within a Conservation Area and part of an AONB, and its preservation helps to protect the character and appearance of both, in conformity with relevant Local Plans. It helps also to form a valuable green buffer between Hollow Way and the relatively new residential area to the south. There is no vehicle access to the site, and so is unsuitable for anything other than agricultural use anyway.

The S106 restriction was therefore placed on the site in 1993 for very good reason, protecting as it does the agricultural designation of the land. These reasons still stand. The Parish Council can see no justification for removal of the S106.

The S106 restriction very clearly and properly binds both the Owner and “his successors” to its terms; ie “...not to develop or cause or permit to be developed any part of the Property otherwise than in strict conformity with this Agreement and with Planning Permission.” Any sale or lease of the land is subject to the terms and provisions of the S106.

The decision to approve the Planning Application 1/D/12/000885 in 2012 for the owners to construct a log cabin and pond referred to the importance the Council attaches to the protection of the Conservation Area, the landscape qualities of the AONB and the visual amenities of the locality. These matters are as valid now as they were then; hence the need to keep the S106 restriction in place. This would also help preserve and protect the abundant local wildlife.

The 2012 planning permission made no reference to the S106. However, it makes no sense to argue that the remedy for this “breach” is to remove the S106 entirely. Furthermore, Condition 4 of the 2012 planning permission specifically ties the log cabin to the ownership of the property at Barn Corner; the log cabin’s usage is to be “...only...for purposes incidental to the residential use of property Barn Corner, Westown, Bothenhampton...and for no other separate purpose.” Since Barn Corner is now under new ownership, where does

this leave Condition 4? The log cabin should arguably be removed, and the land restored to its original state.

It appears to the Parish Council that the intention of previous applications and Council decisions throughout has been to protect and maintain the agricultural designation of the land as a valued green space. It would be perverse and against the interest of the community and the environment to do anything other than maintain the provisions of the S106.

Yours sincerely

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Copy to: Dorset Councillor - D Bolwell