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# Appeal Decision

Site visit made on 29 October 2024

**by C Rose BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 November 2024**

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**Appeal Ref: APP/D1265/W/24/3342011**

**Spikhatch Barn, Ridgeback Lane, West Milton, Dorset DT6 3SH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Christopher Lockie against the decision of Dorset Council.
  - The application Ref is P/FUL/2023/00598.
  - The development described as 'Proposed change of use from bunk barn to dwelling with optional bed and breakfast use, boot room/porch, regularisation of attached store and installation of solar panels.'
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the appeal property is in a suitable location for open market housing with particular regard to the local development strategy.

## Reasons

3. The appeal site comprises a detached two storey building and associated outdoor space. The building is approached via a narrow country lane and has been used as holiday accommodation. The proposal is to use the building as an open market dwelling for general residential purposes but with the flexibility to allow some bed and breakfast use.
4. Policy INT1 of the West Dorset, Weymouth & Portland Local Plan (2015) (LP) states that there will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area.
5. In this regard, the spatial strategy for residential development is set out in LP Policy SUS2. The strategy is based on the needs and size of the area's settlements, and the benefits of concentrating most development in locations where homes, jobs and facilities will be easily accessible to each other, and there is a choice of transport modes. The policy therefore dictates that most development will be located in the larger and more sustainable settlements. Development in rural areas will be directed to settlements with defined development boundaries (DDB's). As the appeal site does not fall within a DDB, it lies in open countryside where development is strictly controlled and is limited to specified categories. The only scope for open market housing is through the re-use of existing rural buildings.

6. LP Policy SUS3 addresses the adaptation and re-use of buildings outside the DDB. In the case of open market housing, it states that the buildings to be adapted or re-used must adjoin a settlement with a DDB, be within or adjoining an established settlement of more than 200 population or adjoin an existing serviced residential building and be tied to the wider holding/main property.
7. With regard to the first two of these criteria, the nearest settlement, West Milton, does not have a DDB and has a population of less than 200. Furthermore, the site is separated from the settlement by a short expanse of countryside. With regard to the third criteria, the building does not adjoin an existing serviced residential building. Consequently, an open market dwelling use is not supported by LP Policies SUS2 or SUS3, and as such the proposal is contrary to the spatial strategy of the development plan.
8. By reason of the limited range of services and facilities in West Milton, the distance to other settlements, and given access to the site is via narrow, unlit country lanes without footpaths, access to a range of services and facilities would be reliant upon the use of a motor vehicle. It is noteworthy that the appellant's evidence refers to the lack of public transport and risk to walkers and cyclists accessing the site.
9. Turning to the loss of the holiday accommodation, the supporting text to LP Policy ECON6 at paragraph 4.5.15 states that tourist accommodation provides critical support to tourist attractions and facilities and contributes to the economy through its support of retail, food and drink and travel services. It further states that it is 'important to ensure that the loss of stock is carefully considered, particularly with regard to the hotels and larger guesthouses in the area (as a guide this means those that have at least 6 guest bedrooms).'
10. In relation to this appeal, the wording to LP Policy ECON6 resists the permanent loss or reduction in size of hotels and larger guesthouses only. As the appeal property has less than 6 guest bedrooms, it is not a larger hotel or guesthouse. As a result, Policy ECON6 does not apply to the appeal proposal.
11. My attention is drawn to Paragraph 84 of the National Planning Policy Framework (the Framework) that post-dates the LP and states that planning decisions should avoid the development of isolated homes in the countryside, other than where certain circumstances apply. As the site is isolated and none of the five listed circumstances apply to the proposal, it does not gain support under Paragraph 84 of the Framework. In light of this, I have no reason to find that LP Policies INT1, SUS2 or SUS3 conflict with the Framework or are at odds with Central Government planning policy. In this regard, as the Government deemed that Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) should not apply in Areas of Outstanding Natural Beauty (AONB), this does not weigh in favour of the proposal.
12. It follows from the above that I conclude that the appeal property is not in a suitable location for open market housing with particular regard to the local development strategy. As such, it is contrary to LP Policies INT1, SUS2 and SUS3, the aims of which I have outlined above. It is also contrary to the Framework that seeks to avoid the development of isolated homes in the countryside unless limited circumstances apply.

## **Other Considerations**

13. The appellant has put forward a number of arguments in favour of the proposal.
14. With regard to conflict with health and safety regulations, work and expense needed to comply with fire assessments and the need for occupation to aid security, I have very little evidence detailing these matters, or any associated costs or examples of break-ins, damage, or theft from the property. In the absence of such evidence, I give these matters limited weight. While I acknowledge the difficulty in accessing the site and finding staff, such matters are not unusual in relation to holiday accommodation in the countryside.
15. The Council have put forward some evidence of the need and benefit for tourist accommodation in the area and the holiday use only operated for just over a year. In light of this and given that I have not been provided with details of any marketing of the property for let or sale clearly demonstrating that there is no market for the holiday use and demonstrating saturation of the holiday market and non-viability given the financial outlay, it has not been clearly demonstrated that a holiday use would be unviable going forward. In this regard, while I note the proposal includes an element of bed and breakfast use, this would be ancillary to the main use of the barn as an unrestricted dwelling and as such does not justify the proposal.
16. I have had regard to the appeal decision<sup>1</sup> in Charminster but as I do not have the full details, I cannot be sure that it is directly comparable to the current appeal. Furthermore, and while holiday occupancy would also rely on the use of the car, tourist accommodation provides specific support to tourist attractions and facilities and contributes to the economy. I therefore find that the tourism and economic benefits would be greater than from an open market dwelling.
17. I have had regard to the letters of support and demand for use of the property for rent, but in light of the limited evidence stated above, I give these matters little weight. Furthermore, given the proposal relates to a single detached dwelling, I also give little weight to the proposal aiding the supply of housing and supply of affordable rented accommodation.
18. The lack of harm to the AONB is neutral in my consideration as a lack of harm does not equate to a benefit.

## **CONCLUSION**

19. Overall, for the reasons given above, the proposal conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan. The appeal is dismissed.

*C Rose*

INSPECTOR

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<sup>1</sup> APP/F1230/A/14/225209