



Appeal Decision

Site visit made on 24 February 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 March 2025

Appeal Ref: APP/D1265/W/24/3353523

Higher Norden Farm and Shop, Norden Lane, Maiden Newton, Dorset DT2 0BB

- 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 & Mrs Patrick & Darlene Ford against the decision of Dorset Council.
 - The application Ref is P/FUL/2024/02103.
 - The development proposed is a 4.2m x 4.4m (16 m.sq) extension to an existing farm shop to provide ancillary storage space.
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Decision

1. The appeal is allowed and planning permission is granted for a 4.2m x 4.4m (16 m.sq) extension to an existing farm shop to provide ancillary storage space at Higher Norden Farm and Shop, Maiden Newton, Dorset DT2 0BB in accordance with the terms of the application, Ref P/FUL/2024/02103, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos. A100 A; A103 B; A104 B; A106 A.
 - 2) Within three months of the date of this planning permission, all turning, manoeuvring and parking areas shown on the approved plan no. A106 A shall have been constructed. Thereafter, these areas shall be permanently maintained, kept free from obstruction and available for the purposes specified.
 - 3) No floodlighting, security lighting or other external means of illumination of the building forming this planning permission shall be operated outside of the opening hours of the business.

Preliminary Matters

2. This appeal relates to development that has already been carried out. The application is therefore retrospective, and I have considered the submission accordingly.
3. I have taken the description of development in the banner heading above from the application form. However as 'Retrospective Planning Application for the retention of' is not an act of development, I have removed this element
4. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published. However, any policies that are material to this decision have not fundamentally changed. I am satisfied that this has not prejudiced any party, and I have had regard to the latest version in reaching my decision.

Main Issue

5. The main issue is whether the appeal site is an appropriate location for the development with regard to the local development strategy.

Reasons

6. Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan 2015 (LP) provides the development strategy for the area and seeks to meet longer term needs, locating development according to the settlement hierarchy. In locations outside of development boundaries, such as the appeal site, the Policy seeks to strictly control development, having particular regard to the need for the protection of the countryside and environmental constraints, and permits only certain developments. One such development is alterations and extensions to existing buildings in line with their current lawful use.
7. Planning permission¹ was granted in 2019 in relation to the erection of the host building for use as a farm shop. Whilst the Council's Officer report comments on the lack of discharge of relevant conditions of this planning permission, the Council have not sought to argue that the planning permission is 'null and void', nor do the Council argue that this authorised use has been abandoned, and I see no reason to disagree.
8. Nonetheless, it is put to me that the development the subject of this appeal was erected when the farm shop was closed and utilised for the purposes of habitable accommodation. The timeline provided by the Council also indicates that the shop has been closed for some time. However, the evidence before me indicates that the extension has more recently been utilised as an ancillary store and bakery area.
9. Moreover, the appellant's have stated a clear intention to continue the authorised use of the building and although photographs appear to show residential use, this is a snapshot in time. Therefore, even if the existing building was used as habitable accommodation when the extension was constructed, the evidence before me indicates that the authorised use of the building remained that of a shop. As such, the development is in line with the lawful use of an existing building, and I have no substantive evidence that would suggest that the modest extension is not necessary to provide ancillary storage space for the authorised shop.
10. To conclude, the appeal site is an appropriate location for the development with regard to the local development strategy. The development accords with LP Policy SUS2, the purposes of which I have previously described.

Other Matters

11. The appeal site is within the Dorset National Landscape (NL). I observed the development appears as a modest and subservient extension, appropriate to both the appearance of the existing building, and the rural character of the area.
12. Breaches of planning control are not a matter before me in the context of this appeal and is a matter for the Council to address if they maintain concerns in relation to the use of the building.

¹ WD/D/18/002781

Conditions

13. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance.
14. As the development to which this appeal relates has been completed it is not necessary for me to add an implementation condition. A condition is however required that lists the approved plans in the interests of certainty.
15. A suggested condition relating to the restriction of the use of the extension is not necessary or reasonable as any alternative use not ancillary to the farm shop that would require planning permission, could be considered on its own merits at that time. A further suggested condition restricting delivery times is not fairly and reasonably relevant to the development before me given the ancillary relationship of the extension to the use of the existing farm shop.
16. However, a condition is necessary to ensure that turning, manoeuvring and parking areas are constructed and retained in the interests of the safety of highway users. Furthermore, given the location of the site within the NL, a condition is necessary to ensure no illumination outside of opening hours to prevent light pollution in hours of darkness within the NL. However, I have amended the wording to ensure the condition is reasonable, precise and enforceable.

Conclusion

17. For the reasons given above the appeal should be allowed.

S Harrington

INSPECTOR