



Appeal Decisions

Inquiry Held on 4, 5, 6 and 10 February 2025

Site visit made on 4 February 2025

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Appeal A: APP/D1265/C/24/3351182

Appeal B: APP/D1265/C/24/3351183

Land known as Anchor Paddock, Batchelors Lane, Holtwood, Holt BH21 7DS

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mrs Michelle White (Appeal A) and Mr Michael White (Appeal B) against an enforcement notice issued by Dorset Council.
 - The enforcement notice was issued on 24 July 2024.
 - The breach of planning control as alleged in the notice is: 1. Without planning permission, the construction of single storey rear extensions. 2. Without planning permission, the construction of a dormer extension.
 - The requirements of the notice are: 1. Demolish and remove the rear extensions. 2. Demolish and remove the dormer extension and return the height of the roof of Anchor Paddock to its original level in 2019. 3. Remove all building waste materials from the Land.
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal C: APP/D1265/C/24/3351184

Appeal D: APP/D1265/C/24/3351185

- The appeals are made by Mrs Michelle White (Appeal C) and Mr Michael White (Appeal D) against an enforcement notice issued by Dorset Council.
 - The enforcement notice was issued on 24 July 2024.
 - The breach of planning control as alleged in the notice is: 1. Without planning permission the conversion of a barn/outbuilding to a habitable dwelling including operational development to extend the barn building. 2. Without planning permission, the construction of a garage, outbuildings, green house, swimming pool, chicken coup and associated hardstanding.
 - The requirements of the notice are: 1. Cease to use the land and buildings other than for purposes ancillary to the residential use of Anchor Paddock. 2. Remove all kitchen and bathroom fixtures and fittings from the building known as White Barn. 3. Remove the extensions to the building and foundations. 4. Remove the outbuildings and swimming pool. 5. Disconnect all utilities provided to the buildings and structures. 6. Remove the retaining wall. 7. Remove any hardstanding surrounding the building. 8. Restore the land and allow to recover. 9. Remove all building materials occurring from the works and dismantle the building from the land.
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal E: APP/D1265/C/24/3351186

Appeal F: APP/D1265/C/24/3351187

- The appeals are made by Mrs Michelle White (Appeal E) and Mr Michael White (Appeal F) against an enforcement notice issued by Dorset Council.
 - The enforcement notice was issued on 24 July 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission construction of a separate C3 dwellinghouse.
 - The requirements of the notice are: 1. Remove the building and its foundations. 2. Disconnect all utilities provided to the building. 3. Remove all waste and sewage connections from the land. 4. Remove all building materials occurring from the works to dismantle the building from the land. 5. Restore the land and allow to recover.
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Summary of Decisions

Appeals A and B

1. The appeals are dismissed and the enforcement notice is upheld.

Appeals C and D

2. The appeals succeed in part and planning permission for that part is granted, but otherwise the appeals fail, and the enforcement notice as corrected and varied is upheld.

Appeals E and F

3. The appeals succeed in part and planning permission for that part is granted, but otherwise the appeals fail, and the enforcement notice as corrected is upheld.

Applications for Costs

4. At the Inquiry applications for costs were made by Mr and Mrs White against Dorset Council and by Dorset Council against Mr and Mrs White. These applications will be the subject of a separate Decision.

Preliminary Matters

5. A Case Management Conference was held virtually on 21 November 2024. Whilst this was purely procedural and the merits of the appeals were not discussed, it did allow the parties to agree some minor corrections to two of the notices, which as subsequently relevant, are reflected in my formal decision, and for which injustice does not arise.

Appeals A and B

6. Section 174(2A) of the Act states that an appeal may not be brought under s174(2)(a), for the deemed planning application, if the enforcement notice was issued at a time after the making of an application for planning permission that was related to the enforcement notice. In short, and as is relevant here, this is to say that a ground (a) appeal cannot be brought if it would involve granting planning permission for development that has already been the subject of a planning application within 2 years of the issue of the notice.

7. In this case, a planning application¹ was submitted to retain the three extensions at Anchor Paddock, which are now the subject of the notice. Whilst this application was withdrawn, the parties did not disagree that the developments were consequently caught by s174(2A) of the Act.
8. There were also two further applications which were refused planning permission to retain the dormer extension. I have no discretion in the application of s174(2A), and whilst the appellants do not consider it fair, I am bound by the Act and consequently unable to consider a ground (a) appeal for the three extensions the subject of the notice. I appreciate the Inspectorate accepted the appeals at the validation stage, but this was before the relevant evidence had been advanced, by which time the appeal was with me as the appointed Inspector. This however does not alter the implications of s174(2A).
9. The appellants have then withdrawn the ground (c) appeals, and so the appeals proceed on grounds (d), (f) and (g).

Appeals C and D

10. The notice relates to the change of use of a barn to a dwelling, now known as White Barn, including extensions as well as various outbuildings, a swimming pool and associated hardstanding. The parties have agreed in the Statement of Common Ground (the SoCG) that the barn is suitable for residential conversion and planning permission should be granted subject to a unilateral undertaking and planning conditions. It is further agreed that two extensions broadly to the east would not constitute inappropriate development as well as one of the outbuildings, broadly to the west. I then have no reason to disagree with the agreed position of the parties, and so I will grant planning permission for these developments, subject to my further comments below. The appellants have on this basis withdrawn the other grounds of appeal relating to these developments.
11. I highlighted during a round table discussion at the Inquiry that the notice requires the removal of a retaining wall, but it does not form part of the alleged breach of planning control. The Council accepted that it should have been included, and the appellants do not consider that injustice would arise in correcting the notice to include it.
12. That leaves what has been described as the teen annex, glazed link, garage, home office outbuilding, greenhouse, chicken coup, swimming pool, retaining wall and associated hardstanding for consideration under grounds (a), (f) and (g), as the appellants have withdrawn grounds (c) and (d).
13. A numerated version of the notice was plan was provided for the purposes of the Inquiry. This identifies each building, and so I will vary the notice to use this plan for the avoidance of doubt and match the requirements to this as injustice does not arise.

Appeals E and F

14. The appellants have withdrawn the ground (c) appeals. The appeals therefore proceed on grounds (b), (d), (a), (f) and (g). The parties have however also

¹ Council ref: P/HOU/2022/06621

agreed that the external works to the building, now known as the Treehouse, ought to be granted planning permission, and to which I do not disagree.

Appeals E and F – The ground (b) appeal

15. For the ground (b) appeal to succeed the onus is on the appellants to demonstrate, on the balance of probabilities, that the alleged breach of planning control has not occurred as a matter of fact.
16. The appellants contend that there has not been the construction of a separate C3 dwellinghouse in respect of the Treehouse. There is now no dispute between the parties that a wooden building existed on the site. The Council's position is that it is for me to determine whether there is a new building owing to the extent of building works undertaken.
17. Evidence was heard on oath during the Inquiry from the builder who undertook the works. The evidence is that works were undertaken between February and March 2021. No groundworks were undertaken. Around three-quarters of one wall was replaced, as well as fenestration openings made or closed. Works to replace the floor with a better insulated version were undertaken. The roof height was marginally increased, and a large roof light installed. It is said that no other structural changes were made and most of the external cladding was retained. Internally rooms were reconfigured.
18. The Council has very little evidence to directly dispute the appellant's version of events. Considerable weight must also be given to the evidence during the Inquiry from the builder. Based on that evidence and the photograph provided, whilst finely balanced, as a matter of fact and degree the extent of works would amount to alterations, given no ground works were undertaken and three walls as well as one-quarter of the remaining wall remained in situ.
19. There is then little evidence that injustice would arise from correcting the notice to what would consequently be the use of a building as a C3 dwellinghouse and external alterations including a new roof.
20. The ground (b) appeal therefore succeeds to this extent, and the notice will be corrected.

Appeals A, B, E, F – The ground (d) appeals

21. For a ground (d) appeal to succeed the onus is on the appellants to demonstrate, on the balance of probabilities, that at the time the enforcement notices were issued it was too late to take enforcement action against the matters stated in the notices.

Substantial completion

22. The issue of substantial completion arises in relation to the dormer extension at Anchor Paddock. The notice was issued on 24 July 2024 and therefore the latest date for the substantial completion of the dormer would need to be on/by 24 July 2020 (the relevant date)
23. The Council however has photographic evidence from a site visit undertaken on 28 July 2020. The date of these photos is not disputed by the appellant. These photos show the dormer structure, but it is without windows and cladding, at the very least. Internally, it appears to be a shell, with little evidence of

fixtures or fittings. The same can be said for the other extensions and indeed the remainder of the house which had been gutted.

24. The intention of the dormer is clearly to provide internal accommodation. Given there are no windows or cladding, and it is a shell, it is clear to me that the dormer and indeed other works were not substantially complete by the relevant date.
25. I therefore do not accept that the works were close to completion, and the evidence is also that the appellants did not move into the property until September or October 2020. Even if the works were close to completion, it is of little assistance to the appellants given the photographic evidence clearly demonstrates that substantial completion had not been achieved on or by the relevant date.
26. As a matter of fact and degree the appellants have therefore not discharged the necessary burden of proof to demonstrate substantial completion on or by the relevant date.

Treehouse

27. The appellants contend the use of the Treehouse as a dwelling is immune from enforcement action owing to the passage of time.
28. The evidence is that the building now known as the Treehouse was occupied by a son of one of the former owners of Anchor Paddock. The building of the Treehouse commenced in autumn 2012 and was completed just as he moved in during February 2013. Accordingly, a continuous period of 10 years use prior to the issue of the notice on 24 July 2024 will need to be demonstrated in respect of the use of the Treehouse as a dwellinghouse (a relevant period). This is pursuant to s171B(3) of the Act as the appellant's case is that there has not been a material change of use of the building.
29. Even if I accept that the son occupied the Treehouse as a dwellinghouse, as opposed an annex as contended by the Council, his occupation ceased in November or December 2019. Accordingly, he alone cannot demonstrate a relevant period.
30. The son vacated the Treehouse at that time because Anchor Paddock was being sold and so he made arrangements for himself and his family to secure alternative accommodation well before the sale of the property was completed, which was May 2020. Whilst I accept that there were some delays associated with covid restrictions, this still amounts to a period where there was a break in the unauthorised use of between 4 and 6 months.
31. Furthermore, the appellant's evidence is that they were allowed to store some items in the Treehouse, and survey equipment was mentioned during oral evidence, before the purchase was complete. It was then used for only sleeping by the appellant for 3-4 nights a week whilst works were taking place to Anchor Paddock, even though the appellant only lived 5 minutes away. There is accordingly little evidence that the Treehouse was being used as a dwelling during this time.
32. The Treehouse was then said to have been occupied by a previous employer of the appellant from when the appellants moved into Anchor Paddock, which was

during September or October 2020, until February 2021. Thereafter, there is no dispute between the parties that the Treehouse has been occupied as a dwellinghouse.

33. The critical question is therefore whether the use was continuous throughout a relevant period such that the Council could have taken enforcement action at any time. The use must therefore be affirmatively established over the relevant period.
34. Accordingly, even if I accept the Treehouse was used as a dwelling by the son, as a matter of fact and degree there has been a period of non-occupation as a dwellinghouse from November/December 2019 until September/October 2020. Such a period cannot be regarded as *de minimis*, as it represents a significant break which as a matter of fact and degree will result in the clock starting again as the Council would have been unable to take enforcement action, because no unauthorised use as a dwellinghouse was subsisting.
35. As a matter of fact and degree the appellants have therefore not discharged the necessary burden of proof to demonstrate a relevant period in respect of the use of the Treehouse as a dwellinghouse.
36. The appeals on ground (d) therefore fail.

Appeals C, E – The ground (a) appeals

Main Issues

The main issues are:

- whether or not the developments constitute inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
- whether the dwelling (the Treehouse) is in a suitable location, having regard to local and national planning policy;
- whether the dwelling (the Treehouse) provides adequate living conditions for occupiers, having regard to national space standards;
- whether there would be harm to protected heathlands (White Barn and the Treehouse); and,
- If development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

37. The site is approached via an un-made track which serves a number of other properties as well as buildings of agricultural origins. The area is rural in character.
38. The remaining developments in dispute for the deemed planning application in respect of White Barn relate to the teen annex, glazed link, greenhouse, garage, home office, swimming pool, retaining wall, chicken coup and associated hardstanding (the developments). There is also the deemed

planning application for the use of the Treehouse as a C3 dwellinghouse which remains in dispute.

Whether inappropriate development in the Green Belt

39. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 142 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development. Paragraph 143 then specifies the five purposes which the Green Belt serves, which are to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns, and, to assist in urban regeneration.
40. Policy KS3 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy, April 2014 (the LP), states that development will be contained by the South-East Dorset Green Belt. The most important purposes of the Green Belt in the area are to protect the separate physical identity of individual settlements by maintaining wedges and corridors of open land between them and to maintain an area of open land around the conurbation. This is accordingly consistent with the Framework.
41. Even if there has historically been some ancillary guesthouse or residential use of what is now identified as the White Barn plot, there is little evidence of a planning permission or certificate of lawfulness. Accordingly, it cannot meet the definition of previously developed land as there is little evidence of a lawful use other than agriculture. This also means the developments cannot benefit from the infilling exception at paragraph 154(g) of the Framework.
42. The teen annex is said to be a replacement building that is slightly larger. It is however in a different use, being residential. Furthermore, whilst the footprint might be marginally smaller and it has a flat roof, its design and massing results in a substantial single-block structure which both visually and spatially is clearly materially larger and more intrusive than the modest conglomeration of buildings/extensions that made up the previous building. It thereby also reduces openness between the boundary and the White Barn dwelling. It accordingly contravenes paragraph 154(d) of the Framework and so amounts to inappropriate development in the Green Belt. I do not accept that paragraphs 154(c) and (d) can then be combined, particularly as there is no adjunct or part of the teen annex that could be viewed as an extension to it.
43. The glazed link connects the White Barn dwelling with the teen annex and is located where there have been no buildings previously. Given two large additions to the dwelling have already been accepted, treating the glazed link, which is substantial in its own right, as an extension, would clearly result in disproportionate additions over and above the size of the original building. It then impacts openness for the same reasons as the teen annex. Moreover, it results in the teen annex being connected to the dwelling, thus rendering the entirety as an extension to it. The glazed link accordingly contravenes paragraph 154(c) of the Framework and so amounts to inappropriate development in the Green Belt.

44. The garage building is said to be a replacement which is slightly larger. However, the evidence is that a building with unknown measurements other than its footprint was demolished in around August or September 2020 to afford access into White Barn for machinery. It is therefore not possible to conclude on the balance of probabilities that the garage now erected was not materially larger.
45. Photographs taken in January 2021 then show no buildings present in this location and the evidence of the appellant was the garage and home office were up in 2021, but no precise date or date for substantial completion could be provided.
46. There is therefore considerable ambiguity surrounding the gap between demolition and the construction of the garage. Moreover, the appellant's intentions for the replacement are vague and imprecise and no planning permission was in place as evidence. The appellant's planning agent accepted that the gap is relevant for the purposes of considering whether a building is a replacement, and it seems to me that a gap of anywhere from 4 to 12 months is significant.
47. The home office is attached to the garage. It is said to be a replacement for a hot tub enclosure with open sides. The home office is also materially larger and in a materially different location to where the enclosure was situated. The evidence is also that the enclosure was likely used in connection with a guesthouse usage of Anchor Paddock, not a residential use as is the case for the home office.
48. Moreover, the garage and home office are attached, and I am consequently not persuaded they should be considered as two buildings. That being so, even if it was a replacement, or a replacement followed by an extension, it would clearly be materially larger than any building it replaced and/or benefitting from a disproportionate extension.
49. The garage and home office are therefore materially larger than any of the buildings they are purported to replace which thereby reduces openness to the front of the White Barn dwelling. The home office is in a materially different location and different use as well. There is then a significant gap between the demolition and erection of the garage and home office, and for which I am not persuaded should be considered as two buildings. Whether considered alone or in combination, for these reasons, the garage and home office contravene paragraphs 154(d) and (c) of the Framework and so amount to inappropriate development in the Green Belt.
50. The greenhouse replaced a previous structure in the same location. Paragraph 154(d) of the Framework is therefore applicable. I do not accept that paragraphs 154(c) and (d) can then be combined, particularly as there is no adjunct or part of the greenhouse that could be viewed as an extension to it. The previous building was a small and unobtrusive shed or greenhouse type structure. The greenhouse now constructed whilst similar in terms of footprint, is very likely to be higher and the appellants accept that it is of a greater volume, even though no measurements of the previous structure exist, other than the floor area survey.

51. In any event, the design and very likely increase in height and massing has created a considerably more prominent building which visually results in a building that is materially larger and more intrusive than the one it replaced, and which consequently reduces openness in this location. It accordingly contravenes paragraph 154(d) of the Framework and so amounts to inappropriate development in the Green Belt.
52. The swimming pool clearly falls to be considered under paragraph 154(h)(ii) of the Framework given it is for private usage and thus cannot be reconciled as an appropriate facility for outdoor recreation. Whilst the pool reduces natural space and increases hardstanding/built form, it is reasonably modest in scale and located in close proximity of the dwelling and a line of mature trees. I do not accept that a pool then automatically brings about other residential paraphernalia, such as fencing or vehicles, and therefore the pool preserves openness and does not conflict with the purposes of including land within the Green Belt.
53. The retaining wall similarly falls under paragraph 154(h)(ii) of the Framework. The Council accepts it does not have a material spatial impact on openness. This is because it is largely located to the rear of the dwelling and between a mature hedgerow. The wall has then been constructed as part of the residential use, whether it was required as part of a land raising or lowering operation, I do not accept it has an in-combination adverse spatial impact on openness.
54. It is asserted that the chicken coup is a building required for agriculture. For the purposes of paragraph 154(a) of the Framework no assessment should be made as to whether the building is reasonably required for the purposes of agriculture. A proposal should also generally be determined as applied for, unless the evidence firmly indicates that it would not be a building for agriculture or forestry. The chicken coup however clearly has the appearance of such a structure, is larger than would ordinarily be found in a residential setting and there is evidence as to the appellant's agricultural intentions. It is accordingly not inappropriate development.
55. The associated hardstanding then serves the residential use and chicken coup. Paragraph 154(h)(ii) of the Framework is again engaged. The Council states that if I accept the parties agreement for the residential use, the hardstanding would be acceptable in terms of the Green Belt. I have little reason to disagree as the hardstanding preserves openness and does not conflict with the purposes of including land within the Green Belt.
56. The use of the Treehouse is arrived at by the use of a building within the curtilage of Anchor Paddock as a dwelling. The parties agree that paragraph 154(h)(iv). of the Framework is applicable in this circumstance. However, the use has resulted in physical demarcation from Anchor Paddock in the form of substantial close boarded fencing and its own vehicular access arrangement. This has accordingly reduced openness both visually and spatially. It therefore conflicts with the essential characteristics of Green Belts which are their openness and permanence.
57. I therefore conclude the teen annex, glazed link, garage, home office and greenhouse as well as the use of the Treehouse as a dwelling are inappropriate developments that are, by definition, harmful and therefore contrary to local

and national policy to protect the Green Belt. These are planning harms to which I attach substantial weight.

Location

58. The site falls outside the settlement boundary of Holt and so is deemed to be a hamlet for the purposes of the settlement hierarchy in Policy KS2 of the LP. It is a rural site with reliance on the private motor car with an absence of proximate services. The serving roads are largely narrow and unlit, without footways.
59. Policy KS2 of the LP states this is an area where development would not be allowed unless it was functionally required to be in the rural area. The Council's approach to residential development is therefore broadly consistent with the housing approach and objectives set out in the Framework.
60. Paragraph 84 of the Framework is then concerned with the development of isolated homes in the countryside. There is however little evidence that any of the applicable circumstances are engaged, such as an enhancement of immediate setting or an essential need for a rural worker. Furthermore, the appellant's planning witness conceded during the Inquiry that granting planning permission for the Treehouse as a dwelling would be a policy departure.
61. I appreciate the Council has accepted the use of White Barn as a dwelling. The SoCG simply states the reuse of a previous barn structure is suitable for residential conversion. This may have been a pragmatic decision on the part of the Council and/or because they considered it to be fully policy compliant. In any event, little time was spent during cross-examination to demonstrate inconsistency.
62. A planning permission² recently issued by the Council has also been brought to my attention, but there it was recognised that there would be an enhancement of the immediate setting, and so paragraph 84 of the Framework was successfully engaged.
63. I conclude the dwelling is not in a suitable location having regard to local and national planning policy and that it contravenes Policy KS2 of the LP and the housing objectives of the Framework. This is a planning harm to which I attach considerable weight.

Living conditions

64. During my site visit I inspected inside the Treehouse. It contains two bedrooms, a bathroom and living area with kitchen. Whether or not the size of these rooms comply with national space standards, there was adequate space for furniture and circulation. There was also adequate natural light from doors and windows and the general internal layout was functional and appropriate.
65. I conclude the Treehouse provides adequate living conditions for occupiers and so accords with Policy LN2 of the LP as well as the thrust of the national space standards. The absence of this planning harm attracts neutral weight.

² Council ref: P/FUL/224/00324

Heathlands

66. The Council has provided appropriate assessments upon my request, and the appellant has signed and executed unilateral undertaking for both White Barn and the Treehouse. The Council is satisfied with the content of these undertakings. Natural England has also been consulted and has raised no objection to the content of the appropriate assessments subject to securing the necessary mitigation.
67. Given there is common ground between the parties, as the competent authority I need not repeat the pressures or go into details of the mitigation schemes here. The conclusion is however that the creation of additional residential units would not result in an adverse effect upon the integrity of the Dorset Heathlands subject to mitigation measures, in the form of financial contributions, which would thus go towards the different mitigation schemes. Based on the evidence before me, I have no reason to disagree with the appropriate assessments or their conclusions. Signed and executed unilateral undertakings dated 10 February 2025 would then secure the necessary contributions.
68. In light of this, I conclude there would not be harm to protected heathlands and so the developments would accord with Policy ME2 of the LP subject to securing the contributions through the executed undertakings. The consequent absence of this planning harm attracts neutral weight.

Other considerations

69. A number of buildings have been offered to be demolished to provide volumetric equalisation to offset inappropriate development. These buildings are located within the curtilage of Anchor Paddock and have been referred to as buildings AP1, AP2, AP3 (majority of) and AP5. It is highly likely that buildings AP1 and AP2 will be required for demolition to equalise the dormer and extensions at Anchor Paddock as part of a subsequent planning application. Nevertheless, for the purposes of my assessment, I will initially take the appellants case as its highest and consider the prospect of demolishing all the buildings offered for the purposes of retaining the home office outbuilding and teen annex, which were identified by the appellant as the most important to retain.
70. There is little evidence that the relevant buildings within the curtilage of Anchor Paddock were erected lawfully, even though they are likely now lawful owing to the passage of time. They are also situated within a different planning unit. The prospect of demolishing such buildings at a neighbouring property is therefore not particularly persuasive, even though the notion of offsetting elsewhere may have been accepted. There is also ambiguity over the size of some previous buildings, given they have been demolished and their height is unknown, and so there is ambiguity in terms of the actual increase in size of some of the buildings now constructed.
71. Moreover, it is more than merely a volumetric exercise as matters such as design, massing and disposition on the site are relevant and the various buildings that have been constructed at White Barn clearly diminish openness more in terms of design and massing than the modest buildings offered at Anchor Paddock. I also do not accept that other outbuildings previously

demolished but not replaced should be factored into the equation, as any lawful rights to those buildings were lost when they were demolished some years ago. I therefore afford these considerations, and any other combination of the pick and mix approach advocated to retain various different buildings at the site, only moderate weight.

72. I then appreciate the desirability to retain the home office outbuilding and teen annex in particular, but the appellant advised during his evidence that White Barn was a dwelling of some 300sqm. internal floor-space and it was not demonstrated how these needs could not be reasonably met within this substantial dwelling or elsewhere given the significant number of other outbuildings owned by the appellants. There was also very limited evidence as to the size of building that would be required to store agricultural machinery. I therefore afford these considerations limited weight.
73. Covid affected the country nationally and indeed it was an international pandemic. During this period the Council's performance for handling planning applications and providing its services was hampered, although it was accepted that this was not unique to Dorset Council. In any event, the appellants could not demonstrate where any delay on the part of the Council brought about consequences for them because they did not seek planning permission for the works to Anchor Paddock, the Treehouse or in respect of the subsequent developments at White Barn when the pandemic was prevalent (or at all in many cases). Whilst there was some delay attributable to the handling of a Class Q application and certificate of lawfulness at White Barn, it has since been accepted that such rights did not apply.
74. In any event, these are procedural issues, and I am not persuaded that even if the appellants were disadvantaged at this time it should translate into a benefit for them to retain inappropriate development. I therefore afford these considerations extremely limited weight.
75. There is then extremely little evidence or documentary information to support adverse financial circumstances on the part of the appellants. There was little evidence they would face financial ruin or be rendered homeless. I therefore afford these considerations extremely limited weight.
76. I have already recorded that given the agreement between the parties in respect of the other developments at White Barn, I have no reason to disagree as these do not amount to inappropriate development in the Green Belt and there are no design or other planning harms arising. I will therefore grant planning permission for the conversion of the building to a dwelling, two extensions and an outbuilding subject to the Unilateral Undertaking that is before me in this regard and consideration of planning conditions, below. The parties then differ as to what size the curtilage should be. This is not a matter for me, but it will likely be inferred from the developments which are to be retained as to its eventual extent.
77. There is then very limited evidence of material planning considerations to support the retention of the Treehouse as a dwelling. The issue of flood risk was also raised by the Council, but in light of my other findings, I need not consider this further.

78. There is however no dispute between the parties in respect of the alterations undertaken to the Treehouse, and I will therefore grant planning permission for these.

Green Belt balance

79. The teen annex, glazed link, garage, home office and greenhouse at White Barn constitute inappropriate developments in the Green Belt, which are planning harms that attract substantial weight. It is the same case for the use of the Treehouse as a dwelling, and there is also a locational harm of considerable weight.
80. Whilst there is then the absence of further planning harms, this attracts neutral weight. There are then other considerations, but these only attract moderate weight, at best, and do not combine to outweigh the substantial harm to the Green Belt. Accordingly, the very special circumstances necessary to justify the remaining developments at White Barn and the use of the Treehouse do not, therefore, exist.

Planning conditions

81. As the developments for which planning permission will be granted are substantially complete at White Barn, there is no need for a plans condition.
82. The parties then agreed the removal of permitted development rights for extensions and outbuildings would be reasonable in the interests of protecting the Green Belt and character and appearance of the area.
83. The parties also agreed the need for a condition to secure a biodiversity feature and the approval of hard and soft landscaping details, which would also agree the curtilage. These are necessary in the interests of protecting the character and appearance of the area as well as biodiversity.
84. The Council suggested this be achieved using a long-form condition which would result in the cessation of the residential use and some demolition should the requirement to provide details not be made or the agreed works not carried out. In the circumstances here, and given there are only straightforward matters to approve, such an approach would not be reasonable or necessary as the details sought to be conditioned do not go to the heart of the permission. Moreover, the Council could still take subsequent enforcement action to secure compliance with the conditions.
85. As the alterations to the Treehouse are substantially complete, no planning conditions are necessary.

Conclusion

86. For these reasons and having regard to all other relevant matters raised, I conclude that the ground (a) appeals should succeed to a limited extent.

Appeals A-F – The ground (f) appeals

87. The purpose of the enforcement notices are to remedy the breaches of planning control as they do not seek to under-enforce. Therefore, for an appeal on ground (f) to succeed it would be necessary for the appellants to explain

- why the steps required by the notices to be taken exceed what is necessary to remedy the breaches of planning control and propose lesser alternatives steps.
88. It would not be excessive to demolish the three extensions, make good the roof and remove the building waste in order to remedy the breaches of planning control in respect of Anchor Paddock.
89. In respect of White Barn, we are left with the teen annex, glazed link, greenhouse, garage and home office.
90. For the teen annex, it is contended the original foundation slab has been re-used and therefore it would be excessive to require the removal of this. However, the evidence is that the previous building/s were formed from an amalgamation or various extensions to buildings and there is little evidence they were on a single slab. Furthermore, the ARC survey drawing with the overlay of the teen annex shows the footprint differs, in that it is shorter and in places wider. Where it is wider, there is little evidence this is then on a previous concrete footing or slab. Where it is shorter, it would appear from my site visit that the slab has been removed. There has also been a change in land levels. All of this casts significant doubt in my mind. Even if I am wrong, the appellant has only demonstrated that any previous footings or slabs that might have been utilised are now integral to the unauthorised development, which has a different footprint. On that basis, it is not excessive to require their removal.
91. The glazed link is then situated where there were no buildings previously, and so it is not excessive to require the removal of its foundations.
92. The greenhouse is only required to be removed by the notice. Therefore, its foundation slab and concrete blockwork which appeared to provide for raised beds inside, and which from my site visit I am satisfied were part of a former structure because it could be readily seen, do not need to be removed.
93. The garage and home office are similarly only required to be removed, and the land restored. However, there is little evidence that these buildings utilised previous foundations.
94. I however do find it excessive to specify the disconnection of utilities, as this is vague and imprecise as to what is required, and demolition/removal would result in disconnection.
95. The appellant then contends that rather than demolishing or removing buildings, previous buildings could be reinstated. I accept it would be possible for a builder to reinstate a previous building in a similar form. However, in the case here, buildings have been demolished or demolished albeit with some/all foundation slab retained. In the appeal decision brought to my attention by the appellant³, the Inspector found it was possible to restore or return a building to its previous condition. In the case here, there is nothing to restore to, as these are new buildings or new buildings utilising some foundations, rather than the repair, maintenance or alteration of an existing building. To '*recreate a copy*'⁴ would then amount to a further new building, requiring planning permission, which thus goes beyond the scope of a ground (f) appeal.

³ APP/X0360/C/22/3313844

⁴ Per PoE of Mr Taylor

96. It would then not be excessive to require cessation of the unauthorised dwellinghouse use in respect of the Treehouse to remedy that breach of planning control.

97. The appeals on ground (f) therefore only succeed to a very limited extent.

Appeals A-F – The ground (g) appeals

98. The appellants contend that the time given to comply with the requirements of the notices, being 6 months, is too short.

99. The Council is now on record in the SoCG that it would grant planning permission for the three extensions to Anchor Paddock subject to an undertaking for volumetric equalisation. In light of my other findings, this will likely need to involve the demolition of both buildings AP1 and AP2 in their entirety. That is however a matter for the parties, but a period of 6 months to regularise these now straightforward matters should be ample. I do not accept a longer period should be afforded to account for the very unlikely prospect of a further appeal or High Court proceedings

100. There are now considerably less works required to be undertaken at White Barn. The residential use remains and therefore it is a matter of demolishing the garage, home office, glazed link, teen annex and greenhouse as well as making good the land. I then have little evidence to convince me that a period of 6 months is too short for the appellant to get his affairs in order to reasonably achieve this. Longer compliance periods elsewhere do not persuade me otherwise given the facts of these appeals.

101. There will be no physical works required to the Treehouse and very little evidence that notice could not be given to the current occupier so the dwellinghouse use ceases in the period given.

102. The appeals on ground (g) therefore fail.

Appeals A-F - Overall Conclusion

103. For the reasons given above I conclude that Appeals A and B should fail and so the notice is upheld. Appeal C is successful in so far as planning permission is granted for the barn conversion, two extensions, one outbuilding, retaining wall, swimming pool, chicken coup and associated hardstanding, but otherwise Appeals C and D fail, and the notice is upheld subject to corrections and a variation. Appeal E is successful in so far as planning permission is granted for the external works, but otherwise Appeals E and F fail, and the notice is upheld subject to corrections.

104. Consequently, the requirements of the notices relating to the acceptable parts of the development will not be deleted, so as to avoid any grant of unconditional planning permission being made by virtue of s173(11) of the Act. The appellants can then rely on the notices ceasing to have effect insofar as they are inconsistent with the planning permissions by virtue of s180(1) of the Act. This means that a planning permission overrides the notice to the extent that the planning permission authorises what is being enforced against.

Formal Decisions

Appeals A and B

105. The appeals are dismissed and the enforcement notice is upheld.

Appeals C and D

106. It is directed that the enforcement notice be corrected and varied by:

- in section 3 including the words *'and retaining wall'* following the words *'hardstanding'*.
- deleting requirements 5. 1. to 5. 9. in their entirety and replacing them with the words:

'5.1. Cease the use of the barn/outbuilding (identified on the plan attached to the notice as 28) as a habitable dwelling.

5.2. Remove all kitchen and bathroom fixtures and fittings from the building known as White Barn (identified on the plan attached to the notice as 28).

5.3. Remove the extensions to the building and foundations (identified on the plan attached to the notice as 17, 18, 19, 20).

5.4. Remove the outbuildings (identified on the plan attached to the notice as 14/22, 15, 16, 21, 24) and swimming pool (identified on the plan attached to the notice as 26).

5.5. Remove the retaining wall (identified on the plan attached to the notice as 25).

5.6. Remove any hardstanding surrounding the building (identified on the plan attached to the notice as hatched green).

5.7. Restore the land to its former condition.

5.8. Remove all building materials resulting from compliance with the aforementioned steps from the Land.'

- substituting *the plan attached to this decision at Annex A* for the one originally attached to the notice.

107. Subject to these corrections and variation Appeal C is allowed insofar as it relates to the conversion of a barn/outbuilding to a habitable dwelling including operational development to extend the barn building, an outbuilding, chicken coup, swimming pool, associated hardstanding and retaining wall and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the conversion of a barn/outbuilding to a habitable dwelling (28) including operational development to extend the barn building (19, 20), an outbuilding (16), chicken coup (21), swimming pool (26), associated hardstanding (hatched green) and retaining wall (25) on land known as Anchor Paddock, Batchelors Lane, Holtwood, Holt BH21 7DS referred to in the notice, subject to the conditions at Annex B.

108. In all other regards the appeals are dismissed and the enforcement notice is upheld subject to the aforementioned corrections and variation and planning permission is refused on the remainder of the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeals E and F

109. It is directed that the enforcement notice be corrected by:

- deleting the words within section 3 of the notice in their entirety and replacing them with the words *'Without planning permission the use of the building within Unit 3 identified in brown on the plan attached to this notice as a C3 dwellinghouse and external alterations including a new roof.'*
- deleting requirements 5. 1. through to 5.5 in their entirety and replacing them with the words:

'5. 1. Cease the use of the building within Unit 3 identified in brown on the plan attached to the notice as a C3 dwellinghouse.

5. 2. Return the building to its former external appearance and remove any resultant building materials.'

110. Subject to these corrections Appeal E is allowed insofar as it relates to external alterations including a new roof and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for external alterations including a new roof on land known as Anchor Paddock, Batchelors Lane, Holtwood, Holt BH21 7DS referred to in the notice.

111. In all other regards the appeals are dismissed and the enforcement notice is upheld subject to the aforementioned corrections and planning permission is refused on the remainder of the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul T Hocking

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Sebastian Charles, Solicitor instructed by the appellants

He called	Mr Sanger	Builder
	Mr Taylor	Builder
	Mr Stuart Coles	Former Occupier, Treehouse
	Mr Michael White	Appellant
	Mr Jame Cain	Planning Agent

FOR THE LOCAL PLANNING AUTHORITY:

Mr Jonathan Welch, Counsel instructed by Dorset Council

He Called	Ms Jane Meadows	Enforcement Officer, Dorset Council
	Ms Ellie Lee	Planning Officer, Dorset Council

DOCUMENTS:

1. Appearance lists from the parties
2. Opening submissions for the appellants
3. Opening submissions for the Council
4. Bat survey from the appellants
5. Update Note by Nikki Taylor from the Council
6. List of suggested conditions from the Council
7. Copy of certificate 3/17/2526/CLE and plan from the Council
8. Closing submissions for the Council
9. Closing submissions for the appellant
10. Costs applications and responses from the parties
11. Unilateral Undertakings from the appellant



Annex A Plan

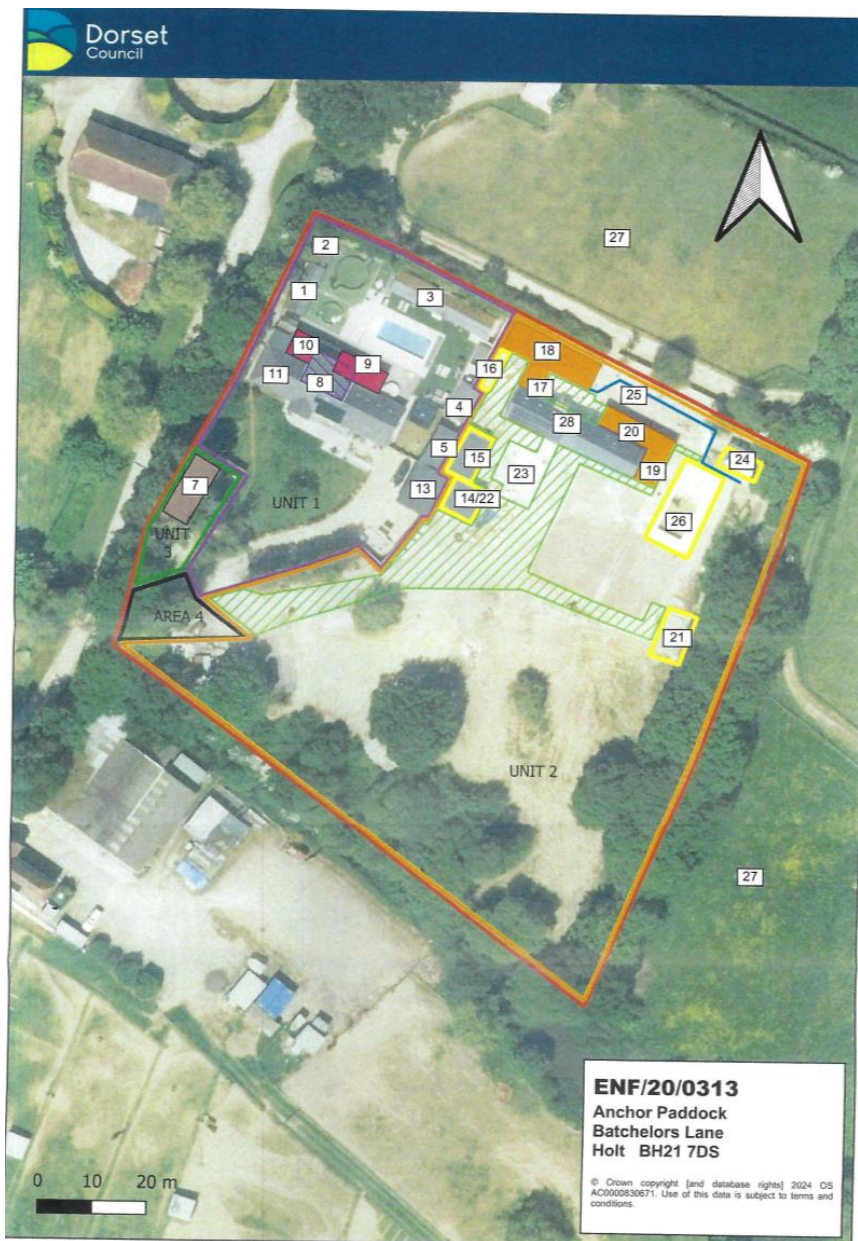
This is the plan referred to in my decision dated: 13 March 2025

by **Paul T Hocking BA MSc MRTPI**

Land known as Anchor Paddock, Batchelors Lane, Holtwood, Holt BH21 7DS

References: APP/D1265/C/24/3351184, APP/D1265/C/24/3351185

Scale: DO NOT SCALE



Annex B List of Conditions

Reference: APP/D1265/C/24/3351184

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved or garage, sheds or other outbuildings permitted by Class A, Class AA, Class B or Class E of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.
2. Within 1 month of the date of this decision, 1 no. bat box or 1 no. bird box shall be installed on the site and photographic evidence of installation submitted to the Local Planning Authority. The box shall thereafter be maintained.
3. Within 3 months of the date of this decision, full details of hard landscaping shall be submitted to the Local Planning Authority for approval in writing. These details shall include proposed finished levels or contours, means of enclosure of the curtilage and any other enclosure, car parking layout, other vehicular and pedestrian access and circulation areas, hard surfacing materials and a timetable for implementation.

Within 3 months of the date of this decision, full details of soft landscaping including plant numbers and sizes together with a timetable for implementation shall be submitted to the Local Planning Authority for approval in writing.

The approved schemes shall be carried out and completed in accordance with the approved timetables and shall thereafter be maintained.

END OF CONDITIONS