



Appeal Decision

Site visit made on 2 September 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Appeal Ref: APP/D1265/W/25/3365595

**The Old Stables, East Farm, East Farm Lane, Hammoon, Sturminster Newton
DT10 2DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr C Tweddell against the decision of Dorset Council.
- The application Ref is P/VOC/2024/05370.
- The application sought planning permission for erect 1 No. holiday cottage, form new pedestrian and vehicular access and modify existing access (retrospective) without complying with a condition attached to planning permission Ref 2/2017/1375/FUL, dated 17 October 2017.
- The condition in dispute is No 2 which states that:
The accommodation hereby approved shall be used solely for holiday letting and shall not be used for the purpose of providing permanent residential accommodation. Such accommodation shall not be let to any individual or group of individuals for any period which exceeds 28 consecutive days and there shall be no return by any such party within a further 28 days. A register of occupancy shall be kept and shall be made available to the Local Planning Authority following a written request at 14 days notice. At the end of the ninth year following approval; details of the occupancy for that year to comply with this condition shall be submitted to the Local Planning Authority.
- The reason given for the condition is:
To ensure that the units are not used as permanent residential accommodation.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is necessary and reasonable having regard to the location of the appeal site.

Reasons

3. The supporting text of Policy 20 of the North Dorset Local Plan Part One 2016 (NDLP) outlines that for the purpose of the Local Plan, the countryside is defined as all land outside of the settlement boundaries of the District's four main towns, Stalbridge and the eighteen larger villages. The appeal site is located in Hammoon and the parties agree that the location of the appeal site is in the countryside for planning purposes.
4. Policy 2 of the NDLP provides a spatial strategy for the plan area and emphasises that in the countryside the focus should be on meeting local, rather than strategic needs. Furthermore, in its supporting text it states that recently housing development in rural areas has significantly exceeded planned rates but did not always enable rural facilities to be retained or enhanced. Thus the overall spatial strategy seeks to focus the vast majority of growth in the identified main towns

given that they are the most sustainable locations where homes, jobs and facilities are easily accessible. Consequently, the general purpose of Policy 2 of the NDLP is to locate development in sustainable locations.

5. Consequently, Policy 20 of the NDLP provides support for development in the countryside subject to certain criterion: Policy 20(a) requires the type of development to be appropriate in the countryside or Policy 20(b) which states that for any other type of development it should be demonstrated that there is an overriding need for it to be located in the countryside.
6. The appeal scheme conflicts with both Policy 2 and 20 of the NDLP given that it does not meet the requirements of either Policy. The appellant also acknowledges this in their evidence.
7. Paragraph 83 of the National Planning Policy Framework outlines that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
8. Hamoon is a small hamlet and does not benefit from facilities such as shops, health centres or schools, nor does it have access to public transport. It is therefore likely, to my mind, that the future occupants of the appeal scheme would be reliant upon private motor vehicle. There is limited substantive evidence before me to demonstrate that the appeal scheme would result in an acceptable level of car-use as a consequence of its location and result in a neutral environmental impact. In my judgement, given the lack of facilities in Hammoon, the proposed holiday let in this case has a different character to that of an open market, residential dwelling. This is due to the likelihood of future occupants being reliant upon multiple vehicles and daily trips for employment, schools, shopping as well as healthcare and leisure.
9. Considering the matter of overriding need, the appellant refers to the existing holiday let being advertised by word of mouth and that no individuals have applied for the let and advice from a holiday let agent has stated that there is insufficient demand for the holiday let in Hammoon. However, there is limited substantive evidence before me to adequately demonstrate this to be the case and thus that the appeal building is inappropriate for a continued use as a holiday let.
10. Reference has been made to the Marnhull Inquiry appeal decision in which the Five-Year Housing Land supply (5YHLS) was discussed by the Inspector. The existing Annual Position Statement (APS) demonstrates that the current housing land supply is 5.02 years. Nonetheless, the Council agreed during the Inquiry that the (5YHLS) position would be approximately 2.67 years when the APS expires on the 31 October 2025. Notably, the Inspector stressed that their decision was reached on the basis of a level balance of planning considerations and the straightforward merits of the proposal. Consequently, it did not rely upon the 'tilted balance' arising from the (5YHLS) position under Paragraph 11 and 232 of the Framework.
11. Considering the above, the position of the Council regarding its (5YHLS) after the 31 October 2025 is a significant material planning consideration in this case. Nevertheless, I have identified that it has not been adequately demonstrated that the appeal scheme would not result in an unacceptable reliance upon private motor vehicle if I were to remove condition 2.

12. Regarding the appeal decisions at Stour Row and Chetnole, I do not have the full circumstances of these cases and therefore cannot be certain that they are wholly comparable to the appeal scheme before me. Furthermore, each case is determined on its own merits. I acknowledge that users of the holiday let may travel long distances. However, even if the appeal scheme was to result in a neutral environmental impact, it remains in conflict with Policies 2 and 20 and would not provide justification for the proposal.
13. Consequently, given the site-specific context of the appeal before me, its location in the countryside for planning purposes and the lack of public transport and substantive evidence regarding private vehicular trips, these appeal decisions do not alter my conclusions.
14. A letter from a property consultant provides indicative figures regarding market value of the appeal building. Property Values are not a significant material planning consideration in this case. Furthermore, reference to the booking mechanism of the site as well as the condition a dwelling in the Lake District owned by the appellant has been left in by previous individuals who have let that property are not significant material planning considerations in this case.
15. The appeal scheme would however provide an additional home to contribute to boost existing housing stock. Given it would be for one dwelling I attach limited weight to this benefit.
16. Given all of the above, it has not been adequately demonstrated that there are material considerations of such weight and importance that would justify the removal of condition 2. Consequently, the proposed development would therefore conflict with the spatial strategy and its direction of open market dwellings to defined settlements as well as restriction of development in the countryside outlined in Policies 2 and 20 of the NDLP.

Other Matters

17. The removal of condition 2 would result in an additional open market dwelling that would contribute to the housing stock in the area. Additionally, there would be an economic benefit through future occupant's long term demands for local goods, services and trades. However, I attach modest weight to these claimed benefits given the small scale of the appeal scheme.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR