



Appeal Decision

Site visit made on 27 February 2026

by **P N Jarratt BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 March 2026

Appeal Ref: APP/D1265/X/24/3345643

Bankside, Holt Wood, Horseshoes to Billberies Farm Lane, Pond Head Road, Holt, Dorset, BH21 7DX

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr and Mrs Cook against the decision of Dorset Council.
 - The application ref P/CLP/2023/07413, dated 20 December 2023, was refused by notice dated 27 February 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is the construction of single storey side and rear extensions with provision of porch, together with two outbuildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the refusal of the LDC (P/CLP/2024/02136) subject to this appeal, an LDC was issued on 2 May 2024 for the construction of a single storey side and rear extensions with provision of a porch (P/CLP/2024/01455). Therefore this appeal relates only to the proposed construction of two outbuildings of 7m x12m each for use as an office/gym and garage store within the grounds of the appeal property. Additionally, an LDC was issued on 26 June 2024 for the construction of two outbuildings incidental to the enjoyment of the dwelling house (office/gym and garage/store (P/CLP/2024/02136) which are similar to but smaller in size than the appeal proposals.

Main Issue

3. The main issue in this appeal is whether the proposed development constitutes permitted development by virtue of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (Order) 2015, as amended (GPDO). To satisfy whether the proposed outbuildings meet the limitations of Class E, it is necessary for them to be required for a 'purpose incidental to the enjoyment of the dwellinghouse' and of 'a scale that is genuinely and reasonably required to accommodate the uses and activities proposed.'

Reasons

4. The appeal property is a modest bungalow set in a generous sized plot containing a number of outbuildings and a mobile home which is currently being occupied whilst work is being carried out to extend the house. There is also a substantial new garage building located to the west and rear of the dwelling.

5. In *Emin*¹ it was held that the size of the outbuilding relative to that of the dwelling is an important consideration but it is not by itself conclusive. Additionally it points out that the appropriate question for the decision maker is 'whether the proposed buildings are genuinely and reasonably required or necessary in order to accommodate the proposed use or activity and thus achieve that purpose,'
6. In answering this question, the Council considered that there was insufficient evidence to respond positively to the proposal.
7. In the later approved application (P/CLP/2024/02136) both outbuildings have been reduced in size resulting in 33% less floor space than the buildings subject to this appeal. The dimensions were considered reasonable to accommodate the proposed uses which were regarded as being incidental to the enjoyment of the dwellinghouse. It was also concluded and that such uses cannot suitably be accommodated in the existing outbuildings on the site. Evidence was also provided to demonstrate the need for two office spaces and that the proposed uses should be separated from living space.
8. In view of the lawfulness of the smaller buildings, the distinction between the approved LDC and the appeal case is largely one of size alone with the question being whether their scale is appropriate and reasonable in relation to that of the dwelling.
9. The existing dwelling is a 3/4 bedroom bungalow, originally having a 113sqm footprint but later extended at the rear to 134sqm. The LDC issued in May 2024 for the construction of a single storey side and rear extensions with provision of a porch (P/CLP/2024/01455) extends the footprint to 247sqm. The proposed outbuildings together would have a footprint of 168sqm. Existing outbuildings account for approximately 290sqm of footprint.
10. I can understand the Council regarding the outbuildings as being excessive in relation to the original dwellings in the light of the cumulative footprint of existing outbuildings. Although this is less the 50% of the site area allowed under Class E, it is considerably more than the scale of the outbuildings benefitting from the recently approved LDC. As the smaller outbuildings satisfied the Council to be of a scale that is genuinely and reasonably required to accommodate the uses and activities proposed, it follows that the larger buildings subject to this appeal exceed what is reasonably required. Accordingly, on the basis of objective reasonableness and the facts and circumstances of this case, I do not consider that the proposed development satisfies the limitations of Schedule 2, Part 1, Class E of the GPDO.

Conclusion

11. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the construction of two outbuildings is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

P N Jarratt

INSPECTOR

¹ *Emin v SSE & Mid Sussex DC* [1989] JPL 909