



Appeal Decisions

Hearing held on 24 March 2026

Site visit made on 24 March 2026

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal A Ref: APP/D1265/W/25/3376268

Hazel Copse Cottage, Langton Herring, Weymouth, Dorset, DT3 4JB

- 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 Frank Connor against the decision of Dorset Council.
 - The application Ref is P/FUL/2025/02672.
 - The development proposed is Extension to Hazel Copse cottage to include solar panels on roof, heat pump and it's change of use from a holiday let to an agricultural workers dwelling.
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Appeal B Ref: APP/D1265/Y/25/3376355

Hazel Copse Cottage, Langton Herring, Weymouth, Dorset, DT3 4JB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Frank Connor against the decision of Dorset Council.
 - The application Ref is P/LBC/2025/02745.
 - The works proposed are Extension to Hazel Copse cottage to include solar panels on roof and heat pump and it's change of use from a holiday let to an agricultural workers dwelling.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and listed building consent is refused for the extension to Hazel Copse cottage to include solar panels on roof and heat pump and it's change of use from a holiday let to an agricultural workers dwelling.

Preliminary Matters

3. As the appeal relates to a listed building consent, I have taken sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) into account.
4. Although there was some disagreement between the parties as to the type of dwelling the appellant was applying for, the appellant confirmed, and it was agreed by both parties, that the proposal is an agricultural worker's dwelling. I have therefore dealt with the proposal as such.
5. During the hearing, the Council provided a short statement produced by Natural England as they were unable to send a representative to speak at the event. Mindful of my duties under the Habitats Regulations and noting that the document

clarified the position of Natural England rather than expanded or changed it, I was satisfied that my accepting it would not be prejudicial to any party. After the hearing had closed the appellant requested to make a further submission responding to this statement. However, I did not accept this late document as the appellant had been given time to consider the statement and respond to it during the hearing.

Main Issues

6. The main issues for Appeal A are:

- Whether there is an essential need for a rural worker's dwelling at the appeal site; and,
- The effect of the proposal on the living conditions of occupiers at Orchard View, with particular regard to light and outlook.

7. The main issue related to both Appeals A and B is the effect of the proposal on the character and appearance of the surrounding area, with particular regard to the Grade II listed Ivy Cottage¹, the curtilage listed Hazel Copse cottage and any significance they possess.

Reasons

Essential Need

8. The proposal includes the conversion of an existing building from holiday accommodation to a permanent residential dwelling with a rural worker's restriction. Given the proposal is within the countryside outside of any settlement boundaries the provision of new dwellings is not normally accepted in this area. However, Policy SUS3 of the West Dorset, Weymouth & Portland Local Plan (the LP) allows for the conversion of existing buildings where, amongst other exceptions, they are for an essential worker's dwelling. LP Policy HOUS6 expands on this setting out that the dwelling must be for a full-time worker where it has been demonstrated there is an essential need for the worker to live on, or near, their place of work.
9. It is accepted between the parties that the appeal site is associated with a wider area of farmland owned by the appellant. This land is used for the growing of hay and the seasonal grazing of between 100 and 120 sheep. I understand that the hay is cut by someone external to the farm and that the sheep are not owned by the appellant. The appellant manages the land in association with a Natural England stewardship programme, and it is from this that the appellant's work primarily stems.
10. This management requires the cutting of hedges and weeding by hand, and the maintaining of paths and boundaries. The appellant also responds to animal attacks, issues with runners and has provided help for the RNLI. In all, their work comprises half of a full-time role. During the hearing the appellant stated that they are always on call and will receive a callout at least once a week. However, I find this to be a low number of callouts, and it is not sufficiently demonstrated that emergency access is regularly required, especially overnight.

¹ List entry number: 1118664

11. I am mindful that when sheep are out in the fields there may be dog attacks, and some overnight monitoring of the flock may be needed. However, while the appellant may carry this monitoring out for the owners, it is not unusual for there to be a degree of separation between livestock and a farmer's home. Therefore, and although it could be helpful for the owners if the appellant is on site, it has not been shown that there is an essential need for the appellant to live on the site for this particular purpose.
12. I am also mindful that the appellant accepted that the farm did not generate enough money to allow for a minimum wage to be paid. While they appellant may undertake this stewardship as a labour of love that increases the farm's biodiversity, LP Policy HOUS6 is clear that a rural worker's dwelling must be for a full-time worker. Given the above the proposal fails to meet this requirement.
13. Instead, the appellant raised during the hearing that they could manage the farm remotely but that he would prefer to live on, and amongst, the farm. In part, as this would reduce the need to travel to and from the farm and the associated environmental impacts of such travel. As the appellant currently lives in Ivy Cottage, the proposal would not result in any material change in vehicular movements associated with the farm use. However, even if the appellant were to move away from the site, given the level of work demonstrated by the appellant I am not persuaded that there would be a significant change in movements.
14. It became clear during the hearing that the appellant was struggling, in time and money, to operate both the farming enterprise and the holiday accommodation, while also maintaining the Grade II listed Ivy Cottage. By splitting Ivy Cottage and Orchard View from Hazel Copse cottage, the appellant would be able to focus upon the agricultural business. It was also raised that the appellant has additional needs for space and that the proposal would help meet these. Although the proposal may be beneficial to the appellant on these grounds, they do not demonstrate an essential need for a full-time worker to live on, or near, the farm. Moreover, the appellant's personal circumstances may change and those of future occupiers may be different. These matters do not therefore justify the proposal before me.
15. Although I recognise that the host building is already in a C3 use, it is restricted so as to prevent occupation for more than four consecutive weeks by the same individual or group. The current holiday accommodation restriction is in line with the Council's spatial strategy and the level of occupation of such a unit is likely to be lower than that of a typical dwelling. Converting the proposal to a permanent dwelling without demonstrating an essential need would erode the Council's spatial strategy.
16. The appellant raised the potential of a covenant being attached to the land ensuring that it, even if sold, would be managed in its current manner in perpetuity. However, no such covenant is before me and so I cannot be certain that one could be secured or that it would be effective.
17. In light of the above, the proposal would result in the provision of a permanent dwelling in the open countryside, and no essential need has been demonstrated for a full-time agricultural worker to live on the farm. The proposal would therefore result in a dwelling located contrary to the Council's spatial strategy and in conflict with LP Policies SUS3 and HOUS6 as outlined above.

Living Conditions

18. Orchard View and Hazel Copse cottage sit perpendicular to each other with the front door of Orchard View facing towards the position of the proposed extension to Hazel Copse cottage. The door enters into an open plan kitchen-living room which is served by three windows and a rooflight. One window and the rooflight face towards the proposal while the two remaining windows face away from Ivy Cottage and onto an area of garden.
19. My site visit can only provide a snapshot in time, and my visit was during poor weather that resulted in somewhat dull light conditions outside. While mindful of this, I nevertheless still found the kitchen-living room to be particularly dark. In particular, the two garden-facing windows are also north-facing and in close proximity to trees. These trees shaded the windows and, as they did not appear to be fully in leaf, this may further increase during the summer.
20. The proposal would result in a sizeable area of wall in close proximity to the above window and rooflight. Given the slope of the proposed roof, it would not be a completely two-storey wall, nevertheless its height in relation to Orchard View would still be sufficient to produce a significant feature. It would also be sufficiently close so as to reduce the level of natural light or direct sunlight received by the window and door facing Hazel Copse cottage. The position and angle of the roof light would mean that while it faces Hazel Copse cottage, it would not be significantly affected. Notwithstanding this, I find that the rooflight would not be sufficient on its own to mitigate the overall reduction of light identified above.
21. Consequently, the main habitable space serving Orchard View would be provided with a poor level of natural light and guests would be reliant upon artificial lighting, to the detriment of the living conditions provided.
22. There would also be some loss of outlook to the window and door facing Hazel Copse cottage. However, I am content that the two garden-facing windows, by way of being within the living room area, are the primary windows for this space and would still provide a sufficient outlook towards the garden and trees.
23. I recognise that guests at a holiday accommodation are likely to accept, even if they do not necessarily expect, a lesser quality of living conditions. However, the degree to which the loss of light would darken the main habitable space at Orchard View would exacerbate the existing darkness of this space. The standard of living conditions would therefore be below what could be considered acceptable even for holiday accommodation.
24. The proposal would unacceptably affect the quality of living conditions at Orchard View as a result of the loss of daylight to the main habitable space. The proposal therefore conflicts with LP Policy ENV16 which, amongst other matters, requires proposals to not result in any significant effects on living conditions, including by way of overshadowing and the loss of daylight.

Character, Appearance and Heritage Assets

25. As noted above, the appeal site is located within a rural area near the village of Langton Herring. It is set on a slope near the bottom of a valley characterised primarily by fields separated by hedgerows and interspersed with trees. A public right of way (PROW) continues from the lane in front of the appeal site and

connects with others that cross the appellant's wider land. Around the host building and adjacent Orchard View are a number of mature trees that provide some screening into and out of the appeal site.

26. Ivy Cottage is a double fronted, two-storey farmhouse from the early 18th century with examples of 19th and 20th century alterations. It is finished in coursed rubble and served by a slate roof. To its front it presents a formal and regimented elevation visible from the lane and public right of way. Its rear, fronting on to the former farmyard, is more irregular with recent extensions visible. The yard is enclosed by two converted barns which, it is agreed by the parties, are both curtilage listed. These are small and simple examples finished in rubble stone with clay pantile rooves. As a result of their height and positioning on lower ground, they appear very subservient to the farmhouse. Collectively the group, especially given their wider setting, present a largely intact example of a traditional farm.
27. I find that, at least in part, the significance of this listed building stems from the extent to which its historic appearance and form, as well as its historic functional relationship with the barns and wider landscape, are still legible. The appellant confirmed during the hearing that Ivy Cottage was in a good state of repair and, during my site visit the two curtilage listed buildings appeared to similarly be in a good condition.
28. The proposal would introduce a significant extension to Hazel Copse cottage, perpendicular to the existing run of the building. The extension would also contain a first-floor and extend above the height of the host building. Together these would substantially alter the form and scale of Hazel Copse cottage, confusing the building's historic interest. Although there may have previously been a two-storey building on site, I have not been provided with substantive details of this building. Moreover, the two retained barns are single-storey and so I have considered the group in this context. Against this context the proposal would extend above the two former barns and present an alien form which would be exacerbated by the mono-pitch roof and oriel window. Although the building would remain subservient to Ivy Cottage in height and size, the proposal would nevertheless introduce an incongruous and prominent feature detrimental to the building's interest and contribution to the listed building.
29. The proposed replacement doors and windows on the existing element of Hazel Copse cottage would further mask that the building was previously a barn. The limited use of timber on the upper floor of the proposal would not be unacceptable in this instance given it is a common material within agricultural and rural settings. Nevertheless, the historic interest and significance of this building, and its relationship with Ivy Cottage, would be harmed as a result of the alterations set out above. While I recognise that Ivy Cottage and the barns have evolved through their lifetimes with extensions and changes to their materials and uses, this does not justify additional works, especially where those have been identified to cause harm.
30. The proposal includes a substantial area of solar panels on the proposed mono-pitched roof. These would, as a result of the pitch, face towards Ivy Cottage. Moreover, very limited details have been provided and so there is a risk that they may result in unacceptable levels of glare and reflection. However, I am content that the panels would largely be screened in close views that take in both Ivy Cottage and Hazel Copse cottage, which would primarily be along the lane to the

front of the site. In longer views, such as from the hill to the south of the site, the surrounding trees and distance would soften the appearance of the panels. While glare could still be a risk at this distance, non-reflective panels could be secured by way of a condition. Given my findings above regarding the proposed roof, I am content that there would be no additional harm as a result of the panels altering the shape or pattern of the roof.

31. The erection of a tall boundary wall and other features including a gate would physically separate Hazel Copse cottage from the group. This separation would again erode the legibility of the connection between the buildings and to the detriment of their historic interest.
32. Notwithstanding this, the change of use of the appeal building from holiday accommodation to a permanent dwelling would not significantly or unacceptably alter the character of the building.
33. During the site visit we walked some of the fields and PROWs around the appeal site. Beyond the views afforded from the lane and PROW to the front of the site, Hazel Copse cottage was not a prominent feature within the wider landscape. In these longer views it was predominantly screened by the surrounding mature trees and buildings. A defined view of the appeal site would be provided by a World War 2 pillbox along the PROW to the south of the site, however the host building would also be screened in these views. I therefore find that the harms stemming from this proposal would be limited to close views only.
34. Therefore, and notwithstanding the heritage harm identified above, the proposal would not unacceptably affect the character or appearance of the wider landscape. This includes with regard to the potential increase in light pollution as a result of the extension and additional windows.
35. Against this background, and given the scale of the development, I find that a moderate degree of less than substantial harm to the significance of the designated heritage asset would occur. Although less than substantial, considerable importance and weight should be given to any asset's conservation. Paragraph 215 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against the public benefits of the proposal.
36. The proposal would provide some economic benefits related to the construction works and future occupiers. Additionally, there would be benefits from the provision and use of renewable energy at the dwelling. These matters would be public benefits.
37. However, the appeal building is already in a C3 use and, rather than providing a new dwelling, the proposal would only change the occupation restrictions. Therefore, the proposal would not contribute towards the Council's undersupply of housing. I also find the proposal would not necessarily ensure the proper maintenance of the listed buildings or, even if this were so, that this could not be achieved by other means that did not result in harm to the significance and interest of the listed building. Moreover, as has been found above, the proposal would not be essential for the operation of the farm.
38. Given the above, the identified public benefits would only be modest given the scale of the proposal. Therefore, in the circumstances of this case, they do not

outweigh the harm to the designated heritage asset. The proposal would therefore fail to satisfy the requirements of the Act.

39. In all, the proposal would unacceptably harm the character, appearance and historic interest of Hazel Copse cottage and in turn, the significance of Ivy Cottage, a grade II listed building. No public benefits have been identified that outweigh this harm and so the proposal conflicts with LP Policies ENV1, ENV4, ENV10, ENV12, ENV15 and SUS3 which collectively seek for developments to be of a high quality that conserves and, where possible, enhances the significance of heritage assets with particular regard to the use of appropriate architecture. The proposal would further conflict with Policies CBNP19, CBNP22, CBNP26 and CBNP29 of the Chesil Bank Neighbourhood Plan (the NP) which has similar requirements to the above. Whilst the Council also made reference to LP Policy SUS2 and NP Policy CBNP17, these are not particularly relevant to the harm I have found above.

Other Matters

40. The appeal site is within the 5km buffer of the Chesil and Fleet Special Area of Conservation, which is a European Designated Site. The Conservation of Species and Habitats Regulations 2017 (as amended) requires the decision-maker to consider whether or not the proposal could adversely affect the integrity of the site.
41. I have found harm stemming from the principle of the development, its effect on the living conditions of neighbouring occupiers, and on a designated heritage asset resulting from the proposed development. As such the appeal must fail and therefore any potential harm to the nutrient neutrality of the Chesil and Fleet Special Area of Conservation would not occur and thus there does not need to be any means of mitigation in place. I therefore do not need to consider the matter further.
42. My attention has been drawn to three nearby buildings that were recently granted permission for conversion to dwellings, and I note the comparisons made. However, I have not been provided with the full details and facts of this decision. Whilst other planning decisions are capable of being material considerations, all decisions must turn on their own circumstances based on the facts and evidence before those decision-makers at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

Planning Balance and Conclusions

Appeal A

43. I note that both parties agree the Council cannot demonstrate a five year housing land supply. However, as noted above, the proposal would not result in a new dwelling and so the presumption in favour of sustainable development under Framework Paragraph 11d does not engage. Nevertheless, even if I were to find the proposal provided a new dwelling, the Framework provides a clear reason for refusing the development, the harm to a designated heritage asset, and therefore the proposal would not benefit from the presumption in favour of sustainable development.
44. Even so, the proposal would lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic

benefits resulting from future occupiers. The proposal would also provide a renewable energy source. Given the small scale of the proposal these matters would, at most, attract modest weight. While the proposal would also provide a rural worker's dwelling, as the building is already in a C3 use, albeit restricted, I attach this matter very limited weight.

45. I recognise that the appellant has, through their personal stewardship of the farm, provided substantial improvements to the biodiversity of the land. However, as the appellant has not demonstrated an essential need to live on the farm, I am not convinced that dismissing this appeal would put these improvements at risk. Consequently, this matter weighs neutrally in my considerations.
46. Conversely, the proposal would conflict with the Council's spatial strategy, harm the living conditions provided by Orchard View and harm the significance and interest of a designated heritage asset, in conflict with the development plan taken as a whole. These matters attract significant weight which outweighs the above benefits.
47. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal is dismissed.

Appeal B

48. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal is dismissed.

Samuel Watson

INSPECTOR

Appendix 1 Appearances for Appeals A and B

For the appellant:

Frank Connor	Appellant
Jacqui Byrne	Appellant's partner

For the Local Planning Authority:

Steve Tapscott BA (Hons) MA MRTPI	Senior Planning Officer
Oliver Rendle MISEP	Senior Environmental Assessment Officer
Caroline Taylor BSc (Hons)	Conservation and Design Officer
Roger Sewill MRICS	Land Agent, Reading Agricultural Consultants

Appendix 2 Document provided at hearing for Appeal A
Natural England statement, dated 13 March 2026