



Appeal Decision

Site visit made on 27 May 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 8th June 2026

Appeal Ref: APP/D1265/X/25/3362673

Cider Press, Kings Lane, Powerstock, DT6 3TF

- 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 Jason Philip West against the decision of Dorset Council.
 - The application ref P/CLE/2024/06370, dated 30 October 2024, was refused by notice dated 17 December 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is the continued use of 3 buildings for residential use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application described itself effectively as the continued use of 3 buildings as a single dwellinghouse within a sui generis use. I have preferred the Council's description as more accurate.

Reasons

3. The site lies in the countryside and consists of a steeply sloping field. Next to the road is a stone barn, which is not part of the application. Further down the slope lies a cluster of structures. Structure A is a large shed, next to it is structure B, a smaller sized 'garden' shed and opposite is a shepherd's hut – structure C.
4. There is much discussion in the representations as to whether the 3 separate buildings could together constitute a single dwelling, or even if the shepherd's hut is a moveable structure or a building. In my view the question of a dwelling is a matter of fact and degree. An old, terraced house with an outside toilet (assuming that was its only toilet) would still be a single dwelling, despite being spread across 2 buildings. Three sheds in a field might not. However, the key issue is not whether they comprise a dwelling when taken altogether as that would only really be important for determining a curtilage and permitted development rights. The key issue to establish first is whether there has been a continuous residential use on the site? I shall assume for this purpose that the shepherd's hut is a building, but I make no specific finding on that side issue.
5. The appellant's representations suggest that this was established in 2019 when the shepherds hut was added to the field and collectively rented out as a holiday let. An enforcement investigation in 2023 accepted they were collectively a dwelling.

6. The Council and local residents' evidence is somewhat different. It seems the large shed (A) was a former cider press and was restored in 2019. A PCN from 2023 filled in by the then owners (Mr and Mrs Brown) confirmed it was in agricultural use – storage of tools and equipment. A small kitchenette was provided to enable meals and hot drinks to be prepared while working on site. Shed B was described as storage for a ride-on mower. The shepherd's hut was used as a bedroom for occasional overnight stays by the owner when maintaining the orchard and the stone barn. The field was used by a neighbouring farmer for grazing of sheep. They denied any holiday lets.
7. The appellant has provided evidence from Mr Brown to show substantial renovation works in 2019, including what appears to be some kitchen units. There are also undated photographs of the interior of A, showing it to look like a large room in the process of being turned into a kitchen, a compost toilet in the small shed (B) and a bed in the shepherd's hut. Assuming these photographs date from 2019 they show there is the potential for the three structures to be used collectively for residential purposes. However, the PCN from 4 years later denies this. The residential use was intermittent.
8. This picture is reinforced by the third-party evidence provided by the appellant. The farmer who grazed her sheep recorded the Browns stayed for a weekend "every few months", but more often in the summer. She confirms that shed B was used for storage of a mower and also a compost toilet. The Browns would sleep in the shepherd's hut and live and cook in shed A. The same story is told by the neighbour whose house is adjacent to the field. The Browns lived there on frequent weekends and for a week in the summer. No other use took place in the buildings and no-one other than the Browns ever stayed there.
9. The appellant seems to suggest the PCN was inaccurate and the Council failed to realise this. There is no evidence for this other than the appellant's assertion. All the people who actually knew what was going on, the Browns and their neighbours, tell more or less the same story. The three structures were collectively used for living in on some weekends and for a week in the summer. Clearly this does not establish a residential use. In order to establish a material change of use the new use has to be continuous. When the new use ceases for a period, the original lawful use reasserts itself. During those periods the Council cannot issue an enforcement notice as no material change of use is taking place. Here there were large periods of the year when there was no residential use taking place and so no material change of use has been established.
10. As there has been no residential use established it does not matter whether the 3 buildings could collectively be described as a dwelling. Their lawful uses are agricultural storage and that is all they can be used for. It is possible to live on the land for up to 28 days without it become a change of use, and of course meals and hot drinks can be prepared as part of the agricultural use, but the residential use for which the certificate is intended has not been established and I shall dismiss the appeal.

Simon Hand

INSPECTOR