



Appeal Decision

Site visit made on 25 June 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/D1265/W/23/3334429

Land at NGR 395613 76827 Chapman's Pool Boat House, Hillbottom, Worth Matravers, Dorset

- 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 Mr James Gaggero of Encombe Limited against the decision of Dorset Council.
- The application Ref is P/FUL/2023/02301.
- The development proposed is described on the decision notice as 'retain external decking area to boathouse'.

Decision

1. The appeal is allowed and planning permission is granted for external decking area to boathouse at Chapman's Pool Boat House, Hillbottom, Worth Matravers, Dorset in accordance with the terms of the application, Ref P/FUL/2023/02301, and the plans submitted with it.

Preliminary Matters

2. I have taken the site address from the appeal form as it appears to more accurately describe the location of the appeal site.
3. I have taken the description from the Council's decision notice as it more succinctly describes the proposal.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". I have therefore referred to the Dorset AONB as the Dorset National Landscape. However, for the avoidance of doubt, the legal designation and policy status of these areas are unchanged. I have proceeded on this basis, continuing to refer to the AONB where relevant.
5. My attention has been drawn to Policies E1 and E12 of the Draft Purbeck Local Plan 2018-2034 ('draft LP') which relate to landscape and design respectively. I understand that the draft LP has been examined, a series of modifications have subsequently been consulted on and the Council will seek to formally adopt the draft LP shortly. Accordingly, I have given these policies significant weight in the determination of this appeal and return to this in the planning balance.

Main Issues

6. The appeal site is located within the Dorset and East Devon Coast UNESCO World Heritage Site, which is internationally recognised to be of Outstanding Universal Value. Whilst the Council have not referred to this in their statement, I am required by Paragraph 205 of the Framework to give great weight to the

conservation of designated heritage assets. As both parties have had the opportunity to address this matter, I consider that the interests of the main parties are not prejudiced by my inclusion of this in the main issues.

7. Therefore, the main issues in respect of this appeal are:

- Whether the appeal site is in a suitable location for the development having regard to the development plan; and
- The effect of the appeal proposal on the character and appearance of the area including the Dorset National Landscape (NL) and the Dorset and East Devon Coast UNESCO World Heritage Site (WHS).

Reasons

Location

8. There is no dispute between the main parties that the appeal site is located in the open countryside.
9. Policy CO of the Purbeck Local Plan Part 1 adopted November 2012 (LP) permits development in the countryside provided it does not have a significant adverse impact on the environment where, amongst other things, it comprises the reuse, alteration, extension or replacement of a rural building.
10. However, I saw at my site visit that the decking is not attached to the boathouse and instead, is a freestanding structure. Consequently, the works which have taken place cannot reasonably be described as the reuse, alteration, extension or replacement of a rural building.
11. I therefore conclude that the appeal development would be contrary to Policy CO of the LP which seeks to protect the countryside from inappropriate development.

Character and Appearance

12. The appeal site is located within the Dorset NL and Heritage Coast. The Management Plan¹ describes a varied landscape where the character and quality of the land and sea interface is an important aspect of the NL, with a constantly changing coastline that is subject to powerful coastal and hydrological processes.
13. The appeal site is located within the Clay Valley - Kimmeridge Coast Character Area. Described as an exposed and relatively inaccessible landscape with a dramatic coastline, its key characteristics and special qualities include an undulating coast of limestone cliffs and distinctive headlands, providing distinctive features with exceptional views of the undeveloped coast and that it is remote and largely inaccessible. This is consistent with what I observed.
14. The appeal site is also located within the WHS. Statements of Outstanding Universal Value (SOUV) set out what the World Heritage Committee considers to be the Outstanding Universal Value of the WHS. In this case, the SOUV in the Management Framework² highlights the combination of globally significant

¹ Dorset Area of Outstanding Natural Beauty Management Plan 2019-2024

² Jurassic Coast Partnership Plan 2020-2025 Management Framework for the Dorset and East Devon Coast World Heritage Site

geological and geomorphological features along 155 km of largely undeveloped coast. Displaying approximately 185 million years of the Earth's history, it is considered by geologists and geomorphologists to be one of the most significant teaching and research sites in the world. The Management Framework sets out the need to ensure that developments do not have a negative impact on the Outstanding Universal Value of the WHS.

15. The appeal site is located at Chapman's Pool, which is a remote cove surrounded by dramatic cliffs, accessible only by footpaths and a bridleway. At the southern end of the cove there is a small group of modest single storey buildings consisting of timber fisherman's huts and boathouses set above the manmade slipway. The appeal site is not therefore undeveloped although I accept that the amount of human interference here is very limited.
16. The decking is constructed of timber which I am advised is oak and has been left to weather naturally such that it is a dull grey colour. Between the upright timber posts of the decking are steel wires. These are largely imperceptible even when viewed at just a short distance from the decking and results in the decking having a simple, functional appearance. The decking is elevated above ground level such that the historic function of the slipway and its relationship to the building is still readily apparent. The simple form and appearance of the decking, together with its limited extent means that it does not diminish the legibility of the boathouse or appear as an obtrusive feature in this location.
17. When viewed from the footpath and bridleway above the cove, the decking is barely visible mainly because it is not seen in isolation. It is adjacent to and set against the boatshed. The natural colouring, simple form and limited scale of the decking means that it is not highly visible or intrusive in its setting.
18. Although no residential paraphernalia was on the decking at the time of my visit, I accept that the recreational use of the decking area would result in some visual clutter. However, given the exposed nature of Chapman's Pool, I find it unlikely that domestic clutter would be stored or left on the decking when it was not being used. Consequently, any visual impact arising from such a use would be limited and transitory. I am therefore satisfied that the decking does not detract from the key characteristics and special qualities of the Dorset NL I have set out above.
19. The decking has been constructed on the manmade slipway which I saw consisted of stone and concrete. In addition, the limited scale of the development means that it would not diminish the ability to appreciate and understand the geology and topography of this important designated heritage asset. On this basis, I am satisfied that the decking would have a neutral effect on geological and geomorphological features and therefore the Outstanding Universal Value of the WHS.
20. I therefore find no conflict with Policy D and Policy LHH of the LP which seek to conserve the appearance, character and integrity of the landscape and ensure that development positively integrates with its surroundings and reflects local building materials. I also find no conflict with objective and policy C1 a. of the Management Plan which supports development which is sensitively sited and of a design which respects local character.

21. In coming to this conclusion, I have sought to further the purpose of conserving and enhancing the natural beauty of the area³ and have given great weight to conserving and enhancing landscape and scenic beauty in the Dorset NL as required by Paragraph 182 of the National Planning Policy Framework.

Other Matters

22. The appeal site is located within the South Dorset Coast SSSI site. I saw that the decking had been erected on a manmade slipway. Moreover, the Council have advised that the appeal development involves posts mounted on stainless threaded bars fixed with resin to the ground, and accordingly no harm to the protected geology of the SSSI has been identified. There is no evidence to the contrary. As such, I am satisfied that an appropriate assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the SSSI is not required.

Planning Balance

23. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁴. The appeal development is located in the countryside and I have found that it is contrary to Policy CO of the LP. It is clear that the policy seeks to protect the countryside from inappropriate development. However, I have also found that the limited scale of the development, its siting and materials of construction will conserve the character and appearance of both the Dorset NL and the WHS and that no conflict with Policy D and Policy LHH arises. Overall, I conclude that the appeal development complies with the development plan as a whole.
24. I have given significant weight to Policies E1 and E12 in the submitted Draft Purbeck Local Plan. Policy E1 attaches great weight to conserving and enhancing landscape and scenic beauty in the Dorset National Landscape, seeks to limit the scale and extent of development in such areas and prevent development that significantly adversely affects the character or quality of the landscape. Policy E12 seeks to ensure that development positively integrates with its surroundings and reflects local building materials. However, given my findings above, no conflict with these policies would arise.

Conditions

25. As the decking has already been constructed on the appeal site, and in the absence of any suggested conditions being put forward by the Council, I do not propose to attach any conditions.

Conclusion

26. For the reasons given above the appeal should be allowed.

Alison Fish

INSPECTOR

³ Section 85 of the Countryside and Rights of Way Act 2000, as amended by Section 245 of the Levelling Up and Regeneration Act 2023

⁴ Section 38(6) Planning and Compulsory Purchase Act 2004