



Appeal Decision

Site visit made on 10 January 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/D1265/W/24/3347373

Seatown Seafront, Seaton, Bridport DT6 6JU

- 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 N Wraxall, Wraxalls against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/05731.
 - The development proposed is Proposed Change of Use of Seafront Hardstanding and siting of temporary mobile business/catering and a Sauna unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have been advised by the main parties that since the determination of the planning application, the Council has granted a separate planning permission¹ for the change of use of land for the siting of the mobile sauna unit that forms part of this appeal. As a result, the applicant has advised that this no longer forms part of the appeal. In addition, the appellant has also advised that permission for the massage tent proposed as part of the current appeal is no longer sought.
3. Given that these changes are not reflected on the plans before me, relate to both reasons for refusal, represent a fundamental change to the proposal, have not been subject to public consultation and as the appeal process should not be used to evolve a scheme, to accept these changes at this stage would be unfair and deprive those who should have been consulted the opportunity of such consultation. As a result, acceptance of these changes would be procedurally unfair. Therefore, having regard to the principles of Holborn², I will consider the appeal on the basis of the original description of development and the plans before me, having regard to the fact that planning permission has been granted for the mobile sauna unit.
4. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst paragraph numbers have altered, any policies that are material to this decision have not fundamentally changed. I am satisfied that this has not prejudiced any party, and I have had regard to the latest version in reaching my decision.
5. As the proposal is in a conservation area and relates to listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

¹ P/FUL/2024/01968

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the area, having regard to whether it would preserve or enhance the character or appearance of the Seatown Conservation Area, and conserve and enhance the landscape and scenic beauty of the Dorset National Landscape and whether it would safeguard the Outstanding Universal Value of the Jurassic Coast World Heritage Site;
- whether the proposal would preserve the setting and significance of the Grade II listed Anchor Cottage and Seatown Farmhouse, and on The Anchor Inn non-designated heritage asset; and,
- the effect of the proposal on The Anchor Inn community facility, with particular regard to viability.

Reasons

7. The appeal proposal comprises a change of use of land to enable the siting of five temporary units (the units). These units comprise three temporary and mobile catering units, the sauna unit, and a massage gazebo. With the exception of the sauna unit that would operate most of the year, the other units would be present between the start of April and the end of October. Their operation would be weather dependent.

Character and appearance

8. The appeal site comprises a hard surfaced area raised slightly above the level of the adjacent beach in a rural valley setting. It is relatively flat providing pedestrian access to the beach and is located opposite The Anchor Inn public house, its associated car parking area, a separate turning area and public toilets. At the time of my site visit, the sauna was on site and in operation. The South West Coastal Path runs past the site and also allows views down towards the site from the rising hillside to the east. The site is accessible by motor vehicle from Chideock via a long and generally narrow country lane.
9. The site lies within the Seatown Conservation Area (SCA), Dorset National Landscape (DNL) (formally the Dorset Area of Outstanding Natural Beauty), with a small southern part of the site within the Jurassic Coast World Heritage Site.
10. The SCA is located at the mouth of the River Winniford at the foot of steep slopes down from Ridge Cliff and Doghouse Hill to the east and Golden Cap to the west. The appeal site lies adjacent to, but on the opposite side of the road to a small cluster of buildings at the bottom of Sea Hill Lane. Appendix A to the Charmouth & Chideock Conservation Area Appraisal (the Appraisal) identifies key views along the beach close to the appeal site and from the hillside to the east down into the SCA. The Appraisal identifies the SCA as a small settlement having a high quality setting within the WHS with coastal views and views back toward The Anchor and its neighbours across open areas in front of these buildings. It comprises a small group of buildings on the west side of the river complemented by boundary walls. As experienced at my site visit, these elements comprise the significance of the SCA with the appeal site contributing to this due to its generally open nature.
11. The Dorset and East Devon Coast World Heritage Site Management Plan (2014-2019) (the Management Plan) details the Outstanding Universal Value of the WHS. Amongst other things, this includes a continuous sequence of rock formations considered to be one of the most significant teaching and research sites in the world and a series of coastal landforms whose processes and evolutionary conditions are little impacted by human activity. The main management issues are identified as including inappropriate management of visitors to an area with a long history of tourism. As a result, the aims of the Management Plan include the protection of the landscape character, natural beauty and cultural heritage from

inappropriate development and to support the conservation and enhancement of its landscape character.

12. The Dorset Area of Outstanding Natural Beauty Management Plan 2019-2024 identifies that the special qualities of the DNL comprises in part its natural beauty, including a sense of tranquillity, remoteness, undeveloped rural character and panoramic views.
13. At my site visit I observed the location of the appeal site at the valley floor close to the small cluster of buildings located on the opposite side of Sea Hill Lane. On approach to the site near to the bottom of Sea Hill Lane, views open out across generally open land including the appeal site, the beach and rising hillside to the east. On this approach the main historic and built form is clearly located on the opposite side of the road to the appeal site. While the sauna unit is positioned to the east of Sea Hill Lane, this is small in scale such that it does not significantly impact the views of the wider area or compete with the main historic and built form. Although the public car park can be seen in this view, it does not comprise any significant above ground structures and as a result does not obstruct any wider views. Neither does the Golden Cap Holiday park that, whilst sizable in extent, is set much further back from the beach.
14. When approaching the site from the east down the South West Coastal Path there are open and extensive views of the coastline, wider countryside and of the open appeal site to the front of The Anchor Inn. From here, the central and southern extent of the appeal site are open and clearly sit at a lower level to the built form to the west of Sea Hill Lane, and slightly lower than the road itself. As such, despite its hard surfaced nature, that it is noteworthy was covered in pebbles at the time of my site visit as reflected by the photographs in the Design and Access Statement, the site appears an integral part of the beach having a more open and natural appearance than the existing cluster of built development forming the public toilets, public house and Anchor Cottage.
15. This open aspect is also experienced from the beach where the open and generally undeveloped nature of the southern part of the appeal site aids open views along the beach and back towards the built form and road.
16. Given the above, the setting of the site and closest buildings within a rural natural and generally unspoiled landscape dominated by views of the surrounding countryside, beach and undeveloped coast, the area bestows a sense of remoteness in a generally uncommercialised and tranquil rural and coastal environment. The appeal site positively contributes to this.
17. By virtue of the number of units proposed, combined with their position on the eastern side of Sea Hill Lane extending into the open central and southern-most parts of the site, and by reason of their varying design and materials, the proposal would clearly be at odds with the existing built form and interrupt the visual relationship between the existing buildings and the open coast and countryside. As a result, it would erode the open landscape character, natural beauty and visual remoteness of the wider area and fail to support or enhance the conservation of the CA, World Heritage Site and DNL.
18. Furthermore, by reason of the number of mobile business/catering units proposed, it would overly commercialise the area, result in increased commercial activity and noise causing harm to the tranquillity of the wider area, CA, WHS and DNL. This would be the case despite the temporary and reversible nature. Given the concerns raised above regarding their number, position and appearance, such matters could not be adequately controlled by condition.
19. I have had regard to the Seatown Regeneration Project Feasibility Study 2016. However, I note that this mainly seeks to address traffic and visitor management issues through a series of proposals and actions as summarised in Chapter 9. In this regard, I note that the proposal would not directly aid or address these actions. I acknowledge the comments

from the appellant that fees from the pitches could go towards the maintenance of coastal protection measures, but I give this limited weight in the absence of a means of securing that this takes place.

20. Although I acknowledge that the structures would not be permanent, would not have foundations, would be removed at night and would not be operated all year round, they would still have a significant effect on the area for the reasons given above and as they would be in situ when the area is at its busiest over the summer months. Even if the proposal benefits from permitted development rights under Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to be located on the site for 28 days a year, and there being a clear and realistic prospect that this would be exercised, this would allow the proposal to be on site for considerably less number of days than is being applied for through the appeal, even taking into account a reduced number of trading days due to bad weather. As a result, the harm from this fallback position would be less and does not justify the proposal.
21. I also acknowledge that the Council have granted consent for the sauna use on part of the site. However, it is positioned to the northern portion of the site close to the road level and is small in scale. By reason of the greater number of units proposed, their positions at a lower level closer to the beach, and by way of their varying materials, the appeal proposal would have a far greater, and significantly more harmful, impact on local views and on the character and beauty of the WHS and DNL and significance of the CA.
22. When taking account of the above, I find that the harmful impact on the character and appearance of the area would fail to preserve or enhance the significance of the CA as a whole. Given that the harmful effect would be localised, the proposal would cause less than substantial harm to the significance of the designated asset. In such circumstances, the Framework requires that less than substantial harm be weighed against any public benefits.
23. With regard to the above, the proposal would provide more diverse facilities for local residents and visitors to the area, provide some economic benefits through supporting businesses, jobs and training, and wider tourism benefits to the area through increased visitors. Taking such matters into account, individually or together, the public benefits are not sufficient to outweigh the less than substantial harm to the significance of the CA that I have identified, and the great weight afforded to the asset's conservation. Any benefit to the appellants from increased income to cover insurance premiums is a private benefit with any benefits from the sauna already in place.
24. In conclusion on this matter, the development would harm the character and appearance of the area, fail to preserve or enhance the character or appearance of the Seatown Conservation Area, fail to conserve and enhance the landscape and scenic beauty of the Dorset National Landscape and would not safeguard the Outstanding Universal Value of the Jurassic Coast World Heritage Site. I am required to give great weight to the conservation of the CA and DNL. As such, it conflicts with Policies ENV1, ENV4, EN10 and EN12 of the West Dorset, Weymouth & Portland Local Plan 2015 (LP). Amongst other things, these seek to protect the plan area's exceptional landscapes and seascapes including the sense of tranquillity and remoteness, ensure that development does not detract from and, where reasonable, enhances the local landscape character, conserve and where possible enhance the significance of heritage assets, contribute positively to the enhancement of local identity and distinctiveness, and relate positively to adjoining buildings and other features that contribute to the character of the area.
25. I have had regard to the appellant's comments in relation to LP Policy ENV12 not applying to the proposal as it relates to buildings. However, the wording of this policy relates to 'Development' and as a result I find the policy relevant to the appeal proposal. Even if it is not relevant, the proposal still conflicts with LP Policies ENV1, ENV4 and ENV10 and as a result this would not change my conclusion in relation to this matter.

Setting of listed buildings

26. The Appraisal identifies Anchor Cottage as one of two Grade II listed buildings³ within the SCA. The other being Seatown Farmhouse⁴ that is located a considerable distance from the site to the north. Anchor Cottage and Seatown Farmhouse are thatched two-storey buildings. Their significance lies in their age and original historic fabric and appearance set behind boundary walls. The Anchor Inn is identified within the Appraisal as a non-designated heritage asset and has the same significance in terms of its age and appearance.
27. The setting of Seatown Farmhouse is restricted to the immediately adjoining land, roads and buildings opposite from which the site is appreciated. The setting makes a positive contribution to its significance. However, given the distance of the appeal site from Seatown Farmhouse on the opposite side of Sea Hill Lane, beyond intervening gardens and significant planting, it does not fall within its setting.
28. The setting of both Anchor Cottage and The Anchor Inn consist of the immediate surrounding context within which they are viewed, comprising a car park, gardens, adjoining land and buildings, and the open nature of the road and their raised position in relation to it. The setting makes a positive contribution to their significance by virtue of allowing an appreciation of their age, historic fabric, and in relation to Anchor Cottage, its position behind a frontage boundary wall. The appeal site forms part of the wider setting of these heritage assets by virtue of its close relationship but makes a limited contribution to their significance given its different form and function and position on the opposite side of the road.
29. By virtue of a combination of the single-storey scale of the proposed units on lower land adjacent to the sauna unit, their temporary nature, and by reason of their position on the opposite side of Sea Hill Lane retaining a wider appreciation of their age, historic fabric and appearance, I do not find any harm to the setting or significance of these heritage assets.
30. It follows that the proposal would preserve the setting and significance of the Grade II listed Anchor Cottage and Seatown Farmhouse, and The Anchor Inn non-designated heritage asset. As such, the proposal complies with LP Policy EN4 that seeks to conserve and where appropriate enhance the significance of heritage assets.

Community facility

31. The food and drink offer from the proposal would compete with the public house and I acknowledge that this could affect its levels of business. I note that the public house is a valued community facility and destination.
32. I have had regard to paragraphs 6.3.1 and 6.3.2 of the LP stating that community facilities are important for social wellbeing of the community. Furthermore, this is reflected in LP Policy COM2 i) that supports new local community buildings and structures stating that they will be permitted subject to not undermining the commercial viability of nearby community facilities which may be better placed to service the needs of the surrounding community.
33. The evidence before me, particularly from interested parties, demonstrates that The Anchor Inn is very busy in the summer months with long queues and waiting times and that the appeal proposal has historically aided the wider community and area by attracting new visitors and providing a wider food and drink offering than that of the public house. Notwithstanding, having regard to the restricted times of the day and year that the proposal would be operational, given permitted development rights, and while I accept that the proposal would provide food and drink options that would divert some trade from The

³ List Entry Number 1215932

⁴ List Entry Number 1287860

Anchor Inn, in the absence of detailed information or evidence clearly demonstrating a likely detrimental effect on levels of trade, I cannot conclude that the effect of the proposal would be so severe as to undermine the commercial viability of The Anchor Inn. I also give weight to the fact that the appeal proposal operated for a couple of seasons with very little evidence provided that this impacted upon the viability of the public house.

34. Furthermore, paragraph 85 of the Framework states that planning decisions 'should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.' In addition, Paragraph 88 of the Framework supports the sustainable growth and expansion of all types of businesses in rural areas and the retention and development of community facilities. The proposal would help to achieve these aims.
35. It follows from the above that the proposal would not harm The Anchor Inn community facility with particular regard to viability. As such, it would not conflict with LP Policy COM2 or paragraph 88 of the Framework, the aims of which I have outlined above.

Other Considerations

36. My attention has been drawn to other consents nearby⁵. However, these are for different proposals on different sites with the former outside of the CA and WHS. As such, they are not directly comparable to the appeal before me. Furthermore, I am required to consider the appeal on its merits.
37. I have had regard to the number of interested party comments in support of the proposal, particularly the high number in support of Chariots of Fire Pizza. However, they do not diminish the harm I have identified above to the character and appearance of the area from the provision of four additional units.
38. The proposal gains some support from LP paragraph 4.5.1, and LP policies ECON5 and SUS2 that support new tourism, employment, recreational and leisure development. However, given the scale and temporary nature of the proposal, the benefits would be limited.

Conclusion

39. I have found no harm with regard to the effect on the setting and significance of listed buildings and a non-designated heritage asset, or to the viability of a community facility, and acknowledge that the proposal would provide some benefits. However, I have also found harm to the character and appearance of the area, significance of the CA with regard to its setting, that it would fail to safeguard the Outstanding Universal Value of the WHS and found that the proposal would fail to conserve and enhance the landscape and scenic beauty of the DNL. In my view, these are the prevailing considerations, and the proposal should be regarded as being in conflict with the development plan, when read as a whole.
40. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR

⁵ P/VOC/2021/02516 and The Hive Beach café at Burton Bradstock