



---

## Appeal Decision

Site visit made on 11 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

---

**Appeal Ref: APP/D1265/W/24/3354386**

**Ammonite, Lower Sea Lane, Charmouth, Dorset DT6 6LR**

- 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 Mrs J Lister against the decision of Dorset Council.
  - The application Ref is P/FUL/2024/01278.
  - The development proposed is Alterations to extant permission (ref: P/FUL/2023/00021) to include a first floor room and year round holiday accommodation.
- 

### Decision

1. The appeal is dismissed insofar as it relates to the alterations to extant permission (ref: P/FUL/2023/00021) to include a first floor room. The appeal is allowed and planning permission is granted insofar as it relates to use for year round holiday accommodation at Ammonite, Lower Sea Lane, Charmouth, Dorset DT6 6LR in accordance with the terms of the application, Ref P/FUL/2024/01278, so far as relevant to that part of the development hereby permitted subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing no. D R\_010 Location Plan.
  - 3) The development shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

### Preliminary Matters

2. Notwithstanding the description of the development in the banner heading above, this is an appeal against the refusal of an application for full planning permission and I have considered it as such in its own right.
3. 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 and the main parties have provided comments in relation to it. I am satisfied that this has not prejudiced any party, and I have had regard to the latest version in reaching my decision.
4. The appellant has requested that if the proposal as a whole is not acceptable, consideration should be given to a split decision allowing year round holiday accommodation use of the existing space. It is also clear from the reason for refusal and the Council's Statement of Case that although the application was refused, the Council had no specific concerns regarding year round holiday accommodation. Indeed, in the

Statement of Case it is noted that the Council simply require a restriction on occupancy to holiday accommodation and do not raise a specific concern regarding the timescale for this. Nothing I have seen or read leads me to a different conclusion in respect of this aspect of the appeal scheme and I find year round holiday accommodation use acceptable. I am satisfied that this element of the appeal scheme is clearly severable physically and functionally from the proposed alterations to the existing building, and I will return to this below.

### **Main Issue**

5. The main issue is the effect of the proposal on the character and appearance of the area, having regard to whether it would 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.

### **Reasons**

6. The appeal site comprises a single storey, one-bedroom beach chalet that was previously a public WC building. The building is set down from Lower Sea Lane partly enclosed by, and in close proximity to, retaining walls. As a result, all but the roof is screened from the road. The site also adjoins a public car park serving the beach and providing pedestrian access to the site. The site is partly screened from the car park by planting and picket fencing.
7. The site lies within the Dorset National Landscape (DNL) (formally the Dorset Area of Outstanding Natural Beauty), with part of the eastern extent of the site falling within the Jurassic Coast World Heritage Site. It also forms part of the Dorset Heritage Coast but lies outside of the Defined Settlement Boundary (DSB) for Charmouth.
8. 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.
9. 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. This is reflected in the Dorset AONB Landscape Character Assessment identifying the wider landscape as Wootton Hills (Wooded Hills) Landscape Character Area comprising hilltops and valleys retaining a largely undeveloped rural character, albeit affected by housing growth and visitor related development to the coast.
10. At my site visit I observed the location of the appeal site in association with the river mouth and beach, and with the valley rising to the east and west. The appeal site lies adjacent to, but on the opposite side of Lower Sea Lane to a group of dwellings off Hammonds Mead. The appeal site is outside of the DSB and the clear visible extent of the residential built form of the settlement. Lower Sea Lane is the main road linking the beach to the town and provides a clear visual and physical divide between the housing development and the open valley floor with only a limited number of very small-scale single-storey structures and the river mouth and beach.

11. As a result, on approach to the site near to the bottom of Lower Sea Lane, views open out across generally open land including the river mouth, the beach and rising hillside to the east. Furthermore, on this approach the main built form is clearly located on the opposite side of the road to the appeal site. By reason of its small scale, single storey nature, position set down from the road and screening, the appeal site and building do not detract from the open aspect.
12. Although the adjacent public car park can be seen in views approaching the site, along with a further public car park closer to the beach, they do not comprise any significant above ground structures, do not obstruct any wider views and are clearly uses associated with the beach and provide access to the nearby countryside. Furthermore, the car park provides a clear delineation between the open river mouth and beach and residential development to the north that is a considerable distance from the appeal site.
13. When approaching the site from the beach toward the adjacent public car park the existing building is very well screened and hardly perceptible in the wider open views. Due to this, and where visible, it has a visual and physical relationship with the open land rather than the residential development and plots further to the north and off Hammonds Mead.
14. When approaching the site down the South West Coastal Path from the east, as a result of its small scale, position set down from the road and screening, it is not highly visible. As such, the site is not prominent, does not read as part of the group of dwellings off Hammonds Mead and does not draw attention to itself or detract from the generally open land to the east of Lower Sea Lane.
15. By reason of its single-storey form set at a lower level to the road, it enables views from the road across the site to the beach and rising hillside to the east.
16. Given the above, the setting of the site is experienced as being related to the open land and countryside forming the river mouth and approach to the beach. It is therefore experienced as being detached from the main built form of the settlement. By reason of the single-storey nature of the existing building and being set down from the road, it contributes to this open setting and to the sense of the land to the east of Lower Sea Lane being of a different character to the settlement to its west and north.
17. By virtue of the combination of the increased footprint, mass and upward extension considerably above the road level, combined with the position on the eastern side of Lower Sea Lane, the proposal would clearly be at odds with the existing built form and interrupt the visual relationship between the existing buildings and the open aspect and land to the east of the road. By reason of the location of the appeal site on the opposite side of Lower Sea Lane to the dwellings on Hammonds Mead, it would not be viewed as forming part of this group of buildings. As a result, it would extend two-storey built form beyond Lower Sea Lane into more open land eroding the open landscape character of the area and disrupting views towards the beach and rising hillside/countryside to the east. For the same reasons it would fail to support or enhance the conservation of the World Heritage Site and DNL. As a result, the building would be prominent, intrusive and incongruent failing to conserve or enhance the area. This would be the case regardless of whether or not it is considered that the site falls within the settlement of Charmouth or is sub-urban in character.
18. Given the two-storey nature of the proposal with some unplanted boundaries, existing landscaping would not screen the building or any related lighting. Furthermore, due to relatively low vehicles speeds to Lower Sea Lane due to its restricted width, the upper floor and roof would be prominent from passing vehicles even considering the hipped roof form. Moreover, the upper floor and roof would be visible from the adjacent public car park, from the South West Footpath to the east and on approach from the beach by pedestrians.
19. While in isolation the proposal would raise the architectural appearance of the building using appropriate materials, in the wider context it would be harmful and incongruous by

reason of a combination of its footprint, mass and upward extension. Although I acknowledge the limited internal space within the existing building, this has been addressed to a degree by the previous consent<sup>1</sup> for single-storey extensions.

20. I have had regard to the Framework seeking to maximise the use of previously developed land and to promote sustainable transport modes. However, the Framework also seeks to ensure that proposals achieve well-designed places, and I have found above that the proposal fails to achieve this.
21. In conclusion on this matter, the development would harm the character and appearance of the 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 conserving and enhancing the landscape and scenic beauty of the DNL. As such, it conflicts with Policies ENV1, EN10, ENV12 and ECON6 of the West Dorset, Weymouth & Portland Local Plan 2015 (LP) and Policies NE1 and NE2 of the Charmouth Parish Neighbourhood Plan 2021 – 2035 (NP). Amongst other things, these seek to protect the plan area's exceptional landscapes and seascapes including the landscape quality, ensure that development does not detract from and, where reasonable, enhances the local landscape character, respects the character of the surrounding area, relates positively to adjoining buildings and other features that contribute to the character of the area, and state that development will not be permitted which would harm the natural and built environment of Charmouth, and that development may be supported where it conserves and enhances local landscape characteristics and quality.

### **Other Considerations**

22. The lack of objection to the proposal from Natural England, the Wildlife Trust and the Jurassic Coast Trust does not in itself justify a proposal that must be considered against the development plan as a whole.
23. I have had regard to the proposal allowing an increase in the number of tourists, support for tourism and allowing more people to experience the World Heritage Site. I have also had regard to the more efficient use of the site and economic benefits associated with the construction of the proposal, and associated spend from an increased number of future occupiers. However, in light of the small scale of the proposal, the benefits would be limited. Given that the development is for alterations to existing holiday accommodation, there would be very limited benefits to the supply of housing.
24. Based on the evidence before me, year round use of the building for holiday purposes, would accord with LP Policies SUS2 and ECON6 that do not seek to restrict the timescales for occupation of holiday accommodation. While I note the comments from the Parish Council and interested party in relation to the history of the building and covenant, I must consider the proposal on its planning merits and against development plan policies, neither of which lead me to conclude that a year round holiday use would be harmful despite its history. Relaxation of any covenant is not a planning matter and outside of my remit in relation to consideration of the appeal proposal.
25. As the site already benefits from planning permission for use as holiday accommodation and given that the appeal proposal does not relate to unrestricted residential accommodation, NP Policies H1, H4 and H5 are not determinative in relation to the appeal. In relation to NP Policy NE3, should I allow the appeal in relation to the alterations, conditions could be imposed in relation to retention and improvement of biodiversity.
26. As described above in the preliminary matters, I have been asked to consider issuing a split decision should I be minded to dismiss the appeal in relation to the external

---

<sup>1</sup> P/FUL/2023/00021

alterations. With regard to this, I am satisfied that the year round holiday accommodation use of the building element of the appeal scheme is clearly severable both physically and functionally from the alterations including first floor room. As such, it would be appropriate to reach a split decision in these circumstances and allow the year round holiday accommodation element of the appeal scheme whilst dismissing the alterations including the first floor room.

### **Conditions**

27. I have had regard to the tests in the Framework in relation to conditions, and the planning conditions suggested by the Council and appellant. The standard time condition is necessary in the interests of certainty.
28. The building is already in existence and, in dismissing the proposed alterations including a first floor room, there are no proposals for external alterations or extensions to the building. Thus, insofar as the drawings and plans relate to the existing building, only a condition referencing the approved site location plan is relevant and needed in the interests of certainty and to clarify that the approved element of the proposal does not relate to the alterations including first floor room.
29. A further condition is necessary to restrict the building to holiday accommodation only to reflect the proposal being applied for and in the interests of certainty.
30. As the proposal does not alter the existing building, that is tightly constrained within the site in a National Landscape, the other conditions suggested by the Council in relation to submission of materials, a Construction Environmental Management Plan and removal of permitted development rights are not reasonable or necessary.

### **Conclusion**

31. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed insofar as it relates to its use as year round holiday accommodation. Insofar as the appeal relates to the alterations to include a first floor room, I conclude that for the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that this element of the appeal is dismissed.

*C Rose*

INSPECTOR