



Appeal Decision

Site visit made on 7 March 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025.

Appeal Ref: APP/D1265/W/24/3352803

Plot 21, 4 Pirates Lane, Wyke Regis, Weymouth DT4 9GL

- 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 M James against the decision of Dorset Council.
 - The application Ref is P/FUL/2024/01229.
 - The development is 2no. sheds, retention of decking, water tanks in association with continued use of land as allotment.
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Decision

1. The appeal is dismissed insofar as it relates to the decking and the larger of the two sheds. The appeal is allowed insofar as it relates to the smaller of the two sheds, water tanks and continued use of the land as an allotment in accordance with the terms of the application, ref: P/FUL/2024/01229, dated 4 March 2024, and the plans submitted with it so far as relevant to that part of the development hereby granted planning permission and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans (i) Location Plan Ref: PO916-001, (ii) Block Plan Ref: PO916-002, and (iii) Existing Ground Floor Layout Ref: PO916-003 (Shed 1).
 - 2) The site shall be used solely for an agricultural / recreational allotment and for no other purpose.
 - 3) The decking that has been installed at the site must be removed from the site and the land underneath restored back to open agricultural / allotment land within 3 months from the date of this decision.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2024. The updated Framework does not raise any new matters that are determinative to the outcome of this appeal.
3. As observed from my site inspection and confirmed in the information before me, the development has commenced and partially completed and is, therefore, retrospective. I have assessed the appeal on this basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is a small plot of land that is being used as an allotment. The site is part of some 120 similar sized plots that are located across a collection of fields near to the coast. I am aware of the site's background where land was sold off and then parcels of land were subdivided. What exists at the site today are a collection of small plots demarked by small scale fencing. Some of the plots also have small scale structures such as sheds erected within their sites.
6. I am also aware that the land and its various plots were subject to enforcement action in 2019. This culminated in an enforcement appeal¹, a copy of which has been included in the information before me. The appeal decision confirmed that that the lawful use of the land is agriculture and upheld the enforcement notice with some amendments, which required all non-agricultural uses to cease and associated structures to be removed. I understand that the enforcement notice has largely been complied with, and the land returned to agriculture / allotment use. Whilst I note that the Council's landscape officer raised a query over the use of the land, the Council's statement does not dispute that the site is being used as an allotment within the scope of the lawful agricultural use of the land; I have considered the appeal on this basis.
7. The appeal proposal seeks permission for a decked area, two sheds, water tanks, and continued use of the land as an allotment. As I observed on my site inspection, only the larger of the two sheds has not been erected at the site.
8. The site and surrounding plots are located within a landscape designated as a Heritage Coast. The site also is within and forms part of the setting of the World Heritage Site. The character of the surrounding area is therefore a highly valued and protected undeveloped coastal landscape that is sensitive to change. This provides a high quality and important landscape setting for the appeal site.
9. The key characteristics of the landscape are the natural beauty of the coastline, flora and fauna, heritage features and recreational offer. The site lies within the Ridge and Vale Landscape Type within the Dorset Landscape Character Assessment. The key features of this landscape type include larger fields in the valleys, mixed farmland with a patchwork of fields divided by hedges, larger fields in the valleys and on the open ridges and open views along the coast
10. However, whilst the site is undoubtedly within a highly sensitive landscape setting, it is a matter of fact that it and its neighbouring plots have been subdivided and demarked with fencing and small-scale structures. The appeal site and its immediate surrounds, therefore, does not have a wholly open and undeveloped appearance within the existing landscape character
11. Moreover, the plot is located towards the north-eastern edge of the fields some distance back from Pirates Lane. There is also screening in place that limits views of the site from short and long-range distances from nearby public viewpoints. In this context, the smaller shed, water tanks and sink that have been erected do not appear as out of place or unduly prominent to the extent that they perceptibly harm the character and appearance of the Heritage Coast, + setting of the World Heritage Site or conflict with the key features of the Ridge and Vale landscape type.

¹ APP/F1230/C/18/3208446

12. As such, I find that the existing shed and water tanks that have been erected at the site do not cause material harm to landscape character and status of the Heritage Coast or World Heritage Site designation that would justify their removal. I also note that previous appeal decision ref: 3208446 acknowledges that it is not unusual for small ancillary structures to be installed on allotments, which was a statement made by the Inspector cognisant of the appeal site's location within its sensitive landscape setting and which I agree with.
13. However, the proposed 2nd shed would be a significantly larger structure than the existing smaller shed. No substantive evidence has been provided to demonstrate why the 2nd shed is needed to support an allotment on what is in practice a small plot where there are already limited growing opportunities. Moreover, the decked area that it would be located on, and has been installed, appears as a somewhat isolated, incongruous and unrelated addition within the plot when compared with the other smaller scale features at the site.
14. When considered together, the decked area and proposed 2nd shed would tip the balance between what would be ancillary and inconsequential structures needed to support the allotment use of the plot and to an overly urban and developed appearance to the plot, which would be at odds with its sensitive landscape location. Albeit its impact would be limited to shorter views near to and within the site, the decking and larger shed would still result in unacceptable harm to the landscape character of the area by being read as an over development of a site that should remain mainly open and used for growing produce as part of the lawful agricultural / recreational allotment use of the land.
15. In conclusion, I find that the smaller shed, water tanks and sink do not cause material harm to the landscape character and appearance of the Heritage Coast or setting of the World Heritage Site and accord with Policies ENV1, ENV10 and ENV12 of the West Dorset and Weymouth and Portland Local Plan 2015 and Policies CNP9 and NCP11 of the Chickerell Neighbourhood Plan 2019-2036. These parts of the proposal would also not undermine the importance landscape features as identified in the Landscape Character Assessment 2009 (West Dorset) Ridge and Vale Landscape Type. However, I find that the decking and larger shed would conflict with these development plan policies and guidance.
16. As the smaller shed, water tank and sink are acceptable in planning terms and have been constructed separately from the decking and the larger shed, I determine that a split decision is appropriate in this case. As such, I grant planning permission for the smaller shed, water tank and sink and continued use of the land as an allotment subject to conditions, which are discussed in the following section and refuse planning permission for the larger shed and decking.

Conditions

17. I have considered which conditions are required having regard to the tests contained in Planning Practice Guidance (PPG). I agree with the Council that it is not necessary to include the standard time limit condition as the development being granted planning permission has been completed. It is necessary to include a condition to specify the approved plans to provide clarity on what has been approved.
18. I also agree with the Council that it is necessary and reasonable to include a condition to specify that the land can only be used for agricultural / recreational

allotment purposes, which is consistent with the lawful use of the land as well as removes any ambiguity over what activities are appropriate at the site.

19. I have also included a condition to require that the decking be removed from the site within 3 months of the date of this decision and the land underneath restored to open land. This is necessary to ensure that the character and appearance of the landscape in this sensitive World Heritage site location is enhanced.

Conclusion

20. For the reasons given above, and taking account of all material considerations, I conclude that a split decision is appropriate and the smaller shed, water tank and allotment use of the land is allowed, and the larger shed and decking is dismissed.

N Perrins

INSPECTOR