



Appeal Decision

Site visit made on 7 March 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025.

Appeal Ref: APP/D1265/W/24/3353552

Field 768, Hut 10, Access Track to Fields 758 and 766 to 769 Portland Bill, Portland, Dorset DT5 2JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr D Garnett against the decision of Dorset Council.
 - The application Ref is P/VOC/2024/00575.
 - The application sought planning permission for demolition of existing & erection of replacement beach hut to incorporate extension at Field 768, Hut 10, Access Track to Fields 758 and 766 to 769 Portland Bill, Portland, Dorset DT5 2JT without complying with conditions 2 and 6 attached to planning permission Ref: P/FUL/2022/02708.
 - The first condition in dispute is No. 2, which states: The development hereby permitted shall be carried out in accordance with the following approved plans: Location & Site Plans, Existing & Proposed Floor Plans & Elevations – 2904:402/001 RevB (received 09/06/22).
 - The reason given for the condition is for the avoidance of doubt and in the interests of proper planning.
 - The second condition in dispute is No.6, which states: The external materials to be used for the wall(s) shall be brown timber, and retained as such thereafter.
 - The reason given is in accordance with the requirements of the Portland Neighbourhood Plan Policy ST2.
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Decision

1. The appeal is dismissed.

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.

Background and Main Issue

3. Beach huts on Portland Bill form an important part of the character and appearance of what is a highly sensitive coastal landscape. I understand that the beach huts were originally constructed as temporary wooden and small-scale structures, with many of those existing today retaining this appearance and form. Planning policy and guidance has historically sought to protect this character from harmful development as the huts have become more sought after and subject to extensions and other alterations.

4. There is no dispute over the size and scale of the beach hut, which has been constructed in accordance with the dimensions approved under planning permission Ref: P/FUL/2022/02708. The sole matter in dispute, as confirmed in the application documents and as I observed on my site inspection, is that the beach hut has been finished with grey composite cladding as opposed to brown timber required by Conditions 2 and 6 of planning permission Ref: P/FUL/2022/02708.
5. The appellant is seeking to amend conditions 2 and 6 to allow the use of composite materials rather than brown stained timber. As the development has been completed, I am considering the proposal under S.73A of the Town and Country Planning Act 1990 (amended).
6. Consequently, the main issue is the effect of the development on the character and appearance of the area.

Reasons

7. The appeal site is a single-storey beach hut situated on the western boundary of Field 768 at Portland Bill. This development is part of a collection of similarly sized beach huts arranged in blocks across several fields close to the coastal frontage. The beach huts feature external wall cladding in various colours, primarily timber, although some examples of composite materials are also present.
8. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Weymouth and Portland Local Plan 2015 (WLP) and the Portland Neighbourhood Plan made in 2021 (PNP). The Portland Beach Hut Supplementary Planning Guidance 2006 (SPG) is not part of the development plan but remains extant and provides additional guidance for beach hut development.
9. Policy EN10 of the WLP requires development to contribute positively to the maintenance and enhancement of local identity and distinctiveness informed by the character of the site and its surroundings. Policy EN12 of the WLP requires development to be in harmony with the adjoining buildings and the area as a whole and materials to be sympathetic to the natural and built surroundings. Policy PORT/EN7 of the PNP has similar requirements to those set out in Policies EN10 and EN12 of the WLP. Policy PORT/ST2 of the PNP states that, amongst, other matters, minor extensions to beach huts will be supported where they are finished in timber, that is stained or painted to match the hut it is replacing.
10. Taken together, these policies seek to ensure that beach hut development preserves the character and appearance of the area in what is a sensitive coastal location. The policies are also all consistent with the Framework that requires at Paragraph 135 that development is sympathetic to local character, and at Paragraph 187 to maintain the character of the undeveloped coast.
11. I understand that brown timber was required to comply with the development plan including Policy PORT/ST2 as it was similar in colour and material to the black timber cladding it would replace and consistent with the simple form and appearance of beach huts in the area. With the hut having been finished in composite grey material, the development is in direct conflict with the requirements

of Policies PORT/ST2 and PORT/EN7 of the PNP as well as with Policies EN10 and EN12 of the WLP.

12. In response, the appellant contends that too much weight was given to a single criterion of Policy PORT/ST2, which is too prescriptive and flawed, rather than the policy as a whole and when considering the mix of styles and materials on other beach huts nearby. I acknowledge that there is a variety of colours as well as composite material on some of the other nearby beach huts. Notwithstanding this, timber cladding is the predominant material in use with composite examples evident only sporadically and infrequently within the fields. The composite material is also readily distinguishable from timber and has the appearance of a more engineered, modern and less natural material, which detracts from, and harms, the prevailing character of traditional timber huts across the fields.
13. Given that timber cladding is the most prominent and positive feature of the huts, the lack of reference to other aspects such as uPVC windows in Policy PORT/ST2 does not diminish the requirement for replacement huts to use timber. Policy PORT/ST2 also has significantly more weight and status than the guidance in the SPG that states that huts should only have the appearance of timber.
14. In terms of the colour, brown timber is not completely different to the black it would replace. It is also far closer in colour to black than the light grey that has been installed. In short, use of brown timber is a valid and policy compliant approach whereas the grey composite that has been installed is not. As there were site specific and clear reasons for the hut to comprise brown timber, I am also not persuaded that it will mean every other replacement hut will need to follow suit as all cases must be treated on their merits.
15. I acknowledge that Policy PORT/ST2 provides more controls for replacement beach huts than is the case for alterations to existing huts that can likely proceed as permitted development. However, even without controls such as an Article 4 direction being in place, the fact is that most beach huts still comprise timber. The issue of further control on existing huts is also a matter for the Council to address to ensure there is a fair approach for all owners.
16. I am aware that the development only has a temporary permission for 10 years. However, 10 years is a considerable amount of time for a development to exist contrary to the prevailing character of the area.
17. There is also no evidence before me that confirms that any of the huts that use composite and grey materials on nearby huts have the benefit of planning permission or were granted planning permission following the PNP being made in 2021. In contrast, the Council's evidence demonstrates that since the PNP was made they have consistently required replacement huts to use timber materials in accordance with Policy PORT/ST2. As such, simply because grey composite materials exist nearby, it does not provide sufficient justification to depart from a clear and relatively recently adopted policy approach in the PNP that was introduced to ensure there are up to date controls over the appearance of beach huts in a sensitive landscape location.
18. There are both advantages and disadvantages to timber and composite regarding sustainability, maintenance and durability, as discussed by the parties. As such, I am not satisfied that the evidence conclusively demonstrates that composite material would be more durable, sustainable and reusable in the future when

compared to timber to the extent it would support deviation from what was previously approved in terms of materials and colour.

19. I note the appellant has drawn attention to other policies in the development plan that purportedly provide support for the development. However, Policies EN12 of the WLP and PORT/EN7 are general design policies that, as has been explained, would not be met by the development as it does not complement the prevailing materials of the existing surrounding development or is demonstrably innovative to outweigh its impacts on character.
20. For the stated reasons, I find that the use of grey composite cladding at the appeal property would be harmful to the character and appearance of this sensitive coastal area. It would, therefore, conflict with Policies PORT/ST2 and PORT/EN7 of the PNP and with Policies EN10 and EN12 of the WLP in this regard. Consequently, conditions 2 and 6 of planning permission Ref: P/FUL/2022/02708 are necessary to make the development acceptable in planning terms. The development is, therefore, not in accordance with the development plan when read as a whole.

Other Matters

21. I acknowledge that Portland Town Council supported the planning application. However, no information is provided that explains the reasoning behind this position. I also note the letters of support from several other hut owners raising points that are addressed earlier in this decision. As the letters of support do not provide any additional information sufficient to justify the harm identified they have no weight in this decision.

Conclusion

22. The proposal would conflict with the development plan and there are no material considerations that would cause me to determine this appeal otherwise than in accordance with the development plan. For the reasons given above, and considering all matters raised, I conclude the appeal is dismissed.

N Perrins

INSPECTOR