
Appeal Decision

Site visit made on 30 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: APP/D1265/W/25/3369213

Lulworth Cove, The Weld Estate, Main Road, West Lulworth, Dorset BH20 5RL

- 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 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Lindsay Holt on behalf of Lulworth Estate Trustees Ltd and Weld Estate Trustees Ltd against the decision of Dorset Council.
 - The application Ref is P/VOC/2025/02410.
 - The application sought planning permission for demolition of shed and erection of building for use as a sauna and retaining wall. Erect wood store and access steps/ladder without complying with a condition attached to planning permission Ref P/FUL/2024/02833, dated 18 December 2024.
 - The condition in dispute is No 15 which states that: *'Prior to the installation of the sauna building details of the finish of the wooden cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.'*
 - The reason given for the condition is: *'In the interests of visual amenity'*.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of shed and erection of building for use as a sauna and retaining wall. Erect wood store and access steps/ladder at Lulworth Cove, The Weld Estate, Main Road, West Lulworth, Dorset BH20 5RL in accordance with the application Ref P/VOC/2025/02410, without compliance with condition numbers 3, 8 and 15 previously imposed on planning permission Ref P/FUL/2024/02833 dated 18 December 2024 and subject to the conditions in the attached schedule.

Background and Main Issues

2. Planning permission for the demolition of shed, erection of a building for use as a sauna and a retaining wall, and the erection of a wood store and access steps/ladder (the original permission) was granted in December 2024. This included Condition number 15, the condition the subject of this appeal, that required the submission and approval of details of the finish to the wooden cladding to the sauna building in the interests of visual amenity.
3. In March 2025 an application for a Discharge of Condition in relation to Condition number 15 was refused by the Council as it was considered that the use of Welsh Western Red Cedar Cladding stained 'Charcoal' would be inappropriate with the Council keen to see a more natural, lighter timber finish.
4. A further Discharge of Condition application in respect of Condition number 15 was submitted in April 2025. This sought approval of natural Welsh Western Red Cedar Cladding. The Council partially discharged this condition in April 2025 by approving

the use of the natural Welsh Western Red Cedar Cladding, but to fully comply with the condition, the second part of the condition required the development to be carried out in accordance with the approved materials.

5. Also in April 2025, at around the time of the installation of the sauna with a 'Charcoal' finish, the appellant applied to vary the wording of Condition number 15 to allow it to be stained 'Charcoal'. This application was refused by the Council in June 2025 and is the subject of this appeal.
6. In light of the above, the main issue is the effect of the use of stained 'Charcoal' facing materials on the exterior of the sauna on the character and appearance of the area, having regard to the site's location within the Dorset National Landscape (DNL), West Lulworth Conservation Area (CA) and Dorset and East Devon Coast World Heritage Site (WHS).

Reasons

7. The appeal building is located on the beach front at Lulworth Cove on an elevated concrete and masonry plinth adjacent to a vegetated cliff. The immediate area was previously occupied by a metal clad storage building and there are a range of commercial buildings fronting the beach/cove to the south-west of the site.
8. The appeal building sits within the DNL, CA and WHS occupying a beach-side location. As the proposal falls within the CA, I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Paragraph 189 of the National Planning Policy Framework (the Framework) requires me to give great weight to conserving and enhancing landscape and scenic beauty in National Landscapes while the Levelling-up and Regeneration Act 2023 requires relevant authorities to seek to further the statutory purposes of National Landscapes. Paragraph 202 of the Framework states that World Heritage Sites should be conserved in a manner appropriate to their significance.
9. The Character Appraisal for the CA (the Appraisal) states that the most significant open space defining the area is the Cove itself that is enclosed by the dramatic sculptural form of the cliffs. It goes on to state that the Cove and cliffs are one of the highlights of the WHS and demonstrate the physical and visual qualities of the geology for which the coast has been designated. However, the Appraisal acknowledges that the quality of the space is compromised to some extent by concrete defences and remains of collapsed buildings. These elements combine to form the significance of this part of the CA and WHS. They also form part of the character and natural beauty of this part of the DNL.
10. By virtue of granting planning permission, the Council accepted that the use, size and position of the sauna would enhance the CA, and WHS and would not harm the primary purpose of the DNL. However, this is subject to a more sympathetic/lighter finish than the dark 'Charcoal' finish proposed and used on site.
11. I have had regard to the Council's case that a lighter, more natural timber colour finish would be more appropriate given the previous shed on the site having a muted finish that appeared visually recessed into the adjacent rockface and pebbles to the beach. Furthermore, I have had regard to the concerns raised regarding the proposed finish having a stark appearance accentuated by the lighter rock face to the cliff and lighter colour beach pebbles resulting in a building that

does not blend into its setting, appearing intrusive and not furthering the purposes of the DNL.

12. I acknowledge that when observed from some angles the sauna is viewed against the light coloured rockface and in association with lighter coloured pebbles. However, when viewed from a number of other positions, it is observed against the much darker backdrop of the vegetated rockface. Furthermore, the sauna is also viewed, particularly from further distance around the Cove, in association with the backdrop of the settlement, wider vegetated cliffs and seaweed that are generally darker in appearance than the exposed cliff-face and beach pebbles.
13. Moreover, the sauna is viewed in association with other small buildings within the Cove, complements the dark coloured roof finishes and facing materials to a number of these buildings and to other buildings on approach to the Cove. Additionally, the sauna is small in scale, the finish will weather over time softening its still fairly new appearance and will be a visual improvement over the previous shed and compliment the cliff face and wider geological qualities of the cove. It is noteworthy in these regards that there was no objection to the original proposal and use of 'Charcoal' finish from Natural England, the Jurassic Coast Trust and Dorset Council Conservation Officers. As a result, and overall, the proposed finish is not overly stark, appropriately blends into its setting and compliments the dark frame, roof, and rear elevation to the sauna.
14. It follows from the above that I find that the 'Charcoal' colour finish would preserve the character and appearance of the area and CA as a whole, would conserve the landscape and scenic beauty of the DNL, and conserve the WHS in a manner appropriate to its significance. As such, the proposal complies with Policies E1 and E12 of the Purbeck Local Plan (2018 – 2034) 2024 which, amongst other things, attach great weight to conserving and enhancing landscape and scenic beauty in the DNL, state that development should take account of the character of the existing landscape, and demonstrate a high quality of design. Furthermore, the proposal would not be contrary to the objectives of the Dorset AONB Management Plan 2019-2024, paragraph 64 of the Purbeck Design Guide Supplementary Planning Document provisions of Sections 12 and 15 of the Framework that seek to achieve well-designed places and conserve and enhance the natural environment.

Other Matters

15. I have had regard to the concerns raised by interested parties in relation to the proposal undermining/ignoring the democratic process, to the sauna being moved from elsewhere, and to the proposal being constructed in a different colour to that agreed with the Council. Notwithstanding, the appellant has exercised their right of appeal, and I am required to consider the proposal on its planning merits.
16. I have also had regard to comments raising concerns with regard to photographs being manipulated and have taken this into account. Furthermore, I was able to view the effect of the proposal for myself at the time of my site visit.

Conditions

17. The Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As a result, I shall

impose the previous conditions related to the time restriction for the development and confirmation of the approved plan.

18. I have removed the pre-commencement conditions (previously condition numbers 3 and 8), as they are no longer necessary given that the development has been commenced and is in use with the previous tin shed removed.
19. I have reworded previous condition numbers 5 and 6 (now new condition numbers 4 and 5) to become compliance conditions to reflect that the details required by these conditions have been discharged by the Council.
20. Given that the development has already taken place, and in accordance with my findings above under the Main Issue, I have reworded previous condition number 15 (now new condition number 13). This is in the interests of protecting the character and appearance of the area.
21. As I have very limited information before me about the status of the other conditions imposed on the original planning permission, I shall impose them again. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

22. For the reasons given above the appeal is allowed and a new planning permission granted.

C Rose

INSPECTOR

SCHEDULE OF CONDITIONS

1. The use hereby approved shall cease and the building hereby permitted together with any associated structures and works (including the retaining wall) shall be removed and the land restored to its former condition on or before 19 December 2027 or 3 years following substantial completion of the building provided that evidence of the substantial completion is submitted in writing to the Local Planning Authority. The land should be restored in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location plan (rev A)
Existing & Proposed Floor Plan
Proposed Elevations (rev K)
BH205RQ-001 P01 Foundation Slab and Details
3. Works to the concrete plinth/retaining wall should be undertaken fully in accordance with the details set out in the Plinth Review (letter dated 18/10/2024), the Foundation Slab and Details drawing reference BH205RQ-001_P01 and the Calculations, dated October 2024 undertaken by Seabrook Groves Engineers. Thereafter, the plinth/wall should be maintained, as such throughout the operational life of the sauna.

4. The details of the facing materials and lime mortar mix for the retaining wall to the rear of the sauna building shall be provided and retained in accordance with the details approved by the Council on the 1st April 2025 and contained within the letter dated 10/03/2025.
5. The details of the roof mounted solar panel shall proceed in accordance with the details approved by the Council on the 1st April 2025 and contained within the letter dated 10/03/2025.
6. No external lighting shall be installed unless details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed operated and maintained in accordance with the agreed details.
7. In accordance with the recommendations set out within the Vertical Technology Report on the inspection of the slope behind the tin beach hut, Lulworth Cover dated 5 July 2023, the site operator must undertake a daily visual inspection of the stability of the slope and maintain a record of the inspections, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority. An additional inspection of the cliff and crest should be undertaken by an experienced Geotechnical Engineer annually and within one week of when any significant change has been noted during the daily inspections and after any named storm affecting this part of the Dorset Coast. A record of the inspections should be maintained and must be made available at the request of a duly authorised officer of the Local Planning Authority.
8. The detailed biodiversity mitigation and enhancement strategy set out within the approved Ecological Impact Assessment, certified by the Dorset Council Natural Environment Team on 05/06/2024, must be strictly adhered to during the carrying out of the development.
The development hereby approved must not be first brought into use unless and until:
 - i) the mitigation and enhancement measures detailed in the approved Biodiversity Plan have been completed in full, in accordance with any specified timetable.
 - ii) evidence of compliance, including photographic evidence, has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved Impact Assessment and thereafter the approved mitigation, and enhancement measures must be permanently maintained and retained in accordance with the approved details.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall be no boundary enclosures other than those shown on the approved plans. No additional signage, decking, verandas, handrails or other permanent features shall be laid or erected within the application site.

10. In the event that the sauna suffers catastrophic damage as a result of major storm events or significant cliff failures, or by any other means, the sauna will be dismantled and removed from the site. The dismantling, removal of the sauna and restoration of the site will be agreed in writing by the Local Planning Authority.
11. The premises shall not be used for the purposes hereby permitted outside the following periods;
September – March: 06:30-17:00
April – June: 06:30-19:30
July-August: 06:30-11:30 & 17:30- 22:30
12. The Sauna building hereby approved shall not be used other than for daytime recreational purposes only, and shall not be used as overnight holiday or permanent residential accommodation.
13. The sauna building shall be finished with Welsh Western Red Cedar Cladding stained 'Charcoal' finish to the Sauna building as shown on Proposed Elevations (Page No: 3 Revision K), and retained as such.
14. All wood used in the log burner shall be dried to a moisture content of 20% or less.

END OF SCHEDULE