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Application Number: [WD/D/20/000253](#)

Site address: Beach Chalet Adjacent Car Park, Charmouth Beach, Lower Sea Lane, Charmouth

Proposal: Make alterations to convert redundant toilets to beach chalet (with variation of Condition 1 of Planning Permission 1/D/13/000282 amending the occupancy condition)

Applicant name: Mrs J Lister

Case Officer: Jennie Roberts

Ward Member: Cllr D Turner

This application is reported to Committee following consultation under the Scheme of Delegation requirements and consideration by members and the Development Manager that the committee should determine this application.

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Summary of Recommendation: Grant with variation to condition:-

The beach chalet hereby approved shall not be used as a permanent dwelling, nor for ancillary sales or serving of food and/or drink. Overnight holiday accommodation shall only take place between 1st March and 31st October each year and the owners shall keep a record of the overnight use which shall be made available to the Local Planning Authority on request.

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Reason for the recommendation:

The continued use of this building as a Beach Chalet is acceptable, but an increase of this use to a residential dwelling would be contrary to policy ENV7. Retail sales and serving food and drink is also considered to be inappropriate in this location. Therefore whilst the existing use is supported a revised, robust and updated condition is recommended to control the future use of the building.

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Table of key planning issues

Issue	Conclusion
Principle of development	Continued use as a beach chalet acceptable but robust wording of revised condition required.
Land Stability and Coastal Erosion	A new residential use would not be acceptable due to long term risk of coastal change and land instability but continuation of the existing beach chalet use controlled by condition is acceptable.
Impact on Heritage Coast and AONB	No physical change to building.
Impact on Amenity	Restriction of use by condition will

	protect amenity.
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5.0 Description of Site

- 5.1 The existing beach chalet is within the building of former public toilets adjacent to the public car park at the end of Lower Sea Lane. The accommodation comprises an open living area with kitchenette, shower and WC; plus a small patio area. Planning permission was granted in 2002 to make alterations to convert the redundant toilets to a beach chalet. This included the installation of additional doors and windows.

6.0 Description of Development

- 6.1 Condition 2 of the 2002 planning permission limited the chalet to not be used as a dwelling, overnight holiday accommodation, or for ancillary sales or serving of food and/or drink:

The development hereby approved shall not be used as either a dwelling or overnight holiday accommodation, nor for ancillary sales or serving of food and/or drink.

REASON: Such development would be detrimental to the character of the area, and, as a dwelling, contrary to development plan policies for the control of development outside main built-up limits.

- 6.2 Subsequently in 2013 a further permission was granted to amend this condition to allow occasional overnight holiday accommodation and a revised condition was imposed:

The beach chalet hereby approved shall not be used as a permanent dwelling, nor for ancillary sales or serving of food and/or drink. Overnight holiday accommodation shall be occasional use for a maximum period of 2 weeks at any one time and shall be used by the owner and their family and friends only; a record of the overnight use shall be kept and made available to the local planning authority on request.

Reason: To control; the use of the chalet in accordance with policies SA1, SA2, SS3 and SS4 of the West Dorset District Local Plan as the site lies within the designated Heritage Coast and Area of Outstanding Natural Beauty and outside the Defined Development Boundary.

This application now seeks to vary condition 1 of the 2013 planning permission. The applicant has suggested the following alternative wording:-

Notwithstanding Classes C2 and C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the use hereby permitted shall be used to provide holiday accommodation only and the property shall not be used as permanent unrestricted accommodation or as a primary place of residence.

7.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/W/02/000771	Make alterations to convert redundant toilets to beach chalet	Approved	17 May 2002
1/D/13/000282	Variation of condition 2 of P.P. 1/W/02/000771 to allow occasional overnight holiday accommodation	Approved	21 August 2013

8.0 List of Constraints

Instability zone 3

Cliff Top Recession

AONB: *(statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)*

Heritage Coast

9.0 Consultations

9.1 **Dorset Highways** - No Objection.

9.2 **Parish Council** - Object – original permission and condition is adequate and should not be relaxed further.

9.3 All consultee responses can be viewed in full on the website.

10.0 Representations

One letter of objection – The condition reflects restrictions imposed by the Evans Covenant on existing properties and businesses in the immediate area. The proposal will not increase tourist accommodation significantly and there is an abundance of holiday accommodation in the village. Concerns regarding parking, waste disposal and maintenance.

11.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan (2015)

As far as this application is concerned the following policies are considered to be relevant;

INT1.	Presumption In Favour of Sustainable Development
ENV1.	Landscape, Seascape and Sites of Geological Interest
ENV7.	Coastal Erosion and Land Instability
ENV10.	The Landscape and Townscape Setting
ENV16.	Amenity
SUS2.	Distribution of Development
SUS3.	Adaptation and Re-Use of Buildings Outside Defined Development Boundaries
ECON6.	Built Tourist Accommodation

National Planning Policy Framework (NPPF) 2019

As far as this application is concerned the following sections of the NPPF are considered to be relevant:

2. Achieving sustainable development
4. Decision-making
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

Decision making:

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Other material considerations

South Devon and Dorset Shoreline Management Plan (SMP2)

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

14.0 Financial benefits

Minimal - this proposal will not change the use of the chalet but update and clarify the wording of the condition.

15.0 Climate Implications

Continued use as a beach chalet is acceptable but change of use to a dwelling would not be supported in this area of coastal recession.

16.0 Planning Assessment

Principle of development

16.1 The use of this former toilet building as a beach chalet is acceptable and long established having been granted planning permission in 2002. Despite being outside the DDB, the reuse of such a building of permanent construction was in accordance with local plan policies at that time and is now acceptable under Policy SUS3 and ECON6 of the West Dorset Weymouth and Portland Local Plan. Therefore the principle of a beach chalet in this location is accepted but it is acknowledged that restriction of the use and occupation by planning conditions remains appropriate.

Land Stability and Coastal Erosion

16.2 The SMP policy is currently ‘hold the line’ but in the medium/longer term there will be a transition whereby there will be no active intervention to maintain the coastal defences and there would be managed realignment of the coast to manage the flood risk. The Coastal Risk Planning Guidance (CRPG) identifies

potential coastal change risk areas along the West Dorset, Weymouth & Portland Coast and at Charmouth, considers the beach roll back and retreat of undefended cliffs on either side of the river channel.

16.3 Therefore in the longer term the risks to the chalet as a result of coastal change will become higher and land stability will become an issue. As such a new residential use would not be supported in this location. However on the understanding that this application does not change the use of the beach chalet this would not be reason to oppose the current application to vary a condition of the extant permission. Time limited permissions can be used where coastal erosion is a concern to allow for reappraisal and consideration of the actual rate of coastal change experienced in the future. But again as a section 73 application to vary an existing permission this is not considered to be appropriate.

Impact on Heritage Coast and AONB

16.4 The original proposal included some minor alterations to the building and no further alterations are now proposed. Therefore there will be no change to the visual appearance of the surrounding area or landscape.

Impact on Amenity

16.5 The chalet is very small scale providing basic and limited accommodation. It is a reasonable distance from neighbours on the opposite side of Sea Lane. Occasional overnight accommodation was not previously considered to cause serious detriment to neighbouring properties. The requested variation of the previous condition seeks to allow holiday occupancy without any limit to the occupiers or the length of stay but would not allow permanent unrestricted accommodation or use as a primary place of residence. It is not considered that variation to the condition would have a significant adverse effect on the amenity of neighbours.

17.0 Conclusion

17.1 The reason for the original condition imposed in 2002 was to protect the character of the area and to prevent a dwelling outside the DDB. The variation of condition in 2013 allowed some overnight occupation of the chalet with restrictions on the occupiers and length of stay which was as agreed and requested by the owner at that time; being occasional use and for short periods of time. The conditions on the applications in 2002 and 2013 sought to prevent the chalet from being a permanent dwelling.

17.2 The approved use of the building is a beach chalet, although it is accepted that the building is capable of being lived in, as indeed is not unusual in some locations depending on size, internal facilities, and construction. However

the chalet is not a C3 dwelling as is made clear in the previous conditions imposed and the current use is considered to be sui generis.

- 17.3 Whilst variation of the previous condition is generally acceptable, uninterrupted overnight occupation would be indistinguishable from a dwelling in actual use terms. Therefore it would still be relevant, necessary and reasonable to impose some restriction on the use of the beach chalet.
- 17.4 It is the imprecision of the words “occasional” and “family and friends” that this application is particularly critical of and it is acknowledged that the precision of the condition could be improved by removing those words from the condition. Some concern is also raised by the applicant regarding the 2 week length of stay that is currently restricted.
- 17.5 Whilst it is acceptable to amend the condition, it is noted that the beach chalet is not a permanent dwelling and an alternative appropriate condition to restrict the use continues to be appropriate. It is therefore suggested that the condition be varied to restrict use of the beach chalet for overnight holiday accommodation from 1st March to 31st October.
- 17.6 The restriction of sales and serving food and drink is still required to prevent Class A uses taking place at this sui generis unit, as such uses are not appropriate in this location.

18.0 RECOMMENDATION

Grant permission subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan received on 30/01/2020

Existing and Proposed plans and elevations - Drawing Number 20/1340/01A received on 07/06/2002

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The beach chalet hereby approved shall not be used as a permanent dwelling, nor for ancillary sales or serving of food and/or drink. Overnight holiday accommodation shall only take place between 1st March and 31st October each year and the owners shall keep a record of the overnight use which shall be made available to the Local Planning Authority on request.

REASON: To control the use of the Chalet in this location where residential and retail use would not be acceptable.