
Appeal Decision

Site visit made on 4 April 2017

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd May 2017

Appeal Ref: APP/P2114/W/16/3156931

Mountfield Holiday Park, Norton Green, Freshwater PO40 9RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Shorefix (IOW) Ltd against the decision of Isle of Wight Council.
 - The application Ref P/00441/16, dated 30 March 2016, was refused by notice dated 3 June 2016.
 - The application sought planning permission for variation of a condition attached to planning permission Ref P/00804/14 dated 20 October 2014; and variation of a condition attached to planning permission Ref P/00450/15 dated 18 November 2015, to enable occupation of 33 out of 52 approved units on a permanent residential basis (as enablement for the delivery of 18 holiday units) and the use of one unit as a reception and local shop.
 - The conditions in dispute are No 9 on Ref P/00804/14, which states that: "*The holiday buildings 'Chalet 1', 'Chalet 2', 'Chalet 3', 'Chalet 4', 'Chalet 5' and 'Chalet 6' as identified on 'Layout and Street Scene' (drawing 04, date stamped 27/06/14), but labelled '4, 5, 6, 7, 8 and 9' on the approved plans for TCP/3664L/RD shall not be used other than as holiday accommodation and not as separate main or permanent residence*" and No 12 on Ref P/00450/15, which states "*The holiday buildings 'Unit 1' to 'Unit 53' as identified on 'Proposed Site Plan' (drawing 103 Rev E, dated 17/03/15 and date stamped 01/09/15) shall not be used other than as holiday accommodation and not as separate main or permanent residence*".
 - The reasons given for condition 9 on Ref P/00804/14 and condition 12 on Ref P/00450/15 are "*To ensure that these elements of the development remain for holiday purposes and to comply with Policy SP3 (Economy), SP4 (Tourism) DM8 (Economic Development) and the principles of the NPPF*".
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Decision

1. The appeal is dismissed.

Planning History

2. The holiday park has an extensive planning history, originating in the 1950s. Planning permission was granted in January 1971¹ for 52 holiday units. Five of the units were subsequently built and these remain in situ. In June 1999, permission was granted at appeal to vary a condition attached to the 1971 permission, to extend the period that the units could be occupied to all year round². The Council issued a Certificate under Section 191 of the Town and

¹ Council Reference TCP/3664/L/RD.

² Reference T/APP/P2114/A/991018270/P7.

Country Planning Act 1990 in October 2013³, which confirmed that the 1971 permission had been implemented. A planning application for 33 dwellings was refused in May 1975⁴. A planning application for 10 dwellings was refused in May 2003 and I am given to understand that a subsequent appeal was dismissed⁵. More recently, the Council granted the two planning permissions referred to in the banner heading to revise the layout and design of the units. A terrace of six units to the revised design has recently been constructed.

Main Issues

3. If condition no.9 on Ref P/00804/14 and condition no.12 on Ref P/00450/15 were varied as requested by the appellant, the effect would be to permit occupation of 33 of the proposed units as permanent residential accommodation. The main issues in this appeal are therefore:
 - Whether this would be a suitable location for permanent residential accommodation, having regard to the principles of sustainable development and housing land supply.
 - The effect on the character and appearance of the area.
 - The effect on the provision of local tourism accommodation.
 - The effect of provision of a local shop.
 - Whether suitable provision for affordable housing would be made.

Reasons

Background

4. The holiday park is located on the south-west edge of the predominantly linear settlement of Norton Green. It is accessed from the road leading through the village. The holiday park provided tourist accommodation in a mix of static caravans and chalets. However, it has been disused for around fifteen years. The caravans as well as some of the ancillary buildings have been removed.

The Suitability for permanent residential accommodation

5. If the disputed conditions were varied as proposed, the 33 units would provide a form of open market housing. The Council's spatial strategy is set out in Policy SP1 of the adopted Island Plan Core Strategy (CS). This is supportive of development within or immediately adjacent to defined settlement boundaries. CS Policy SP1 also affords priority to redevelopment of previously developed land (PDL). Unless a specific local need is identified, development proposals outside of or not immediately adjacent to defined settlements will not be supported, unless it is for a tourism related proposal under CS Policy SP4.
6. The northern boundary of the holiday park backs onto the rear gardens of residential dwellings in the more built-up part of Norton Green and it is PDL. However, the village is not a defined settlement in CS Policy SP1 and it forms part of what the supporting text refers to as the Wider Rural Area (WRA). CS Policy SP2 provides for a total of 8,320 dwellings on the Island in the period 2011-2027, at an average of 520 dwellings per year. Over the above period

³ Council Reference P/01055/13-LDC/03664/X.

⁴ Council Reference TCP/3664N/S/1694.

⁵ Council Reference P/00622/03.

broadly 980 dwellings would be delivered through smaller-scale development in settlements defined as rural services centres and in the WRA.

7. However, the appellant contends that CS Policies SP1 and SP2 are not up-to-date, as the Council does not have a five-year housing land supply. The Council's Strategic Housing Land Availability Assessment and Five Year Land Supply (SHLAA) was last updated in April 2015. The appellant has questioned the reliability of the SHLAA; they contend that the five-year housing requirement based on a 5% buffer, should be 2,730 units. The appellant also referred to evidence since the SHLAA was published of a further shortfall in housing completions of 156 units for the period 1 April 2011 to 30 March 2015. Together with previously identified shortfalls in completions this would produce a total shortfall of 447 units. As a result, there would be a total five-year housing requirement of 3,177 units when set against the SHLAA overall supply figure of 2,951- a shortfall of 226 units. I have also been referred to evidence which suggests that a significant proportion of sites included in the Council's supply are not 'deliverable' as meant by paragraph 47 of the National Planning Policy Framework (the Framework) and having regard to footnote 11. This is said to be largely due to a lack of action in progressing plan-making and applications.
8. The Council have referred to a recent appeal decision⁶ in which an Inspector accepted that it had a five-year housing land supply. However, that conclusion was based on limited evidence. The Council has not put forward any other evidence to support this part of its case. As a result, I am not persuaded that the Council can demonstrate a five-year supply of housing land for the purposes of this appeal. CS Policies SP1 and SP2 are both relevant policies for the supply of housing. Therefore, in accordance with paragraph 49 of the Framework I intend to afford them limited weight and apply the presumption in favour of sustainable development in paragraph 14.
9. The appeal site is in the West Wight housing sub-market area in the Council's Strategic Housing Market Assessment (SHMA). The SHMA indicates that in West Wight a significant demand exists for smaller housing including two bedroom dwellings, as a proportion of the overall future demand for housing. Twenty four of the residential units would have two bedrooms, whilst the remainder would have one bedroom. Therefore, the residential units would make a significant contribution towards reducing the shortfall in the supply of housing land and meeting the demand for two bedroom units identified in the SHMA. Moreover, the proposal would be consistent with the Framework core planning principle of re-using PDL.
10. Nine of the residential units would have one bedroom, for which there is a very limited demand according to the SHMA. More significantly, none of the residential units would have three bedrooms, for which the SHMA indicates that there is a level of demand similar to two bedroom properties. Consequently, the proposal would not consist of a mix of housing sizes which reflected the requirements of the SHMA, as required by CS Policy DM3. CS Policy DM5 supports development which delivers 20-25% of housing in major developments as being suitable for older people. Due mainly to their modest size, I accept that the future occupiers of at least some of the residential units would most likely be older people. Even so, this is not the same as the

⁶ Reference APP/P2114/W/16/3154694.

accommodation actually being suitable for such occupation. In this respect, no evidence has been supplied which would indicate that the residential units would meet the equivalent of the Design Criteria of Lifetime Homes Standards, as is also required by the above policy. These factors lead me to question whether the proposal would actually provide housing required to meet the needs of present and future generations. The above concerns aside, overall I attach moderate weight to the benefits identified at paragraphs 8 and 9, having regard to the scale of the proposal.

11. Nevertheless, Norton Green is a small village with very limited facilities and services. It is a considerable distance from the nearest shops, doctor's surgeries, schools and leisure opportunities, located in the closest larger settlements of Freshwater and Yarmouth. Whilst there is a stop for the local 'FYT' bus near to the holiday park, I am given to understand that the service is infrequent and interested parties have indicated that its future may be uncertain. In order to access the more regular buses to Freshwater and Yarmouth on Route 7, it would be necessary to walk uphill along rural roads lacking footways and street lighting to reach the A3054. In order to access facilities and services in the centres of the above settlements by walking and cycling, it would be necessary to travel significant distances, partly uphill along sections of road which lack continuous footways and lighting or on unmade, unlit public paths. Consequently, the routes to access to facilities and services from the holiday park are unlikely to be perceived as safe or convenient. This is likely to deter the use of alternative modes of travel to the private car. It would be unrealistic to expect that occupiers of housing in rural areas would not rely on the private car to some extent. However, for the reasons identified above the proposal would promote growth in a pattern of development which favoured car use over alternative modes of transport.
12. When granting planning permission for one dwelling at Norton Green in March 2016⁷, the Council referred to its location as sustainable. However, that scheme was of limited scale, it was described as being within the built form of the village and as meeting a need for a dwelling in that location. Consequently, the proposal is not comparable with that approval.
13. The proposed local shop would share the same unit as holiday park reception. Consequently, it would have a limited floor area and it is likely to only stock a limited range of convenience goods. Therefore, the shop would be unable to provide for most of the day-to-day shopping needs of the future occupiers of the residential units and the rest of the village. Accordingly, the shop would be unlikely to have a significant effect on the travel patterns of existing residents of the village and the future occupiers of the residential units. Consequently, it would provide a limited benefit in terms of reducing the need to travel.
14. Therefore, the proposal would not enhance or maintain the vitality of the village. The moderate benefits in terms of a contribution to the supply of housing and a local demand for two bedroom units as well as the re-use of PDL would not significantly offset the above harm. As a result, the proposal would not be consistent with paragraph 55 of the Framework. It would also be inconsistent with the Framework core principle at paragraph 17 of managing patterns of growth to make the fullest use of public transport, walking and

⁷ Council Reference P/00003/16.

cycling and paragraph 34, as it would not be located where the need to travel would be minimised and the use of sustainable transport modes maximised.

Character and appearance

15. The holiday park covers an expansive area of land adjacent to the rear garden boundaries of housing in the village. Its landform rises away from the adjacent housing to open fields at the rear, with open fields and woodland adjacent to the side boundaries. The holiday park is open to public views in the wider landscape, in particular from the shoulder of open countryside to the north-west and at points along the A3054, where it is largely seen in an elevated position in relation to most housing in the village. Consequently, the holiday park is more related to a largely countryside setting as opposed to the more built-up part of Norton Green.
16. The majority of the proposed units would be arranged in three parallel terraces following the contours across the wider parts of the side, with other terraced and semi-detached units grouped at right angles adjacent to the main terraces. In terms of their built form, the residential units would be little different in external appearance to the holiday units, at least initially. Domestic paraphernalia such as garden furniture, washing lines and play equipment could equally be present in the front and rear amenity areas of holiday units. Nevertheless, such domestication is likely to be more limited when a unit is only used for holiday purposes. Moreover, the amenity spaces and communal grounds in a holiday park are more likely to be managed on a comprehensive basis by the park operators, creating a well-managed and uniform setting for the units.
17. By contrast, the residential units are likely to give rise over time to an increased requirement for domestic storage, including individual refuse and recycling facilities, additional areas of hardstanding-for example to park a larger number of vehicles likely to be associated with the residential units, together with patios, rockeries and a wide variety of ornamental planting. All of this would be likely to occur as the future occupiers sought to 'personalise' their property and distinguish it from that of their neighbours. The future occupiers would also be likely to seek to define their plot boundaries with a variety of methods of enclosure, including high privacy fencing. Further, the units are of modest size. Their floor areas fall significantly below the minimum gross floor areas in the Technical Housing Standards⁸. Therefore, it would be almost inevitable that future occupiers would seek to extend their properties or erect outbuildings at some stage, resulting in a proliferation of additions of different sizes, styles, materials and positions. As a result, incrementally over time the holiday park would obtain a more obviously residential and less unified character and appearance.
18. The above would make the residential units and their environs on the middle and upper slopes of the holiday park in particular appear as incongruous features in the wider countryside setting when seen from public viewpoints. This would have an urbanising effect, unacceptably harming the rural character and appearance of the surrounding area. Whilst planning conditions could be imposed to remove 'permitted development' rights in respect of extensions, outbuildings and fencing, in themselves they would not prevent all such development. Moreover, conditions would not prevent the individual

⁸ Technical Housing Standards-Nationally Described Space Standard DCLG March 2015.

domestication of the plots over time from the everyday incidences of residential use described above. Therefore, such conditions would not make the proposal acceptable.

19. I am also mindful that residential development of the holiday park has previously been resisted, most recently in 2006-in part due to its harm to the rural character of the area. Whilst that decision was made was in the context of different local and national policies, it still carries some weight in this respect.
20. Consequently, the proposal would not accord with CS Policy SP5, as it would not protect or conserve the natural environment. The proposal would not accord with CS Policy DM2, as it would not be integrated with its surroundings and it would not complement the character of the surrounding area. The failure to conserve and enhance the landscape would not accord with CS Policy DM12. The proposal would also be inconsistent with one of the core principles of the Framework at paragraph 17 as well as paragraph 109, as it would not contribute to conservation and enhancement of the natural environment.

Provision of tourism accommodation

21. CS Policy SP4 is supportive of sustainable growth in high quality tourism. It seeks to improve and maintain the quality of existing tourist destinations and accommodation. However, a loss of bed spaces through redevelopment or conversion to other uses can be permitted where it can be demonstrated that the use is no longer viable and that the site has been marketed for at least 12 months at an appropriate market price. The appellant contends that this policy is not based on adequate, up-to-date relevant evidence and does not take full account of relevant market and economic signals as required by paragraph 158 of the Framework. There might be a lack of clarity in the limited studies undertaken since adoption of the CS. Even so, nothing suggests to me that there has been such a significant change in tourism patterns and market factors that CS Policy SP4 should not be afforded full weight.
22. The proposal would leave 18 of the approved 52 units available as holiday accommodation. The appellant contends that no tourist bed spaces would actually be lost as there are currently none in situ. However, the proposal would represent around a two-thirds reduction in proposed holiday units over the approved schemes on an existing tourist site, albeit one that has not traded for many years. Therefore, it would not be unreasonable to consider the reduction of such a significant proportion of the holiday units compared with the approved schemes against the viability and marketing requirements of CS Policy SP4. I do not read CS Policy SP4 as being solely concerned with a total loss of existing bed spaces.
23. I am given to understand that in general, funding tourism schemes may be difficult without assured levels of returns. However, I have been provided with limited information from one lending provider to support the claim that there would be difficulties in obtaining funding to build out the approved schemes. Some evidence of marketing of the holiday park for sale has been provided. Even so, this dates from 2012-2013 and it does not provide details of the marketing exercise and the site valuation. It also pre-dates the approved schemes and given its age, may not reflect current market conditions. Consequently, I am not persuaded that it has been adequately demonstrated

that approved schemes are not viable and that the appeal site was marketed at a price which reflects its current value.

24. The appellant regards the proposal as enabling the delivery of 18 holiday units as well as a community benefit in the form of a local shop. A viability assessment submitted on behalf of the appellant indicates that the proposal comprises the minimum number of residential units required to enable the delivery of as many holiday units as possible, whilst achieving financial viability. The appellant says that without the residential units, the holiday units would not be realised. Whilst this may be the case, the benefit to local tourism would be relatively modest, as it would secure provision of a relatively small number of new holiday units, albeit of high quality and mixed sizes. Therefore, although the benefit carries some weight, it still has to be balanced against other planning considerations.
25. Whilst construction of the holiday units concurrently with the residential units could be secured by a Planning Obligation, one has not been provided so I cannot take it into account. Moreover, the situation of the holiday accommodation, which would largely be subsumed within a primarily permanent residential environment, is likely to reduce the perceived quality of the tourism offer and consequently its attractiveness to potential visitors as a tourist destination. No business plan has been submitted to demonstrate how the holiday unit business would be sustained. Consequently, there is a significant risk that even the more modest scale of holiday accommodation now proposed compared with the approved schemes would either not be delivered or if it was, it would not be sustained in the medium term. This reinforces my conclusion regarding the weight to be afforded to the tourism benefit.
26. I have been provided with details of local examples of residential development enabling tourism development. The scheme on land adjoining *West Bay Club, Halletts Shute, Norton*⁹ involved erection of seven dwellings to secure investment in a substantial, established leisure tourism site in a location accessible by a range of transport modes and without harm to the character and appearance of the area. A more substantial residential development at the *former Harcourt Sands Holiday Park, Puckpool, Ryde*¹⁰ involved redevelopment of a former tourism site within a Key Regeneration Area, also in an accessible location and without harm to the landscape. Both schemes therefore differ significantly from the appeal scheme. Although they both involved elements of residential development to enable further tourism provision, this is in accordance with the approach set out in the supporting text to CS Policy SP4. Consequently and taking into account all of the above factors, the proposal would not accord with CS Policy SP4, as it would not improve the quality of existing tourism accommodation.

Local shop

27. As already noted above, the proposed shop would be of modest size and it would be likely to sell only a limited range of goods which would not fulfil the everyday needs of local residents or visitors to the holiday park. The shop would also be located in a corner of the holiday park some distance from the public highway. Consequently, it would be inconvenient to access by most

⁹ Council Reference P/01922/11.

¹⁰ Council Reference P/00573/15.

existing residents of the village and it would be unlikely to attract passing trade.

28. When the above factors are taken into account together with the limited size of the village and the limited population that the shop would serve, the level of trade that the shop would attract is therefore likely to be very modest. This leads me to question whether the shop could be sustained economically in the medium term. I am given to understand that a previous shop in the village closed down. Moving the shop to another unit on the holiday park would not fully address the matters referred to above.
29. It would be unreasonable to impose a condition or seek a Planning Obligation to require the shop to be maintained where it would be uneconomic to do so. Consequently and notwithstanding the support for community facilities given by CS Policy DM7, I shall only afford any community benefit that the shop would provide limited weight.

Affordable housing

30. CS Policy DM4 requires development proposals to provide 35% locally affordable housing on schemes of more than 10 units. Although the residential units could be described as 'low cost market housing', none would fall within the definition of 'affordable housing' in Annex 2 of the Framework. Even so, CS Policy DM4 provides for changing economic circumstances by requiring an assessment of development viability to demonstrate the level of affordable housing that would be viable for the site, if 35% cannot be provided.
31. A viability assessment submitted on behalf of the appellant suggests that there would be no residual value available for the provision of affordable housing. I have not seen any firm evidence which would indicate that this would not be the case. The deliverability of the tourism and shop elements of the proposal would therefore be likely to be compromised in the event affordable housing was provided. Consequently, it has been demonstrated that the proposal would not be viable if provision for affordable housing were made and it would accord with CS Policy DM4.

Other matters

32. The Council's adopted Solent Special Protection Areas (SPA) Supplementary Planning Document requires a financial contribution towards habitat mitigation in the SPA buffer zone. As far as I have been able to ascertain, no Planning Obligation making such a contribution has been received. However, as the appeal is being dismissed for other reasons, it is not necessary to examine this matter in further detail.
33. The north-east corner of the holiday park is adjacent to part of the boundary of the Norton Green Conservation Area (CA). However, I am satisfied that the proposal would not have an adverse effect on the character or appearance of the CA or its setting compared with the approved schemes.
34. I have taken the other issues raised by interested parties into account. These relate to concerns over increased surface water flooding, alleged adverse effects on highway safety, additional noise and disturbance, rubbish and light pollution, removal of trees and disruption during construction. However, given the similarity of the proposal with the approved schemes other than in relation to the main issues, I have given these matters little weight.

Planning Balance

35. Whether the proposal would be sustainable development has to be assessed against the three mutually dependent objectives-economic, social and environmental-set out at paragraphs 7 and 8 of the Framework. The proposal would provide some economic benefits by bringing an increased tourism spend into the West Wight area, providing a local shop and by generating local jobs in the management and maintenance of the holiday units and in the shop. Even so, the scale of the benefit to tourism would be more limited than if the approved schemes had been built out. The permanent residents would also assist in sustaining businesses and services in nearby settlements. Whilst there would also be an economic benefit from the short-term employment in the building industry generated during the construction phase, an equivalent benefit would be achieved by building out the approved schemes. However, overall the economic benefits of the proposal can be afforded some weight.
36. The Council cannot demonstrate a five-year housing land supply for the purposes of this appeal and there is a substantial local demand for 2 bedroom units. The proposal would therefore make a significant contribution to the supply of housing of a type for which there is demand in the area. These factors weigh moderately in favour of the proposal. Nevertheless, the proposal would not create a high quality built environment with accessible local services. Consequently, it would not fulfil the social role.
37. Further, the proposal would not fulfil the environmental role. Whilst it would re-use PDL, it would not contribute to protecting and enhancing the natural environment and it would not mitigate and adapt to climate change including moving to a low carbon economy. These adverse social and environmental impacts would significantly and demonstrably outweigh the more limited economic and social benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not amount to sustainable development.

Conclusion

38. The proposal would not be sustainable development as defined in the Framework and it would not accord with the Development Plan. Therefore, for the reasons set out above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR