
Appeal Decision

Site visit made on 25 June 2019

by J Wilson BA Hons BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 15th July 2019

Appeal Ref: APP/P2114/W/19/3225526

**Barn on land to the north-west of Freewaters, New Barn Farm Lane,
off Snowdrop Lane, Gatcombe, Isle of Wight PO30 3EQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Downer against the decision of Isle of Wight Council.
 - The application Ref P/01185/18, dated 20 October 2018, was refused by notice dated 17 December 2018.
 - The development proposed is described as the removal of mobile home; alterations, extension and conversion of barn to form a self-contained unit of holiday accommodation (revised scheme).
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The address of the site varies on the original application form being described as on New Barn Farm Lane and off Snowdrop Lane. The access would be from Snowdrop Lane close to Snowdrop Cottage as detailed on the Ordnance Survey Map and the submitted plans. I have therefore used Snowdrop Lane in the heading above in the interests of clarity as it more accurately describes the location of the site.
3. The Council has confirmed that the second reason for refusal relating to highways is no longer being pursued by the Council. This is on the basis that the access is capable of being modified to meet highway requirements and additional information received suggests the use would not represent an intensification of the former agricultural or equine use of the land. Despite the narrow nature of the lane and its unmade state I have no evidence on which to disagree with this revised position.
4. The appellant has submitted a Unilateral Undertaking (UU) to secure payments towards the Solent Recreation Mitigation Strategy in order to mitigate any harm to the Special Protection Area as the site lies within 5km of the Solent Special Protection Area. The UU has been confirmed as acceptable to the Council who confirm that reason for refusal 3 has now been addressed and is no longer being pursued by the Council.
5. In the light of the above I need not consider the second or third reasons for refusal further.

Main Issue

6. In the light of the above one main issue remains which is the effect of this tourist development on the character and appearance of the area including the impact on the Isle of Wight Area of Outstanding Natural Beauty (AONB).

Reasons

Description and Background

7. The appeal site is an isolated location in open and rolling landscape within the Wight Area of Outstanding Natural Beauty. Land rises steeply from the site to the south west from where the existing modest building and mobile home are visible across a wide area particularly from parts of the ridge (bridleway 7), the length of which I walked on my site visit.
8. The modest agricultural store located on the site and a mobile home are low key, modest and functional in appearance. The store has few external openings and appears as a modest and unassuming utilitarian building. At the time of my visit there was no evidence of any active agricultural use and the building was empty. It is described in the evidence as an agricultural store with day accommodation. Mention is made of the length of time the mobile home has been on the site and the possibility that it would be immune from any enforcement proceedings. This is a matter to which I will return.

Character and appearance

9. The considerations regarding tourism development on the Island are detailed in policy SP4 of the Isle of Wight Island Plan Core Strategy¹ (Core Strategy) which requires that proposals for tourism related development utilise the unique characteristics of the historic and natural environments without compromising their integrity. Further details regarding tourism development are set out in the Isle of Wight AONB Management Plan² which seeks to balance the importance of tourism against the conservation and enhancement of the AONB.
10. There would be minimal alteration to the dimensions of the building though an external store would be replaced with a covered veranda which would wrap around the side and be extended along the full length of the building. There would be a significant change to the elevational treatment with a number of new windows and doors inserted into the elevations. A minimal gravel margin would encircle the building. Two car parking spaces would be provided but otherwise there would be no delineation to the field or any means of boundary enclosure.
11. The introduction of a permanent residential use on this site in a tourism capacity and by implication a generally seasonal use would introduce a markedly different level of activity and use to that which currently exists. The site would continue to be screened (as it is now) from Snowdrop Lane and field boundary planting to the north and east. However, visibility from the south and west would be significant as the fields rise up steeply and where well used footpaths and bridle ways traverse the ridge. In this regard the building would be prominent in the landscape even though the appellant intends to plant a

¹ Full title Island Plan – Isle of Wight Core Strategy (including Waste and Minerals and Development Management Development Plan Document – March 2012

² 2014 to 2019

group of trees to soften the appearance of the building. In my view such a measure would also alter the open and rolling character of the site and introduce domestication which does not presently exist.

12. The appellant states that the site already has the appearance of unkempt domesticity though I did not find this to be the case on my visit. I share the Council's concern that the use of the building as holiday accommodation would result in activity around and within the building increasing dramatically. This would inevitably generate a demand for domestic activities and the introduction of domestic paraphernalia. These factors combined would detract from the character of the land and the surrounding rolling countryside. I consider that the isolated location of the appeal site coupled with a more permanent use of the building for holiday lets would alter the landscape character and scenic beauty of the AONB.
13. In coming to this conclusion, I have had regard to my duty under section 85 (1) of the Countryside and Rights of Way Act 2000. This requires that decisions have regard to the purpose of conserving and enhancing the special qualities, distinctive character and key features of the AONB. This is a designation which is afforded one of the highest levels of protection and to which I must attribute significant weight.
14. The appellant focuses on the provisions of the Framework to support his appeal highlighting the enhancement of the setting of the building as an example of special circumstances. He argues that the proposal represents a sensitive approach to the appreciation and enjoyment of the site within the AONB. Nonetheless, replacing the agricultural use with a more domestic one; the alterations to the building; the formation of the veranda and the parking of cars together with the inevitable domestic paraphernalia of other items around the building would impact harmfully on the character and appearance of the site and the wider countryside. On a highly prominent site, such as this, it would change the appearance and harm rather than enhance, the prevailing rural character of the AONB to its detriment. The conversion would appear as intrusive within an open landscape and have an urbanising effect incompatible with the rural surroundings.
15. Consequently, the development would be in conflict with Policies SP5, DM2 and DM12 of the Core Strategy and the objectives of the Framework. These policies seek, amongst other things to: conserve the character and local distinctiveness of the AONB; protect the visual qualities of the environment; seek high quality design; reflect the aims of the AONB management plan and complement the character of the AONB.

Other Matters

16. I have had regard to the benefits of tourism which would arise from the provision of one holiday let unit which would be a benefit to tourism on the Island. The appellant emphasises that this is a finely balanced judgement between the protection of the countryside and the AONB versus the encouragement of tourism. Moreover, he argues that rural locations by their very nature do not need to be accessible by public transport and are in fact more likely not to be. He contends that the most remote and best loved destinations are located within AONB's across the country. That may be so however, I consider that the tourism benefits would not, in this isolated location, outweigh the harm which I have identified to the character and

appearance of the area and the obligation to protect the sensitive landscape of the AONB.

17. My attention has been drawn to three cases which were consented in 2016, 2017 and 2018 for holiday accommodation on the island. However very little information regarding those cases has been provided and whilst the appellant says that the AONB partnership raised no objection to them I cannot, on the evidence before me, be certain that those cases are comparable to the appeal proposal. One of those cases had a stable within the site and was situated close to existing bridleways with the potential to attract horse related tourists. The appellant says that a stable block could be part of this scheme. However, as this is not part of the appeal proposal and I am obliged to decide on the basis of the development as applied for I cannot give this matter any weight.
18. Returning to the matter of the mobile home I have no evidence in relation to any lawful development certificate or planning permission for the store or the mobile home and I cannot give this matter any weight. In any event any immunity or enforcement proceedings are for the Council and are not germane to this appeal.
19. Representations have been made by a number of local residents regarding the provision of services and utilities to the site however given my findings it is not necessary for me to consider these points further.
20. The appellants refer to a similar planning application which was withdrawn prior to determination. This is not relevant to my consideration of the appeal proposal which I have determined on its own merits and not by way of comparison to any earlier submission.

Planning Balance

21. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding that access and mitigation in respect of the SPA have been addressed by the appellant, for the reasons set out, harm would result from the development. That harm would not be outweighed by the modest tourism benefit which would accrue from the scheme. On this basis there are no material considerations which would outweigh the countryside protection policies and do not warrant a decision other than in accordance with the Development Plan.

Conclusion

22. For the above reasons and having taken all other matters into account, the appeal is dismissed.

Janet Wilson

INSPECTOR