



Appeal Decision

Site visit made on 20 May 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/P2114/W/18/3219198

Roadside Inn, Nettlestone Green, Nettlestone PO34 5DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Harding against the decision of Isle of Wight Council.
 - The application Ref P/00303/18, dated 6 March 2018, was refused by notice dated 8 October 2018.
 - The development proposed is conversion of existing A1 unit at ground floor to form 4 x C3 dwellings with associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the provision of local retail facilities within Nettlestone.

Reasons

3. Located within an area of primarily residential character, the appeal site comprises a large two-storey building and a car parking area to the side, as well as a rear garden area. It is clear that the premises are valued by the local community as, in accordance with the provisions of the Localism Act 2011, the property was nominated as an Asset of Community Value on 31 March 2015 and listed as such on 9 April 2015. This will allow the community to make a reasonable bid to purchase the property if and when it becomes available onto the market.
4. There is a lengthy planning history associated with the appeal premises, which were previously in use as a public house. Applications seeking to obtain a certificate of lawful use of the ground floor premises for retail and planning permission for the conversion of the upper floor to three apartments were refused by the Council in June 2016, before being allowed on appeal¹ in August 2017.
5. Policy SP1 of the Island Plan²(March 2012) sets out the settlement strategy for the area administered by the Council, and restricts development proposals outside of, or not immediately adjacent to defined settlements, except where a specific local need is identified, or a tourism related development is proposed. The appeal site is not located with the defined settlement boundaries of the

¹ APP/P2114/X/16/3156444 and APP/P2114/W/16/3165764.

² Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document.

Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres identified by Policy SP1. Therefore, for planning policy purposes, the site lies within the wider rural area.

6. Policy DM10 of the Island Plan seeks to preserve viable retail uses located outside of defined Rural Service Centres, where they meet the needs of the local community. Policy DM10 also advises that the loss of existing retail uses will only be permitted when it can be demonstrated that the retail use is no longer needed for its original purpose, or viable for any other retail use.
7. There is no disagreement between the main parties that the ground floor retail premises have not operated for some time. However, no substantive evidence has been submitted to demonstrate that the retail premises are no longer viable, and do not serve the needs of the local community. Based on the submitted information, I am also unable to ascertain whether the premises are no longer needed for their original purpose, or whether they are no longer viable for any other retail use. I understand that a large retail operator originally intended to occupy the appeal premises, which did not come to fruition, and that there has been no further interest from other retailers. In the absence of information such as appropriate target marketing, as suggested within the supporting text to Policy DM10, these are considerations to which I can only ascribe limited weight.
8. Policy DM10 also permits the loss of retail uses, when it can be demonstrated that an alternative retail use will be provided in a location with at least an equal level of accessibility for the community it is intended to serve. Whilst I accept that there is a local convenience store within close proximity to the appeal site, the proposed development would not result in the provision of an alternative retail use.
9. As the proposal stands, and in the absence of substantive evidence to the contrary, I am unable to conclude that the appeal scheme would not result in the loss of viable retail facilities within Nettlestone. For these reasons, the proposal would therefore fail to accord with Policy DM10 of the Island Plan.

10. Other Matters

11. The appeal site lies within proximity to the Solent Special Protection Areas (SPAs). In order to address the potential adverse impact that residential development may cause to these sensitive areas, the Council has, alongside other Local Authorities, adopted the Solent Recreation Mitigation Strategy (2017). There is a need to contribute towards mitigation measures due to the potential adverse impact that residential development may cause to the SPAs. This is not disputed by the appellant, who submitted a signed and dated planning obligation to that effect, in order to secure this contribution. As I am dismissing the appeal on other substantive grounds, this is not a matter which needs to be considered further here.
12. However, had the development been considered acceptable in all other respects, I would have had to be satisfied that an Appropriate Assessment had been undertaken to ensure the proposal's compliance with Habitats Regulations, in light of the *People over Wind*³ decision by the Court of Justice of the European Union.

³ People over Wind, Peter Sweetman v Coillte Teoranta, Case C-323/17.

13. The proposal would enable the creation of four dwellings, for which there is an identified need. Nevertheless, the contribution to housing supply and choice would remain modest, and these benefits would not outweigh the harm which I have identified. Based on the evidence before me, there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR