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## Appeal Decision

Site visit made on 9 August 2019

**by Thomas Bristow BA MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 August 2019**

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**Appeal Ref: APP/P2114/W/19/3227875**

**Calbourne Water Mill, Westover- Access Road, Calbourne, Newport  
PO30 4JN**

- 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 Mrs S Chaucer against the decision of the Isle of Wight Council.
  - The application Ref P/00051/19, dated 17 January 2019, was refused by notice dated 15 March 2019.
  - The development proposed is a mini-golf course and straw castle.
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### Decision

1. The appeal is dismissed insofar as it relates to the straw castle. The appeal is, however, allowed insofar as it relates to the mini-golf course. Planning permission is thereby granted for the mini-golf course in accordance with the terms of the application Ref P/00051/19, dated 17 January 2019, as relevant to that part of the development, subject to the conditions below.

### Preliminary matters

2. In part planning permission is sought retrospectively. The application form states that the development to which this appeal relates dates from April 2016. However some enhancement of existing boundary features is proposed (drawing No 2290/02A). Certain cosmetic alterations to what is currently present have also been suggested by the appellant, to which I will return.<sup>1</sup>
3. Presently the mini golf course, loosely King Arthur themed including a model dragon, runs through the straw castle. The latter is a substantial structure some five metres high at its tallest, roughly six metres square. Its height is around double, or more, that of the relatively lightweight model dragon. The Council and appellant have therefore addressed those two elements of the proposal somewhat separately. Moreover the golf course could readily operate were the castle to be removed, or altered.
4. Section 79(1)(b) of the Town and Country Planning Act 1990 as amended (the '1990 Act') enables me to reverse or vary any part of the decision of the local planning authority. Under that provision, with regard to the nature of the development, I have split my determination into the effects of the castle on the one hand, and all other elements of the scheme on the other. As explained above, those elements are severable. My finding in respect of the castle does

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<sup>1</sup> Given the limited extent of potential future alterations, and as the Council has commented in that respect at appeal, there is no reason to discount them from my assessment.

not prevent or prejudice any future actions that may be taken by the appellant or Council in that regard.<sup>2</sup>

### **Policy context**

5. Noting the planning history to the Mill and its grounds,<sup>3</sup> each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding a review underway, in this instance the development plan includes policies of the Island Plan Core Strategy (adopted 21 March 2012, the 'Island Plan'). I have also had regard to various other material considerations, including the provisions of relevant statute, the National Planning Policy Framework ('NPPF'), and the Planning Practice Guidance ('PPG').
6. Policies of the development plan, and those in the NPPF, pull in different directions. Reflecting that tourism represents a significant component of the local economy, Island Plan policies SP3 and SP4 support high quality tourism, particularly that which is year-round, green and 'niche'. Similarly, in general terms, NPPF paragraphs 80 and 83 are strongly supportive of development with economic benefits and of rural business (including sustainable tourism).<sup>4</sup> Such support is not, however, unqualified. Policy SP4 and NPPF paragraph 83(c) share common aims in seeking to ensure that such development does not compromise the integrity of the environment.
7. Moreover no one element of the development plan nor NPPF automatically outweighs any other. In summary and amongst other things, Island Plan policies DM2 and DM12 expect that all development is informed by an understanding of, and integrates appropriately with, the nature of its surroundings. Reflective of the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which requires me to pay special regard to the desirability of preserving the setting of listed buildings, Island Plan policy SP5 sets out that development with a demonstrable adverse impact on the Island's natural and historic environment should be avoided. Similarly NPPF paragraph 170(c) sets out that planning should recognise the intrinsic character of the countryside, and NPPF paragraph 193 that 'great weight' should be given to the conservation of designated heritage assets (in the context of assessing whether justification for harmful development exists on the basis of associated public benefits).

### **Main issue**

8. Against the context above, the main issue is the effect of the development on the character and appearance of the area, including to the rural landscape and setting of Grade II Listed Calbourne Mill.

### **Reasons**

9. The Mill is a water-driven corn mill set within expansive grounds. It is accessed via Newport Road, the B3401 and principal route between the western Island

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<sup>2</sup> For example amended proposals or enforcement, if expedient. I have treated the proposal before me on its own terms rather than determining what may be acceptable (with reference to the provisions of Planning Practice Guidance Reference ID: 21a-012-20140306).

<sup>3</sup> Including previously unsuccessful applications for photovoltaic generation and approval for holiday cottages.

<sup>4</sup> Whilst the appeal site is within the wider rural area pursuant to Island Plan policy SP1, with regard to policy SP3 there is no indication that allowing an existing tourist facility to expand would inherently be unsustainable.

and its most populous town of Newport. A mill here is recorded in the Domesday Book, albeit that present buildings date from around 1697 with later additions. The mill machinery remains in working order, despite the historic trend towards greater scale and efficiency in agriculture. The operation of an historic mill, limited to producing flour commercially, is clearly no longer viable. However, as a significant element of agrarian and industrial heritage, it is an attraction in its own right. The Mill estate has over time developed into a diversified visitor centre valued by many.<sup>5</sup>

10. Unsurprisingly the Mill is set in a fold in the topography running east-west along the route of the Caul Bourne River. By consequence, and as its boundary is generally marked by established trees and hedgerows, the estate is not prominent in the landscape or from longer-range viewpoints: I saw that it is only readily apparent from along the B3401 and, briefly, from a footpath towards the north-east. The course of the River has evidently been altered so as to serve the mill, by way of engineering works related to its alignment alongside the establishment of weirs, sluice-gates and a leat. Mature trees and vegetation track alongside the River, in contrast to the good-sized undulating arable fields which otherwise characterise the surrounding landscape. Aside from Calbourne, and occasional properties dotted about, the Mill is set within a strongly rural context; a substantial element of the Isle of Wight Area of Outstanding Natural falls south of the B3401 here.

#### The castle

11. The appeal site is a fair distance, some 70 metres or so, to the east of the original Mill buildings. It spans between the River and Newport Road and is a roughly rectangular parcel of land with a frontage to the B3401 of some 55 metres. The castle is one of the closest elements to the Mill. As set out above it is a structure of substantial scale, the appellant accepting that it is 'a little on the large size'. It is fabricated principally of straw which has been rendered in a muted natural colour, and is topped with turret and parapet detailing finished in black plastic sheeting. There is an intervening tree between the castle and the Mill. However the crown height of that tree affords little screening of the castle, the landscaped gardens here being otherwise laid to grass.
12. I acknowledge there is a limit to how far, visually and associatively, the setting of a listed building extends to. I note the appellant explains that land southwards of the River was, as recently as within living memory, not within the same ownership as the Mill. However ownership is not determinative. As set out above, the original Mill buildings and castle are readily visible in conjunction with one another. The appeal site also abuts a watercourse which has been altered historically by consequence of the siting of the Mill. Accordingly the appeal site has some degree of importance to historic integrity, and castles do not make for good grist.
13. I have explained above that there are various factors which mean the Mill estate contributes only to a limited extent to wider landscape character. However whilst there is generally substantial natural screening along Newport Road, the exception when approaching along the nearside carriageway from the west is what appears to be a former field access close to parking provision.

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<sup>5</sup> The variety of uses present described in the supporting Planning, Heritage, Design and Access Statement dated 17 January 2019.

That allows for glimpsed views of the castle. Similarly natural boundary features are comparatively sparse as the B3401 turns back on itself near Beechcroft, allowing for fleeting views of the castle. From those vantage points the castle either obscures views of the River, or directly of the Mill buildings nestled in the landform. That is to the detriment of their appreciation and to an understanding of how they originated relative to their surroundings, albeit that any effects on the wider landscape are slight.

14. Notwithstanding the ability to advertise virtually, I acknowledge there is a balance to be struck between creating some passing appeal for tourist attractions and ensuring that development integrates appropriately with its surroundings. However from outside the site it did not appear clear what the castle is, other than a large formless structure. Black plastic detailing gives an impermanent ad-hoc appearance, in marked contrast to the carefully engineered nature of the landscape and buildings here.
15. Consequently in its excessive scale, design, incongruous materials, siting and inter-relationship with original Mill buildings, the castle detracts from historic integrity, in conflict with the relevant provisions of Island Plan policies SP4 and SP5 and of NPPF paragraph 193. Whilst, on account of the scale of the proposal and separation from Mill buildings, the extent of harm may fairly be described as less than substantial, nevertheless NPPF paragraph 194 sets out that any harm will require clear and convincing justification.

#### The course

16. However the same is not the case of the other elements of the mini-golf course, including the model dragon. Those elements are far less substantial in scale and bulk and generally fall further away from the original Mill buildings (mostly significantly so). They are relatively low-lying such they do not interfere with views of the Mill in its surrounding context, nor detract from it a meaningful extent. Given undulations in the land and established plants and trees alongside the River, the elements of the course aside from the castle are barely perceptible from immediately around the original Mill Buildings.
17. Subject to augmented boundary screening, there would be highly limited visibility of these elements of the course from nearby vantage points.<sup>6</sup> The fiery dragon and other eye-catching accent colours could be toned down to match the more muted tones of the mill buildings (rubblestone, bricks, clay roof tiles) and those of the natural surroundings to it. It could be argued that a mini-golf course is anachronistic relative to the original purpose of the Mill. However the use here as a diversified visitor attraction is established. I therefore conclude that, aside from the straw castle, the mini-golf course would otherwise integrate appropriately with landscape character and preserve the setting of the Mill in line with the provisions of the development plan and elements of the NPPF referenced in paragraphs 6 and 7 above.

#### Other matters

18. I accept tourism is an increasingly competitive sector, including as a result of changing holidaying preferences, and that smaller centres may struggle to draw trade relative to larger competitors. I do not doubt that the scheme here

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<sup>6</sup> The intention to plant native specimens at least 60cm in height as shown on plan 2290/02A would, however, have little meaningful effect in respect of the castle.

may benefit turnover in the face of financial challenges, and I am told similar facilities have thrived elsewhere (notably at Shanklin, where a mini-golf course was permitted via permission Ref P/01402/11).

19. However the castle and mini-course are severable and the former, in my view, does little good by way of drawing trade. The surrounding context in a rural environment such as this differs significantly compared to an urban seafront location, and there is no substantive evidence before me of the comparability of the scheme in Shanklin or the underlying evidence in support of it. Moreover there is no robust disambiguation before me of the contribution of the mini golf course to the operation of the estate as a whole in empirical terms (as opposed to the particular manner in which the enterprise operates presently). I therefore conclude that, based on the evidence before me, neither the public benefits of the proposal nor any other matter are sufficient to justify allowing the castle element of the scheme relative to the harm that would result.

### **Conclusion**

20. For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant considerations I conclude that the appeal should be dismissed insofar as it related to the straw castle only, but allowed insofar as it relates otherwise to the mini-golf course (subject to the conditions below).

### **Conditions**

21. As permission is sought retrospectively it is unnecessary to impose a condition requiring commencement in line with section 91(1)(a) of the 1990 Act. Nevertheless a condition requiring that the development accords with the details shown on drawing No 2290/02A is necessary to ensure the development remains as assessed above, excluding the straw castle. I have also imposed a condition requiring that agreed external finishes and landscaping is implemented to ensure that the scheme integrates appropriately with its surroundings. In imposing conditions I have had regard to the relevant provisions of statute, the NPPF and PPG, and have accordingly amended the wording of the conditions proposed by the Council without altering their aim.

*Thomas Bristow*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall accord with drawing No 2290/02A (other than in respect of the existing straw castle annotated and illustrated thereupon and in respect of any details agreed pursuant to condition 2).
- 2) Within three months of the date of this decision details of the proposed finishes of the external surfaces of the development hereby permitted, and of hard and soft landscaping, shall be submitted to the local planning authority. Landscaping details shall include planting plans, written

specifications, schedules of plants noting species, sizes, numbers/ densities and an implementation programme (notwithstanding condition 1). External finishes and landscaping shall be implemented in accordance with the details approved in writing by the local planning authority (including in line with an agreed timetable and provisions for future retention and maintenance).