



---

## Appeal Decision

Site visit made on 13 September 2019

**by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH**

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

**Decision date: 25<sup>th</sup> October 2019**

---

**Appeal Ref: APP/P2114/W/19/3228084**

**Hill Top Farm, Skinners Hill, Newchurch PO36 0NX**

- 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 Mrs D Dempsey against the decision of Isle of Wight Council.
  - The application Ref P/01053/18, dated 12 September 2018, was refused by notice dated 5 November 2018.
  - The application sought planning permission for conversion of farm buildings to form 2 units of holiday accommodation; new access track from Skinners Hill to Hill Farm, (revised plans), (readvertised application) without complying with a condition attached to planning permission Ref TCP/07955/B - P/01096/00, dated 24 January 2003 (the original planning permission).
  - The condition in dispute is No 3 which states that: *The occupation of the holiday units shall be limited to holiday use only and they shall not be occupied by any person, a family, or group of persons, for a period in total exceeding 6 weeks in any rolling year without the prior written consent of the Local Planning Authority.*
  - The reason given for the condition is: *The use of the site for all year round residential occupation would conflict with Policies T1 (Tourism) and T3 (Holiday Accommodation) of the IW Unitary Development Plan.*
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Since the original planning permission was granted on 24 January 2003, a new development plan for the area has been adopted by the Council. The current development plan, known as the Island Plan (IP), is the Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document (2012).
3. One of the farm buildings that was to be converted to a holiday unit, known as Barn A in the original planning permission application, was not converted. In 2016 the Council approved<sup>1</sup> the removal of condition No 3 in respect of Barn A. According to the officer report in the current appeal, Barn A is now in separate ownership to the appellant and is currently being converted for use as a residential dwelling. Accordingly, the appeal proposal concerns the removal of condition No 3 in respect to the second farm building, which was converted to a holiday unit. It was referred to as Barn B in the original planning permission application and is known as Mulberry Rest.

---

<sup>1</sup> P/01275/16, approved 11 November 2016.

4. A completed Unilateral Undertaking (UU) has been submitted by the appellant with the appeal which would secure a financial contribution towards the mitigation of adverse effects to the Solent Special Protection Area (SPA) by reason of the appeal site being located within the SPA buffer zone. The Council has confirmed that the UU satisfactory addresses the second reason for refusal in its decision notice. I shall deal with this issue later in my decision.

### **Main Issues**

5. The main issues in this appeal are:

- whether the removal of the disputed condition would result in a new residential dwelling in an appropriate location; and
- whether the appeal property's use as tourism accommodation is viable.

### **Reasons**

#### *Location*

6. The appeal property is in a countryside location within an Area of Outstanding Natural Beauty (AONB), in the Wider Rural Area for the purposes of the IP and not near the defined settlement boundaries of Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres. While the appeal property is associated with other buildings, including the adjacent Hill Farm Farmhouse and Barn A together with a relatively small number of dwellings nearby on Hill Top Lane and Skinners Hill, it is relatively remote from any built-up area. There is common ground between the main parties that future occupiers are likely to be car dependent as it would not be realistic to expect residents to access the nearest services and facilities on foot due to distance from the appeal site. I have not been directed to the presence of any public transport modes that might be used by future occupiers.
7. In my judgement, residents would require access to a wider range of services and facilities than holiday-makers as well as opportunities for education, healthcare and employment. Accordingly, there would be additional car movements in the locality caused by future residents of the new dwelling accessing services and facilities further afield. The overall effect of the car dependency would be contrary to guidance in the National Planning Policy Framework (the Framework) which seeks to promote sustainable transport modes. Further, there would be cumulative harm as the proposal would add to the car movements associated with other dwellings in the relatively remote location including those resulting from the residential conversion of Barn A which is underway.
8. The Council's officer report accepted that the removal of the condition would assist in meeting a specific local housing need for one-bedroomed dwellings, and in doing so would contribute one dwelling, albeit in a remote location, towards providing 980 dwellings in the period 2011-2027 through smaller-scale development in Rural Service Centres and the Wider Rural Area under Policy SP2 of the IP. Notwithstanding this, the provision of a single one-bedroomed dwelling would be a very modest contribution to housing supply and this benefit does not outweigh the above harm I have identified due to the site's remote location.

9. I note the appellant's submission that Government's support for the change of use of redundant agricultural buildings to residential units under permitted development is a material consideration despite it not operating in AONBs. I give that argument very limited weight as Government policy, including the Framework, places importance on ensuring that development within AONBs does not have unacceptable detrimental effects. The additional car movements would have such effects in this area of particular importance.
10. It is further submitted by the appellant that use of the building for residential purposes would comply with paragraph 79 of the Framework which supports re-use of redundant or disused buildings. However, that paragraph states that such re-use should enhance the immediate setting. The appeal property does not provide a negative contribution to its setting, and I have seen no substantive evidence in any respect that its conversion to a residential unit would materially improve its appearance or the character of the area.
11. For all of the above reasons, condition No 3 is necessary to prevent significant harm through car dependence and the resulting increased car movements that the proposal would create, due to the development of a residential dwelling in an inappropriate location. As a local housing need would be met, and the dwelling would contribute towards the number of small-scale housing developments identified for the Rural Service Centres and the Wider Rural Area, I find no conflict with Policies SP1 and SP2 of the IP which together set the spatial strategy for the Isle of Wight and seek to provide for housing developments. However, the proposal would conflict with Policies SP7 and DM17 of the IP which together seek to provide alternative means of travel to the car and help reduce the impact on air quality and climate change. There would also be conflict with the Framework due to the very limited opportunities for sustainable transport modes in the appeal location.

*Viability, tourism accommodation*

12. The appellant says that the appeal property operated as a holiday let for ten years between 2007 and 2017 and during that time six different agents were used, including agents who were market leaders with national presence and who promoted the business through on-line marketing. The Council has not disputed this. Figures produced by the appellant indicate small profits in the years leading up to closure of the business and a steady fall in bookings to very low levels, despite discounts being offered. When comparing these figures against the occupancy levels published by Tourism South East, the occupancy rates for the appeal business are significantly below average. Further, I have seen advice received from a local reputable estate agent which supports the appellant's case that the business is not viable due to factors such as the modest one-bedroom size and the remote location of the property.
13. I place very limited weight on the Council's submission that there was no digital footprint upon checking, as the business had ceased trading the year before the application was made to remove the condition.
14. Taking all into account, I find that it has been demonstrated over several years trading that the appeal property's use as tourism accommodation is not viable. As such there is no conflict with Policy SP4 of the IP which seeks to improve and maintain the quality of existing tourism accommodation. The avoidance of harm in this respect does not lead me to consider that the removal of the condition would be acceptable given my findings on the other main issue.

### **Other Matter**

15. The appellant has submitted a UU which would provide a financial contribution towards the mitigation of adverse effects to the SPA by reason of the appeal site being located within the SPA buffer zone. As the appeal is being dismissed for reasons relating to a main issue, it is not necessary to consider the UU or the effects on the SPA any further. If I had been minded to allow the appeal, I would have sought other information.

### **Conclusion**

16. Condition 3 is necessary to prevent significant harm being caused though the development of a residential dwelling in an inappropriate location. Accordingly, I conclude that the appeal is dismissed.

*Andrew Walker*

INSPECTOR