



Appeal Decision

Site visit made on 1 October 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2019

Appeal Ref: APP/P2114/W/19/3233268

The Dairy, Kingston Farm, Kingston Road, Kingston, Ventnor, Isle of Wight, PO38 2JZ

- 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 Professor R Williams against the decision of Isle of Wight Council.
 - The application Ref: P/01314/18 dated 23 November 2018, was refused by notice dated 22 January 2019.
 - The application sought planning permission for the conversion of disused stable block into holiday cottage without complying with a condition attached to planning permission Ref: P/1033/06 dated 31 May 2006.
 - The condition in dispute is No. 2 which states that: None of the accommodation provided in the development hereby approved shall be used other than for holiday purposes.
 - The reason given for the condition is: To ensure that the development remains for holiday purposes and to comply with policies T1 (Tourism) and T3 (Holiday Accommodation) of the Isle of Wight Unitary Development Plan.
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Decision

1. The appeal is allowed, and permission is granted for the conversion of disused stable block into holiday cottage at The Dairy, Kingston Farm, Kingston Road, Kingston, Ventnor, Isle of Wight, PO38 2JZ in accordance with the terms of the application Ref: P/1033/06 dated 31 May 2006, subject to the following conditions:
 - 1) The development hereby permitted shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up-to-date register shall be kept at the holiday accommodation hereby permitted and shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development permitted by Schedule 2, Part 1, Classes A and E or Schedule 2, Part 2, Class A shall be erected on the site without the prior written approval of the Local Planning Authority.

- 3) No external lighting, either free standing or mounted on the building shall be supplied or installed without the prior written approval of the Local Planning Authority.
- 4) A turning space and a minimum of 2 parking spaces provided within the site shall be kept available for such use.
- 5) The foul drainage from the proposed development shall be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS 6297:2007 (as amended) and which complies with the following:
 - (a) there is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse;
 - (b) porosity tests are carried out to demonstrate that suitable subsoil and adequate land area is available for the soakaway.

Procedural Matters

2. The disputed condition refers to policies of the T1 and T3 of the Isle of Wight Unitary Development Plan (UDP). The policies of the UDP were replaced by the policies of the Isle of Wight Core Strategy (the Island Plan) in 2012. The Island Plan forms part of the current development plan for the Island and I have therefore had regard to its policies in determining this appeal.
3. The appellant refers to Policy SG0E9 of the draft Island Planning Strategy (dIPS). From the evidence before me, the Strategy is still in draft form and has yet to be submitted for examination. I thus give little weight to this policy.

Background and Main Issue

4. Planning permission has been granted for the conversion of a disused stable into a holiday cottage. The development has taken place. The disputed condition was attached to the original permission in order to ensure compliance with the UDP's policies for tourism and the provision of holiday accommodation. The appeal seeks permission to vary the condition to allow the occupancy of the cottage by a tourism manager.
5. The main issue is the whether or not the proposed varied condition is acceptable having regard to local and national planning policy for the location of housing and access to facilities, services and transport other than the private car and for economic development.

Reasons

6. The appeal property forms one of four former farm buildings converted to holiday cottages at Kingston Farm, within the Isle of Wight Area of Outstanding Natural Beauty (AONB). From the evidence before me and as noted during my site visit, the complex is remote from facilities and services and lacks convenient and safe access to public transport services.
7. Policy SP1 of the Island Plan sets out the spatial strategy for development on the Island, which is to support development within or adjacent to the defined settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres. The appeal property is not located within or adjacent to any of these defined settlements.

8. Policy SP1 explains that unless a specific local need is identified, development proposals outside of or not immediately adjacent to the settlements defined in the policy will not be supported, other than proposals for tourism related development outside of defined settlements which will be supported in accordance with Policy SP4.
9. Policy SP4 sets out the Council's support for proposals that increase the quality of tourism accommodation across the Island and which reflect the Council's desire for the Island to become a year-round tourism destination that develops green and new niche tourism products. Policy SGOE9 of the dIPS maintains this approach. Policy DM8 of the Island Plan supports rural economic development opportunities that contribute to the sustainability of the wider countryside.
10. I acknowledge the support in the National Planning Policy Framework (the Framework) for economic development and rural businesses, particularly paragraphs 80, 83 and 84. The appellant draws my attention to the Isle of Wight Tourism Development Plan (TDP), the Draft Isle of Wight Destination Management Plan (DMP) and Policies P19, P63 and P65 of the Isle of Wight AONB Management Plan. I have not been provided with copies of these documents but, from the appellant's evidence, these support appropriate tourism activities and development.
11. I can understand that a permanent on-site presence would be convenient for visitors using any of the other three holiday units in the complex, particularly on arrival. I acknowledge the appellant's stated intentions to develop additional activities at the complex to encourage more visitors and to develop all year-round bookings.
12. However, I am not persuaded of the need for a permanent on-site presence for the successful operation of the business. The remote location of the site should not come as a surprise to those who have booked one of the cottages given the information provided when booking. If someone is needed to welcome new visitors and the time of arrival is unknown or the visitors are delayed, I see no reason why that person could not stay within the cottage until the visitors arrive.
13. Alternatively, lighting and heating could be operated by timer switches so as to be on when visitors are due to arrive. Visitors could bring their own food or ensure that they are present when it is delivered if they order it online. I note that instructions, information and contact numbers are already provided in each cottage without the need for a central hub. No evidence has been provided that security is a particular issue on the site.
14. I cannot be certain that the additional activities put forward by the appellant as justification for the variation of the disputed condition would actually take place as no mechanism has been put forward to ensure this. Even if it had been, whilst the appellant has provided the Council with some details of the financial circumstances of the existing business, and I have no evidence that the Council has disputed these details, I do not have a business plan or any other evidence to demonstrate that the proposed activities would ensure or improve the financial viability of the business. The proposal would result in the loss of letting income from this property and although the appellant contends that this loss of income would be offset by reductions in management and maintenance

costs and the increased occupancy rates of the other 3 units, no evidence has been provided to me to demonstrate this.

15. In short, the evidence to persuade me that there is a specific local need for a permanent on-site presence, particularly given the limited scale of the operation which would be reduced to three letting units, is either vague or lacking. I cannot be confident that a permanent on-site presence would result in a material increase in the quality of this tourist accommodation, allow the complex to be used year-round or develop a niche product. However, the variation of the condition would allow the permanent occupancy of the unit dwelling in an area where permanent dwellings are restricted by Policy SP1.
16. Whilst the proposal gains some support in principle from the economic development policies of the Framework, the TDP and DMP and the AONB Management Plan, the lack of evidence means that I can attach little weight to this support.
17. Accordingly, based on the evidence before me, I conclude that the variation of the condition as proposed would gain no support from Policy SP4 or DM8 of the Island Plan or Policy SG0E9 of the dIPS. It would be contrary to Policy SP1 of the Island Plan.

Other Matters

18. Paragraph 172 of the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONB. However, as the proposal would not result in any change to the external appearance of the appeal property, it would conserve the landscape and scenic beauty of the AONB. I note that the AONB Partnership did not comment on the proposal.

Conditions

19. The disputed condition continues to be necessary but in its current form it is imprecise and therefore fails to meet all the tests of paragraph 55 of the Framework. I am therefore attaching a revised condition that is more precise. I am also reattaching conditions restricting permitted development rights, which I consider is justified given the sensitive rural location of the site within the AONB; controlling external lighting in the interests of minimising light pollution; retaining the turning area and parking spaces in the interests of highway safety; and relating to drainage so as to minimise the risk of pollution. I am not attaching the other conditions from permission Ref: P/01033/06 as these were the standard time limit for commencement and either pre-commencement conditions or conditions related to the conversion works, and the development has already been undertaken.

Conclusion

20. For the reasons given above, and having had regard to the other matters raised, I conclude that the appeal should be allowed.

Martin Small

INSPECTOR