



Appeal Decision

Site visit made on 14 February 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2020

Appeal Ref: APP/P2114/W/19/3240297

424 Newport Road, Cowes PO31 8PP

- 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 Miss J Drake against the decision of Isle of Wight Council.
 - The application Ref P/00151/19, dated 12 February 2019, was refused by notice dated 24 June 2019.
 - The development proposed is described as 'proposed two dwellings on land adjacent 424 Newport Road, Northwood'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site lies within 5.6km of the Solent and Southampton Water Special Protection Areas (the Solent SPAs), which are recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance for supporting significant numbers of overwintering bird species. Although this issue was not included by the Council as a reason for refusal, it is incumbent upon me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the Solent SPAs. As such, it is necessary to consider this matter as a main issue.

Main Issues

3. The main issues are:
 - The effect of the proposal on the integrity of the Solent SPAs; and
 - Whether the appeal site would provide a suitable location for the proposal, having particular regard to the effect of the development on the character and appearance of the area.

Reasons

Solent and Southampton Water SPAs

4. As noted above, the appeal site lies within proximity to the Solent SPAs. The Council considers that the increased recreational pressure arising from the proposed development is likely to have, either individually or in combination with other plans or projects, a significant effect on the integrity of these internationally important sites, unless suitable mitigation is provided. This is

not disputed by the appellant, who is satisfied that this can be overcome by providing a financial contribution.

5. In such circumstances, I am required, when evaluating the effects that a proposal might have on a European site, to consider avoidance and reduction measures through an Appropriate Assessment (AA), rather than at the screening stage, having regard to the evidence provided. In accordance with the Solent Recreation Mitigation Strategy, which has been adopted by the Council in April 2018, residential development proposals located within 5.6km of the Solent SPAs are therefore required to make a financial contribution towards mitigation measures. These are normally secured through the completion of a planning obligation. The Council's Statement of Case indicates that a Unilateral Undertaking was prepared during the course of the appeal process to secure this financial contribution, but no such planning obligation is before me.
6. In the absence of adequately secured mitigation measures, the AA which I have undertaken leads me to conclude that likely significant effects on the integrity of the Solent SPAs cannot be excluded. Consequently, there would be conflict with CS Policies DM12 and SP5 which, amongst other things, require development proposals to protect the integrity of international, national and local designations relating to landscape, seascape, biodiversity and geodiversity and the reasons for these designations.

Location

7. Policy SP1 of the Isle of Wight Core Strategy (March 2012), which sets out the Council's spatial strategy, supports development on deliverable land within or immediately adjacent the defined settlement boundaries (DSBs) of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres. Policy SP1 identifies Cowes as one of the settlements which are included within the Medina Valley Key Regeneration Area.
8. The eastern side of Newport Road includes a mix of single- and two-storey detached dwellings, which are typically set back from the road frontage and follow a consistent front building line. This contrasts with the opposite side of the road, which is primarily characterised by large open fields, interspersed with sparse residential development.
9. The appeal site forms part of the garden of no 424 Newport Road and comprises a large plot, which includes a number of outbuildings to the front and is otherwise largely laid to lawn. Although the site is largely screened by mature hedges along much of its southern and western boundaries, it has a clearer association with the built up area of Cowes, by reason of its domesticated appearance as a residential garden. Beyond the site, the area however becomes more rural in character.
10. The existing property is located within the DSB for Cowes, whilst the appeal site lies immediately adjacent to it. The proposal would entail the construction of two dwellings on deliverable land immediately adjacent the DSB of Cowes which, as noted above, forms part of the Medina Valley Key Regeneration Area. In that regard, it would therefore accord with the requirements of Policy SP1, which seeks to direct development to the most sustainable locations, and Policy SP2, having regard to the number of dwellings expected to be delivered within the Medina Valley Key Regeneration Area over the plan period.

11. Although the appeal scheme would extend the ribbon of development which characterises the eastern side of Newport Road, its visual effect would be limited by reason of the modest scale of the development, and the detailed design of the proposed dwellings, which would reflect the existing pattern of frontage of development in this area. This would be complemented by the addition of low level planting alongside the road frontage, to replace the existing leylandii.
12. I appreciate that the Council's spatial strategy notably seeks to retain visual gaps to prevent the coalescence of settlements. However, as a significant degree of separation would be retained between Cowes and Newport as a result of the development, I am satisfied that the proposal would not be harmful in that regard.
13. For the foregoing reasons, the proposal would be suitably located, having particular regard to the Council's spatial strategy, and the effect that the development would have on the character and appearance of the area. I therefore find no conflict with CS Policies SP1 and SP2. The appeal scheme would also accord with CS Policy DM2 which, amongst other things, supports development proposals of a high quality and inclusive design to protect, conserve and enhance the existing environment whilst allowing change to take place.
14. The appellant has also referred to planning applications for residential schemes¹ on Newport Road. Based on the limited evidence before me, I understand that these are current applications, which may not yet have been determined by the Council. I am not certain that the circumstances of these particular schemes represent a direct parallel to the proposal before me which, in any event, I am required to consider on its individual merits.
15. Two appeal decisions² have been brought to my attention, where the Inspectors reached similar conclusions in respect of development proposals on land immediately adjacent DSBs. However, there are significant differences with the proposal before me, notably in respect of scale and context. These appeals have therefore had no bearing on my decision.

Other Matters

16. There is no dispute between the main parties that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The latest Five Year Land Supply Update (2018) suggests that the Council can only demonstrate 4.15 years of housing land supply. Whilst the method of calculation used by the Council is questioned by the appellant, I have not been provided with any substantive evidence which indicates that the extent of the shortfall is in fact greater.
17. In such circumstances, paragraph 11 d) of the National Planning Policy Framework (the Framework) would ordinarily be engaged. However, the presumption in favour of sustainable development does not apply where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As advised by Footnote 6 to the Framework, this includes habitats sites and/or designated as Sites of Special Scientific Interest.

¹ Local Planning Authority references P/00823/18 and 19/00677/OUT.

² APP/P2114/W/14/3001191 and APP/P2114/W/18/3193602.

18. In the absence of adequate mitigation measures, the harm which would be caused to the Solent SPAs provides a clear reason for refusing the development proposed, and the appeal scheme does not consequently benefit from the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework. There are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

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

S Edwards

INSPECTOR