
Appeal Decision

Site visit made on 23 November 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 02 December 2020

Appeal Ref: APP/P2114/W/20/3257554

Land rear of Units 6A to 6F Lake Industrial Way with access off Newport Road, Lake, Isle of Wight

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Spinks against the decision of Isle of Wight Council.
 - The application Ref 19/01551/FUL, dated 5 December 2019, was refused by notice dated 12 February 2020.
 - The development proposed is two bedroom bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form does not include a site address, although a description of the site location is given as 'Land to the rear of Spithead Business Park'. Accordingly, I have taken the appeal site address from the Council's decision notice and the appellants' appeal form as it is more precise than the description of the site location given on the application form.
3. The Council advise that the signed and dated unilateral undertaking submitted by the appellants relating to financial contributions in respect of the Solent Recreation Mitigation Strategy and the Affordable Housing Contributions Supplementary Planning Document (2017) (Affordable Housing SPD) addresses the second and third reasons for refusal on the decision notice. I shall return to this matter later.

Main Issue

4. In light of the above, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located just within the settlement boundary of The Bay Key Regeneration Area. Therefore, the proposal would accord with the aims of strategic Policies SP1 and SP2 of the Island Plan¹ in terms of the location and delivery of new housing on the Island. However, notwithstanding that in principle the proposal would comply with these policies, Policy SP1 of the IP states that in all cases development on non-previously developed land will need

¹ Full title: Island Plan – Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document, March 2012.

to clearly demonstrate how it will enhance the character and context of the local area. Whilst the existing use for horses and ponies has resulted in the siting of a stable building as well as associated paraphernalia including an electric fence, the appellant considers that the site is not previously developed land. I see no reason to disagree.

6. The site shares its northern boundary with the Lake Industrial Way business park. However, by virtue of it being an area of open land comprising grass with trees and other foliage along its northern and western boundaries, the site is predominantly reflective of the undeveloped character of the surrounding countryside to the south and west which comprises areas of open grassed land and trees. Thus, notwithstanding the existence of the large buildings to the north beyond the trees that line the site boundary and any noisy activity emanating from the businesses, in this regard, the appeal site positively contributes to the distinctive verdant character of the surrounding countryside.
7. The proposed single storey dwelling would be positioned within the eastern part of the site and would be accessed from a byway off Newport Road. While it would not be a substantial property its footprint would nevertheless be considerably greater than that of the existing built form presently on the site. Moreover, the development would extend across almost the full width of the site (from north to south). Consequently, the proposed dwelling would materially change the character of the site because it would introduce a domestic building with a significantly more permanent appearance than the current built form on the site. Moreover, the development would be at odds and, hence, out of character with the predominant use of land in the immediate vicinity of the site which includes land used for a business park, land used for public recreation and for the keeping of horses and ponies.
8. Although the dwelling would have the appearance of a low key traditional stable type building and the use of natural materials would give the property a 'light weight' appearance compared to bricks and stone, the fenestration pattern would serve to highlight the proposed residential use of the building. This would be exacerbated by the proposed use of uPVC framed double glazed windows and doors.
9. The proposed residential use of the site would likely introduce a parking area and associated domestic paraphernalia and so would change the overall appearance of the site. In combination with the domestic appearance of the building, the proposal would introduce residential features which would be incongruous in the context of the open and verdant characteristics of the site. The proposed planting of native hedging along the southern boundary would help to screen the site in views from the adjacent public footpath. However, the development would significantly and permanently change the character of the site, to the extent that it would erode the prevailing open undeveloped character of the surrounding countryside.
10. For the reasons outlined above, the proposal would cause significant harm to the character and appearance of the area. Consequently, it would conflict with the design and landscape protection aims of Policies DM2 and DM12 of the Island Plan which, amongst other things, seek to ensure development proposals complement the character of the surrounding area and conserve and enhance the landscape of the Island. It would also conflict with paragraph 127 (c) of the National Planning Policy Framework (the Framework)

which seeks to ensure that development proposals are sympathetic to local character including the surrounding landscape setting.

Other Matters

11. The appellants point out that there is residential development to the east of the appeal site. However, the houses along Whitecross Lane are some distance away. The proposed dwelling would be physically detached from these houses and so would not, therefore, form part of that established residential area. The appellants also refer to their understanding that a car parking area is being created to the east of the site, involving some substantial ground works, which will be screened with planting. However, I have not been presented with any other details of this development. In any event, I do not consider that a car parking area is directly comparable with the case before me in so far as it is not a proposal for a new dwelling. I have determined the appeal proposal based on the circumstances of the site, on the evidence before me and on its individual planning merits and these other matters do not alter or outweigh my overall conclusion on the main issue.
12. The appeal site lies within the buffer zone of the Solent Special Protection Area (SPA). The Council's second reason for refusal relates to the impacts of the proposed development on the interest features of the SPA from increased recreational disturbance. The unilateral undertaking has been accepted by the Council as addressing its second reason for refusal. Notwithstanding this, were I to allow the appeal, I would still need to consider the implications of the proposed development upon the SPA. However, as I have determined to dismiss the appeal on the grounds set out above, I do not need to address this matter further here.
13. The unilateral undertaking facilitating a financial contribution towards affordable housing provision has been accepted by the Council as addressing its third reason for refusal. The financial contribution would be in line with Policy DM4 of the Island Plan and the Affordable Housing SPD. Based on the evidence presented the contribution would satisfy the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework.

Planning Balance and Conclusion

14. The financial contribution towards affordable housing provision would be a positive benefit in the planning balance.
15. The appellants suggest that the Council is unable to demonstrate a five-year supply of housing land and this is not expressly refuted by the Council. The appellants contend that the proposal would be a windfall development within a sustainable location which would contribute towards meeting the Council's housing requirement. The Framework seeks to significantly boost the supply of homes and indicates that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. While the provision of one new dwelling would be a modest contribution to the Council's housing land supply it would, nonetheless, be a positive matter to weigh in the overall planning balance.

16. Against this I have found that the proposed development would cause significant harm to the character and appearance of the area. As a result, the proposal would not accord with the environmental role of planning and I afford significant weight to this matter in my decision, noting conflict with both development plan and Framework policies.
17. Therefore, even if the Council is unable to demonstrate a five-year supply of housing land, the considerable adverse impact of the proposed development would significantly and demonstrably outweigh the identified benefits, when assessed against the policies in the Framework taken as a whole.
18. The proposal would be contrary to the development plan and this conflict is not outweighed by other material considerations, including the provisions of the Framework and paragraph 11 in particular. Accordingly, for the above reasons and having regard to all other matters raised, the appeal should be dismissed.

Andrew Bremford

INSPECTOR