



Appeal Decision

Site Visit made on 11 October 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/P2114/W/21/3266839

Part OS Parcel 6533, Forest Road, Newport PO30 5LY

- 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 Ryan Munt (Marcus Rickard Agricultural Services Ltd) against the decision of Isle of Wight Council.
 - The application Ref 20/01469/FUL, dated 31 August 2020, was refused by notice dated 29 October 2020.
 - The development proposed is the construction of a workshop for the repair/maintenance of agricultural machinery.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the countryside;
 - its effect on heritage assets and the historic environment; and
 - whether the site is a suitable location for the proposal having regard to its intended use and the need for it, and local and national planning policy for development in the countryside.

Reasons

Character and appearance

3. The appeal site is located in the corner of a large open field which is in agricultural use. Along the front of the field, next to the A3054 Forest Road, and along one side is a hedgerow. In the other two directions the site flows seamlessly into the rest of the field and ground level slopes gently down from the road into a hollow. There are a number of similar fields nearby and the local area is essentially flat overall with extensive panoramic views in all directions. Buildings in this landscape are mainly grouped together and include some commercial uses and some accessed from long drives or tracks. While it has no particularly distinguishing inherent features, and it is not designated for its landscape quality, this area of countryside is nonetheless scenically pleasant and it is therefore of value for these reasons. This pattern of development is locally distinctive.
4. Forest Road is a busy, fast road with no pedestrian footways. The proposed building would be set back a substantial distance from the road such that the

lower part of it would be below the road level, in the hollow, and screened by the intervening boundary hedgerow. In external dimensions and volume, it would resemble a large agricultural building and despite the change of use of the land most of the front part of the site would be retained as grass.

5. However, it would nonetheless be a single individual building sited in an isolated location. It would also have substantial height, scale and massing. The upper part would therefore be unduly conspicuous to the occupiers of some passing traffic and to cyclists along Forest Road and, similarly, also from nearby parts of Betty Haunt Lane to the west and from public footpath No 70 to the east and south east of the site, including as it would be observed by pedestrians. While the degree of visual intrusion would vary depending on the time of the year and whether hedgerows were in leaf, or the height they were maintained, there are nonetheless some appreciable gaps and these hedgerows may not be permanent landscape features.
6. Moreover, while the external design would be high quality in materials and, in appearance, resemble an agricultural building, it would nonetheless incorporate incongruous ground and first floor office like fenestration in the north elevation facing Forest Road. This would overly emphasise the commercial, as opposed to agricultural, nature of the business use and activity on the site.
7. The long access track and the large hardstandings and compound areas would be at ground level and would not therefore be unduly prominent in these public views. However, these parts of the proposal and, in particular, the building would nevertheless unduly erode openness and, despite existing and proposed landscaping, adversely change the inherent nature and appearance of the site and activity on it. In addition, proposed landscaping around the open edges of the site and along the sides of the internal access road would accentuate the partitioning off of the smaller nub that is the appeal site from the remainder of the large field, at odds with the general size and pattern of most fields nearby.
8. It has been suggested to me that the same, or a similar building could be erected on the appeal site by the exercise of permitted development rights, subject to the outcome of an application for prior approval of certain aspects of such a proposal. This would include siting, design and external appearance. On the face of it, this would therefore require consideration of similar matters as I have referred to above. Moreover, even if such an application was possible, the building in that case would need to be, inter alia, 'on agricultural land comprised in an agricultural unit' and 'reasonably necessary for the purposes of agriculture'¹. This suggestion can, therefore, be distinguished from the commercial nature of the intended business use of the appeal site. Moreover, there is no evidence of any actual intent by an owner of the appeal site, even if they are a farmer², to erect such an agricultural building or any extant prior approval to this effect. There is, therefore, in this appeal, no real prospect of such a development being implemented and as a result there is no fall-back position in this regard.
9. Considering the above, I find that the position, size, layout, design and appearance of the proposal would be a visually intrusive development and cause significant harm to the character and appearance of the countryside.

¹ The Town and Country Planning (General Permitted Development)(England) Order 2015, as amended – Schedule 2, Part 6 agricultural and forestry, Class A.

² The application form and the appeal form state that 'Reeds Farm' is an owner of the appeal site or part thereof.

Consequently, it would not comply with Policies SP1, DM2 and DM12 of The Island Plan, the Isle of Wight Council Core Strategy (including Minerals & Waste) and Development Management Policies Development Plan Document, March 2012 (the CS). These policies include that development of non-previously developed land should enhance the context of the local area and have regard to views or other features which significantly contribute to the character of the area. It should also complement the character of the surrounding area and conserve, enhance and promote the landscape.

10. It would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that development will add to the overall quality of the area, is visually attractive as a result of good layout, is sympathetic to local character and landscape setting, including the intrinsic character and beauty of the countryside, and economic development in rural areas must be sensitive to its surroundings.

Heritage assets and the historic environment

11. Notwithstanding that as part of the field the appeal site is ploughed regularly, it is near land that the Council's local Historic Environment Record indicates has known archaeological heritage interest. The significance of this land derives from its evidence of past human activity relating to Second World War pipeline markers³ and mediaeval pottery and prehistoric flint 'scatters'. The precise location or extent of these non-designated heritage assets (the heritage assets) is unknown, thus whether any of these artefacts are likely to be present on the appeal site, including the part to be developed, or would be affected by the development. The appellant has not provided any desk-based assessment or carried out any field evaluation. It has been suggested to me that a negatively worded 'Grampian' condition could prohibit the commencement of development until these matters have been established.
12. However, in this appeal, I am therefore unable to assess or evaluate the potential effect of the proposal on the physical presence of the heritage assets or their setting, as the Framework requires. Furthermore, if it would have a negative impact, I cannot establish what the scale of harm to their significance would be or weigh this against the public benefits of the proposal. Moreover, it is not possible for me to identify whether mitigation would be required to avoid or minimise any harm to the heritage assets or what form of mitigation would be appropriate and possible. These matters are also subject to policies in the Council's development plan and are, therefore, key material considerations with regard to the acceptability of the proposal and an 'in principle' decision to grant planning permission. Accordingly, given the significant level of uncertainty in this case, it would not be reasonable to relegate these matters to a planning condition.
13. Considering the above, I find that it has not been demonstrated that the proposal would not have an unacceptable adverse direct or indirect effect on the significance of the heritage assets or the historic environment. Consequently, it would not comply with CS Policies DM2 or DM11. These policies include that proposals should provide relevant information about, and a clear understanding of, its environmental context and impact on the significance of heritage assets and their settings and seek to conserve and enhance the Island's heritage assets. It would also conflict with the Framework

³ Referred to as 'PLUTO' - pipeline under the ocean.

which states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Furthermore, that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

Suitable location

14. In CS Policy SP1 the Council's spatial strategy includes directing economic development to the most sustainable locations within or immediately adjacent the defined settlement boundaries. The appeal site is in the 'Wider Rural Area' where this policy restricts development unless a specific local need for it to be located in the countryside can be demonstrated. CS Policy DM8 supports growth in rural economic development and the supporting text states that proposals for new employment sites outside of the defined settlements will need to demonstrate that the type of economic development requires a rural location. The CS approach in these regards is broadly consistent with aims of the Framework to balance meeting economic needs with protecting the countryside.
15. The proposal would relocate an established Island business from rented premises elsewhere to a modern, bespoke building on the appeal site. Notwithstanding the description of development in the banner heading above —which refers to the repair and maintenance of agricultural machinery (and is taken from the application form) — the business also sells agricultural vehicles, machinery and equipment. The appellant maintains anecdotally that the proposal would allow the business to expand, employ more staff and contribute to the Island economy. In addition, that the appeal site is available and would be well located for customers of the business and convenient for access by large vehicles, equipment or machinery. These are, in principle, material considerations. Moreover, I appreciate that the business has a synergy with agricultural enterprises and that the appeal site is in the countryside which is mainly in agricultural use.
16. However, for planning purposes, the business is a commercial use and not itself an agricultural or rural use that innately requires a countryside location. Furthermore, there is no objective evidence to substantiate the appellant's assertions; such as, the trading performance of the business and its contribution to the local economy, a business plan (including the proportion of sales as opposed to repair and maintenance) or to justify why the business needs the proposed size of site sought. Nor is there any explanation of the quantum of vehicles, equipment and machinery or spare parts that need to be retained on the site to justify the size of building and external hardstanding compound areas proposed. In addition, the geographical correlation between the location of the appeal site relative to past or present customers of the business, or anticipated future customers, is not clear other than in general terms.
17. Moreover, there are no details, or a market report, to explain specifically what other land (including that owned by Reeds Farm) or commercial premises have been considered and over what time period. Nor to establish what locations have been considered, including within or immediately adjacent to the defined settlements (which might include industrial or commercial estates likely also to

accommodate significant traffic movements of large vehicles, equipment or machinery on surrounding roads) and the reasons why any such opportunities did not progress. It is also not clear why further buildings or land at the currently rented premises is not available or not 'an option'.

18. Considering the above, I find that the appellant has not demonstrated a specific local need for this type of employment use and economic development in the countryside and Wider Rural Area. Accordingly, the proposal would unduly undermine the integrity of the Council's adopted spatial strategy contrary to CS Policy SP1. It would also conflict with objectives of the Framework which seek the sustainable growth and expansion of all types of businesses in rural areas on sites beyond existing settlements to meet local business and community needs. Consequently, it has not been justified that the site is a suitable location for the proposal having regard to its intended use and the need for it, and local and national planning policy for development in the countryside.

Other Matters

19. I appreciate that the appeal proposal is a revised scheme further to a previous decision by the Council to refuse planning permission. I also note that Newport and Carisbrooke Community Council did not comment on the appeal application. Nonetheless, I have considered the appeal on its individual planning merits.

Planning Balance

20. Potential social and environmental benefits of the proposal, and the absence of harm with regard to the conservation or enhancement of the heritage assets and the historic environment, have not been substantiated. Nor have potential economic benefits from the re-location of the appellant's business to the appeal site been demonstrated. Accordingly, I give limited weight to these considerations.
21. I am satisfied that, subject to conditions, the proposal would not result in noise intrusion and, notwithstanding the concern of an interested party, details of external lighting at the site could be approved by the Council to ensure no undue light spill towards residential properties or light pollution of the night sky. The proposal would also be satisfactory in terms of drainage and the storage and disposal of waste. There would be net gains to ecology at the site and, despite the concerns of some interested parties, means of access, turning on site and parking provision would be satisfactory in highways terms. The absence of harm, or compliance with the Council's development plan and the Framework, in these regards are therefore neutral factors in my decision.
22. However, the proposal would result in the permanent loss of an appreciable part of the countryside and cause significant harm to the character and appearance of the area. It would do so without a local need having been adequately justified. This would conflict with the Council's relevant development plan policies which are broadly consistent with the Framework. In these circumstances, the development would diminish the Council's overall strategy for the countryside, for heritage assets and the historic environment and economic development, contrary to the expectations of the Framework. I therefore give substantial weight to these considerations.

23. Consequently, in this appeal, the benefits do not outweigh the significant harm to the character and appearance of the countryside.

Conclusion

24. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.

25. Therefore, for the reasons given above, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR