



Appeal Decision

Site Visit made on 2 November 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2021

Appeal Ref: APP/P2114/W/21/3267918

The Orchard, Alverstone Road, Newchurch PO36 0NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Phil Salmon against the decision of Isle of Wight Council.
- The application Ref 20/00584/OUT, dated 31 March 2020, was refused by notice dated 26 August 2020.
- The development proposed is described as a “proposed dwelling”.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with access, layout and scale for consideration. Matters relating to appearance and landscaping are reserved for future determination.
3. Since the submission of the appellant’s appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I sought the views of the main parties in writing and I have taken any subsequent responses into account in reaching my decision.
4. The Council’s decision notice refers to the effect of the development on nearby trees. The appellant subsequently provided a revised tree report¹ which the Council indicate addresses matters raised in relation to trees. The appellant has also provided a unilateral undertaking (UU) which would secure a financial contribution towards the provision of affordable housing elsewhere and that the development would therefore accord with Policy DM4 of the Isle of Wight Core Strategy 2012 (CS). On the evidence before me in this appeal I have no reason to differ in this respect. I have been provided with the Council’s detailed calculation methodology and written justification for its requirements². This includes evidence that the lack of delivery of affordable housing has become a significant issue for the Island and it substantiates the provision of off-site affordable housing in this appeal, which is not for major development³. I note that the appellant does not dispute this matter.
5. The UU also provides a contribution to mitigate towards the effect of the development on the Solent Special Protection Area. I will return to this particular matter later in this decision letter.

¹ Tree Survey Ref: AC-AIA-OQB2 October 2019 - Revised September 2020

² Affordable Housing Contributions Supplementary Planning Document, March 2017

³ Paragraphs 63 and 64 of the Framework

Main Issues

6. The main issues in this appeal are:

- whether the location of the development is appropriate having regard to the development plan,
- the effect of the development on the character and appearance of the area, having regard to its location within the Isle of Wight Area of Outstanding Natural Beauty (AONB), and,
- the effect of the development on the Solent Special Protection Area (SPA).

Reasons

Location

7. Policy SP1 of the CS sets out the spatial strategy for the Island and states that unless a specific need is identified, development outside of or not immediately adjacent to the defined settlements as listed therein will not be supported. Additionally, Policies SP7 and DM17 of the CS seek to direct developments to areas where there is a greater choice and provide alternative means of travel other than the private car.
8. The appeal site lies beyond any of the settlement boundaries identified within Policy SP1 of the CS. However, the appellant argues that as the appeal site is close to bus stops, public rights of way and services at Apse Heath and Newchurch, it is within a sustainable location.
9. Although there is a bus stop at Hairpin Bend in Winford, it is some 400m from the appeal site and one is required to navigate Alverstone Road which is subject to the national speed limit of 60mph outside the appeal site. Although the speed limit is reduced to 30mph as one enters the more built up area of Winford, I noted that the road does not benefit from street lighting and does not have a footpath until one arrives at the bus stop. Moreover, whilst there are private drives that serve dwellings, these are few along the 60mph part of Alverstone Road that pedestrians could move into to avoid passing traffic.
10. Therefore, whilst the route to the bus stop at Winford may be satisfactory for able bodied persons who would be able to navigate traffic and find suitable refuge when needed, this would not be the same for those that may have low mobility or those that are walking with small children or have buggies or prams. Moreover, the distance is likely to discourage those that are laden with shopping or during bad weather and the winter months, the same of which can be said for those choosing to cycle to Newchurch or Apse Heath. Consequently, the bus stop at Winford or cycle routes close to the appeal site would not reduce the need to travel by private car to a significant degree.
11. The appellant also refers to public footpaths that provide access to the bus stop in Winford. However, I am not persuaded that these represent a viable alternative to a metalled road which provides a level and stable surface, or is a safe and convenient route that someone would take on a daily basis, especially at night time, to access facilities and services required for day to day living.
12. With regard to the bus stop at Skinners Lane which, from the photos provided by the appellant is visible from the appeal site, I note that buses from this stop only runs on school days. Whilst the appellant states that this route is under

review as a result of the Covid-19 pandemic, I have not been provided with any details of the times of this service and whether it is still in operation as the bus stop marker had been removed at the time of my visit.

13. Therefore, given the location of the proposed dwelling, future occupiers would be highly likely to be required to travel regularly by private motorised transport to access services and facilities such as education, retail, employment, and healthcare. The proposal would not, of itself, generate a large number of traffic movements and a greater dependency on car use is inevitable in more rural locations and there are existing residential properties in the immediate vicinity. However, the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the number of unsustainable journeys made.
14. Thus, the site is not within a suitable location for the proposed development. It would be in conflict with Policies SP1, SP7, DM2 and DM7 of the CS which seek, amongst other things, to increase travel choice, provide alternative means of travel to the car and minimise the consumption of natural resources.

Character and Appearance

15. The appeal site forms part of a garden that contains a chalet style bungalow set within spacious grounds. It is part of a small number of dwellings that are arranged in a linear manner along Alverstone Road and has a pleasant rural character that is also located within the AONB. The area is verdant and has a distinct open quality that is reinforced by the presence of mature landscaping within this countryside setting.
16. The proposal seeks to erect a detached single storey dwelling that would be sited to the side and within the garden area of the existing property. Although the appeal site is within the garden area to the host dwelling, it nonetheless forms part of, and makes a positive contribution towards the open quality of the area. The proposal would suburbanise the site and erode the openness of the area through the introduction of a detached dwelling, appearing as a sporadic form of development that would encroach into its countryside setting. It would also result in almost all of the width of the plot being developed, resulting in a somewhat cramped development in comparison to that which surrounds the appeal site. This harm would be clearly visible from Alverstone Road.
17. Furthermore, notwithstanding the presence of residential properties in the vicinity of the appeal site, it is located within the AONB and so is afforded the highest status of protection as set out at paragraph 176 of the Framework, in relation to conserving and enhancing its landscape and scenic beauty. The scale and extent of development in such areas should be limited and I remain unpersuaded that the building would indeed conserve or enhance the quality and local distinctiveness of the landscape character of the AONB and it remains important to protect the intrinsic qualities of the area, which as a designated landscape is very sensitive to change. The scale and location of the proposed dwelling would undoubtedly alter the site to the detriment of the scenic beauty of the AONB and, by failing to complement its overall character, would harm its integrity.
18. The appellant has drawn my attention to the fact that the appeal site has planning permission for the erection of a four bay detached garage. However,

the harm I have identified above would be appreciably greater than a single garage building that would be used ancillary to the main dwelling and would not fill the site to the same extent as the proposal.

19. The appellant has also suggested that a planning condition could secure additional landscaping at the site. However, as with all landscaping, it cannot be relied upon to become permanent and would take a very long time to mature. Moreover, the use of landscaping to shield inappropriate development is not good design as it just limits the immediate effect of it.
20. Thus, the development would result in harm to the character and appearance of the area, including the AONB. It would be in conflict with Policies SP5, DM2 and DM12 of the CS, paragraph 176 of the Framework and the aims of the AONB Management Plan which seek, amongst other things, to ensure that development proposals protect, conserve and enhance the existing environment and the integrity of designated landscapes.

Isle of Wight SPA

21. The appeal site is within a zone of influence of habitats which form part of the SPA. The proposal would, in combination with other plans and projects, increase the residential population who would be likely to visit the SPA for recreational purposes. The Council has completed a Habitats Regulation Assessment, including an Appropriate Assessment, and by virtue of the undertaking provided by the appellant a requisite payment towards the Solent Recreation Mitigation Strategy 2017 would be made. However, in light of my findings on the issues above it is not necessary for me to consider this matter further including whether an appropriate assessment is required.

Other Matters

22. The appellant has referred to an appeal decision at Aldermoor Farm⁴ which is considered relevant in that it permitted a residential development beyond settlement boundaries on the Island. However, in considering the site at Aldermoor Farm, the Inspector noted that the site was close to Ryde and that the road was the subject of a 30mph speed limit, had some street lighting and areas of refuge. Moreover, the appeal site was located within the Ryde Key Regeneration Area and proposed improved bus stop waiting areas for commuters.
23. I acknowledge that as a small windfall site the development could be built out relatively quickly. I also acknowledge that the site is considered to represent previously developed land (PDL). However, the definition of PDL at Annex 2 of the Framework states that it should not be assumed that the whole of a curtilage should be developed.

Planning Balance and Conclusion

24. The appellant alleges that the Council does not have a five-year housing land supply in place and has provided appeal decisions to this effect. However, even if the policies that are considered the most important for determining the application are considered out-of-date and the housing supply shortfall is substantial, paragraph 11d) i and footnote 7 of the Framework indicate that the application of policies in the Framework that protect areas or assets of

⁴ APP/P2114/W/19/3235033

particular importance (listing AONBs as one such area/asset) provides a clear reason for refusing the development proposed, which I have found to be the case here. As a result, the presumption in favour of sustainable development does not apply in this case.

25. For the reasons given above I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR