

Appeal Decision

Site visit made on 19 November 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/P2114/W/21/3273064

Fairfields, Limerstone Road, Brighstone PO30 4AE

- 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 M Cirrone against the decision of Isle of Wight Council.
 - The application Ref 20/01873/FUL, dated 28 October 2020, was refused by notice dated 15 January 2021.
 - The development proposed is described as 'proposed detached dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The main parties have had the opportunity to comment on this matter during the appeal process, and I have had regard to the updated Framework for the determination of the appeal.
3. The description of the proposal as detailed on the application form has been amended in subsequent documents. The appellant's submissions show that the new dwelling would be self-contained, and provide facilities for independent day-to-day living. Accordingly, I have adopted the description included on the appeal form, which reflects the extent of the proposal more accurately.
4. Amended plans were submitted by the appellant as part of the appeal, which show a revised layout, in order to address the concerns raised by the Local Highway Authority. As a result of these changes, the red line drawn around the site has been extended. Having regard to the Wheatcroft principles¹, I am satisfied that the proposed changes would not fundamentally alter the nature of the development as originally submitted to the Council. On the basis of the available evidence, it is also of note that the appellant appears to have given the requisite notices to the relevant persons, thus ensuring that no one is prejudiced by the proposed changes. I shall therefore determine the appeal on the basis of the submitted drawings, together with the amended plans.
5. Furthermore, the Council has confirmed that the revised plans would overcome the reason for refusal on highway safety grounds. The Council is therefore not

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

contesting the third reason for refusal, and having regard to the amended plans, I have no reasons to take a different view.

Main Issues

6. The main issues are:

- Whether the site constitutes an appropriate location for the proposal, having regard to local and national planning policies, which seek to restrict residential development in the countryside; and
- The effect of the proposal on the character and appearance of the surrounding area, having particular regard to the Isle of Wight Area of Outstanding Natural Beauty (AONB).

Reasons

Location

7. Policies SP1 and SP2 of the Island Plan: Isle of Wight Core Strategy² (CS) set out the spatial and housing strategies for the area administered by the Council. They seek to focus new development on appropriate land within or immediately adjacent to the defined settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres, whilst prioritising previously developed land.
8. The appeal site lies some distance away from the defined settlement boundary of Brighstone, which is identified as a Rural Service Centre. For planning policy purposes, the site therefore falls within the Wider Rural Area, where development proposals are not supported, unless a specific local need is identified. Although the appeal scheme would enable the provision of a self-build dwelling and free the affordable housing unit currently occupied by the appellant, limited evidence has been presented to demonstrate the existence of a specific local need, which could not be met elsewhere.
9. Whilst there are some facilities within the village of Brighstone, future occupiers of the development would be likely to have to travel further afield to access most of the local services and facilities required for day-to-day living. Furthermore, the appeal site lies within proximity to a bus stop, but the services remain relatively infrequent and would therefore require future occupiers to plan their journeys in advance, thus lacking the degree of flexibility needed to deter people from using private motor vehicles.
10. There is a grass verge along Limerstone Road but in the absence of continuous footpath connecting the site to the nearest settlement, I am not convinced that this represents an environment in which pedestrians would feel particularly safe, especially as vehicles could be travelling at 40mph on this road. It is accepted that footpaths would provide connections to access Brighstone or other locations, but the lack of street lighting would discourage walkers and cyclists in the evenings, especially at times of the year when daylight hours are restricted. Even allowing for the possibility of some journeys being carried out by bus, cycling or walking, there is a greater likelihood that, having regard to the site's location in relation to the existing network, future residents would

² March 2012.

rely on the private car for the majority of trips, which is the least sustainable mode of transport.

11. My attention has been drawn to a number of other planning applications, notably on the adjacent site where the Council has granted permission for the construction of two dwellings. Having regard to the available evidence, I however find that the circumstances that led to this development being permitted do not constitute a direct parallel to the proposal before me, particularly as it was for the redevelopment of a former public house which has fallen into disrepair and caused visual harm to the surrounding area.
12. The other examples and appeal decision which have been mentioned by the appellant relate to developments in a different part of the Island. In the absence of further substantive evidence, I am unable to ascertain whether these particular schemes can be compared with the proposal subject to this appeal which, in any event, has to be assessed on its individual merits.
13. Given the above, the proposal would not be suitably located, having particular regard to the requirements of planning policies seeking to manage the location of residential development. Consequently, the appeal scheme would not represent a sustainable form of development and would be contrary to CS Policies SP1 and SP2, as well as the aims of the Framework, which seek to promote sustainable development.

Character and appearance

14. Located within the Isle of Wight AONB, the appeal site comprises a bungalow set within a reasonably sized plot and land used as a paddock, which itself forms part of a larger field. The surrounding area is primarily characterised by scattered residential development and open farmland, which give the locality a pleasant spacious and rural feel.
15. The proposed development, which would be primarily constructed within the paddock area, would sit within proximity to other residential properties. However, by reason of the site's elevated position, its open and largely undeveloped character, the new dwelling would unduly stand out as a harmful intrusion of built development into this attractive rural setting. It would, subsequently, erode the contribution made by the appeal site to the character and appearance of the wider area, to the detriment of the landscape and scenic beauty of the Isle of Wight AONB.
16. The harm resulting from the incursion of built development into what remains a largely undeveloped area would be exacerbated by the additional hardstanding area required for turning and parking, and the domestic paraphernalia associated with the proposed residential use. Whilst the site may have been used for recreational purposes for over 20 years, I am not certain, having regard to the available evidence, that the visual effect on the surrounding landscape is comparable to the degree of permanence which would result from the proposal.
17. Due to the prominence of the site and the magnitude of the harm, the suburbanising effect of the development would not be satisfactorily mitigated by additional landscaping or by keeping the area further east undeveloped. I have also had regard to the suggestion that permitted development rights

could be removed, but this would not restrict general domestic paraphernalia being visible within the public realm.

18. For the foregoing reasons, the appeal scheme would cause unacceptable harm to the character and appearance of the surrounding area and fail to conserve or enhance the landscape and scenic beauty which characterises the Isle of Wight AONB. The proposal would therefore conflict with CS Policies SP1, SP2, SP5, DM2 and DM12, but also the Isle of Wight AONB Management Plan 2019-2024 and Section 15 of the Framework. Amongst other things, these seek to ensure that development proposals complement the character of the surrounding area, as well as conserve, enhance and promote the landscape interest of the Island.

Other Matters

19. A signed and dated planning obligation, pursuant to Section 106 of the Town and Country Planning Act 1990, has been submitted as part of the appeal, to secure a financial contribution towards affordable housing, as per the requirements of the Council's Affordable Housing Contributions Supplementary Planning Document. Having regard to the available evidence, I am satisfied that this contribution is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The submitted obligation would secure a financial contribution towards affordable housing and would thus meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
20. The appeal scheme is presented as a self-build proposal. I understand that there are some self-build plots available within relative proximity to the appeal site, which however fall outside the appellant's budget. However, no mechanism has been presented to secure this type of housing in planning terms. Furthermore, although the appellant has referred to the Council's draft Island Planning Strategy, this does not appear to have reached an advanced stage of preparation. Very limited weight can therefore be ascribed to these considerations.
21. Natural England has raised concerns regarding the effect of development proposals on the Solent and Southampton Water Special Protection Area (SPA), which is currently in an unfavourable condition by reason of excessive levels of nitrogen and phosphate notably associated with new developments. The significance of the Solent and Southampton Water SPA in supporting large numbers of overwintering bird species is internationally recognised.
22. Consequently, the likely significant effect which the proposal could have on the integrity of the SPA (either individually or in combination with other plans and projects) cannot be excluded. As the appeal is being dismissed on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to undertake an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Planning Balance

23. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. Additionally, the Housing Delivery Test indicates that the delivery of housing remains substantially below the Isle of Wight's housing requirement

over the previous three years. In such circumstances, paragraph 11 d) of the Framework, as directed by Footnote 8, advises that the policies which are most important for determining the application are considered out-of-date, and planning permission should be granted.

24. However, the presumption 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 detailed in Footnote 7 to the Framework, such areas or assets of particular importance include AONBs. The appeal scheme would fail to conserve and enhance the landscape and scenic beauty of the Isle of Wight AONB, and the policies of the Framework in that regard provide a clear reason for refusing the appeal scheme. The tilted balance set out in paragraph 11 of the Framework is therefore not engaged in this instance.
25. The appeal scheme would enable the construction of an additional dwelling, which would free up the affordable home currently occupied by the appellant. As detailed above, the appeal scheme would also include a financial contribution towards affordable housing. There would also be some economic benefits associated with the construction of the development. These considerations are afforded some weight.
26. Against that, I have found that the proposed dwelling would not be constructed in an accessible location, and would therefore not constitute a sustainable form of development, to which I ascribe moderate weight. The appeal scheme would also fail to conserve and enhance the landscape and scenic beauty of the Isle of Wight AONB which, in accordance with paragraph 176 of the Framework, has the highest status of protection in relation to these issues and should be given great weight.
27. The personal circumstances of the appellant are also acknowledged, as the proposed development would enable her to live closer to her family. However, in view of the harm I have identified, these considerations do not persuade me to reach a different conclusion.

Conclusion

28. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR