
Appeal Decisions

Site visit made on 4 May 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal A Ref: APP/P2114/W/21/3277258

The Dottens, Baring Road, Land adjacent to Dottens Farm, Woodvale Road, Gurnard, PO31 8EA

- 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 Tim Ellis of PNH (Properties) Ltd against the decision of Isle of Wight Council.
- The application Ref 20/01151/FUL, dated 17 July 2020, was refused by notice dated 11 March 2021.
- The development proposed is a pair of semi-detached houses, parking and landscaping.

Appeal B Ref: APP/P2114/W/21/3288446

Land adjacent to Dottens Farm (known as 'The Dottens'), Baring Road, Gurnard, PO31 8EA

- 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 Tim Ellis of PNH (Properties) Ltd against the decision of Isle of Wight Council.
- The application Ref 21/00889/FUL, dated 26 April 2021, was refused by notice dated 22 October 2021.
- The development proposed is a pair of semi-detached houses, parking and landscaping.

Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. As set out above there are two appeals at this site. Given that the nature of the proposals and the Council's reasons for refusal are similar in each case, I have dealt with both proposals in this single decision letter.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.
4. In respect of appeal A the Council considers that reasons for refusal numbers 3 and 4 that relate to the Solent Special Protection Area (SPA) and affordable housing could be addressed through the submission of a Unilateral Undertaking if this is forthcoming during the appeal process. Signed and dated Unilateral Undertakings have been provided by the appellant with relation to both appeals. The legal undertakings covenant the owner to pay contributions toward the Solent Recreation Mitigation Strategy and affordable housing. I consider this addresses the matters relating to SPA mitigation and affordable housing and has removed any conflict with development plan policy. I have,

therefore, not dealt with these matters any further within my decision letter in respect of either appeal.

Main Issues

5. The main issues are: -

- a) The effect of the proposed development on the setting of the nearby Listed buildings at Dottens Farm (Appeals A and B);
- b) The effect of the proposed development on the character and appearance of the area (Appeals A and B); and
- c) Highway Safety (Appeal B).

Reasons

Listed buildings

- 6. Both the farmhouse and barn at Dottens Farm are grade II Listed buildings. The listings indicate that the farmhouse has probably originated from the 17th century and hosts later 18th and 19th century additions, and the barn is 18th century. Both buildings, therefore, are of considerable historic and architectural interest, given their age.
- 7. The appellant's Heritage Statements (by HCUK Group, 2020 & 2021) acknowledge the historic and architectural significance of farmhouse and the historic value of the barn associated with it. They note that the buildings are intrinsically linked, both in terms of their location and function. They comment that the generally open rural land surrounding the listed buildings also makes a positive contribution to the ability to appreciate the assets' significance as surviving elements of a historic farmstead.
- 8. The listed farmhouse and its associated barn are not isolated buildings. Nonetheless, the existing openness around the farm is an important part of how the listed farmhouse and barn are seen and experienced as a farmstead. The historic context of the farm is one of a farmhouse with its barn set within an open landscape and this gives these listed properties their significance. Whilst the Heritage Statement considers the appeal site to now form part of the assets' suburban surroundings, I saw that it is still possible to appreciate the farmhouse and barn in the context of an open verdant landscape setting. This setting is of historic significance.
- 9. A development comprising 10 dwellings has taken place adjacent to the appeal site. The space relating to the appeal site was left undeveloped in order for the setting of the listed buildings to be preserved. Whilst there would be a degree of separation retained as part of both proposed schemes, the presence of built development with hard surfacing and domestic paraphernalia would urbanise the land in very close proximity to the farm complex and particularly that of the barn. This would impact upon the ability to appreciate the role and relationship of the farmstead within the surrounding landscape as the land close to the barn would take on a domestic urban appearance. The high positioning of the development compared to that of the farm complex would dominate the farmstead and this would compound the perception of urbanising development in close proximity to the farm buildings. This would be so in respect of both

proposed schemes and despite the proposals being sunken into the ground to some extent.

10. The design of the dwellings would not have an overly domestic character. Indeed, the Appeal B puts forward a development of a more agricultural appearance. Appeal B would have additional space around the plot and increase the landscape buffer between the proposed dwellings and the listed buildings over and above that of the scheme proposed within Appeal A. However, I do not consider either design would overcome my concerns given the close proximity of both schemes to the farm buildings. Furthermore, I do not consider the imposition of a landscape planning condition would overcome my concerns sufficiently to enable the appeals to be allowed.
11. Both the farmhouse and the barn can be seen from various viewpoints from the surrounding area. The most significant views of the listed buildings are from Woodvale Road and at the terminus of The Dottens both of which photographs have been provided. Whilst the farmstead is not open to wide public vantage from the surrounding area, the harm arising to this designated heritage asset would be evident in some public views. Nonetheless, I am mindful of the advice provided by Historic Environment's Good Practice Advice in Planning Note 3 (The Setting of Heritage Assets) that has been cited within the appellant's Heritage Statements. What matters is not the extent of visibility of the development or change to the setting of the asset, but the extent of change to its archaeological, architecture, artistic or historic interest.
12. The creation of built development on the land would be an intrusion into the setting of the listed buildings and would be detrimental to both the character and appearance of the setting of the listed buildings, as well as their special heritage interest as a rural farmhouse with barn. Therefore, the proposed developments would be harmful to their significance.
13. The Framework indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to the significance of a designated heritage asset from development within its setting will require clear and convincing justification. The Framework is clear that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
14. The proposed developments would be harmful to the designated asset of the listed farmhouse and barn. The appellant contends that when considered cumulatively with the development at The Dottens, there would be a slight increase in impact, but the overall effect would remain limited and at the lower level of less than substantial harm. For those reasons set out above, I do not agree with the appellant that the harm would be at a lower level. I consider the proposals would have a substantial affect upon the significance of the listed buildings. There would be less than substantial harm to this designated heritage asset and I give this considerable importance and weight.
15. In accordance with paragraph 202 of the Framework I must weigh the harm against the public benefit of the proposals. The Council does not have a five-year supply of housing sites in place and there has been a persistent under delivery of housing development on the Island. Either of the proposed

developments would go some way to meeting the Island's need for homes at a sustainable location where there is access to services, employment and public transport. The Council's Housing Needs Assessment from 2018 indicates the greatest need and demand is for three-bedroom dwellings, which is the type of accommodation proposed. The dwellings at the site could potentially be built out quickly and make effective use of the land. The proposals would also provide a financial contribution toward the delivery of off-site affordable housing schemes. Whilst these are attributes of both of the schemes, the contribution and benefit to the public, both being developments for two dwellings, in my view, would be extremely modest, and insufficient to outweigh the harm identified.

16. For these reasons, I conclude that the proposed development would be harmful to the setting of the nearby Listed buildings at Dottens Farm. The proposal would, therefore, conflict with Policy DM11 of the Isle of Wight Core Strategy Island Plan 2012 (the Island Plan) that seeks, amongst other matters, development to positively conserve and enhance the special character of the Island's historic and built environment.
17. The appellant contends that the Council has demonstrated a fundamental misunderstanding of the proper approach to the assessment of impact on heritage assets and this impacts the Council's analysis of this issue. Due weight must be given both to the importance of the listed buildings and of the statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting. Whilst setting is not in itself a heritage asset, development within the setting of a heritage asset can impact the ability to appreciate the significance and special interest of that heritage asset. I am satisfied that the Council has made such an assessment.

Character and appearance

18. The new dwellings within the adjoining development at The Dottens have a spacious layout. The proposals would create semi-detached developments, but these would be within sizable plots that would be of similar size and density to that of the development within The Dottens, including that of the pair of semi-detached properties at plots 7 and 8. There would be space around the dwellings within both proposed schemes. I do not consider the proposals would appear as a development squeezed into the appeal site that might appear at odds with the existing development along Baring Road or The Dottens street scenes.
19. The Council comments that the land forms an important visual break between the new dwellings, the listed buildings and the more linear development of the remainder of Baring Road. However, I consider the importance of the gap holds more relevance in respect of its significance in respect of the listed buildings, rather than to the Baring Road or The Dottens street scenes.
20. Policies DM2 and DM12 of the Island Plan seek, amongst other matters, development to be of high quality and inclusive design to protect, conserve and enhance the existing environment utilising relevant information according to the site's size, location and context. In regard of layout, density and visual gap the proposed developments would not significantly conflict with Policies DM2 and DM12.

Highway safety

21. There would be inadequate manoeuvring space to enable vehicles to turn within the site. Manoeuvring would require the parking spaces to be available and, if occupied, this would further reduce vehicle manoeuvrability within the site. This could result in vehicles having to reverse onto either Barings Road or The Dottens. The turning facilities within both plots, by not enabling vehicles to enter and leave in a forward gear, would be unsatisfactory. Development that does not provide safe and suitable access to and from the site for all users would have an unacceptable impact on highway safety.
22. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore, conflict with Policy DM2 of the Island Plan that seeks, amongst other matters, development to be accessible and safe.
23. A revised plan, ref 2448 RP 00 00 DR A 0002 Rev F, has been submitted in support of Appeal B. The Council has advised that the revised plan would address its highway objections. There is some contention between the parties as to whether that plan should have been considered by the Council when it made its determination. However, the Council confirms that it did not form part of those plans. I, therefore, have limited my consideration to those plans on which the Council made its determination.

Other Matters

24. The Council does not have a five-year housing land supply in place. Given there is not a five-year supply of deliverable sites, the provisions of paragraph 11d) of the Framework should be applied. Paragraph 11d)i indicates that the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 that corresponds to paragraph 11d)i lists designated heritage assets amongst those that are of particular importance. Even if the Council's housing land supply position is acute, the harm to designated heritage assets is of particular importance in this case and provides a clear reason for refusing the development proposed. Even considered against paragraph 11d)ii the adverse harmful and permanent impact of the proposals upon the designated heritage asset would significantly and demonstrably outweigh the benefits to the supply of housing. As a result, the presumption in favour of sustainable development does not apply and, therefore, does not justify the grant of planning permission.

Conclusion

25. The proposals conflict with the development plan as a whole and there are no other considerations, including that of the Framework, which outweigh this finding.
26. Having regard to my above findings, Appeals A and B should be dismissed.

Nicola Davies

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/P2114/W/21/3277258	PNH (Properties) Ltd
Appeal B	APP/P2114/W/21/3288446	PNH (Properties) Ltd