
Appeal Decision

Site visit made on 19 July 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2022

Appeal Ref: APP/P2114/W/21/3285607

Rose Cottage, Pallance Lane, Northwood, Cowes PO31 8LT

- 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 Glen Hepburn (Hepburns Planning Consultancy Ltd) against the decision of Isle of Wight Council.
 - The application Ref 20/02218/OUT, dated 16 December 2020, was refused by notice dated 30 April 2021.
 - The development proposed is 9 residential units with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form, with access and layout to be considered as part of this proposal. I have dealt with the appeal accordingly.
3. Since the refusal of the planning application, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. I have taken the revised Framework into account where relevant to my decision.
4. During the course of this appeal, the appellant submitted an additional Unilateral Undertaking in respect of contributions towards mitigation for the impacts of the development on the Solent and Southampton Water Special Protection Area (SPA), in accordance with the annual increase in the required level of contribution. This UU comprises an additional deed to the UU submitted with the planning application, in respect of contributions towards mitigation of the impacts on the SPA and the provision of affordable housing. I return to these matters, which did not constitute reasons for refusal, later in my decision.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the appeal site is a suitable location for residential development, having regard to accessibility to facilities and services; and
 - Whether there is sufficient information to assess the potential impact of the proposal on both on-site and off-site habitats and protected species.

Reasons

Character and appearance

6. The appeal site is located on the southern side of Pallance Road, within open countryside to the southwest of Northwood. It has frontages onto Pallance Road and Pallance Lane. By virtue of the latter, it is located adjacent to the built settlement boundary. The majority of the site comprises an undeveloped field, which has been cleared of trees and shrubs. Trees and hedging define the sides and rear boundaries of the field.
7. Notwithstanding planning application drawing Ref 2311/10, I saw during my site visit, that an approved vehicular access¹ from Pallance Road has been constructed at the appeal site. This incorporates a concrete hardstanding adjacent to the road, with gravelled visibility splays and a short gravelled access/turning area within the site. The site frontage onto Pallance Road is predominantly open, so that field behind it is readily visible in views from the street, particularly given that part of the site lies in an elevated position in relation to the road.
8. In addition to the field, the appeal site includes part of the property of Rose Cottage, which is a rectangular shaped plot fronting onto Pallance Lane. It is currently separated from the appeal site field by boundary trees and hedging, and it contains a detached two-storey dwelling and garage accessed from Pallance Lane. It has a long garden which extends towards the road junction, much of which is excluded from the appeal site.
9. Existing built residential development along Pallance Road is characterised by a linear arrangement of properties, comprising ribbon development along the road. This extends from between its junctions with Wyatts Lane within the core of the settlement of Northwood, and Pallance Lane, close to the appeal site. Both sides of the road feature street-facing residential properties within rectangular-shaped plots which are positioned perpendicularly in relation to the road. They generally have long back gardens, which incorporate trees and soft landscaping, thus providing a verdant edge between the built development and the open countryside to the rear.
10. Travelling westwards towards the western edge of the settlement and the appeal site, the frontage residential built development is confined to the southern side of the road, and also becomes more loose-knit and sporadic as it merges into some limited frontage residential development along both sides of Pallance Lane. This includes Rose Cottage.
11. This prevailing, more spacious, character of built residential development along Pallance Lane would not be significantly changed by the implementation of extant permissions² for three new dwellings along Pallance Lane within the vicinity of the appeal site.
12. Whilst a degree of built development has encroached upon the appeal site as a result of the recently constructed vehicular access, this occupies a small part of the site, and it does not preclude the potential for the remainder of the site and its front boundary, to be given over to soft landscaping. Moreover, trees and hedging along the western boundary of Rose Cottage clearly separate the

¹ Planning permission Ref P/00042/18

² Planning permission Refs P/01577/17 and 20/00453/OUT

undeveloped part of the appeal site from the existing residential development to the east. As such, the site has a distinctly rural character, which is in keeping with the surrounding undeveloped countryside to the west, south and opposite side of the road.

13. Although utilising the existing site access from Pallance Road, the proposal would introduce a cul-de-sac arrangement of residential development onto the appeal site which would be at odds with the strong prevailing linear pattern of built development that characterises Pallance Road. It would also have an incongruous suburbanising impact on the site, due to the formal layout of dwellings and their individual parking areas directly fronting onto, and centred upon, the new access road.
14. This, together with the introduction of an enclave of semi-detached dwellings on plots that are noticeably smaller than those which are characteristic of this edge of the settlement, particularly those in the adjacent Pallance Lane, would result in an unduly intense and cramped form of development within the central part of the site. This would be out of keeping with the more spacious layout of neighbouring residential development.
15. In addition, the proposal would not respect the frontage-facing arrangement of residential development which is characteristic of Pallance Road and Pallance Lane. Only one of the proposed new dwellings would have a street-facing presence, with the remainder of the Pallance Road frontage built development being dominated by the site access and views therein towards the internal access road.
16. This incongruous, inward-looking development layout would be compounded by the proposed incorporation of the existing dwelling at Rose Cottage into the new built layout, through the proposed repositioning its vehicular access and parking so that it would be accessed solely from the new development. The proposed closing off of this site from Pallance Lane would be at odds with the pattern of street-facing residential development which prevails along this part of the road.
17. This discordant layout of development would be further compounded by the proposed incorporation of the approved dwelling adjacent to Rose Cottage into the new cul-de-sac development, albeit this dwelling lies outside the appeal site, and only benefits from outline planning permission at present.
18. The resulting alien inward-looking, suburban arrangement of dwellings would not integrate with the prevailing edge-of-settlement pattern of built development, thereby harmfully eroding the existing distinctive rural character of the appeal site which lies in a visually prominent position at the approach to the western end of the settlement.
19. Having regard to the above considerations, and notwithstanding the presence of a strong treed western boundary edge to the site, and the presence of rural buildings associated with Little Pallance Farm to the rear, due to the incongruous nature of the proposed residential development, I do not consider that the proposal would comprise a natural 'rounding off' of built development in this location.
20. In coming to this view, I have taken account of existing residential development at Woodside Close, to which the appellant has drawn my

attention. I have not been provided with the details of the planning history of this development. However, on the basis of the evidence before me, including supporting appeal documents and my site visit, I do not find this development to be directly comparable with the appeal proposal, both in terms of its location and layout. It lies much further east along Pallance Road, where there is a more dense pattern of built development. Also, its straighter, more linear layout and its overall depth and juxtaposition in relation to Pallance Road and surrounding development are more in keeping with its surroundings than is the case with the current appeal scheme.

21. For the above reasons, I therefore conclude that the proposal would have a detrimental impact on the character and appearance of the area. As such, the appeal scheme would be contrary to Policies DM2 and DM12 of the *Island Plan Isle of Wight Core Strategy* (2012) (the Core Strategy), which amongst other things, support high quality design which provides an attractive built environment with a sense of place, and, whilst allowing change to take place, seek to ensure that new development compliments the character of the area and protects, conserves and enhances the existing environment and landscape.
22. For similar reasons, the proposal would also be contrary to Policies of the Framework which seek to achieve well-designed places and the conservation and enhancement of the natural environment, as set out in Chapters 12 and 15 respectively.

Location

23. Core Strategy Policy SP1 sets out the Council's spatial strategy for development and confirms that the Council will, in principle, support new development on appropriate land within or immediately adjacent to the defined settlement boundaries of the Key Regeneration Areas (KRAs).
24. This strategy for new development is generally consistent with the Framework's approach to the location of new housing, and, as such, notwithstanding the Council's failure to demonstrate a five-year housing land supply, I afford significant weight to this aspect of Policy SP1.
25. The Council has confirmed that the appeal site lies on the opposite side of Pallance Lane to the Cowes and East Cowes KRA settlement boundary, and that the broad principle of development is acceptable in accordance with Policy SP1.
26. However, it has questioned the robustness of the above, as it relies upon the inclusion within the appeal site of part of the land associated with the existing dwelling at Rose Cottage, which fronts onto Pallance Lane, and is not within the appellant's ownership.
27. The information before me is that the current owner of that property acquired the site during the course of the determination of the planning application and prior to the submission of the appeal.
28. There is no requirement for the appellant to own all of the appeal site. The evidence before me is that the owner of Rose Cottage has received the required appeal notification, and I have noted the objections that have been submitted in respect of the appeal proposal.
29. Whilst the landowner objections are reasonably likely to impact on the ability of the appeal scheme to be implemented, this factor alone does not affect my

determination of the appeal scheme, which I must determine on the merits of the proposal before me.

30. Moreover, whilst none of the proposed nine new dwellings would be positioned on land which currently forms part of the site of Rose Cottage, the proposed scheme includes changes to the existing access and parking arrangements for that property, which would effectively integrate the existing property within the overall layout of the new development. These proposed access and parking layout changes, which are for determination under the terms of this outline proposal, lie within the red lined part of the appeal site which fronts onto Pallance Lane, and I have taken them into account in my assessment of the appeal proposal.
31. I acknowledge that there is no public footway alongside much of Pallance Road and Pallance Lane, and that Pallance Lane is unlit for a large part. However, I saw that there are sections alongside Pallance Road, which is the main throughfare into the settlement, that provide some refuge for pedestrians from oncoming vehicles, the road contains street lighting eastwards from its junction with Pallance Lane, and that it is subject to a 30mph speed limit which begins just west of the appeal site. Moreover, there is a bus stop offering limited services to Cowes and Northwood sited within circa 120m of the appeal site and another providing a more regular service located within about 1200m from the site.
32. As such, I am not persuaded that future occupants of the new development would be significantly physically restricted from accessing the existing facilities and services within Northwood, which include a post-office, public house and primary school within one mile of the appeal site, by means of transport other than the car.
33. I accept that it is reasonable to assume that future occupiers of the development would use private car transport as a means of access to a number of facilities and services. However, they would not be wholly dependent upon the car for all journeys. Moreover, having regard to the proximity of the site to the KRA settlement boundary, many car journeys would be relatively short in order to access the facilities and services beyond Northwood within the wider area of the Cowes and East Cowes settlement.
34. For the above reasons, I therefore conclude that the appeal site is a suitable location for residential development, having regard to accessibility to facilities and services. In this respect, there would be no conflict with the accessibility requirements of Core Strategy Policies SP1, SP7 and DM17.
35. This also accords with Paragraph 105 of the Framework, which recognises that decision-taking should take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Biodiversity

36. The Council's fourth reason for refusal relates to the failure to provide sufficient information with the planning application to demonstrate the impact of the appeal scheme on habitats and protected species both on, and within the vicinity of, the appeal site. More specifically, the Council's concern is that the Preliminary Ecological Appraisal (the PEA) submitted with the planning application, and the updated version submitted with the appeal, fail to properly

take account of the ecological value of the site prior to the recent clearance of vegetation which has been carried out on most of the site, apart from boundary trees and hedging.

37. Paragraph 180 of the Framework requires opportunities to improve biodiversity in and around developments to be integrated as part of their design, and states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
38. The appellant proposes to mitigate any biodiversity impacts through the provision of a wildlife buffer zone around the site and the implementation of proposed mitigation measures contained within the updated PEA. Since the site has already been cleared of vegetation, in principle, having regard to the submitted ecological report, I find that this matter may be reasonably capable of being dealt with by means of a condition, subject to receipt of satisfactory additional information prior to the decision, including demonstrating that any required land is capable of being secured and thereafter retained for the purposes of biodiversity mitigation. However, as this matter is not determinative to the outcome of this appeal, having regard to my findings on the first main issue, I do not intend to pursue this matter further.

Other Matters

39. I have noted that the proposal represents an amended scheme from that refused under planning application Ref P/00353/19, including changes to the scheme layout to remove a detached dwelling from the northwest corner of the site and the inclusion of additional supporting arboricultural impact information. These changes have addressed some of the Council's previous objections. However, this does not alter my findings with respect to the current proposal.

SPA

40. The appellant has submitted a completed UU and additional deed which is to be read in conjunction with it, in respect of the payment of a Habitat Mitigation Contribution to provide appropriate mitigation against potential harm caused by recreational disturbance arising from the development to the SPA. This European designated site is identified as being of international importance for the breeding, feeding, wintering or migration of rare and vulnerable species of European Union birds. This proposed mitigation accords with the *Bird Aware Solent Recreation Mitigation Strategy* (2017).
41. Within the context of the appeal, the responsibility for assessing the effects of the proposal on the European designated site falls to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, and to undertake an Appropriate Assessment (AA) of the implications of the appeal scheme for the European designated site.
42. However, as the first main issue provides a clear reason for dismissing the appeal, the outcome of any such AA would have no bearing on the overall outcome of this appeal. Therefore, I do not need to consider this matter any further as part of my decision.

43. In addition, Natural England has advised that a net increase in housing development within the Solent catchment area is likely to have significant effects on internationally designated European sites due to the prospect of increased levels of nitrogen and phosphorus entering the water from waste water from residential development, resulting in eutrophication affecting the nutrient water quality of the SAC estuary, mudflats and sandflats and sandbanks, and resulting thick mats of algae which can cause important habitat and bird feeding grounds to be unavailable for use, thereby affecting the status and distribution of key bird species against the stated conservation objectives of the SPA.
44. The appeal scheme comprises new residential development with additional occupiers which would generate additional wastewater. The Council states that Southern Water has confirmed that wastewater from the development would discharge to the Sandown Wastewater Treatment Works which outfall into the English Channel, so that wastewater from the development would not enter the Solent Catchment. As such, in accordance with the Council's Position Statement on nitrogen neutral housing development, the appeal scheme does not have to demonstrate nutrient neutrality. The Council is satisfied that this matter can be dealt with by means of a planning condition.
45. As the competent authority, I need to be satisfied that any mitigation scheme for neutralising nitrogen is certain at the time of AA, so that no reasonable scientific doubt remains as to the effects of the development on the international sites. However, as the outcome of any such AA would not affect the overall outcome of this appeal, there is no requirement for me to consider this matter further.

Affordable housing

46. The Council has confirmed that a lack of delivery of affordable housing is a significant issue, and that there is an acknowledged need to increase the supply of such housing for the Island. Small-scale residential developments are expected to provide financial contributions towards the delivery of off-site affordable housing, in accordance with the requirements of Core Strategy Policy DM4, which expects all new housing developments to provide for either on-site or off-site affordable housing, and the Council's *Affordable Housing Contributions Supplementary Planning Document* (2017).
47. Having regard to the available evidence, I am satisfied that a financial contribution towards affordable housing, which is calculated using a standard formula which accounts for the market value of the development, and which would be secured through the submitted signed and dated planning obligation, 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.
48. As such, the submitted obligation, in so far as it relates to the affordable housing contribution, would meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Planning balance

49. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing sites. It considers that it can deliver a 4-year supply of

deliverable housing. Moreover, the results of the 2021 Housing Delivery Test were published on 14 January 2022 and show that the Isle of Wight delivered 58% of its housing requirement over the preceding 3 years.

50. Accordingly, paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years. Paragraph 11 states that where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.
51. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. Having regard to my conclusion on the second main issue, when judged against some of the core planning principles of the Framework, the appeal proposal would perform well in that it would be close to a designated settlement boundary, with reasonably good access to facilities and public transport connections.
52. The proposal would make a modest contribution towards the Council's housing supply, and it could be built out relatively quickly, having regard to Paragraph 69 of the Framework. There would be economic benefits as a result of the construction of the dwellings, and economic and social benefits as a result of their future occupation. The proposal would also make a financial contribution towards affordable housing. These considerations weigh in favour of the development, and I afford them moderate weight, having regard to the modest size of the proposed housing development.
53. There would also be a potential community benefit from an additional stretch of public footpath in front of the development, to which I afford moderate weight. However, as it stands, there is no certainty that this will be provided as part of the appeal scheme, or that it could be extended to the full length of the site. This reduces the weight I afford to this benefit within the overall planning balance.
54. The Council has raised no objection to the appeal scheme in respect of matters including impact on the living conditions of neighbours, parking, drainage and flooding and impact on trees. In terms of the planning balance, the lack of identified harm is a neutral factor that does not diminish the significant harm that would arise from the proposal in respect of the impact on the character and appearance of the area.
55. As a result, the social objective of sustainable development of providing a well-designed built environment would not be achieved.
56. Whilst the Framework encourages the effective use of land in meeting the need for homes, and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified, and would not address or

outweigh the aforementioned harm that I have identified in respect of the first main issue.

57. Therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits, and the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

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

S Leonard

INSPECTOR