



Appeal Decision

Site visit made on 7 September 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/P2114/W/21/3278605

Rose Barn, Chapel Lane, Arreton PO30 3DD

- 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 & Mrs T Smith against the decision of Isle of Wight Council.
 - The application Ref 20/01927/OUT, dated 7 November 2020, was refused by notice dated 8 February 2021.
 - The development proposed is for three x two-bedroom detached residential units with associated access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application subject of this appeal is in outline, with all detailed matters, except access and layout, reserved for future consideration. However, I have omitted the nature of the application from the description used in the banner heading to this decision, as it does not describe the development for which approval is sought.
3. In regard to the Council's third reason for refusal, the appellant has submitted in support of the appeal a completed and signed Unilateral Undertaking (UU). This provides mitigation against nitrate enrichment, as well as recreational disturbance, of the Southampton and Solent Waters Special Protection Area (SPA). I return to this matter later.
4. A revised National Planning Policy Framework (the 'Framework') was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.

Main Issues

5. The main issues are a) the principle of the proposed development with specific regard to access to services and facilities; b) the effect of the proposed development on the character and appearance of the wider area; and c) the effect of the proposals on the integrity of the SPA.

Reasons

Principle of Development

6. Policy SP1 of the Isle of Wight Core Strategy 2012 (CS) sets out a spatial strategy which directs development to appropriate land within or immediately

adjacent to the defined settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres. The policy stipulates that proposals outside of these locations will not be supported unless a specific local need is identified or the proposal is tourism related.

7. As the site is not within or adjacent to any of the areas or settlements identified in Policy SP1, the proposal would be contrary to the spatial strategy of the CS.
8. However, given the current absence of a 5 year housing land supply, the main parties agree that the most important policies are out-of-date. On this basis the proposal would have to be assessed against the Framework taken as a whole and considered in accordance with the presumption in favour of sustainable development. If the proposal was found to amount to sustainable development within the terms of the Framework, this could be a material consideration, which could indicate that planning permission should be granted notwithstanding the conflict with the development plan.
9. The Framework advises that patterns of growth should be managed in order to support, amongst other things, sustainable transport objectives. It goes on to note that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision making. Accordingly, a higher proportion of journeys by car may be expected within rural areas.
10. The appellants point to the No.2 bus service which connects Merstone with the main towns of Newport, Shanklin, Sandown and Ryde. The service appears to be regular, running 7 days a week from early morning until early evening. Whilst the route to the bus stop from the appeal site is not served by footpaths or street lighting, there is a grass verge along Merstone Lane which offers pedestrians some refuge from oncoming vehicles. Chapel Lane has no footpath, grass verge or street lighting but it is a relatively short distance to the appeal site and the lane does not appear to be heavily trafficked, only serving a limited number of properties. The absence of dedicated footpaths and street lighting may be a modest deterrent to some future occupiers accessing the bus service, especially during poor weather or hours of darkness. However, they are likely to be significant disincentives to walking further distances to access services and facilities.
11. The site itself is close to a cycle route. However, given the distances involved to centres such as Newport or Shanklin, and the nature of the route, it seems to me that cycling to these centres is more likely to be a leisure pursuit than a journey most people would regularly undertake to access services and facilities. For similar reasons, cycling to the more limited facilities in Arreton would seem unlikely on a regular basis. These cycling options are likely to be even less attractive during periods of inclement weather or hours of darkness.
12. The appellant points to the nearby employment sites and notes that some people do cycle to work in the area but there is no guarantee that future occupants would be employed at these sites. Accordingly, the proximity of these sites is a matter to which I give limited weight.
13. The proposed dwellings would not be isolated in the sense that they would be adjacent to Rose Barn to the east of the site, and there are dwellings on the opposite side of Church Lane. Nonetheless they would be located within

Merstone, a rural setting with no facilities such as a pub, village store/post office/hall etc. The appellant notes that despite their size, the dwellings could appeal to many different types of occupiers, including working couples or young families. In view of all of the above, it is not unreasonable to conclude that future occupants are likely to require access to shops, education establishments, health services, leisure/entertainment attractions and other such facilities. The walking/cycling options are not likely to be attractive for anything but very infrequent journeys.

14. The proximity of the bus stop and times/frequency of the service offers some accessibility to services and facilities and this aspect weighs moderately in favour of the scheme. However, the nature of the area suggests that the future residents of the development would have to rely heavily on the facilities and services of other larger settlements. It is more likely that occupiers would choose the convenience of a car in order to access such day-to-day services and facilities. This would be the least sustainable mode of transport. In this sense, the dwellings would not be in a sustainable location. As such, the proposal would fail to accord with the Framework, even making allowance for it being in a rural area.
15. In conclusion on this main issue, and for the reasons outlined above, the proposal would not accord with Policy SP1 of the CS and would be contrary to the aims of the Framework in maximising the use of sustainable modes of transport.

Character and Appearance

16. Residential properties in the vicinity of the appeal site are a mix of one and two storey buildings, mainly finished in render, brick or stone, with pitched roofs. The pattern of development is broadly linear, following the line of Chapel Lane. Gaps between buildings together with their positioning and scale allows for views between and over them, through to the open countryside. The area generally has an open and spacious character. As part of an undeveloped field, the appeal site positively contributes to the character of the area.
17. Although neither the scale, mass nor exact design of the dwellings is being assessed at this stage, the layout of the site is not reserved for future consideration. The erection of three dwellings, laid out as shown on the submitted plans, would result in the loss of part of the existing field and the continuation of built form along Chapel Lane. This would result in some diminution in the existing spacious character of this part of Chapel Lane.
18. However, I noted from my site visit that there are houses on the opposite side of Chapel Lane to the appeal site, as well as the properties of Sharmany and Sharmany Cross to the west and north. Thus, when approaching the site along Chapel Lane from either direction, the surrounding built form would offer a setting in which the new dwellings and their associated development would be likely to relate and not appear out of context.
19. As planting can easily be removed, provide less protection at various times of the year or simply suffer disease and die, it should generally seek to complement a proposal and not in itself be relied upon to provide a permanent screen. However, in this particular case, the proposed tree planting to the north of the houses seeks to address issues of nitrate neutrality. Therefore, it would be governed by a legal agreement and so form a more integral part of

the proposal. Thus, it is more likely to provide a permanent backdrop that would enclose and screen the proposed dwellings when compared to a more conventional landscaping plan that may have proposed peripheral planting to the site's boundaries.

20. I am therefore satisfied that if the houses were sensitively designed, having regard to the scale and mass of neighbouring buildings (the appellant points to bungalows being suggested in the application) then the loss of part of the current field in the manner proposed would not have an unacceptable effect on the character and appearance of the wider area. As such it would not be contrary to Policies SP1, DM2 and DM12 of the CS insofar as they seek to protect rural areas and its landscape from development which would appear out of keeping with such areas.

Designated Habitats Sites

21. Natural England (NE) has identified that high levels of nitrogen and phosphorus are being discharged to the water environment in the Solent. NE considers that there is a likely significant effect on the SPA due to the increase in wastewater from new developments coming forward.
22. Additionally, the main parties agree that the proposed dwellings, either on their own or in combination with other development projects, are likely to cause recreational disturbance that could have significant effects on the integrity of the SPA.
23. These matters were not resolved at the point the Council made its decision and the absence of evidence on nitrate neutrality formed the basis of the third reason for refusal. Subsequent to this appeal, the appellant has provided a signed and dated UU which seeks to address the issues of nitrate neutrality as well as recreational disturbance. This comprises both a woodland planting scheme covering 0.16ha of land and a financial contribution towards the Solent Recreational Mitigation Strategy.
24. However, as I have found the proposal to be unacceptable for another reason, there is no need for me to consider the implications of the proposal on the integrity of the SPA or the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), notwithstanding the appellant's willingness to make the requisite contributions towards mitigation.

Other Matters

25. Both main parties have provided me with appeal decisions supporting their cases. Whilst these have provided helpful background, I have considered the appeal proposal on its individual merits and with regard to the specific circumstances of the site and its surrounds.
26. Similarly, the appellant has drawn my attention to housing sites within the Draft Island Planning Strategy that are said to offer similar or less suitable locations than the appeal site. However, the document is at an early stage of preparation, and it cannot be said with certainty that the sites will remain within the final document. Furthermore, I do not have the full details of these sites to be sure that, even where they may subsequently have received planning permission, they represent a direct parallel with the appeal site.

27. I note that the proposal would incorporate a sustainable drainage scheme that would reduce run-off from the site. The landscaping and tree planting may have some biodiversity gains. These are benefits to which I attribute a small amount of weight.
28. The appellant notes that the site is not within an Area of Outstanding Natural Beauty, but this is a statement of fact rather than a specific benefit of the scheme. Similarly, that the scheme meets the requirements of Islands Roads is no more than would be expected of new development and the matters they specifically seek to address through conditions are required to mitigate the impact of the development.

Planning Balance and Conclusion

29. Both main parties agree that the Council cannot demonstrate a five-year supply of housing land. On that basis, Paragraph 11(d) of the Framework is engaged and the policies which are most important for determining the appeal should be considered to be out of date.
30. The proposal would accord with the Framework's support for windfall sites and wider objective to significantly boost the supply of housing. The provision of three, two-bed dwellings, by their nature, would make only a small contribution towards housing supply although I accept that the extent of the under-delivery in the Island's housing supply puts added emphasis on all new housing developments, of whatever scale. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment. Future occupiers may make a contribution towards supporting the services in the surrounding and wider area. However, given the small scale of the proposal this would attract only modest weight.
31. Conversely, the appeal site is not well located in terms of its accessibility to local services and facilities. As such, it would not provide sufficient encouragement to residents such that it would be likely to reduce their propensity to use private motor vehicles. It would be contrary to the Framework's approach towards sustainable locations and transport. As a consequence, this would be worthy of substantial weight.
32. The absence of harm to the character and appearance of the area would be neutral in the consideration of the planning balance.
33. My final judgement is that the harm I have identified would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the Framework as a whole.
34. Notwithstanding that there is compliance with some development plan policies, it is my finding that there is conflict with the development plan as a whole. There are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict.
35. For the reasons given above, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR