



Appeal Decision

Site visit made on 15 August 2023

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal Ref: APP/P2114/W/22/3310130

Longlast, Cranmore Avenue, Shalfleet, Isle of Wight, PO41 0XR

- 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 Mrs C Cox against the decision of Isle of Wight Council.
 - The application Ref 22/00705/FUL, dated 14 April 2022, was refused by notice dated 28 June 2022.
 - The development proposed is described as a “barn-style dwelling and associated works with car parking and landscaping; removal of existing mobile home; reduction in size of existing barn A”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - Whether the site represents a suitable location for housing having particular regard to its accessibility to services and facilities; and
 - The effect of the proposed development on the character and appearance of the Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site is a small farm holding located to the rear of dwellings that front onto Cranmore Avenue. A track of around 48m from this road provides access to the site which comprises a collection of various small barns and sheds as well as a mobile home.
4. Policy SP1 of the *Island Plan Core Strategy (adopted March 2012)* (CS) indicates that, to ensure development takes place in the most sustainable locations, new development should take place on appropriate land within, or immediately adjacent to the Regeneration Areas and Rural Service Centres.
5. Outside of these areas it states that development will only be supported if it is meeting a specific local need or is tourism related. Paragraph 5.31 of the supporting text indicates that “local need” includes identified local requirements for housing, a demonstrable contribution to maintaining local facilities and maintaining or enhancing the wider viability of local communities. In addition, CS Policies SP7 and DM17 support proposals that increase travel choice and provide alternative means to travel to the car.
6. The overall approach of CS Policy SP1 of seeking to direct development to the most sustainable locations broadly accords with the approach the *National*

Planning Policy Framework (the Framework) takes to the location of new housing. Therefore, notwithstanding the lack of a 5 year housing land supply, I consider moderate weight can still be given to this policy. In addition, policies DSP7 and DM17 are in line with the Framework's objective of promoting sustainable transport.

7. Given the other dwellings on either side of Cranmore Lane, the proposed dwelling would not be physically isolated. Nonetheless, the appeal site is neither within, nor adjacent to, any of the settlements identified within Policy SP1. As such, in planning policy terms, it lies in the "wider rural area".
8. It is not disputed that the Council cannot demonstrate a 5 year housing land supply and that the housing delivery test results show that housing delivery on the island in recent years has been low. Whilst in general this shows that there is a need for housing on the island, there is no evidence before me to suggest that the appeal scheme is meeting a specific identified local need for housing, even though the appellant considers it might be beneficial for her to be able to live on the site. Whilst future occupiers are likely to use local shops and facilities there is nothing to indicate that the proposal is needed to ensure their viability.
9. Shalfleet, the nearest village, has a limited range of services. A primary school and public house are located at the junction of the A3054 and Station Road, around 1.2km from the site, with the main part of the village, which has another public house, church, village hall and a small shop being located around a further 1.4km along the main road towards Newport.
10. Bus stops are located on the A3054 at the end of Cranmore Avenue. These are served by an hourly service to Newport in one direction and Yarmouth and Freshwater in the other. Whilst Cranmore Avenue has neither street lighting, nor a footway, it is relatively straight and so affords good forward visibility to users, and there is a grass verge that provides pedestrians some refuge from oncoming vehicles. As such, given this and the distances involved, I consider that future occupiers would be able to walk to the bus stops.
11. The A3054 is a busy road. A footway exists on one side between Cranmore Avenue and the facilities at the Station Road junction. Beyond this and the rest of Shalfleet there is only a short stretch where there is a footway. With no street lighting, the volume and speed of traffic and the distances involved, these routes are unlikely to be conducive to walking or cycling, especially when dark.
12. Whilst the bus would give some degree of choice in mode of transport, the limited facilities nearby means future occupiers would need to use the shops and services found in larger settlements for the majority of their day to day needs. Given the bus service is only hourly, it is likely that to access these future occupiers would prefer the convenience of the private car. This would not accord with the aim of CS Policies SP7 and DM17 outlined above.
13. Both parties have drawn my attention to a number of appeals¹ that have considered the suitability of a site for housing development having regard to its accessibility to services. In some the Inspector found the site was acceptable in this regard, in others not. What is clear is that this is a matter that requires the

¹ Appeal References APP/P2114/W/19/3235033, APP/P2114/W/19/3237263, APP/P2114/W/19/3243709 and APP/P2114/W/21/3284066

judgement of the decision maker based on the specific characteristics of the site in terms of the distance and nature of the route between it and various facilities and services. In these respects, the circumstances of none of the sites in these appeals are directly comparable to this site.

14. All in all, I consider that the appeal site would not be a suitable site for new housing having particular regard to its accessibility to shops and services. Accordingly, it would conflict with CS Policy SP1 outlined above, and although not mentioned in the reason for refusal it would also not accord with CS Policies SP7 and DM17.

Character and appearance

15. The appeal site is located within the Isle of Wight AONB, and specifically the Landscape Improvement Zone character type. The Framework indicates that great weight should be given to conserving and enhancing the landscape and scenic beauty of such areas.
16. Consequently development within the AONB needs to take account of the high degree of sensitivity of the landscape and reflect the appropriate vernacular style and materials to ensure the conservation and enhancement of the landscapes unique sense of place.
17. The *Isle of Wight AONB Management Plan 2019 – 2024* states that Landscape Improvement Zones are found on the edge of larger developments. It notes that the traditional agricultural landscape of these areas has been changed by the addition of things like equestrian facilities, intensive horticulture and caravan sites. As a result, the aim within these areas is to prevent the expansion of urban influences and to seek landscape improvements.
18. At present the site contains a number of timber framed barns and sheds, set either side of a grassed area. With the exception of the mobile home, the buildings on the site are typical of a farmstead and the site has a distinctly rural character.
19. The appeal scheme proposes a new dwelling that would be located within the central grass area and which would require the removal of Shed 'G'. In addition, the scheme would also involve the removal of the mobile home from the site and the reduction in size of Barn 'A', so that overall the scale and mass of buildings on the site would remain the same. There would be some visual benefit to the removal of part of the barn and the mobile home, but I consider this would be off-set by the fact that the location of the dwelling in the middle of the site would reduce the open nature of the site and give it a more cluttered appearance.
20. It is suggested that the dwelling has been designed to resemble a barn. The use of weatherboarding on some of the elevations and the lower eaves height on part of the rear elevation does reflect characteristics of such buildings. However, whilst fully glazed neither the front nor rear entrances would resemble a typical barn door entrance. Moreover, the projecting element on the rear elevation and the brick utility at the side would give a complexity to the shape of the building that would not be typical of a barn. Overall, the dwelling would still be domestic in character and would not exhibit the high degree of sensitivity needed for this landscape.

21. Furthermore, the establishment of a dwelling on the site, would be likely to result in an increase in domestic paraphernalia around the site, eroding its current rural character. The appellant has suggested that a condition could be used to control this, but this would only be able to remove the rights for structures that would otherwise be permitted development. Other items such as play equipment, washing lines, outdoor seating and planting of a garden which would not be operational development would not be able to be controlled by condition. The impact of this would be the expansion of urban influences on the site contrary to the aims of the AONB Management Plan.
22. The appeal scheme would represent backland development. Whilst the majority of dwellings front on to Cranmore Ave, there are two other properties in the vicinity, one immediately to the south and the other slightly to the north that are also located to the rear of the houses fronting Cranmore Ave, and which are accessed via tracks leading off the road. The proposed dwelling would be located in a similar position to these other houses. Whilst this form of development is limited in number, nonetheless, the proposal would not represent a totally alien form of development in the area.
23. Notwithstanding this, overall I consider that the proposal would unacceptably harm the character and appearance of the AONB. It would therefore be contrary to Policies DM2 and DM12 of the CS which seek to ensure developments have a high quality of design that complements the character and appearance of the area and conserves, enhances and promotes the landscape of the island.

Other Matters

Protected Habitat Sites

24. The appeal site lies within the 5.6km buffer zone for the Solent and Southampton Water Special Protection Area (SPA). This is a European Site of Nature Conservation Importance that is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. However, as the appeal is failing because of the harm I have identified in relation to the two main issues, it has not been necessary for me to reach a conclusion on any proposed mitigation and I do not need to give any further consideration to this matter.

Affordable Housing

25. Policy DM4 of the CS indicates that in order to deliver the necessary affordable homes over the plan period small sites such as the appeal site are required to provide a financial contribution towards affordable housing. The *Affordable Housing Contributions Supplementary Planning Document (adopted March 2017)* (SPD) sets out the approach for calculating the required financial contribution which is based upon the value of the property at first sale/occupation.
26. The UU dated 17 June 2022 submitted by the appellant would provide a contribution calculated on the basis of the approach set out in the SPD and the Council have confirmed that it meets the requirements of Policy DM4.
27. Given this policy context I am satisfied that the planning obligation for affordable housing is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and

reasonably related in scale and kind to the development. Therefore, it meets the three statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the Framework.

Other Considerations

28. The appellant has indicated that she wishes to live on the site and farm the agricultural land holding herself, and has suggested that she would be willing for an agricultural workers condition to be imposed. However, I have been provided with no evidence to demonstrate that there is an essential need for her to live permanently at the site as required by paragraph 80 of the Framework. In any case I have determined the appeal on the basis that it was applied for which was for an open market dwelling.
29. It is suggested that the proposal would enable the appellant to move to the site and so release the Council owned property she currently lives in back into the affordable housing supply. However, such an eventuality cannot be guaranteed.
30. The proposal would make a small contribution to housing supply and towards the provision of affordable housing on the island. There would also be benefits to the local economy through the construction of the dwelling and the spend of future occupiers, although the scale of the development means these would be limited in size. Nonetheless, these are all benefits of the scheme.

Planning Balance and Conclusion

31. In the absence of a five year supply of housing land, paragraph 11d) of the Framework indicates that permission should be granted unless i) the application of policies in the Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed or ii) 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.
32. Footnote 7 of the Framework identifies AONBs as one of the areas that paragraph 11di) relates to. In line with the Framework I give great weight to the harm I have identified the proposal would cause to the AONB. In addition to the harm to the AONB, I have also found that the appeal site would not be a suitable site for the proposed development having regard to its accessibility to shops and services. I consider that the benefits of the proposal outlined above would not outweigh the harm it would cause to the AONB. Therefore, the policies in the Framework that protect areas of particular importance provide clear reasoning for refusing the development proposed, and so the presumption in favour of development does not apply.
33. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case I have found that the proposal conflicts with Policies SP1, SP7, DM2, DM12 and DM17. Despite the lack of a 5 year housing land supply, the presumption in favour of development does not apply, and so there are no material considerations that justifies a determination other than in accordance with the development plan.

34. For the reasons set out above I therefore conclude the appeal should be dismissed.

Alison Partington

INSPECTOR