



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/22/3311893

Land adjacent to Meda, Medham Farm Lane, Northwood, PO31 8PH

- 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 Paul Wheeler against the decision of Isle of Wight Council.
 - The application Ref 21/01493/FUL, dated 15 July 2021, was refused by notice dated 1 July 2022.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Land adjacent to Meda, Medham Farm Lane, Northwood, PO31 8PH in accordance with the terms of the application, Ref 21/01493/FUL, dated 15 July 2021, subject to the conditions set out in Annex A.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on highway safety and whether or not it would be provided with a suitable access.

Reasons

3. The appeal site is located approximately 60m from the junction of Medham Farm Lane and Newport Road. Medham Farm Lane is a private road, that serves in the region of 80 properties, and has a speed limit of 15 mph. A new access onto the lane would be created for the proposed dwelling. To facilitate this, and to provide visibility for it, the current hedge along the boundary of the lane would be removed. Sufficient space would be provided on the site to enable vehicles to enter and exit the site in forward gear.
4. The appellant was unable to carry out a survey to establish the volume and speeds of vehicles at this point on the lane. The likely speed of vehicles is disputed between the parties and, as a result, there is not agreement regarding the visibility splays that should be provided. Nor is there agreement as to the visibility that could be achieved in either direction.
5. At my site visit I observed a number of different vehicles using the lane. Given the width of the lane and the fact that vehicles are either slowing down as they approach the junction with Newport Road, or have just entered the lane from the junction, I observed that vehicle speeds were generally low in the vicinity of the appeal site.
6. The appellant suggests that a minimum visibility of 34m can be achieved at the proposed access. However, the plan that shows this distance does not show the 'x' distance utilised in this calculation. Using a 2m 'x' distance the Council

calculate the achievable visibility to be lower than this. Although the road at this point is just wide enough for 2 vehicles to pass, I observed vehicles generally drove in the centre of the carriageway. On this basis, utilising the visibility to the centre line of the carriageway calculated by the Council, Manual for Streets indicates that the visibility to the left is adequate for vehicles travelling 15mph and to the right is suitable for vehicles travelling around 20mph. Given the speeds I observed vehicles travelling in both directions, I consider that the access to the site would be provided with adequate visibility.

7. Medham Farm Lane is an unsignalized lane that feeds into the middle of the 3-armed signalised junction of Newport Road and Nodes Road. Whilst these roads both have 40mph speed limits, the lights mean the traffic is not free flowing and speeds are generally well below this.
8. When exiting the lane, visibility to the left is restricted by the boundary treatment of the adjacent house. However, I observed that despite this it was possible to clearly see the northbound traffic on Newport Road waiting at the lights, and those travelling south both on Nodes Road and Newport Road. Given this I consider that traffic exiting the lane would have adequate visibility to see when it is safe to exit when turning either right or left, and I observed a number of vehicles safely completing such manoeuvres during my site visit.
9. Vehicles turning right into Medham Farm Lane are required to wait for either a gap in the southbound traffic or the intergreen period in the lights to complete this manoeuvre. Forward visibility at this point is good and so enables drivers to complete the manoeuvre safely.
10. Moreover, the increase in traffic movements at this junction and along the short stretch of lane to the appeal site caused by one additional dwelling would be minimal and well within the average daily variation on any road. As such, the proposal would not result in any discernible increase in safety hazards.
11. Consequently, I consider that the proposal would be provided with a safe access and would not have an adverse impact on highway safety. Given this, there would be no conflict with Policies DM2 and DM17 of the Island Plan Core Strategy (adopted March 2012) which, amongst other things, expect developments to provide a safe environment and demonstrate that the road network can accommodate the development.

Other Matters

Protected Habitat Sites

12. 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. As the competent authority for the purposes of this appeal, I am prevented from granting permission unless the proposal would not adversely affect the integrity of the protected sites.
13. The waters of The Solent are internationally important for wildlife and the coast, particularly its mudflats, shingle and salt marshes, are important for a significant number of overwintering and breeding bird species. The conservation objectives for the protected sites within this area are to ensure that the integrity of the sites are maintained or restored as appropriate.

14. Any new residential development in this area is likely to have a significant effect on the designated sites as a result of increased recreational pressure from future occupants. To avoid such harmful impacts, mitigation is required. The *Solent Recreation Mitigation Strategy (December 2017)* sets out the mitigation measures required for new housing development and a sliding scale of contributions based on property sizes, which increase each April.
15. The appellant has submitted two Unilateral Undertakings (UU) dated 1 April 2022 and 6 April 2023. Together these make provision for mitigation in the form of a financial contribution. The Council have confirmed that these address its concerns in respect of the mitigation from recreational impacts.
16. I am satisfied that the obligation 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. Furthermore, there is no reason to doubt that the Solent Recreation Mitigation Partnership, which consists of the relevant local authorities and public bodies operating in the area, as the responsible public body, will spend the money in the way that it is intended.
17. As such, I have completed my appropriate assessment and conclude that the proposal would not adversely affect the integrity of the habitat sites through increased recreational pressure.
18. In addition, recent advice from Natural England has indicated that The Solent is in an unfavourable condition from nitrate enrichment causing eutrophication of the designation sites and that this is having a detrimental impact upon protected habitat and species. Natural England have advised that wastewater arising from additional housing that, once treated, discharges into the SPA is likely to contribute further to these adverse effects and so avoidance measures are required.
19. To address this the Council has issued a position statement on nitrogen neutral housing development (April 2022). This highlights that the Wastewater Treatment Works (WwTW) at Sandown, Brighstone, Shorwell or St Lawrence outfall into the English Channel and so developments that connect to these do not have to demonstrate nutrient neutrality. It has been confirmed that foul water from the site would connect to the existing sewer system and would be treated at the Sandown WwTW. Subject to a condition securing this arrangement, the proposal would not affect nitrogen inputs into The Solent and so would not adversely affect the SPA in this regard.

Affordable Housing

20. 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.

21. The UU dated 1 April 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.
22. 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 outlined above.

Other Considerations

23. It has been suggested that the proposal would set a precedent for the development of other parcels of agricultural land along the lane. However, no directly comparable sites to which this might apply have been put forward. Each application and appeal must be considered on its own merits and a generalised concern of this nature does not justify withholding permission in this case.

Conclusion and Conditions

24. For the reasons set out above, I conclude the appeal should be allowed.
25. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord (condition 2). Condition 3 is necessary in the interests of the character and appearance of the area and to accord with CS Policy DM2. For the same reason and to accord with Policy DM12 condition 4 is required. Condition 4 combines condition 4 and 5 suggested by the Council and simplifies some of the requirements to reflect the information already shown on the submitted plans and the fact that this is a single dwelling and that the landscaping will subsequently become a private garden.
26. For highway safety reason and to ensure compliance with CS Policy DM2 condition 5 is required. To ensure the site is satisfactorily drained, to ensure the protection of protected habitats and to accord with Policies SP5, DM2, DM12 and DM14 condition 6 is necessary.
27. Conditions 4 and 6 both need to be pre-commencement conditions as they relate to works that need to take place as part of the construction of the development. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to the pre-commencement conditions.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan and Site Layout and Access as existing Drawing No A/5704/1 Rev A; Site Plan and Site Layout and Access as proposed Drawing No A/5704/2 Rev C; Floor Plans and Elevations Drawing No A/5704/3; and Cross Section as existing and proposed Drawing No A/5704/4.
- 3) The dwelling hereby permitted shall not be occupied until details of the position, design, materials and type of boundary treatment to be erected around the site have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and the boundary treatment shall be completed before the dwelling is occupied.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include:
 - i) proposed finished levels or contours;
 - ii) hard surfacing materials;
 - iii) minor artefacts and structures [e.g. refuse or other storage units];
 - iv) proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc];
 - v) planting plans;
 - vi) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - vii) schedules of plants noting species, plant sizes and proposed numbers/densities; and
 - viii) an implementation programme.

The planting shall be carried out in accordance with the approved details and in accordance with the agreed implementation programme. Any trees or plants that die, are removed, become seriously damaged or diseased within 5 years of planting are to be replaced in the following planting season with specimens of a like size and species.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no gates shall be erected other than gates that are set back a minimum distance of 5 metres from the edge of the carriageway of the adjoining highway.
- 6) No development shall take place until a scheme for the drainage and disposal of surface and foul water from the development hereby permitted has been submitted to, and approved in writing by, the local planning authority. Foul drainage shall be connected to the public sewer and shall be served by the Southern Water Wastewater Treatment Works

at Sandown. Development shall be carried out in accordance with the approved scheme, which shall be completed prior to the first occupation of the dwelling hereby permitted and be retained thereafter.