



Appeal Decision

Site visit made on 20 June 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal Ref: APP/P2114/W/22/3293164

Former Totland Waterworks site, Cliff Road, Totland, Isle of Wight PO39 0EW

- 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 Neil Mitchenall against the decision of Isle of Wight Council.
 - The application Ref 21/01380/FUL, dated 2 July 2021, was refused by notice dated 15 September 2021.
 - The development proposed is detached dwelling with vehicular access, parking and landscaping (revised scheme).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council have stated that the 2nd reason for refusal given in the Council's decision notice has been addressed. As such, this matter is no longer a significant contested issue between the main parties. This is reflected in the main issue, below.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including the Isle of Wight Area of Outstanding Natural Beauty (AONB) and the Tennyson Heritage Coast (Heritage Coast).

Reasons

4. The appeal site consists of a roughly rectangular parcel of land situated on Cliff Road on the edge of the village of Totland. It is common ground between the main parties that the site does not constitute previously developed land, albeit that the land levels within the site are artificial. A water treatment works lies to the rear of the site. Cliff Road mostly consists of residential properties at a low density.
5. The site is situated within the AONB and the Heritage Coast. The importance of AONBs is recognised by s85 of the Countryside and Rights of Way Act 2000 (as amended) (CROW Act) which provides that, amongst other things, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of an AONB.
6. The Isle of Wight Area of Outstanding Natural Beauty Management Plan 2019 – 2024 (Management Plan) mentions that the significance of the AONB includes, amongst other qualities, its ever-changing patchwork of worked fields, the long

distance views from coastal heath and downland, and the irregular undulating hedged fields of pasture, and that the Heritage Coast areas within the AONB are arguably those areas most readily associated with the scenic beauty of the Isle of Wight.

7. The Inspector in appeal decision Ref APP/P2114/A/12/2181585 referred to the site as having an open verdant character of trees and scrub, and aside from the fact that the site presently does not contain a large number of trees, it still fits that description. Specifically, I observed that this undulating area of unkempt land is partly overgrown with unmanaged vegetation, and that much of the front of the site adjacent to Cliff Road consists of hedgerow.
8. As described in the submitted Landscape and Visual Impact Appraisal¹ (LVIA), the site forms part of the wider gently rolling pastoral landscape located alongside a rural lane which is partly bordered by hedges and trees. As such, whilst the site differs somewhat in quality from the wider area of landscape to the south-west, the site shares visual connections with that area by virtue of it being an open, grassy and undeveloped space, and accordingly provides a positive contribution to the natural and scenic beauty of the AONB.
9. In appeal decision Ref APP/P2114/A/12/2181585 the Inspector noted that, visually and physically, the site related to the open land to the west of the settlement boundary rather than the developed part of the settlement to the east. Housing development has taken place since that appeal decision on former fields along Alum Bay New Road, which has had the effect of extending the built-up area to the south-east of the site, in effect resulting in an encroachment of built form towards the site.
10. Nonetheless, whilst these more recent developments are visible from the AONB, these dwellings are largely shielded from views from Cliff Road near the site by hedgerow, with none of the consented dwellings directly fronting Cliff Road. These dwellings do not greatly alter the visual experience of the wider landscape from public vantage points along Cliff Road near the site. Hence, in this location, at the edge of the AONB and outside but adjacent to the settlement boundary of the West Wight Smaller Regeneration Area, the site appears as being part of a noticeable visual demarcation between the extensive area of residential development to the east of the site beyond Cliff Road and the area of countryside to the west and south of the site.
11. The separation of the site via a thick bank of trees from the adjacent plot serving the properties known as The Mount and Little Mount reinforces its visual separation from other residential development on the west side of Cliff Road, including that stretching away from the site to the north.
12. The metal fencing found along the path leading to the water treatment works consists of staggered pickets, as does the metal gate enclosing that area which is set-back from Cliff Road. The buildings relating to the above-ground reservoir are sufficiently set-back from Cliff Road such that they have a minimal influence on views of the wider landscape from Cliff Road. As these are all fairly inobtrusive features, they do not undermine the site's visual connection with the remainder of the AONB in views from Cliff Road.

¹ Landscape and Visual Impact Appraisal (o30landscape) (Rev A) (January 2022)

13. The proposed partially subterranean detached dwelling would incorporate an extensive array of coloured buff brick, with numerous stark angular walls under a flat roof which would give the proposed dwelling a fort-like and utilitarian appearance. Although a green roof would cover the proposed dwelling, given the fairly elevated position of the dwelling from Cliff Road, it would appear as a prominent feature in nearby views from Cliff Road, including for walkers entering public footpath T17.
14. Whilst the design inspiration and ethos is noted, including in relation to the site's historical association with the Totland Waterworks site and the use of brickwork which is a common feature locally, the proposed dwelling incorporating an individualistic contemporary design approach (described by the appellant as representative of intellectual architecture) would bear little resemblance to the architectural forms of many nearby properties, including with respect to its pronounced horizontal emphasis.
15. As a consequence, it would visually jar with the generally more conventionally-designed properties in the vicinity, including the property known as Seven Gables opposite the site which has a stylistically unobtrusive and elegant appearance. Furthermore, its highly industrial aesthetic, incorporating a wide front elevation with protruding supports consisting of a large expanse of brickwork, would have few architectural details of interest, resulting in a rather bland appearance when viewed from Cliff Road.
16. Consequently, the proposed development would be in conflict with AONB Parishes Policy P39 of the Management Plan which seeks to, amongst other things, ensure that appropriate development for sustainable rural communities (including housing) complements the character of the area and strengthens its local distinctiveness. Moreover, for the same reasons, the proposal would not benefit from the significant weight which the National Planning Policy Framework (the Framework) (at paragraph 134 b)) advises should be given to outstanding or innovative designs.
17. The LVIA states that the visual receptors that are most likely to be affected by the type of change proposed on the site are those within and in close proximity to the site. I agree that this is the case. With respect to the immediate views from Cliff Road, whilst the LVIA states that views over the landscape are largely contained by roadside hedges, woodland and landform changes (to the south, west and north) and buildings (to the east), I observed that panoramic views of the fields to the south-west and views towards Headon Hill are available from near the site along Cliff Road.
18. The LVIA states that the overall sensitivity of the receptor to change from this viewpoint receptor group (viewpoints 1 to 5) is considered to be low/medium, partly on the basis of the edge-of-settlement urban/rural context. In my view, this downplays the importance of these views in providing an important initial impression of the largely undeveloped landscape to the south-west, precisely because these picturesque views represent a clear break with the urban context. In particular, the initial experience of this part of the AONB for walkers and cyclists travelling along York Lane towards the site will be informed by these viewpoints. Additionally, the property known as Brambledown and the recently consented dwelling which is closest to Cliff Road on Alum Bay New Road are set-back sufficiently from Cliff Road such that they do not detract from the views of the AONB from Cliff Road near the site.

19. I note the information provided regarding the re-routing of a nearby path and that Cliff Road has no footway provision for pedestrians. However, it is a common occurrence that roads near the site do not benefit from footways, and accordingly the lack of footways would be unlikely to deter local residents or tourists from approaching the site from Cliff Road or York Lane. Consequently, I consider that the LVIA has not appropriately taken account of the receptor experience of local residents or tourists walking in the vicinity of the site, which limits the persuasiveness of the LVIA's analysis with regards to Receptor Group 1.
20. With respect to the immediate views from public footpath T17, I concur with the LVIA that the type of user from these locations is of a high susceptibility as a leisure or dog walker and visitors passing along a public footpath T17, with an appreciation of the rural landscape, and that the overall sensitivity of the receptor to change from this viewpoint receptor group is considered to be medium/high.
21. The site is situated almost directly opposite York Lane which leads towards the main built-up area of Totland, and as such is located at a sensitive entry point to the wider AONB. The presence of the proposed new dwelling which, as mentioned above, would not reinforce local distinctiveness, would undermine the visual aesthetic of the available panorama of the AONB, when viewed from near the junction between York Lane and Cliff Road, and when entering public footpath T17. As the proposal would unduly diminish the experience and appreciation of these views of the AONB, the scenic beauty of the AONB would be compromised.
22. Accordingly, the proposal would conflict with paragraph 174 a) of the Framework which provides that, amongst other things, planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
23. As mentioned in the LVIA, the changes arising from the proposal would occur within the centre of the site with the edges remaining open and undeveloped as natural grassland (with 80% of the site proposed to be covered in locally native grassland species). Considering this, and its fairly low-lying nature, the proposed new dwelling would not constitute a significant physical obstruction to views of the wider AONB in views from Cliff Road.
24. However, the above-ground portion of the new dwelling, particularly the wide front wall, would present as an imposing and dominant feature in nearby views from Cliff Road, and views into the central portion of the dwelling would be visible to walkers entering the public footpath T17, albeit viewed through 2 layers of security fencing.
25. This would erode much of site's contribution to the visual demarcation between the nearby residential areas and the countryside, referred to above, as would the presence of comings and goings to the site from the future occupiers of the proposed dwelling which would inevitably occur. This effect would be compounded by the proposed break in the long hedgerow which would be created for the proposed vehicular access point.
26. These effects would persist over the lifetime of the development, including up to and beyond the 15-year establishment period referred to in the LVIA. The fact that the recent developments along Alum Bay New Road are visible from

within the AONB and therefore have a landscape and visual impact on the AONB and the Heritage Coast, is a matter that merely represents the existing context, and does not mitigate the harmful impacts that the proposed development itself would have on these designated areas.

27. Taking all of the above into account, the conclusions of the LVIA and the additional comments provided by the author of the LVIA does not change my findings that the proposal would not conserve the scenic beauty of the AONB as required by paragraph 176 of the Framework, nor would it conserve its natural beauty as required by s85 of the CROW Act. For the same reasons, the natural beauty of the Heritage Coast, which overlaps with the AONB in the vicinity of the site, would be unduly compromised.
28. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the surrounding area, including the AONB and the Heritage Coast. The proposal would conflict with Policy SP1 of the Core Strategy² which provides that, amongst other things, in all cases development on non-previously developed land will need to clearly demonstrate how it will enhance the character and context of the local area.
29. The proposal would conflict with Policy SP5 of the Core Strategy which provides that, amongst other things, the Council will support proposals that protect, conserve and/or enhance the Island's natural environment. The proposal would conflict with Policy DM2 of the Core Strategy which provides that, amongst other things, development proposals will be expected to complement the character of the surrounding area, particularly in AONBs. The proposal would conflict with Policy DM12 of the Core Strategy which provides that, amongst other things, development proposals will be expected to reflect the aims and objectives of the AONB Management Plan.

Other Considerations

30. The proposal would provide one new dwelling in an accessible location, thereby contributing to the Government's objective of significantly boosting the supply of homes, and also providing a contribution towards housing supply in the context of both the Council's lack of a 5-year supply of deliverable housing sites (stated to be a housing land supply of approximately 4.16 years), and the most recent Housing Delivery Test results which demonstrate that under-delivery in this respect has been continuing for some time.
31. The proposed new dwelling is intended to be occupied by the appellant and their family, and over the long-term would contribute towards housing choice and mix in the local area, with the number of bedrooms reflecting local need, and it would provide a self-build home, which is supported by paragraph 62 of the Framework. I am also mindful that paragraph 69 of the Framework provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
32. Paragraph 125 of the Framework provides that, amongst other things, where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions ensure that developments make optimal use of the potential of each site. In this regard,

² Island Plan: Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document (adopted 2012)

the intention to make an efficient use of land (formerly used by a utility company) is recognised, including in relation to Policy DM2 of the Core Strategy which seeks to, amongst other things, optimise the potential of sites, and paragraph 120 d) of the Framework which provides that, amongst other things, planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

33. However, bearing in mind the planning harm identified on the main issue above, this aspiration must also be considered in the light of paragraph 124 e) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed and attractive places.
34. Unilateral undertakings have been provided, relating to habitat mitigation contributions under the Solent Recreation Mitigation Strategy and affordable housing contributions. It is common ground between the main parties that these contributions are required and I have no substantive evidence to indicate otherwise.
35. I therefore consider that the measures put forward in the unilateral undertakings are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development and that they would comply with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), so far as is relevant to those particular unilateral undertakings, and the tests for planning obligations set out in the Framework. This is clearly a matter to which must be given weight in favour of the proposal in the overall planning balance, which is undertaken below.
36. The appellant has mentioned the possibility of a permanent diversion of a nearby coastal footpath. However, this relates to an area of land outside of the red line boundary for the appeal site, and does not seem to be a matter which is directly related to the appeal proposal, but rather appears to be a stand-alone benefit which could potentially be implemented at any time. This limits the weight which can be given to this factor in the overall planning balance, to which I return to below.
37. As a proposed partially subterranean dwelling, the new dwelling would take advantage of geothermal mass and heat exchange. The proposal also incorporates other energy saving features, including (amongst others) solar panels, and would provide an electric vehicle charging point.
38. The proposed green roof would form an extension to the green meadow garden, thereby contributing to ecological diversity, albeit even when taking account of the submitted Ecological Report³ and Landscape Masterplan few details have been provided to accurately quantify the scale of any net gains for biodiversity in this regard.

Planning Balance

39. The proposal relates to one new dwelling only. The positive impacts of the economic, social, and environmental benefits summarised above (including the contributions towards affordable housing and habitat mitigation) would

³ Ecological Report: Preliminary Ecological Appraisal (Woodside Tree Consultancy) (June 2021)

accordingly be constrained by this limited quantum of development. Considering the analysis undertaken above with respect to the proposal's intention to make an efficient use of land, the possibility of a permanent diversion of a nearby coastal footpath, and the potential biodiversity benefits, as a group these matters have been given limited weight. I therefore consider that all these benefits, when considered collectively and in the context of the Council's housing land supply position, amount to no more than moderate weight in favour of the proposal.

40. I have found on the main issue that the proposed development would have an unacceptable and harmful effect on the character and appearance of the surrounding area, including the AONB and the Heritage Coast.
41. The aim of Policy SP1 of the Core Strategy, to support development on appropriate land within or immediately adjacent the defined settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres, is not inconsistent with the Framework's approach to guiding development towards sustainable solutions, as mentioned at paragraph 9 of the Framework.
42. Moreover, the conflict identified in relation to Policy SP1 of the Core Strategy is with respect to its requirement that development on non-previously developed land will need to clearly demonstrate how it will enhance the character and context of the local area. This is broadly in line with the requirement found at paragraph 130 c) of the Framework which seeks to, amongst other things, ensure that proposed developments are sympathetic to local character. It follows that the age of the Core Strategy and the Council's housing land supply position are not factors which meaningfully alter the weight to be given to the conflict that arises from this particular proposal in relation to the specific requirement of Policy SP1 identified.
43. Given that the Framework provides at paragraph 176 that, amongst other things, great weight should be given to conserving and enhancing landscape and scenic beauty AONBs, which have the highest status of protection in relation to these issues, I give great weight to the proposal's conflict with the development plan policies considered in the main issue above.
44. Balancing the great weight of this harm against the moderate weight I have given to the benefits of the proposal, as a matter of planning judgement I find that the benefits of the proposal do not, either individually or cumulatively, outweigh the harm identified. The proposal would conflict with the development plan when considered as a whole.
45. Taking account of paragraph 74 of the Framework, and noting that the Council lacks a 5-year supply of deliverable housing sites, the policies which are most important for determining the appeal are deemed to be out-of-date in accordance with paragraph 11 d) of the Framework.
46. However, as described above, the benefits of the proposal are not sufficient to outweigh the harm identified to the AONB and the Heritage Coast. Taking account of footnote 7 of paragraph 11 of the Framework, and the requirements of paragraph 11 d) i. of the Framework, the application of policies in the Framework that concern AONBs and Heritage Coasts provides a clear reason for refusing the proposed development. Consequently, the proposal would not benefit from the presumption in favour of sustainable development.

47. Therefore, in applying s38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), I find that none of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

48. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR