



Appeal Decision

Site visit made on 31 August 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10.10.2023

Appeal Ref: APP/P2114/W/23/3316451

Mersley Paddocks, Mersley Lane, Newchurch, Isle of Wight PO36 0NR

- 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 Malcolm Lawton against the decision of the Isle of Wight Council.
 - The application Ref 22/01551/FUL, dated 24 August 2022, was refused by notice dated 11 January 2023.
 - The development proposed is proposed new access to Knighton Lane.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed new access on the character and appearance of the surrounding area with regard to the Isle of Wight Area of National Outstanding Beauty (AONB).

Reasons

3. Mersley Paddocks is an existing equestrian facility which utilises an existing access off Mersley Lane which it shares with another property, Mersley Gardens. The appeal site includes buildings and land with boundaries to Mersley Lane and Knighton Lane. Both lanes are narrow and are characterised by their hedgerows which are mostly continuous along the lanes. The area is rural in character and falls within the Isle of Wight AONB.
4. There is an existing gated access into the open fields at the southern end of the appeal site onto Knighton Lane. I am told that this is unauthorised but the appellant states he intends to replant the lost hedge. The new access would involve the removal of a section of hedgerow to create a 4 metre wide access and lowering the hedges along the length of visibility splays either side of the access to 1 metre or less. No issues are raised about the adequacy of these visibility splays from a highway safety point of view.
5. The hedgerow along Knighton Lane is high and the land rises upwards from the lane and, other than the existing access to the appeal site referred to above, the hedgerow is continuous and free from access points. The narrowness of the lane and the high hedgerows contribute significantly to the character of the area and the overall appearance of the AONB. Creating a new access as proposed would see the loss of this continuity by the gap created by the access itself and the lower hedging either side that would be required for the visibility splays. As such, this distinctive character would be eroded to the detriment of its character and appearance.

6. Although the proposed gate into the field would be set back and new planting is proposed by the appellant, this would not lessen the impact of creating a new access as proposed on this narrow lane. Although the proposal may not have the same effect as a new building, my assessment is based on the scheme before me and the issue is not one that compares one scheme with another. I appreciate that field accesses, roadways and farm tracks are common features in the countryside and the AONB and provide an essential means for landowners and rural business to navigate their way safely and productively across a network of fields, as stated by the appellant, but this does not overcome the harm I have found. My view on this matter takes into account the high level of protection afforded to an AONB, in particular, the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's.
7. I also note that the existing access is shared by another property and this may involve conflict with parked vehicles and blocked access but the proposed access, even used as a secondary one, seems to be required for convenience. I am aware that the Framework supports the rural economy and the appellant runs an equestrian and stud business, however, I have no substantive evidence that the business would be adversely affected without the proposed access. I am mindful that the Framework also requires that in rural areas, development should be sensitive to its surroundings.
8. Moreover, in addition to the great weight afforded to the AONB, the Isle of Wight Core Strategy¹ Policies DM2 and DM12 require, amongst other things, new development to protect the integrity of international, national and local designations relating to landscape and complement the character of the surrounding area, particularly in the AONB. For the reasons set out above, I consider that the proposal would conflict with the aims of these policies and the Framework. The proposed new access would have a harmful effect on the character and appearance of the surrounding area with particular regard to the AONB.

Other Matters

9. I have no substantive evidence that would cause me to disagree with the submitted findings regarding the lack of any adverse impact on highway safety nor do I consider that the living conditions of the occupiers of any neighbouring dwellings would be harmed. However, the lack of harm in relation to these matters does not override the harm I have identified.

Conclusion

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

J D Clark

INSPECTOR

¹ Island Plan – Isle of Wight Core Strategy (Including Waste and Minerals) and Development Management Development Plan Document March 2012, Adopted 21 March 2012.