



Appeal Decision

Site visit made on 16 October 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/P2114/W/22/3308034

6 North View, Harbors Lake Lane, Newchurch PO36 0LY

- 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 N Pointing against the decision of Isle of Wight Council.
 - The application Ref 21/00690/FUL, dated 26 March 2021, was refused by notice dated 8 July 2022.
The development proposed is demolition of workshop and construction of detached house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the appeal the appellant submitted an executed unilateral undertaking (UU) dated 13 March 2023. It relates to the provision of affordable housing. The Council considers the UU has addressed its reason for refusal 3 which it does not pursue in the appeal.

Main Issues

3. The main issues in this case are:
 - whether the appeal site would be a suitable location for the proposal with reference to the development plan spatial strategy; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location and spatial strategy

4. The development plan is the Island Plan (IP)¹. The spatial strategy set out in IP Policy SP1 intends to meet the Island's housing needs within or immediately adjacent to defined settlement boundaries, including because these are the most sustainable and accessible locations. Elsewhere, in the wider rural area, housing development must be justified by a specific identified local need or requirement, make a demonstrable contribution to maintaining local facilities and maintain or enhance the wider viability of local communities.
5. The site is not within or immediately adjacent to a defined settlement boundary. I have not been informed it is close to such a location, so it is in the wider rural area. While there is a need for market housing generally on the

¹ The Island Plan, the Isle of Wight Council Core Strategy (including Minerals & Waste) and Development Management Policies Development Plan Document, March 2012

Island, there is no evidence of a specific identified local need for it to be on the site or near it. The proposal is not itself for affordable housing. No other identified local need or requirement recognised by the IP has been suggested.

6. Facilities in Newchurch include a general shop/Post Office and a primary school about 800m or more from the site. These could meet some daily living needs of occupants of the house but would require walking initially along Harbors Lake Lane then Winford Road. Both narrow rural lanes are single track in places with no pavements or street lighting and few verges or passing places not tight against roadside hedgerow, fences or walls. Occupants would mainly have to walk on the carriageways with a number of intervening junctions or driveways.
7. Albeit a snapshot, this part of Harbors Lake Lane was not well trafficked and though straight it is a 60mph road. Whereas Winford Road is 30mph or 20mph in places, it was appreciably busier and has some notable blind bends. As well as HGVs it is also used by buses. A shop at Apse Heath and a Morrisons food store at Lake, on the edge of Shanklin are substantially further to walk to from the site (approximately 1.4km and 2.7km respectively), including along the fast, busy main A3056 Newport Road which in places has no pavements or street lighting.
8. The closest bus stops to the site in Winford Road include connections to Shanklin and Morrisons so could also be used to meet some weekly household needs. However, the timetable displayed shows an extremely limited service and would require the same walk along Harbors Lake Lane and a short section of Winford Road. The bus stops in Watery Lane have more frequent services including to Lake and Morrisons, as well as to Newport, Sandown and Ryde. However, these bus stops are significantly further from the site so require a much longer walk initially along these same lanes with gradients and some blind bends, then along Watery Lane. This lane has similar characteristics to Harbors Lake Lane or Winford Road. Most of the bus stops are next to the roadside edge with little or no refuge space, no shelter, seating or lighting.
9. As a result, the lanes to facilities or bus stops are not conducive to pedestrian use, including by children, parents with buggies, infirm persons or wheelchair users; particularly in darkness or during inclement weather. Nor are there any dedicated cycle lanes. The additional travel demand due to the proposal would therefore cause unacceptable increased risk of vehicular and pedestrian or cyclist conflict, accident or injury and the occupants of the house would be mainly reliant on a car to meet most living needs. By any mode of travel there is no evidence that local facilities are not already viable. Nor that one household would make a material contribution to maintaining them or maintain or enhance the wider viability of a local community in a meaningful way.
10. Some appeal² and Council³ decisions granted planning permission for dwellings elsewhere on the Island. These include the conversion of a rural building, provision of affordable housing, infilling a gap in a built-up residential area, a site close to a settlement or where housing would help to sustain local facilities. Alternatively, or as well, sites in an accessible location, with suitable travel choices or where travel other than by a car was not limited or unduly restricted, including due to improvements. The planning balances

² APP/P2114/W/19/3235033, APP/P2114/W/19/3237263, APP/P2114/W/19/3243709, APP/P2114/W/21/3278577

³ Thornbury, Apse Heath; Branstone Farm; Pan Meadow, Newport; West Acre Park, Ryde and Scotland Corner, Godshill

reached by the Inspectors were a separate matter, also informed by other main issues or the individual planning merits of each case. These decisions are, therefore, not directly comparable to the current appeal.

11. It has been suggested that the Council has done 'very little, if anything at all, to encourage greater delivery' of housing. A Draft Island Planning Strategy is alleged will reduce housing delivery on the Island but there is no evidence it has reached an advanced stage of preparation, what housing requirement it contains or that it will not be found sound.
12. Taking account of the above, I find that the appeal site would not be a suitable location for the proposal with reference to the development plan spatial strategy. Consequently, the proposal would undermine and harm objectives of the development plan in these regards. It therefore conflicts with IP Policy SP1 and with IP Policies SP7 and DM17 which seek to increase travel choice by alternatives to a car so reduce dependency on cars.

Character and appearance

13. The appeal site is a large extended garden on the west side of No.6 North View, a two-storey semi-detached house. The site is bounded on three outward sides by hedgerow and some trees. Despite extensions, No.6 is at one end of a distinctive sequence of three pairs of otherwise still very similar 1930s semi-detached houses in a line. They are sited close to the back edge of Harbors Lake Lane with individual vehicular accesses and flanked either side by a wide pocket of mainly undeveloped land next to the lane. This is the most significant visible or permanent development along this section of the lane, with nearby dwellings or buildings mostly also scattered or sporadic in the countryside. As such, this area has a distinctly remote, rural feel where the landscape, not built form, generally prevails. The site therefore makes a positive contribution to local character and appearance.
14. The front elevation of the house, facing the lane, would reflect some design features of the corresponding part of No.6, thus this line of houses, including a similar eave level. Details of compatible external materials could be secured by a planning condition. There is no apparent reason why the proposal would not be high quality in these respects.
15. However, the detached house would be inconsistent in type with the semi-detached houses and have a wider and deeper squarer shaped main ground floor footprint. The gap between it and No.6 would be notably wider than the gaps between the pairs of semi-detached houses and it would be set further back from the lane edge, behind the uniform front elevation building line. A significantly taller ridge would markedly step up in height. Though receding away from the lane and despite the effect of perspective, the very deep and extensive roof slope would give an unduly top-heavy impression to the house, approximately the same height alone as the ground and first floors of No.6 combined. The large gable ends would not match the end hip of No.6, nor would the wide, tall gable roof of the attached garage. The house and garage would be as wide as one pair of the semi-detached houses with substantially greater scale, massing and bulk overall.
16. Notwithstanding new turning space, the private drive parallel to the lane, with a shared access to No.6, would be without precedent in this row of houses. Nor is there evidence of anything like it nearby. Replanting hedgerow across

the vehicular access to be stopped up would largely cancel out the gap created by the new access. However, most of the roadside hedgerow would be removed. This would achieve required visibility splays but at the expense of an inordinate loss of a significant length of mature hedgerow and new planting would take a long time to achieve a similar presence. In any event, the inset angled alignment would appear artificial and uncharacteristic in the lane.

17. Though the site is already part of a mainly open garden, and would remain mostly open, the house would be in a more prominent and conspicuous part of it. Two houses on this currently single plot, and independent garden use of the site by another household, would increase the intensity of domestic activity and paraphernalia, including external and internal lighting, and unduly emphasise formal subdivision and use of the site which is currently a more peripheral part of the garden.
18. The proposal is not infilling because the site is not a gap in an otherwise continuously built-up frontage. The workshop outbuilding is in roughly the same position as the proposed house but is single storey so has little visual or spatial presence on the site or beyond. Its removal would not be a comparable like for like change or even close, nor appreciably off-set the adverse impacts of the house. Further landscaping would not screen all the house and anyway cannot be relied on in the long term.
19. While opportunity for public scrutiny is limited, the upper part of the house and the roof would be hard not to notice in public views opposite in Harbors Lake Lane and in each direction, including from passing vehicles. The house and garage could be observed through the gap at the access. The house would be similar in some regards to new dwellings in Bartlets Close, which also include attic living accommodation, but they are within the built-up confines of Newchurch, whereas the appeal site is not.
20. As a result, despite being sited at one end of the existing line of houses, the house would be out of kilter with important features of No.6, thus all these semi-detached houses. This would detract from the integrity of No.6 as part of this cohesive line of semi-detached houses. This significant nub of residential built form and use would protrude along Harbors Lake Lane, encroach further into the open countryside, erode spaciousness and an urbanising effect would unduly diminish the rural feel of this stretch of the lane. This intrinsic change at the site would not go unnoticed and jar in the streetscene.
21. Considering all the above, I find that the proposal would cause unacceptable demonstrable harm to the character and appearance of the area. As such, it conflicts with IP Policy DM2. This policy includes that development should conserve or enhance the environment, complement the character and context of the surrounding area with regard to adjacent buildings and views and maintain a sense of place.

Other Matters

Affordable housing (AH)

22. The National Planning Policy Framework (Framework) sets out that AH should not be provided for minor residential development. However, the Council has demonstrated that the lack of delivery of AH is a significant issue on the Island and has justified a need to increase AH via IP Policy DM4, including by

development of small sites having taken account of viability⁴. I consider that these local circumstances outweigh these provisions of the Framework in this appeal.

23. The UU provides for a financial contribution made to the Council to help it increase the supply of AH on other sites. The Council has explained the level of contribution sought and how this would be achieved. I am therefore satisfied that the UU would be necessary, directly related to the development and fair and reasonable in scale and kind. As such, the UU accords with the provisions of Regulation 122⁵ and the Framework tests for planning obligations. As a result, the proposal complies with IP Policy DM4.

European sites

24. The site is within a zone of influence of the coast and water environments of the Solent International Sites⁶. These European sites are designated to protect important habitat for bird species. A significant individual or in-combination adverse effect on the European sites would be likely to occur from residential development due to increased nitrates if foul wastewater entered the Solent exacerbating eutrophication.
25. With advice from Natural England the Council adopted a position statement⁷. It includes that if foul wastewater from residential development on the Island enters the English Channel, not the Solent, then there would be no likely adverse effect on the European sites so no need for mitigation. The Council has suggested a negatively worded Grampian planning condition that it considers would achieve this and, on that basis, cause no harm to the integrity of the European sites.

Personal circumstances

26. I sympathise with the appellant's reasons for making the application. But No.6 North View already meets his desire to continue living with his wife in this area and on the Island. Even if this market dwelling was affordable to a new owner, there is no evidence that building the proposed house is the only way to release No.6 back into the general housing market or help to sustain the Island's population. Nor that it is the only way for him to live in a detached house or in the future be able to care for elderly parents in adapted accommodation. These preferences would endure for the duration of his occupation of the house, whereas the adverse impacts of the proposal would be permanent and must be reconciled in the wider public, not private, interest.

Planning Balance

27. The appellant states that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites and that at 58% the most recent Housing Delivery Test (HDT) has not been met, lower than in previous years. The Council has not disputed this. Either way, by virtue of footnote 8, Framework paragraph 11(d) is therefore engaged and the starting point is that planning permission should be granted.

⁴ Affordable Housing Contributions Supplementary Planning Document March 2017

⁵ Community Infrastructure Levy Regulations 2010

⁶ Solent Maritime Special Area of Conservation, Solent and Southampton Water Special Protection Area (SPA) and Ramsar, Portsmouth Harbour SPA and Ramsar and Chichester and Langstone Harbours SPA and Ramsar.

⁷ Isle of Wight Position Statement: Nitrogen neutral housing development January 2023

28. This family sized market house on this small previously-developed⁸ windfall site would make effective use of it for housing and it could be built relatively quickly. In a limited way it would contribute to meeting the Council's housing requirement, help deliver affordable housing elsewhere on the Island and sustain employment during construction. It would provide ecology enhancement on the site. These outcomes would align with objectives of the Framework to significantly boost the supply of homes, meet people's living needs (including for affordable housing), support the economy and achieve net gains for biodiversity. These would be modest social, economic and environmental benefits from a single dwelling so, in my view, each have moderate weight in support of the proposal.
29. However, while the house would not be remote due to proximity to nearby buildings, it would not be in or next to any settlement⁹. There is no evidence that this isolated single dwelling support or grow any rural settlement in an appreciable way to meet community needs or enhance or maintain the vitality of rural communities, including by use of local facilities. The proposal would not promote walking, cycling or public transport in a meaningful way or result in a pattern of development that supported these aims or ensured the safety of pedestrian occupants of the house (or net gain of new occupants in No.6). While transport opportunity varies between urban and rural areas, the house would not be in a location that is or could be made sustainable by limiting the need to travel or offer a genuine choice of useable travel modes. The proposal would not meet circumstances or exceptions in the Framework for housing in the countryside.
30. It would undermine IP objectives in these respects. The IP was prepared and adopted against a different national planning policy context but the Framework is not materially different in these regards. The policies relevant to housing delivery and most important to determining this appeal remain broadly consistent with these rural housing and sustainable transport objectives of the Framework. Consequently, given the housing supply and delivery position, reduced weight applies to the conflict with these development plan policies but nonetheless in my view still have moderate weight against the proposal.
31. Once developed as proposed the contribution of the site to the character and appearance of the area would be lost. The proposal would not reflect the pattern of local residential development, not integrate with the countryside or maintain a semi-rural sense of place. This would undermine IP aims in these respects. These are also broadly consistent with objectives of the Framework to conserve the natural environment, recognise the intrinsic character and beauty of the countryside and to ensure that new homes on appropriate land in rural areas achieve well-designed places.
32. Even if the shortfall in 5-year housing land supply is acute, and notwithstanding the HDT position and the appellant's uncontested evidence of notable annual housing need, I consider that the support given in the Framework to delivering housing is not at the expense of ensuring that residential development is appropriately located and suitable in relation to its surroundings to avoid undue proliferation of housing in the countryside and

⁸ Framework Annex 2: Glossary

⁹ *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610 and *City and Country Bramshill Ltd v SSHLG and others* [2021] EWCA Civ 320

unjustified unacceptable harm to it. In my view, these individually important and cumulatively compelling adverse social, environmental and economic impacts have substantial weight against the proposal.

33. In this appeal, application of policies in the Framework protect an area or asset of particular importance (the European sites). As the competent authority it would ordinarily be necessary for me to undertake Appropriate Assessment¹⁰. However, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case.
34. Since I intend to dismiss the appeal, even if the proposal did not adversely affect the integrity of the European sites, so not provide a clear reason for refusing the development, there is no need for me to consider the European sites any further. This is because it would not affect my decision or alter the outcome of the appeal.

Conclusion

35. The proposal conflicts with the development plan overall and with relevant provisions of the Framework. There are no other material considerations to indicate that the decision should be taken other than in accordance with the development plan¹¹. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR

¹⁰ Conservation of Habitats and Species Regulations 2017 (as amended)

¹¹ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and Framework paragraph 12