



Appeal Decision

Site visit made on 14 November 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2023

Appeal Ref: APP/P2114/W/22/3306204

Rill Farmhouse, Canteen Road, Whiteley Bank, Ventnor, Isle of Wight PO38 3AF

- 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 Kieron Fry against the decision of Isle of Wight Council.
 - The application Ref 22/00250/FUL, dated 8 February 2022, was refused by notice dated 6 April 2022.
 - The development proposed is described on the application form as, "Proposed 2 No Holiday Units. Resubmitted with additional information following refusal of Application 21/01413/FUL, dated 30/09/2021".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on highway safety and on the character and appearance of the area.

Reasons

Highway safety

3. The appeal site is accessed via an existing private lane which adjoins Canteen Road. Whilst visibility from this junction is good with respect to southbound traffic, visibility is constrained with respect to northbound traffic.
4. Manual for Streets 2 advises that where actual speeds are above 40mph for significant periods of the day the Design Manual for Roads and Bridges (DMRB) parameters for Stopping Sight Distance (SSD) are recommended¹, and that in rural areas where speeds are lower than 40mph, the Manual for Streets SSD parameters are recommended².
5. In this case, the appellant has calculated that the 85th percentile speeds recorded in the submitted ATC survey are 47.65mph northbound, which given the guidance mentioned above, indicates that the DMRB parameters for SSD are appropriate. Additionally, it is clear from the figures provided in the ATC survey that Canteen Road, whilst being a 'C' classified public highway, is a busy road, with approximately 1% of vehicles travelling northbound exceeding the 60mph speed limit, including a number of vehicles travelling over 70mph during the surveyed period. Moreover, I observed that the presence of a

¹ Paragraph 1.3.6 of Manual for Streets 2

² Paragraph 1.3.7 of Manual for Streets 2

building near the grass verge to the south of the junction, and a wooden structure consisting of vertical and horizontal beams and a separate tall signage column (both located on the verge close to the junction), act as distractions for drivers exiting the lane onto Canteen Road.

6. The combination of the above-mentioned factors leads me to conclude that the absolute minimum SSD referred to in Manual for Streets 2 is not the appropriate standard for these particular circumstances. In this regard, it is common ground between the main parties that a Y distance of 106 metres when viewing to the south of the junction is available. This falls considerably short of the visibility distance of at least 132 metres based on the DMRB guidance referred to by the Council.
7. The proposed development would not be likely to generate a significant number of additional vehicular movements, and no recorded incidents relating to the junction have occurred over a recent 5 year period. Nevertheless, as the proposed development relates to 2 holiday units, in all likelihood the additional vehicles generated would be driven by individuals less familiar with this junction than nearby permanent residents, which further underscores the inappropriateness of the absolute minimum SSD in the circumstances.
8. It follows from the above that the existing access onto Canteen Road would not provide adequate visibility towards the south for the users of the proposed holiday units. Accordingly, the proposed development would be likely to unduly increase the risk of a collision on Canteen Road, potentially involving vehicles travelling at a high speed. As such, the proposed development would result in an unacceptable impact on highway safety, which paragraph 111 of the National Planning Policy Framework (the Framework) advises is the threshold for development to be prevented or refused on highways grounds.
9. I therefore find that the proposed development would have an unacceptable and harmful effect on highway safety. In relation to this main issue, it would conflict with part 1. of Policy DM2 of the Core Strategy³ which provides that, amongst other things, development proposals will be expected to provide a safe built environment, and with part 1. of Policy DM17 of the Core Strategy which provides that, amongst other things, development proposals will be expected to contribute to meeting the aims and objectives of the Island Transport Plan, which (amongst other things), seeks to improve road safety.

Character and appearance

10. The appeal site comprises Rill Farmhouse (a detached dwelling), a car workshop, and a shed, situated within a large plot. At the time of my site visit the garage / workshop shown on the Existing Site & Location Plan⁴ was almost completely demolished. It is clear from that plan that this building was of a broadly similar size as Rill Farmhouse. Hence, its removal has had a notable effect in reducing the amount of built form on site.
11. The Council have conceded that the proposed building, to house 2 holiday units, would not visually compete with Rill Farmhouse or any other structures on site. Moreover, due to the demolition of the garage / workshop, referred to above, the introduction of the proposed new building would not result in a

³ Island Plan: Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document (adopted 2012)

⁴ Drawing No. 0002

significant increase in the amount of built form on site compared to that which has recently been present on site. The proposed new building would extend built form across an area of the site which is vacant, but given the modest size of the proposed new building and the generous size of the site overall, the urbanisation effect caused would be limited.

12. Furthermore, the Council have highlighted that the proposed new building would not be readily visible from the wider area, and this is consistent with my observations. Hence, the proposed development would not undermine the rural character and appearance of the area.
13. I therefore find that the proposed development would have an acceptable effect on the character and appearance of the area. In relation to this main issue, it would comply with Policies DM2 and DM12 of the Core Strategy which collectively provide that, amongst other things, the Council will support proposals for high quality and inclusive design to protect, conserve and enhance our existing environment whilst allowing change to take place.

Other Matters and Planning Balance

14. I have found on the first main issue above that the proposed development conflicts with an up-to-date development plan and in these circumstances the Framework advises that planning permission should not usually be granted. However, I must consider whether other material considerations indicate that the plan should not be followed. In this regard, the finding on the second main issue above, with respect to character and appearance, is a neutral matter, which does not weigh in favour of the proposed development.
15. Policy SP4 of the Core Strategy provides that, amongst other things, the Council will support sustainable growth in high quality tourism. Similarly, Policy E9 of the emerging Draft Island Planning Strategy (July 2021 version) seeks to support high quality tourism. Paragraph 84 c) of the Framework also provides that, amongst other things, planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
16. Few specific details have however been provided to demonstrate the scale of the economic benefits which would accrue from the proposed development in these respects. As the proposed development relates to 2 holiday units only, in the absence of substantive evidence to indicate otherwise, I find that the social and economic benefits of the proposed development in relation to tourism would be minimal.
17. Reference has been made to a planning permission granted for a detached building comprising 3 garages and a holiday unit at first floor level⁵. As the Council's Officer's Report has not been provided it has not been possible to scrutinise the reasons given by the Council in granting that permission, including in relation to highway safety. Due to this absence of information, that permission provides limited weight in support of the proposed development.
18. Collectively, the benefits mentioned above offer modest support for the proposed development, resulting in no more than moderate weight in favour of it. Given the vital importance of ensuring the safety of drivers using Canteen Road, as a matter of planning judgement I find that the benefits identified, do

⁵ P/01320/18

not, either individually or collectively, outweigh the harm identified on the first main issue above, nor the conflict with the development plan when considered as a whole.

19. As mentioned in the third reason for refusal given in the Council's decision notice, the Council has raised concerns in relation to potential impacts arising from an additional nutrient load on European Designated Sites. However, as the appeal is being dismissed for other reasons, there is no need to consider the potential implications of the proposed development in this respect. I therefore make no further comments on this matter.

Conclusion

20. 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