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# Appeal Decision

Site visit made on 22 April 2024

**by S Harley BSc(Hons) M.Phil MRTPI ARICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 April 2024**

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**Appeal Ref: APP/P2114/W/23/3326706**

**Melville Hall, Melville Street, Sandown, PO36 9DH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Alan Humphreys against the decision of the Isle of Wight Council.
  - The application Ref is 23/00438/FUL.
  - The development proposed is change of use from business to domestic status and porch replacement.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development of “change of use from hotel to single residential unit (C3); porch”, as set out on the Decision Notice, more fully describes the proposal. A second planning application for a similar proposal has been refused by the Council but is not the subject of this appeal.
3. An updated version of the National Planning Policy Framework (the Framework) was published in December 2023. I have taken comments made on this matter into account.

## Main Issues

4. Based on the two reasons for refusal set out in the Council’s Decision Notice, the main issues are: whether or not the development plan would support the loss of the stock of hotel accommodation; and the effect of the proposed porch on the character and appearance of the existing building and the surrounding area.

## Reasons

Hotel accommodation

5. Policy SP4 of the Island Plan Core Strategy and Development Management Development Plan Document 2012 (the Core Strategy) seeks to improve and maintain the quality of existing tourist destinations and accommodation on the Island. However, it also allows for the loss of bed spaces through conversion to other uses where it can be demonstrated that the use is no longer viable.
6. The supporting text at paragraph 5.166 lists the following criteria to be used in establishing the viability of tourist accommodation: proof of marketing at a reasonable market price for a minimum of 12 months; evidence of attempts to

save or reposition the business; evidence of business performance when set against local and regional benchmarks; and evidence of professional and competent management. This evidence is required to establish whether the change of use can be justified in development plan policy terms. It is needed as an essential part of the planning application itself and therefore it would not be appropriate to require it by a planning condition.

7. I have carefully considered all the information that has been provided in support of the proposal including on the trading of the hotel and the status of the hotel business. It is explained that there is no intention of re-opening a hotel, and some facilities such as the hot tub were intended to be removed. Nevertheless, the property is a large building which forms part of the stock of hotel accommodation even if presently no hotel is trading. If it was marketed at an appropriate price others may well purchase the property and pursue tourist use successfully irrespective of any upgrades that may be required.
8. I recognise the challenges associated with the Covid-19 Pandemic; costs of living; and the length of the holiday season. I note that accounts are available at Companies House. However, it is for the appellant to provide the appropriate evidence to satisfy the criteria associated with Policy SP4 as set out above.
9. I acknowledge concerns about the publication of sensitive information. In accordance with Planning Practice Guidance<sup>1</sup> the Council can consider whether an exemption from publication should be made for commercially sensitive information and personal information should not be published. However, an Executive Summary of the data is to be expected to be published.
10. I also acknowledge the appellant's personal circumstances, the wish to enjoy the building as a residence and to obtain better property value in the future. However, these are not tests that are relevant in relation to Policy SP4 without supporting evidence. The appellant has provided some information in relation to marketing but it is imprecise in terms of when and where it was advertised and there is no evidence explaining the asking price.
11. Residential use has value as it can make use of under-utilised land and buildings and residents help support the vitality of town centres. However, in this case, I conclude there is insufficient evidence to enable the development plan to support the loss of the stock of hotel accommodation, even though a hotel use has not taken place for some time. Accordingly the proposed change of use would conflict with Policy SP4 of the Core Strategy in terms of maintaining a mix of tourism accommodation to safeguard the tourist economy.

#### Character and appearance

12. Melville Street and the surrounding area contain buildings of mixed ages, sizes, and styles including from the Victorian era through to 1960s bungalows, 1980s blocks of flats, and 1970s houses. Melville Hall is a heavily modified Victorian building. A three floor extension was added in the 1950s and an indoor pool/conservatory in the 1980s/1990s. A single storey front extension opens to a foyer. Overall the building comprises an eclectic mix of styles.
13. Melville Hall is well back from Melville Road but at a much higher level than carriageway. The proposed porch would be small in relation to the building as a whole but would project in front of all parts of the existing building. It would be

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<sup>1</sup> [Viability - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/viability) Paragraph: 021 Reference ID: 10-021-20190509

very prominent as it would project some 3.65m from the foyer doors very close to the steps up from the much lower garden. Due to its depth relative to its width it would appear as a disproportionate, discordant structure adding further to the disparity of architectural form and proportions rather than acting as a unifying feature. Moreover, as shown on the submitted plans neither the pillars nor the roof form would relate well to any existing feature of the building and therefore would not amount to attractive, good design.

14. On the planning application form the porch is described as lightweight PVC roof tile effect sheeting supported on four columns comprising a structural steel plate/beam inside non—structural fibreglass. Such materials would be out of character with the materials of the existing building and would exacerbate the discordant appearance of the proposed porch.
15. As part of the appeal cladding of the columns with render “stone” texture to match existing stonework and a slate roof were proposed. Whilst these materials would be more in keeping with those of the existing building, they would not overcome the concerns about the overall architectural form and proportions described above.
16. I conclude that the proposed porch would not amount to good design and would be harmful to the character and appearance of the existing building and would not complement the surrounding area. There would be conflict with those principles of Policy DM2 of the Core Strategy and the Framework which seek, amongst other things, to provide a visually attractive built environment that complements the character of the surrounding area.

### **Other Matters**

17. The appellant has expressed dissatisfaction with the way the Council has handled the proposal; that the Council did not respond to emails; that pre-application advice is expensive; that there is a compulsory fee for marketing of the Isle of Wight; and the level of business rates. These are not matters for me to consider in isolation of other evidence in relation to planning policies for this appeal.
18. The plans are sufficient for a judgement to be made of the likely appearance of the proposal. There may be other, less harmful, ways in which the front entrance could be made more obvious to visitors.
19. There are many reasons why comments are, or are not, made about planning proposals. I have reached my own judgement based on the submitted evidence.
20. I am told other hotels on the island are in planning limbo but I have little information about their planning status so I cannot judge their relevance in relation to this appeal.
21. The appellant would accept a condition requiring bed space via Airbnb. However, that is not what the planning application was seeking and there is no information about the extent of such occupation or how a condition requiring it would meet the planning policy tests including being precise and enforceable.

## **Conclusion**

22. For the reasons set out above I conclude that the development plan would not support the loss of the stock of hotel accommodation and that the porch would not amount to good design and would be harmful to the character and appearance of the existing building and the surrounding area. There would be conflict with the development plan in these respects and I find insufficient material considerations to outweigh this conflict. The appeal should be dismissed.

*S Harley*

INSPECTOR