



Appeal Decision

Site visit made on 10 July 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/P2114/W/23/3327154

At Last, Ningwood Hill, Shalfleet, Isle of Wight PO41 0XP

- 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 Jeremy Dove against the decision of the Isle of Wight Council.
 - The application Ref is 23/00180/FUL.
 - The development proposed is a three-bedroom detached chalet bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined the application a new version of the National Planning Policy Framework (the Framework) came into effect. During the appeal, the main parties have had the opportunity to provide further comments on the revised Framework and, where received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal in accordance with the new version of the Framework.
3. The Council have recently commenced its Regulation 19 consultation, in accordance with the Town Country Planning (Local Planning) (England) Regulations 2012 on the Island Planning Strategy (the IPS). Given the early stage of preparation, the emerging policies within the IPS carry no weight in the determination of this appeal.
4. In November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England, including the Isle of Wight AONB, became known as National Landscapes.
5. I have removed details that aren't acts of development from the description in the banner head above.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area, with particular respect to the Isle of Wight National Landscape (the IoWNL).

Reasons

7. As the appeal site is located in the IoWNL, in considering the proposed development I have had regard to Chapter 15 of the Framework which requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of the area. Further, as a National Landscape, the IoWNL

has the highest status of protection concerning these issues, reflecting its statutory purpose. This applies to the whole of the IoWNL, including towards its fringes, irrespective of whether the proposal comprises major development and the presence of existing built form in the area at the time it was first designated.

8. Policy DM12 of the Core Strategy¹ is consistent with this approach by supporting proposals that conserve, enhance and promote the landscape interest of the island, amongst other features. The lack of a particular reference to the Ningwood Hill area in the West Wight Landscape Character Assessment and Isle of Wight Historic Landscape Characterisation does not alter the statutory purpose of this national designation.
9. As set out in the adopted Management Plan², the IoWNL has many special qualities which contribute to the quality of life and well-being of local communities and visitors alike. These incorporate many of Natural England's open list of natural beauty criterion, applied individually or in combination. The appeal site comprises an area of pasture with mature hedgerows and substantial trees to its side boundaries and a wooded area to the rear, characteristics the Management Plan identifies within this part of the IoWNL.
10. The linear arrangement of built form near the site, interspersed by wooded copse areas, alongside the A3054 Ningwood Hill and its relationship with the landscape also displays the features which contribute to the natural beauty of the IoWNL. Close to the site, a variety of building forms are present, with the predominant characteristics of the properties comprising detached dwellings set back from the road. Additionally, there are various architectural styles, details, materials and colours of these dwellings. Despite this variation, there is consistently in the detached nature of the dwellings, sited back from the road within large plots. The positioning of the proposed detached dwelling would continue this arrangement, being located back from the road and away from the wooded area at the rear of the site.
11. Dwellings nearby are largely screened from the road and neighbouring properties due to the existing vegetation along all the property's boundaries, including the frontages. Consequently, the influence of built form on the character of the road is limited, instead the highway is predominately enclosed by hedgerows and mature trees thereby creating a sense of tranquillity to the area. In contrast to this, due to the absence of landscape features along the site boundary with the road and within it, and the deep grassed verge, the site has a more open character. Although the close board fence to the front of the site is, in itself, a visual barrier, the higher level of the road allows views to the wooded area beyond, further emphasising the openness of the site and its relationship to the landscape of the wider area.
12. Irrespective of the typology used to describe the proposed dwelling, or the definition of a bungalow, together with the provision of accommodation across two levels, the height of the ridgeline and the mirrored gable ends to the façade, accentuates the two-storey scale of the dwelling. This contrasts incongruously with the wide yet low-rise detached bungalows and the squatter proportions of the two-storey dwellings with narrower frontages located within

¹ Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document March 2012 (the Core Strategy)

² Isle of Wight Area of Outstanding Natural Beauty Management Plan 2019-2024 (the Management Plan)

the surrounding area. The proposed development would therefore be a prominent feature within the landscape, particularly when viewed from the A3054.

13. Even though the depth of the proposed dwelling is greater than the other two-storey dwellings nearby, it is comparable with the adjacent bungalow known as Springfields. However, in combination, the proposed depth and height of the dwelling create a bulk and mass of a scale that would be discordant in the landscape, despite the absence of a policy in the Local Plan specifying a maximum dwelling size.
14. Native hedgerow planting is proposed to the front boundary. This would take time to establish and mature into a screening feature similar to nearby properties and, given its height, the proposed dwelling would be prominent for a significant time period. Moreover, the use of screening is not a reason to permit unacceptable development that would not conserve the IoWNL.
15. My attention has been drawn to several planning permissions the Council has approved for new dwellings³. Whilst consistency in decision-making is necessary, as highlighted in a Court of Appeal decision⁴, many factors need to be considered when determining each proposal. Given the limited details before me of these approved developments, they do not justify allowing the proposed development due to the resultant harm I have identified above.
16. I conclude that the proposed development would harm the character and appearance of the area, with particular respect to the IoWNL. It would conflict with policies SP5, DM2 and DM12 of the Core Strategy which, amongst other provisions, support proposals that protect, conserve and enhance the IoWNL. As the Management Plan amplifies these requirements, the proposed development conflicts with it.
17. I also find conflict with Chapters 12 and 15 of the Framework which seeks to ensure development is sympathetic to the local character of its surrounding built environment and landscape setting whilst conserving and enhancing the landscape and scenic beauty of the IoWNL.

Other Matters

18. The appeal scheme would have social economic benefits from the construction of an additional dwelling, in support of the Framework's objective of boosting the supply of homes. The signed and executed Unilateral Undertaking (UU) submitted as part of the appeal would obligate the appellant to contribute to securing Affordable Housing elsewhere on the Island, were I to allow the appeal. However, given the scale of the proposed development, these benefits would be small. As any benefits derived from the proposed development concerning the increase in family accommodation and the ability for multiple generations to live together are personal to the appellant, they do not weigh in favour of the appeal scheme.
19. Any environmental benefits would also be limited by the scale of the proposed development. Whilst the Framework supports the development of under-utilised land, this is not applicable where it would be detrimental to a nationally

³ Council refs: P/00259/19 dated 22 November 2019; 21/01017/FUL dated 20 July 2021; 21/02316/FUL dated 11 January 2022; and 21/01401/FUL dated 18 March 2022

⁴ *DLA Delivery Ltd v Baroness Cumberlege of Newick* [2018] EWCA Civ 1305

designated site. The replacement of the fence with a hedge would improve the appearance of the site's frontage and verge area. However, the removal and replacement of the fence do not rely on the development being undertaken, even if it would reduce its impact. The retention of existing landscape features within the development is a neutral factor in my decision.

20. One of the Management Plan's overarching objectives for the IoWNL seeks to encourage and support appropriate rural economic development. However, this is to be achieved in the context of conserving and enhancing the IoWNL; the fundamental objective of the Management Plan.
21. Even if I were to conclude that the appeal site is suitable for residential development despite its location outside the defined settlements⁵ specified in Policy SP1 of the Core Strategy, this would not weigh in favour of the proposed development.
22. There are similarities between the appeal scheme and the Lower Dodpits Farm⁶, particularly relating to its location outside the areas where Policy SP1 of the Core Strategy aims to direct new development. However, the Lower Dodpits Farm Development relates to the conversion of a redundant barn to residential development rather than the introduction of a new building into the IoWNL. Similarly, despite its presence within a National Park and the numerous public benefits derived from the scheme at Buriton Interchange,⁷ it is not comparable to the scheme before me.
23. Notwithstanding the limited information before me regarding the planning permissions at Pitts Farm, Little Acres, Pond View and Providence Farm⁸, as these relate to sites with existing built form, they are not directly comparable with the scheme before me. Additionally, the Atkies Farm⁹ permission relates to a dwelling for an agricultural worker; a use which is subject to differing planning policy requirements. Therefore, these decisions do not weigh in favour of the grant of permission in this case.
24. There is no dispute between the main parties that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. However, I have found that the proposed development would cause harm to the IoWNL, an area protected by the Framework¹⁰. As a result, this is a clear reason for refusing the development. Furthermore, the great weight to the proposed development's harm to the character and appearance of the area, including the IoWNL, significantly and demonstrably outweighs its limited benefits. In this circumstance, the presumption in favour of sustainable development does not apply.
25. The site is located within the buffer zone to the Solent Special Protection Area (the Solent SPA), a European Designated Site afforded protection under the Habitat Regulations¹¹. I note that the UU also obligates the appellant to contribute to the Solent Recreation Mitigation Strategy, were this appeal to succeed. If the circumstances leading to the grant of planning permission had

⁵ Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres

⁶ Appeal ref: APP/P2112/W/20/3253663

⁷ Appeal ref: APP/Y9507/W/22/3308885

⁸ Council refs: P/01599/16 dated 4 April 2017; P/00236/17 dated 8 May 2017; P/00180/18 dated 23 July 2018; and P/01193/18 dated 8 February 2019

⁹ Council ref: 20/00082/FUL dated 30 April 2020

¹⁰ Footnote 7

¹¹ Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations)

been present, it would have been incumbent on me to consider the impact of the proposed development upon the Solent SPA, in accordance with the Habitat Regulations. However, as I am dismissing the appeal on the main issue above, I have not found it necessary to consider such matters any further as this would not alter the outcome of the appeal.

Conclusion

26. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework's presumption in favour of sustainable development, either individually or in combination, that outweigh the harm and associated development plan conflict.
27. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR