



Appeal Decision

Site visit made on 9 July 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/P2114/W/23/3333246

Land to the west of Corner Stones and Downs Reach, Moor Lane, Brighstone, Isle of Wight P030 4DL

- 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 L Priddle against the decision of the Isle of Wight Council.
 - The application Ref is 22/00080/FUL.
 - The development proposed is four dwellings, two detached garages, vehicular access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for four dwellings, two detached garages, vehicular access, parking and landscaping at Land to the west of Corner Stones and Downs Reach, Moor Lane, Brighstone, Isle of Wight P030 4DL in accordance with the terms of the application, Ref 22/00080/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the Council determined the application a new version of the National Planning Policy Framework (the Framework)¹ 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 accordingly.
3. In November 2023, all designated Areas of Outstanding Natural Beauty (AONBs), including the Isle of Wight AONB, in England became known as National Landscapes. Their statutory status remains unchanged.
4. I have removed details that aren't acts of development from the description in the banner head above.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, with particular regard to the Isle of Wight National Landscape (the IoWNL); and
 - whether the location is suitable for the development having regard to the local development strategy.

¹ December 2023

Reasons

Character and appearance

6. Given the site's location within the IoWNL, in considering the proposed development I have had regard to Chapter 15 of the Framework. This 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. Policy DM12 of the Core Strategy² is consistent with this approach by supporting proposals that conserve, enhance and promote the landscape interest of the island, amongst other features.
7. Located on the edge of Brighstone, the site rises away from the settlement towards the contrasting landform associated with the chalk downs. The adjoining paddock, located to the rear of existing properties on Moor Lane, gently slopes away from the site into a broad valley. This undulating topography, interspersed with areas of woodland that enclose paddocks, reflects some of the features of the Brighstone Greensand Hills character area identified in the West Wight LCA³.
8. Landscape features on the modestly sized site are limited to boundary hedgerows with varying degrees of density and condition, with an occasional tree. Thicker hedgerows and more dense blocks of woodland are located in the wider area, including some of the boundaries to the nearest paddocks, limiting views of the site from public vantage points in the IoWNL. In contrast to other pastureland nearby, this results in the appeal site having a stronger visual and physical relationship with the residential development adjacent.
9. From the public footpath BS65, the proposed dwellings would be visible in medium-distance views, set against the backdrop of existing properties along Moor Lane and the recently constructed two-storey dwellings⁴ opposite the site. Due to the low-rise single-storey scale, detached forms and vernacular, when viewed from the footpath, the proposed dwellings would be sited between the existing built form of the settlement and the buildings associated with Gaggerhill Farm and The Barn. Despite the elevated level of the site from the footpath, the spacious arrangement of the proposed dwellings provides the opportunity to incorporate further landscape features to soften the built form and strengthen the existing boundary hedgerows. As such, the dwellings would not jut out into the surrounding landscape nor be highly visible.
10. Other vantage points from which the site is visible were identified in the Landscape and Visual Baseline Appraisal and Strategy⁵ submitted with the planning application. However, due to their distance from the site and/or the presence of intervening landscape features, the proposed development would be experienced as part of the Brighstone settlement envelope. The introduction of built form onto the site would not, therefore, be detrimental to the distinctive character of the IoWNL.

² Isle of Wight Council Core Strategy (including Minerals & Waste) and Development Management Policies Plan Document March 2012 (the Core Strategy)

³ West Wight Landscape Character Assessment (September 2005)

⁴ Council application ref: P/00797/17

⁵ December 2021, prepared by o30landscape

11. The dwelling proposed opposite to one of the recently constructed properties would have a higher ridgeline. However, given the gap between these buildings and the distance to public vantage points, these height differences would not be perceptible. Similarly, the stepping down of the proposed dwellings corresponds with the slope of the site, transitioning the built form from Gaggerhill Farm and The Barn to the dwellings on Moor Lane, located at a lower level to the site. Although this relationship is illustrated on the Indicative Section A-A⁶, this is taken along a specific axis through the development, showing a simplified outline of the proposals. Consequently, the influence of existing and proposed landscape features, localised changes in the topography and existing built form has on how the proposed development would be experienced is omitted. Its use as an accurate representation of what the development will look like is, therefore, limited.
12. Whilst a service road is incorporated into the layout of the site, rather than individual vehicular accesses from the unadopted lane, the scale and design of the access arrangement is such that it would not be a prominent nor discordant feature in the area. Furthermore, the coverage of hardstanding indicated on the Site Layout Plan does not lead me to conclude the proposed development would result in a detrimentally urbanising effect on the site. Regardless, the imposition of a suitably worded condition can ensure an acceptable scheme of hard and soft landscaping is implemented.
13. I conclude that the development would not harm the character and appearance of the area, with particular regard to the IoWNL, and accords with policies SP5, DM2 and DM12 of the Core Strategy, and policies POE1 and D1 of the Brighstone Parish Neighbourhood Development Plan. In combination, these policies require proposals to protect, conserve and/or enhance the Island's natural and historic environments, particularly within the IoWNL, amongst other provisions.
14. In addition, I find no conflict with the Framework, specifically the need for protecting valued landscapes and recognising the intrinsic character and beauty of the countryside nor the Management Plan⁷ which reiterates these fundamental objectives.

Location

15. The appeal site is located on the edge of Brighstone, a settlement defined as a Rural Service Centre within Policy SP1 of the Core Strategy, with the broad distribution of dwellings set out in Policy SP2. On greenfield land immediately adjacent to the settlement boundary, such as the appeal site, Policy SP1 requires proposals to demonstrate that an identified local need will be met and no other deliverable previously developed land is available. This is in addition to ensuring that the character and context of the local area is preserved.
16. There is a general need for housing on the Island and, in specific reference to the West Wight Area, the main parties agree that there is a particular need for two and three-bedroom dwellings, such as those proposed within the appeal scheme. Additionally, the evidence before me indicates that the Council is unable to demonstrate a five-year supply of deliverable housing sites in

⁶ On drawing ref: PL03-008

⁷ Isle of Wight Area of Outstanding Natural Beauty Management Plan 2019-2024 (the Management Plan)

accordance with the Framework and the delivery of housing on the Island was below 75% of the housing requirement over the previous three years⁸.

17. Consequently, it has been demonstrated that an identified local need will be met on the appeal site and that previously developed land is not widely available to meet these needs. Therefore, in combination with my conclusions on the main issue above, I conclude that the location of the appeal site is suitable for the proposed development, having regard to the local development strategy set out in policies SP1 and SP2 of the Core Strategy. The proposed development also supports the Framework's objective of boosting the supply of new homes.

Other Matters

18. Whilst much of the Island lies within the catchment of several European Designated Sites⁹ afforded protection under the Conservation of Habitats and Species Regulations 2017, the site lies within an area that discharges into the English Channel via the Brighstone Wastewater Treatment Works (BWTW). Evidence before me indicates that the nearest main sewer pipe to the sites connects to the BWTW and, subject to a suitably worded condition requiring a drainage scheme to confirm this, foul water can be directed away from the aforementioned European Designated Sites.
19. Comments received from an interested party relating to the ownership of parts of the appeal site are civil matters that fall outside of the planning regime and my determination of this appeal. Similarly, whether or not the conditions attached to the planning permission for the two dwellings opposite the site have been met does not alter my decision.

Conditions

20. In addition to the standard time condition, I have imposed a condition requiring that development be carried out in accordance with the approved plans, for the avoidance of doubt and the interests of the character and appearance of the IoWNL and Policy DM2 of the Core Strategy.
21. In the interests of the visual amenity of the area, including the IoWNL, I have imposed a condition requiring an Arboricultural Method Statement (AMS) to be submitted to and approved by the Council. Based on the Tree Protection Plan (ref: WIT-23-16-001-TPP-A) the AMS will safeguard the existing trees on the site during construction, in accordance with Policy DM2 of the Core Strategy.
22. Given the proximity of the site to the Rock Roman Villa Scheduled Monument, I have imposed a condition requiring a scheme of investigation to be approved by the Council prior to the commencement of any development on the site. This will ensure that any features of archaeological interest are properly examined and recorded, to meet the requirements of Policy DM11 of the Core Strategy. Similarly, a pre-commencement condition has been imposed requiring the Council's approval of a drainage scheme to ensure the development is suitably drained and satisfactory arrangements are in place for surface water and foul water disposal. This accords with the objectives of policies DM2, DM12 and DM14 of the Core Strategy and ensures that foul water is directed towards the BWTW.

⁸ Based on the Housing Delivery Test: 2022 measurement, 19 December 2023

⁹ Special Protection Areas and Special Areas of Conservation

23. I have imposed a condition requiring the preparation and approval of an Ecological Management Plan (EMP) in the interests of ecology and the requirements of policies SP5 and DM12 of the Core Strategy. To ensure that the development preserves the character and appearance of the area, including the IoWNL, and in accordance with Policy DM2 of the Core Strategy, I have imposed conditions requiring the Council's approval of external materials and a scheme of hard and soft landscape works.
24. In the interests of highway safety and to comply with policies DM2 and DM17 of the Core Strategy, I have combined the requirement for the approval of details relating to the development's access junction, service road and parking provision.

Conclusion

25. For the reasons given above, and taking into account all relevant matters raised, I conclude that the appeal should be allowed.

Juliet Rogers

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - PL03-001: Site Location Plan
 - PL03-003 rev A: Proposed Site Layout
 - PL03-004: Proposed Floor Plan – 2 Bed
 - PL03-005: Proposed Elevations & Garage
 - PL03-006: Proposed Floor Plan – 3 Bed
 - PL03-007: Proposed Elevations – 3 Bed
 - PL03-008: Proposed Site Sections
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (as per the Tree Protection Plan ref: WIT-23-16-001-TPP-A) and the appropriate working methods (an Arboricultural Method Statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction – Recommendations (or in an equivalent British Standard if replaces), has been submitted to and approved in writing by the local planning authority. The working methods shall be implemented in accordance with the approved details and any timetable therein.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 4) No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i) a programme and methodology of site investigation and recording; and
 - ii) a programme for post-investigation assessment, including the implementation of an appropriate programme of archaeological works.

The development shall be undertaken in accordance with the approved Written Scheme of Investigation. Access shall be afforded at all reasonable times to any archaeologist nominated by the local planning authority to observe the excavations and record items of interest and finds.
- 5) No development shall take place until a scheme for the drainage and disposal of surface and foul water from the development hereby permitted has been submitted to and approved in writing by the local planning authority. Foul drainage shall be connected to the public sewer and shall be served by the Southern Water Wastewater Treatment Works at Brighstone. The development shall be carried out in accordance with the approved details, including any implementation timing therein, and shall be retained and maintained thereafter.

- 6) No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the local planning authority. The EMP shall include the following:

- i) the existing trees, hedgerows and other landscape features to be retained;
- ii) a schedule of plants (noting species, plant sizes, location and proposed numbers/densities, where appropriate);
- iii) measures to ensure buffers between residential gardens and hedgerows are maintained;
- iv) the type, location and number of bird boxes to be installed;
- v) a wildlife-sensitive lighting strategy; and
- vi) an implementation timetable.

The EMP shall be implemented in accordance with the approved details, retained and maintained thereafter.

- 7) No development above ground level shall take place until details of the materials and finishes to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 8) No development above ground level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in accordance with the approved details and implementation programme therein.

All planting, seeding or turfing comprising the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings, or the completion of the development, whichever is sooner.

If, within a period of 5 years from the date of planting, any tree or plant (or any replacement thereof) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree.

- 9) No development above ground level shall take place until details of the access junction (including visibility splays), service road, parking areas and any widening works, including implementation timescales, have been submitted to and approved in writing by the local planning authority. The access and parking works shall be carried out in accordance with the approved details, prior to the occupation of the dwellings, and shall thereafter be kept available at all times for their intended purposes.

**** End of Schedule ****