
Appeal Decision

Site visit made on 23 January 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 March 2025

Appeal Ref: APP/P2114/W/24/3339153

Land Rear Of Old Coastguard Cottages, Coastguard Lane, Freshwater, Isle of Wight.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Sitch against the decision of Isle of Wight Council.
 - The application Ref is 23/01107/OUT.
 - The development proposed is outline for tourism development of four cabins (revised scheme).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with all matters reserved apart from access. As such, where the proposed site plans show any information relating to appearance, landscaping, layout or scale, I have treated this as illustrative for the purposes of making my decision.
3. In the interests of clarity and certainty, I have used the description of development as provided on the Council's decision notice. The application form does not contain details of the site location, and as such, I have used the address set out within the appellant's appeal form.

Main Issues

4. The main issues are: (i) the effect of the proposal on the character and appearance of the area, including the scenic beauty of the Isle of Wight National Landscape (the NL) and the setting of the Freshwater Bay Conservation Area; and (ii) the effect of the proposal on highway safety, with particular regard to the suitability of the access and parking provision.

Reasons

Character and Appearance

5. The appeal site is an undeveloped area of grassland which is situated between existing residential developments on Coastguard Lane and Bay Road, within the village of Freshwater. The site forms part of a finger of greenery that protrudes into the area known as Freshwater Bay, thus providing it with a semi-rural character which differentiates it to some degree from the rest of the village. On that basis, the site makes a positive contribution to the character and appearance of the immediate surroundings.

6. The application is for outline permission only, with all matters reserved apart from access. Nevertheless, it is the case that the proposed development would introduce built form onto an area of grassland that currently has none. The contribution that the site makes to the semi-rural character of Freshwater Bay would therefore be eroded. However, the site is fairly contained and is well related to existing development. Views from the public realm, including the public right of way to the east, would also be minimal. Furthermore, issues such as lighting could be controlled via condition at the reserved matters stage. As such, the associated harm to the character and appearance of the immediate area would be limited.
7. The site lies within the Isle of Wight NL. The National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in NL's. For the reasons already described, the identified harm to character and appearance would extend to the scenic beauty of the NL, albeit this harm would be fairly small.
8. The appeal site itself is immediately adjacent to the boundary of the Freshwater Bay Conservation Area. The rear of the 19th Century dwellings known as Coastguard Cottages faces the site. However, while these are attractive buildings, the access track to their rear is characterised by the presence of garages and other outbuildings which add little value from a visual perspective. As such, the significance of the Conservation Area is only appreciated from this vantage point to a very limited extent, and it seems to me that the proposed development, if well designed, would have a fairly neutral effect.
9. Nevertheless, I conclude that the proposal would result in harm to character and appearance, including the scenic beauty of the NL. It would therefore conflict with policies SP1, SP4, SP5, DM2 and DM12 of the Island Plan Core Strategy 2012 (the CS), as well as Policies P15, P39 and P56 of the Isle of Wight Area of Outstanding Beauty Management Plan. The relevant aspects of these policies seek to ensure that new development, including proposals related to tourism, is well designed, and that it conserves the natural environment.

Highway Safety

10. Table 5 of The Island Plan Guidelines for Parking Provision as Part of New Developments SPD (the Parking SPD), sets out guidance for tourism related developments. However, this is limited to hotels and the like wherein multiple households would be staying in the same building. The proposed development of four cabins would be more akin to separate residential dwellings, and as such, I consider that the use of the standards in Table 1, which relate to residential developments, is appropriate. In this instance, the proposed development would not involve the provision of any parking spaces to serve the cabins. This would represent a deficit of four spaces when considered against the guidance in Table 1 of the Parking SPD.
11. Various local and national policies seek to encourage the use of sustainable forms of transport. In this instance, the site is close to bus stops that provide services to different parts of the island. The site is therefore in a sustainable location in terms of access to public transport. I do not accept the appellant's suggestion that visitors to the cabins would leave their cars on the mainland before using the ferry to access the island. In my view, this is a very unlikely scenario, particularly as visitors would likely have luggage with them.

12. However, there is a reasonably large long stay public car park in Freshwater Bay which could be utilised by visitors to the cabins. I do not share the Council's concerns about the safety of pedestrians walking to the site from the car park as crossing Gate Lane twice can be achieved quite easily, even in busy periods. As such, the proximity of the car park and bus stops to the site means that I am content that the lack of car parking spaces provided on site would be acceptable in this instance, and that a departure from the standards set out in the Parking SPD is justified.
13. The Council's decision notice refers to the inadequacy of the access when exiting Ocean View Terrace and looking left. Indeed, I did note on my site visit that views to the east when exiting the lane are very limited due to the presence of a wall. The appellant appears to agree that the associated visibility splay is currently inadequate. However, as part of their final comments, the appellant has suggested that a section of land on which the wall is located is owned by the Council. As such, they have indicated that the necessary visibility splay could be achieved by entering into a legal agreement that would require certain works to take place. However, there is no such legal agreement before me and there is nothing to suggest that the Council would be content to go down this route. Furthermore, it is not clear whether any such works that could be undertaken on any Council owned land would achieve the necessary visibility splay. With this in mind, a 'Grampian' style condition would be inappropriate as it would not meet the necessary tests.
14. There is also no realistic prospect of the Council utilising its compulsory purchase powers to take control of any land that belongs to the property known as White Lodge which may also be required to create a suitable visibility splay. This level of uncertainty suggests to me that there is no reason to believe that the required splay would be provided. Given the lack of parking on site, it is highly likely that visitors to the proposed development would wish to drive up the access lane, if only to drop off luggage, shopping and passengers. It therefore seems to me that the greater use of a sub-standard access could lead to harm, and this is a matter that I must afford significant weight to.
15. As such, I conclude that the proposal would conflict with CS Policy DM2, which in part, requires developments to be accessible and safe. I do not find conflict with CS Policies DM17 or SP7 which require new developments to provide access to a range of transport modes.

Other Matters

16. The Council has noted that the site is within the buffer zone of the Solent Special Protection Area. However, as I am dismissing the appeal, this is not a matter that I am required to consider further.

Conclusion

17. The proposal would deliver four cabins for tourism use. Such uses are encouraged by various local and national policies, in part due to the economic benefits that would be provided. The appellant has also offered to pay for safety improvements to the nearby bus stop although the deliverability of such a scheme, including timescales, is not certain. Biodiversity enhancements could also be provided on site. However, the benefits of the scheme do not outweigh the collective harm that I have identified.

18. As such, the proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR