



Appeal Decision

Site visit made on 20 February 2025

by **S Leonard BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/P2114/W/24/3348812

6 Florence Road, Shanklin, Isle of Wight PO37 6PB

- 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 Jason and Lois Hall against the decision of Isle of Wight Council.
 - The application Ref is 24/00810/FUL.
 - The development proposed is alterations to include new pitched roof and conversion of garage to form private pregnancy scanning service.
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Decision

1. The appeal is allowed, and planning permission is granted for alterations to include new pitched roof and conversion of garage to form private pregnancy scanning service at 6 Florence Road, Shanklin, Isle of Wight PO37 6PB, in accordance with the terms of the application, Ref 24/00810/FUL, and the plans submitted with it subject to the attached schedule of conditions.

Preliminary Matters

2. The description of development in the banner heading above is taken from the appeal form and decision notice, since this more accurately describes the proposal than the description on the application form.
3. Following the submission of the appeal, the revised *National Planning Policy Framework* (the Framework) was published on 12 December 2024. I have had regard to the latest version in reaching my decision. Whilst paragraph numbers have changed, the policies of the Framework most relevant to the appeal have not altered so substantially as to affect the matters raised by the main parties. Therefore, there is no requirement for me to seek their views on the updated Framework, and I am satisfied that this approach would not prejudice any party's interests.

Main Issues

4. The main issues are:
 - The impact of the proposal on highway safety, with particular regard to on-site parking provision and vehicular access visibility splays;
 - Whether the proposed layout of the development would provide suitable functionality for the appeal scheme; and
 - Whether the appeal site is a suitable location for a pregnancy screening service, having regard to the impact upon the vitality and viability of Shanklin Town Centre and the accessibility of the appeal site.

Reasons

Highway safety

5. Florence Road is an unclassified, quiet residential road, which is subject to a 30mph speed limit. On-street parking and waiting is prohibited by double yellow line restrictions along the whole length of the road, as well as along many nearby roads. Accordingly, off-road garaging and parking is commonplace for the dwellings within the vicinity, including the appeal premises which has on-site parking for 2 cars within the garage and forecourt area to the front of the premises.
6. The Council has confirmed that this number of on-site parking spaces accords with its adopted parking standards for residential properties¹. Having regard to the appeal scheme, whilst confirming that there are no specified adopted standards for the use proposed, the Council considers that the pregnancy scanning service should provide 2 on-site parking spaces, one space for staff and one space for customers. Accordingly, having regard to the loss of the existing garage, there would be a deficiency of 3 on-site parking spaces. Moreover, the length of the existing parking space in front of the garage fails to meet the standards of either DB32 or IHE Design Car.
7. The Council's highway safety concerns are compounded by the resulting intensification of vehicular comings and goings associated with the proposal using an existing access which has substandard access visibility to the north.
8. Ordinarily such highway safety concerns are not unreasonable, particularly since they are based upon the information initially submitted with the planning application and noting that the facility would be the first of its kind on the Island.
9. Subsequently, the appellants have provided additional information in respect of the proposed operation of the scanning unit. The business would be run by the owner of the dwelling, involving no additional members of staff. The days of operation would be limited to 2 days in a working week (Monday to Friday) and alternating weekends. Appointments would be limited to a maximum of 5 per day, to take place between 9am and 5pm.
10. Moreover, the appellants have confirmed that an appointment system would operate whereby each client would be allocated a 45-minute session and after taking this time into account there would be a further 45-minute period prior to the start of the next appointment, thereby preventing client overlap.
11. The existing on-site parking, vehicular access and dropped kerb would remain unaltered and are currently in use in association with the existing dwelling. I saw during my site visit that, notwithstanding the size of the available parking area, it is possible to park 2 cars in front of the building and that this appears to be how the residential parking requirements are currently met. The Council has confirmed that there are no records of collisions within the site vicinity or that the existing arrangements are harming highway safety.
12. Also of significance is the location of the site within the designated settlement boundary of Shanklin, where access to community facilities and public transport

¹ Isle of Wight Council's Guidelines for Parking Provision as Part of New Developments Supplementary Planning Document (January 2017)

services would reasonably be expected to be good, thereby reducing reliance upon the private car as a means of transport.

13. The evidence before me is that the site is located approximately 210m from the High Street, around 100m from a bus stop in Victoria Avenue, which provides services to Shanklin and Ryde, and about 600m from Shanklin bus station, which serves destinations including Newport, Ventnor, Ryde and Sandown. As such, the site has good pedestrian access to shops and community facilities and services and to bus transport services covering an extensive area of the Island.
14. The appellants have confirmed that it is not intended to provide on-site parking for customers of the new business and that business advertising would direct potential clients to public parking facilities within the locality. These include Orchardleigh Road long stay public car park, which is approximately 140m from the site, and Vernon Meadow car park, which is located about 413m from the appeal site.
15. With both car parks being within reasonable walking distance from the appeal site, as well as the Victoria Avenue bus stop and Shanklin bus station, which offer the potential for public transport travel to the premises, I am satisfied that the non-inclusion of on-site parking for customers would be feasible in practice.
16. The topography of the locality would necessitate clients walking along inclined roads to access the site. However, based on the evidence provided by the appellants and lack of cogent evidence from the Council to the contrary, and from my observations during my site visit, I am not persuaded that the hills within the vicinity of the appeal site would act as a deterrent to pregnant women walking to and from the scanning unit on health and fitness grounds.
17. As such, notwithstanding the lack of street parking within the vicinity of the appeal site, I am satisfied that the existing provision of on-site parking is sufficient to serve the proposal. In coming to this view, in addition to the above, I have also noted the proximity of the appeal site to the designated Town Centre Boundary, within which, according to the Council's adopted Parking Guidelines (footnote 1), the Council would not expect development to provide parking provision as a matter of course.
18. Having regard to the above mode of operation and number of customer appointments per week, which can be controlled by conditions, the business would not result in such a significant intensification of use of the premises such that it would amount to a material increase in traffic movements associated with the site.
19. In support of the appeal scheme, I also acknowledge the presence of other existing health-related services within Shanklin which operate without the benefit of on-site parking and are located within similar walking distances of public car parks and/or public transport services, involving walking to the premises over similarly undulating topography.
20. For the above reasons, I therefore conclude that, given the specific circumstances of the appeal scheme, the proposal would not materially harm highway safety, having particular regard to on-site parking provision and vehicular access visibility splays. The appeal scheme would therefore accord with the accessible built environment, sustainable travel and highway safety objectives of Policies DM2, DM17 and SP7 of the *Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document* (March 2012) (the Island Plan).

Functionality

21. The proposed pregnancy scanning service would be accessed from the front of the converted garage via a single door which would replace the existing garage door. This is indicated as opening outwards on proposed drawing Ref NA 24/176/02 G, thereby projecting into the frontage parking area. As such, given the aforesaid shorter than DB32 or IHE Design Car depth of the parking space in front of the garage, the Council's concern about potential impeded customer access, including disabled persons access, to the facility is reasonable.
22. As noted previously, the appellants are not intending to provide any on-site customer parking, and the proposed appointment system would mean that the arrival and departure time of clients would be carefully managed with client arrival times being anticipated ahead of their appointments and no overlap between appointments.
23. As such, the owner, as the dwelling resident would be able to manage on-site parking to ensure that there would be no car parked on the appeal site in a position that would block pedestrian access to and egress from the building during appointment times.
24. Moreover, the managed appointment system, by preventing client overlap, would address the Council's concerns that the proposed absence of a separate waiting room could result in those waiting to be seen having to wait outside with associated discomfort because of their pregnant condition or inclement weather. The proposed minimum 45-minute break between the end of one appointment and the start of the next is a reasonable amount of time to avoid such events occurring.
25. For the above reasons, I therefore conclude that the proposed layout of the development would provide suitable functionality for the appeal scheme. The proposal therefore accords with Island Plan Policy DM2 in so much as this policy aims to ensure that development proposals provide, amongst other things, a functional and accessible built environment.

Location

26. The appeal site lies within the designated Bay Key Regeneration Area. As such, the proposed employment-generating business accords with the sustainably located economic development objectives of Island Plan Policies SP1 and SP3.
27. However, notwithstanding the above, since the site lies outside the designated Shanklin Town Centre boundary, the Council's first reason for refusal refers to a failure to accord with Island Plan Policy DM9 and Paragraphs 91 and 92 of the Framework by not providing a full sequential test to demonstrate that there are no more centrally located sites that are available, suitable and viable.
28. The sequential test supports the Government's 'town centre first' policy and the requirement of Paragraph 90 of the Framework that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
29. The Framework requires main town centre uses to be in town centres, then in edge of centre locations, and only if suitable sites are not available (or expected to

become available within a reasonable period) should out of centre sites be considered.

30. The PPG advises that the application of the test will need to be proportionate and appropriate for the given proposal. It also acknowledges that promoting new development in town centre locations can be more expensive and complicated than building elsewhere and that local planning authorities need to be realistic and flexible in applying the test. Deciding whether the sequential test has been passed or not will depend on the detailed evidence provided (or not provided) about how individual sites have been assessed.
31. The proposal comprises a small-scale start-up business which is capable of being operated from a residential garage. The appellants intend to commence the operation on a part-time basis. With this in mind, and in the absence of cogent evidence to the contrary, based upon the business costs and High Street premises rental costs put forward by the appellants, I am persuaded that a lack of financial viability is a strong contributing factor against a High Street location in this instance.
32. Moreover, the appellants contend that a residential road is a more appropriate location for the proposal than a High Street town centre site, due to a lack of privacy for patrons entering and exiting the premises connected with the latter, given that clients are likely to include early expectant mothers who may reasonably desire to keep the pregnancy confidential at that stage. There is no demonstrative evidence before me to lead me to take a contrary view.
33. The Council's opinion is that, by operating from a location closer to the High Street, in particular by occupying one of the currently vacant units within the High Street, the proposal would result in customers being able to benefit from accessible parking and associated ease of use of other existing shops and services within the High Street, thereby increasing pedestrian footfall therein and making a positive contribution to the vitality and viability of the town centre.
34. However, this view is not borne out by the appellants review of available commercial properties within Shanklin town centre. This demonstrates that, due to a lack of on-site parking in any of the available vacant units, and a 30-minute limited time restriction on the public High Street parking (which is too short to enable the proposed 45-minute appointments to take place), patrons would be required to use public car parks within the vicinity of the town centre.
35. The appellants have shown that the comparable distance between the vacant High Street units and the appeal site to the nearest public car parks is negligible. With this in mind, noting that the appeal site is within walkable distance of the High Street, I find that there is no demonstrable evidence before me that clients of the appeal scheme would be significantly less likely to use other High Street facilities and services if utilising the appeal site rather than any of the appellant's identified vacant town centre units.
36. The appeal site lies within 300m of the Island Plan designated Town Centre Boundary. As such, it lies within an 'edge of centre' location in accordance with the Framework definition of such for main town centre uses other than retail uses. Paragraph 92 of the Framework confirms that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well-connected to the town centre. My appeal decision,

in considering the first main issue, has already explained why I consider the site to comprise an accessible location in relation to the town centre.

37. Moreover, I am not persuaded on the basis of the evidence before me, that the proposal is of such a scale or use that it would draw people away from the town centre to the detriment of its vitality and viability. This is not contested by the Council.
38. In addition, Paragraph 85 of the Framework requires planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. The evidence before me is that the appeal scheme is the first such business venture on the Island and the appellants have acknowledged that should it prove to be successful resulting in future expansion and a more intensive use, then a town centre location may be more appropriate in the future.
39. With all the above in mind, given the details of the appeal scheme, including its part-time and low-key mode of operation, which can be controlled by planning conditions, and the accessibility of the appeal site in relation to the town centre, I find that having regard to current circumstances, the sequential test requirements have been adequately met.
40. For the above reasons, I therefore conclude that the appeal site is a suitable location for a pregnancy screening service, having regard to the impact upon the vitality and viability of Shanklin Town Centre and the accessibility of the appeal site. As such, the proposal accords with Island Plan Policy DM9 and Paragraphs 91 and 92 of the Framework in so much as these policies and guidance seek to ensure the vitality of town centres.

Conditions

41. I have considered the Council's suggested conditions in accordance with Paragraph 57 of the Framework and the PPG. I have imposed them where I consider them to be necessary and reasonable, incorporating amendments for the sake of clarity and precision. I have also added conditions as necessary having regard to the precise nature of the proposed use and the aforesaid sequential test requirements.
42. In addition to the standard implementation condition (1), it is necessary to define the plans for certainty (2).
43. Having regard to the circumstances of the site location outside the town centre, in respect of the vitality and viability of the town centre, highway safety and the living conditions of neighbouring occupiers, conditions are necessary to restrict the use of the premises to that of a pregnancy scanning service only (3), limit the operation of the approved use to that by the appellants only (4), limit the hours of operation (5) and ensure the operation of an appropriate appointment system (6).

Conclusion

44. For the reasons given above, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

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 approved shall be carried out in accordance with the following approved plan: NA 24/176/02 Rev G.
- 3) The premises shall be used as a pregnancy scanning unit and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The use hereby permitted shall be carried out only by Jason and Lois Hall.
- 5) The use hereby permitted shall only be open to customers for a maximum of 12 days per calendar month and shall not be open to customers outside the following times: 0900 to 1700 Mondays to Sundays.
- 6) Client appointments in connection with the use hereby permitted shall be limited to a maximum of five per day, with a minimum of 1 hour and 30 minutes between the commencements of appointments.