



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: 27 March 2025

Appeal Ref: APP/P2114/W/24/3345981

Land adjacent to Danby, Southford Lane, Whitwell, Isle of Wight PO38 2QJ

- 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 Neil Carpenter against the decision of Isle of Wight Council.
 - The application Ref is 23/01851/FUL.
 - The development proposed is demolition of former piggery buildings; detached bungalow (revised scheme).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of this appeal, in order to address the Council's second and third reasons for refusal, the appellant has submitted a formally completed unilateral undertaking (UU), pursuant to section 106 of the Town and Country Planning Act 1990, signed and dated 27 August 2024 in respect of i) mitigation for the impacts of the proposal upon the Solent and Southampton Waters SPA and Ramsar site and the Solent Maritime SAC (the European Protected Sites), and ii) the provision of affordable housing. These are matters to which I later return in my decision.
3. Since the refusal of the application, which is the subject of this appeal, a revised version of the *National Planning Policy Framework* (the Framework) was published on 12 December 2024. The main parties have had the opportunity to comment upon the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.

Main Issues

4. The main issues are:
 - Whether the appeal site is a suitable location for residential development, having regard to its accessibility to facilities and services;
 - Whether the proposal would make adequate provision for affordable housing; and
 - Whether the proposal would provide adequate mitigation for the European Protected Sites, with particular regard to nitrates impacts.

Reasons

Location

5. Policy SP1 of the *Island Plan Core Strategy* (March 2012) (the CS) sets out the Council's spatial strategy for development to ensure that development takes place in the most sustainable locations. The policy supports, in principle, development on appropriate land within or immediately adjacent to the defined settlement boundaries of the Key and Smaller Regeneration Areas (KRAs and SRAs) and the Rural Service Centres (RSCs) and prioritises the redevelopment of previously developed land where such land is available, suitable and viable for the development proposed.
6. The site lies within open countryside to the northwest of the village of Whitwell, which is not an RSC and does not have a defined settlement boundary. The site is not within or adjacent to any Regeneration Area boundaries. As such, it is sited within the Wider Rural Area (WRA) for the purposes of Policy SP1 and is not therefore an appropriate site for housing development in these terms. Neither is it previously developed land, having regard to the Framework glossary definition of such.¹
7. Policy SP1 allows for some development within the WRA where it would meet a specific local need or is tourism related. Supporting paragraph 5.31 confirms that "local need" includes identified local requirements for housing, a demonstrable contribution to maintaining local facilities (such as schools, shops and community facilities) and maintaining or enhancing the wider viability of local communities. In addition, read alongside Policy SP1, CS Policies SP7 and DM17 support proposals that increase travel choice and provide alternative means of travel other than the car.
8. This strategy of directing new development to the most sustainable locations is generally consistent with the Framework's approach to the location of new housing. As such, notwithstanding the Council's failure to demonstrate a five-year housing land supply, I afford moderate weight to Policy SP1. Moreover, Policies SP7 and DM17 accord with the Framework objective of supporting sustainable modes of transport.
9. Whilst the proposed 2-bedroom dwelling would accord with the Council's identified need for family sized dwellings within the wider Bay area, the proposal is not a rural exception site for affordable housing and there is no cogent evidence before me that the proposal would address a specific identified local housing need. Neither is there demonstrative evidence that there are local facilities whose viability is at risk or that there is a specific local need to enhance the vitality of facilities and services in any of the surrounding settlements. As such, there is no substantive evidence before me that the appeal scheme falls within any of the aforesaid development plan policy exceptions which would permit housing development within the WRA.
10. The appeal site is not isolated from built development, having regard to the existence of other residential properties which are sporadically sited along both sides of Southford Lane. However, the nearest community facilities and services are in the villages of Whitwell and Niton to the south of Southford Lane which are

¹ Page 77 of the Framework

distinctly separate from the small hamlet of houses in this road due to intervening undeveloped countryside.

11. Whitwell is a small village with limited facilities, and as such is not a designated RSC. The facilities comprise a public house, a petrol filling station incorporating a small convenience retail element (a facility which by virtue of its use would encourage car-borne customers), a church and a village hall. These are located approximately 1km, 1.2km, 1.3km and 1.4km road walking distance from the appeal site. The appellant's view is that the proposal accords with CIHT guidance² which states that people will only walk if their destination is less than a mile away. However, the CIHT document also refers to a widely accepted convenient walking distance to facilities and services of 10min (circa. 800m). This would be exceeded in the case of the appeal scheme.
12. I acknowledge that accessibility of sites in rural areas differs from that which are reasonable for urban areas. However, I consider that it would be reasonable to expect some facilities and services to be located within a 10-minute walking zone from the appeal site. In the case of the appeal scheme, there is no evidence before me that there are any facilities and services located within this zone of reasonable walking distance from the appeal site.
13. In addition, to distance from the appeal site, I have also considered the convenience, safety and attractiveness of alternative means of travel to access facilities and services. When walking from the appeal site wholly by road, the initial part of the journey would necessitate walking along the narrow country lane of Southford Lane which has no pedestrian footways and is unlit and, as I observed on my site visit, subject to regular vehicular traffic associated with the nearby residential properties.
14. On reaching the High Street the walk would then involve proceeding along a busier wider 2-vehicle width road which is unlit with no pedestrian footways and subject to the national speed limit up to as far as the edge of the village. At this point the speed limit drops to 30mph and there is some street lighting but still no public footways until the junction with Nettlecombe Lane, which is approximately 60m from the public house.
15. Alternatively, it is possible to walk to Whitwell via public bridleways linking Southford Lane with Slay Lane.
16. I find that the aforesaid road conditions and rural nature of the bridleways are such that these routes would not be conducive to walking during poor weather and outside of daylight hours. Moreover, whilst I accept that Southford Lane may be popular with walkers and riders accessing the nearby footpath/bridleway network, there is no evidence before me that this relates to day-to-day dependence upon these routes for accessing facilities and services as opposed to recreational use.
17. There is a notably greater range of facilities and services at Niton, which is a designated RSC. However, these are located approximately 2.4km from the appeal site via Southford Lane and then along the unlit Newport Road which lacks pedestrian footways until the approach into the village. As such, they are less accessible by pedestrians than the facilities at Whitwell. Notwithstanding that

² *Planning for Walking* Chartered Institute of Highways and Transportation (April 2015)

cycling could be a viable alternative, the likelihood of this mode of travel decreases during inclement weather and hours of darkness.

18. Whilst both villages are served by a bus service linking to Newport and Ventnor, I consider that the use of such would be deterred by the aforesaid distant and inconvenient walking routes to the villages.
19. Having regard to the above, I consider that future occupiers of the proposed dwelling, which given its size and single storey design, could potentially include the elderly, children and those with mobility issues, would be significantly physically restricted from accessing the existing facilities and services and public transport network at Whitwell and Niton and would be heavily reliant on the use of the private motor vehicle to gain access to the most basic of services and their day-to-day travel for services, community facilities and employment.
20. I accept that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and it is reasonable to assume that future occupiers of the development would use private car transport as a means of access to a few facilities and services. However, in this instance they would be almost wholly dependent upon the car for all such journeys.
21. As such, the location of the appeal site would not provide a genuine choice for future occupiers to travel to facilities and services other than by the private car. I therefore conclude that the appeal site is not a suitable location for residential development, having particular regard to its accessibility to facilities and services. Accordingly, the appeal scheme would conflict with the aforesaid aims of CS Policy SP1, and, although not referred to in the first reason for refusal, it would also not accord with CS Policies SP7 and DM17.
22. This accords with the Framework objectives of ensuring that sustainable transport modes are prioritised and actively managing patterns of growth to support opportunities to limit the need to travel and offer a genuine choice of transport modes including the promotion of walking, cycling and public transport.

Affordable Housing

23. CS Policy DM4 indicates that to deliver the necessary affordable homes over the plan period, all new housing developments are expected to provide for either on-site or off-site affordable housing. Small-scale residential developments such as the appeal scheme, are required to provide a financial contribution towards the delivery of off-site affordable housing. The Council's *Affordable Housing Contributions Supplementary Planning Document* (adopted March 2017) (the AHCSPPD) sets out the approach for calculating the required financial contribution which is based upon the value of the property at first sale/occupation.
24. The aforesaid UU submitted by the appellant would secure an affordable housing contribution calculated on the basis of the approach set out in the AHCSPPD and the Council has confirmed that it meets the requirements of Policy DM4.
25. Having regard to this policy context, I am satisfied that the financial contribution towards affordable housing, which would be secured through the submitted signed and dated planning obligation, is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

26. As such, the submitted obligation, in so far as it relates to the affordable housing contribution, would meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

SPA

27. The appeal scheme comprises new residential development with additional occupiers which would generate additional wastewater. Natural England has advised that a net increase in housing development within the Solent catchment area is likely to have significant effects on internationally designated European sites. This is due to the prospect of increased levels of nitrogen and phosphorus entering the water from wastewater from residential development, resulting in eutrophication. This would affect the nutrient water quality of the SAC estuary, mudflats and sandflats and sandbanks, and resulting thick mats of algae which can cause important habitat and bird feeding grounds to be unavailable for use, thereby affecting the status and distribution of key bird species against the stated conservation objectives of the SPA.
28. The appellant has submitted a Nitrate Budget in respect of the net increase in nitrogen loading as a result of the appeal scheme. The submitted UU includes an obligation to purchase nitrate credits to offset the additional nitrates arising from the proposed development to achieve nutrient neutrality.
29. Within the context of the appeal, the responsibility for assessing the effects of the proposal on the European designated site falls to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, and to undertake an Appropriate Assessment (AA) of the implications of the appeal scheme for the European designated site.
30. However, as the first main issue provides a clear reason for dismissing the appeal, the outcome of any such AA would have no bearing on the overall outcome of this appeal. Therefore, I do not need to consider this matter any further as part of my decision.

Other Matters

31. My attention has been drawn to an allowed appeal³ (the September 2023 appeal) in respect of a housing proposal elsewhere within the Wider Rural Area, where the Inspector concluded that the adverse impacts of the development as a result of its conflict with the spatial strategy of CS Policy SP1 and the limited accessibility of the site in conflict with CS Policies SP7 and DM17 would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
32. The planning balance to be applied by the decision-maker is a matter of judgement which is dependent upon the specific circumstances of each appeal proposal, including the location of the appeal site in relation to the nearest facilities and services, the appeal scheme details and the benefits arising from the appeal scheme.
33. Whilst I have had regard to the cited appeal decision, I find that the specific circumstances of that case are clearly distinguishable from those of the current

³ Appeal Reference APP/P2114/W/22/3312325

appeal proposal. These include the location of that site within reasonable walking distance of Wootton, a defined Rural Service Centre with a notably wider range of shops and other services and facilities and public transport connections than Whitwell, and a greater number of benefits associated with that 5 dwelling scheme compared to those arising from the single unit appeal scheme.

34. As such, my decision is based upon the circumstances of the current appeal and my conclusion is not altered by the September 2023 appeal decision.
35. The proposal addresses some of the Council's previous objections in respect of two previous planning applications⁴. However, this does not alter my findings with respect to the appeal scheme.
36. The appellant refers to paragraph 84c) of the Framework as supporting the principle of the appeal scheme in this location. However, this exception to the avoidance of isolated homes in the countryside requires the re-use of redundant or disused buildings. The appeal scheme clearly relates to the proposed demolition of the former piggery buildings and their replacement with a new-build dwelling. Moreover, I saw during my site visit that the buildings are in a dilapidated condition which, in the absence of a structural report or any other cogent evidence to the contrary from the appellant, would reasonably be incapable of conversion into residential use. As such, paragraph 84c) does not apply to the appeal proposal.

Planning Balance

37. It is agreed between the parties that the Council does not have a 5-year housing land supply. Its latest published figures, dated April 2024, indicated a 3.5-year supply. There is no evidence that this figure has been calculated taking account of the updated standard methodology outlined in the updated Framework, and it is likely that its supply is less.
38. As such, paragraph 11d) of the Framework is engaged and the relevant policies for the supply of housing should not be considered up to date. Paragraph 11d) states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, provides a strong reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.
39. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. In terms of social benefits, the proposal would make a modest contribution towards the Council's housing supply, and it would comprise a size of dwelling which the Council has identified that there is a need for. Moreover, it could be built out relatively quickly, having regard to paragraph 73 of the Framework. The proposal would also make a financial contribution towards affordable housing. There would be economic benefits as a result of the construction of the dwelling, including employment and supply chain support, and economic and social benefits as a result of its future occupation, including support for local facilities, services and

⁴ LPA Refs 19/00086/FUL and 22/00098/FUL

businesses. These considerations weigh in favour of the development, and I afford them moderate weight, having regard to the modest size of the proposed housing development.

40. The appellant has stated the intention to provide a self-build home. There is positive support for the provision of such units in national policy, and this weighs in favour of the scheme. However, I have not been presented with cogent evidence of the need for additional self-build housing within the Council area. Nor is there any legal agreement or other mechanism before me to secure the delivery of the proposal as a self-build unit. Accordingly, the weight I attach to this potential benefit is significantly diminished.
41. The appellant has referred to visual benefits associated with the appeal scheme. Whilst the buildings are dilapidated, they comprise rural buildings which are appropriate to a countryside setting and I do not consider the site to be unduly visually harmful to the character and appearance of the area. Moreover, I see no reason why repairs and improvements cannot be carried out to the existing buildings without necessitating the residential development of the site, noting that some works in this respect have already taken place. Accordingly, I afford minimal weight to this aspect of the appeal scheme in the planning balance.
42. The Council has raised no objection to the appeal scheme in respect of matters including detailed design, living conditions of future occupiers, impact on the living conditions of neighbours, parking and highway safety. In terms of the planning balance, a lack of identified harms is a neutral factor.
43. Moreover, whilst the Framework encourages the effective use of land in meeting the need for homes and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified.
44. Weighed against the benefits of the proposal, the location of the appeal site would not provide a suitable site for housing development and the proposal would not give a genuine choice for future occupiers to travel to facilities and services other than by the private car. As such, the proposal would seriously undermine the spatial strategy of the CS, which aligns with that of the Framework, and the social and environmental objectives of sustainable development in respect of accessible services and moving to a low carbon economy would not be met.
45. Accordingly, having carefully considered the balance of factors, notwithstanding whether footnote 7 to paragraph 11 of the Framework applies with respect to habitats sites, I consider that, when assessed against the policies in the Framework taken as a whole, the significant harm that would arise from the proposal in respect of the accessibility of the site to facilities and services would significantly and demonstrably outweigh the benefits.
46. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

47. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR