



Appeal Decision

Site visit made on 10 June 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/P2114/W/24/3351912

Llamedos, Main Road, Chillerton, Isle of Wight PO30 2EX

- 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 Shaun Clark against the decision of Isle of Wight Council.
 - The application Ref is 24/00467/FUL.
 - The development proposed is conversion of barn to holiday unit.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of barn to holiday unit at Llamedos, Main Road, Chillerton, Isle of Wight PO30 2EX in accordance with the terms of the application, Ref 24/00467/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - a) Whether the site is suitable for the development having regard to the spatial strategy of the development plan and the accessibility to services and facilities for future occupants;
 - b) The effect of the development on the landscape character of the Isle of Wight National Landscape;
 - c) The effect of the development on highway safety; and,
 - d) The impact of the development on biodiversity.

Reasons

Spatial strategy/accessibility to services and facilities

3. The spatial strategy for the area is set out in Policy SP1 of the Core Strategy¹. It supports the principle of development on appropriate land within or immediately adjacent to defined settlement boundaries. Proposals outside of, or not immediately adjacent to these settlements, are not supported, unless a specific local need is identified. However, an exception is made for tourism related development, which is supported outside settlements in accordance with Policy SP4. So, although the site is located away from any defined settlements, the proposed holiday unit would accord with the spatial strategy if it were in accordance with the requirements of Policy SP4, which supports sustainable growth in high quality tourism and

¹ Island Plan: The Isle of Wight Council Core Strategy (including Minerals & Waste) and Development Management Policies DPD (adopted March 2012).

proposals that increase the quality of existing tourism destinations and accommodation across the Island.

4. The building lies in open countryside, and, although the built edge of Chillerton is only about 250 metres away, there are few facilities in the settlement. Bus stops, with regular services to higher order settlements, are located nearby. However, to reach them, occupants of the holiday unit would have to walk along a road that has no footpaths or level verges. This would not be a safe or attractive option. Access to the surrounding Public Right of Way network would also require walking along the road. Consequently, it is likely that future occupants of the holiday unit would be heavily reliant on the use of private vehicles to access services and facilities, and to visit tourist destinations.
5. Policy SP4 does not, however, require that new tourist accommodation should be close to services or facilities, or that it should be accessible by public transport. Furthermore, the supporting text to the Policy does not indicate that this is what is meant by the reference to sustainable growth. The Policy does, though, explicitly aim to see the Island become an all-year-round tourism destination. The supporting text at paragraph 5.158 highlights an aspiration to improve the economic prosperity of the Island by increasing the proportion of high value visitors, which will require an increase in the overall quality of tourist accommodation. Paragraph 5.159 says that proposals that aim to achieve this should utilise the high quality built and natural environments of the Island without compromising their integrity. It is this balance that determines whether growth is sustainable for the purposes of Policy SP4.
6. Paragraph 5.167 acknowledges that a wide range of opportunities exist across the Island to improve the quality of the tourism offer and that, whilst the spatial strategy directs development into mainly urban areas, a great number of the Island's tourism facilities are in rural areas. In this case, the proposal would utilise an existing building to provide high-quality accommodation that would be suitable for all-year round occupation. Consequently, provided it would not harm the integrity of the building or the surrounding landscape, it would be supported by Policy SP4 of the Core Strategy and, as a result, would accord with the spatial strategy.

Character of the Isle of Wight National Landscape

7. The site lies within the Isle of Wight National Landscape, which has a statutory purpose of conserving and enhancing the natural beauty of the area. The legislation² requires that, in determining this appeal, I must seek to further the purposes for which the area was designated. Paragraph 189 of the National Planning Policy Framework says great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues.
8. The site lies adjacent to the road, just outside Chillerton, but is largely hidden from view to passing traffic by the high roadside hedge. To the north, however, the land is open and rises steeply to a ridge. It is close-cropped grassland with a rugged, downland character. Apart from a telecommunications tower on the ridge, there are no visible buildings nearby, and any division of the land is achieved by post and wire fences that are not easily discerned. The landscape within which the appeal

² Section 85 of the Countryside and Rights of Way Act 2000 (as amended by section 245 of the Levelling Up and Regeneration Act 2023)

site is located is, therefore, open downland that is a characteristic and positive feature of the National Landscape.

9. The site itself is physically divided from the adjacent open countryside by boundary hedges. It is also visually distinct from the surrounding landscape, as it has a more managed character, with ornamental planting, hard surfaces, and a range of small structures and other items such as benches. However, the boundary hedges, and planting within the site mean these are not prominent features in the landscape. The main building is more visible, but it has a characterful appearance. It is constructed of timber framing, with pegged joints and decorative curved brackets. Externally it is clad in dark horizontal timber boarding and has a traditional half-hipped roof covered in plain clay tiles. Consequently, although it is of comparatively recent origin, it assimilates well into its rural setting. Overall, therefore, whilst the site is of a different character to the adjoining open landscape, it sits comfortably alongside it.
10. The building is accessed via a track from the road, which gives rise to a level area of hardstanding. The proposal does not involve any alterations to these arrangements, so cars parked in the spaces indicated on the plans would be no more visible than is currently the case. They are, in any event, largely screened by the roadside hedge, internal planting, and the building itself, so are not prominent. I conclude below that no hedgerow removal would be necessary to achieve safe access off the road. Consequently, the only potential impact on the natural beauty of the National Landscape would be as a result of the external alterations to the building and the provision and enclosure of an outdoor amenity area.
11. The alterations to the building would not involve any change to its basic scale and form. There would be a minor reconfiguration of the openings in the north elevation to allow the insertion of glazed windows, but the vertical emphasis of the apertures, and the overall proportions of the building would be largely retained. The windows and doors would be set back in deep reveals, so, subject to suitable materials for the framing, would not be discordant features of the building. This elevation is only visible at significant distance from the open land to the north and, in these views, the external alterations would not result in a discernible change to the character of the building.
12. The proposed outdoor amenity area would only extend approximately five metres from the building and would not exceed its width. It would, therefore, be of limited area, so would not accommodate domestic paraphernalia of any significant scale. From the open land to the north, any items located in this area would be seen in close association with the building, and against its backdrop, so they would not be widespread or particularly prominent. I am mindful that the permitted use of the building as stables would also be likely to involve the presence of associated items around the building for recreational use, or for the welfare of owners, which could be spread over a wider area. Consequently, provided the outdoor amenity area were enclosed to place a physical limit on its extent, it would not result in any harm to the character of the landscape. I have imposed a condition to ensure that a suitable means of enclosure is provided.
13. For the above reasons, I conclude that the proposal would leave the natural beauty of the National Landscape unharmed, so it would not conflict with the statutory purpose of the designation. The proposal would also accord with Policies SP5 and DM12 of the Core Strategy, which support proposals that conserve, enhance and

promote the landscape. As the proposal would not conflict with the statutory purpose of the National Landscape it would accord with Objective 1 of the Isle of Wight Area of Outstanding Natural Beauty Management Plan 2019-2024, and with Policies P39 and P56, which support services and tourism activities that respect its objectives.

Highway safety

14. The evidence indicates that the existing access serving the building was permitted in 2009. At that time, visibility splays of 2.4 metres X 80 metres in each direction were considered appropriate for the approved use of the building as stables. It is not disputed that the proposed use as a holiday unit would generate a similar number of traffic movements to this permitted use. It is contended, however, that holidaymakers would be less accustomed to the access, so would be likely to be at higher risk than stable users who would use the access daily. On this basis, the Highway Authority recommended that splays of 2.4 metres X 163 metres should now be provided, in accordance with Table 2.5 in the Design Manual for Roads and Bridges where traffic speeds are 100 km/h.
15. I have not been provided with any evidential basis to support the opinion that occasional users of the access would be at greater risk. Indeed, there is a logical counter argument that they would exercise more caution in emerging from the access than a driver who had become familiar with the road conditions. So, as there would not be a material increase in the number of traffic movements through the access, there is no reason why visibility should be improved to maintain highway safety.
16. The road passing the site is contained by high hedge banks on both sides and has no footpaths. The carriageway is wide enough to have central line markings, but its enclosed, winding, and undulating nature means that forward visibility is limited. Consequently, I saw that traffic speeds past the site were moderate, and well below 100 km/h. I also saw that traffic passed the site on an infrequent basis. At a point 2.4 metres from the carriageway edge, I was able to see along the near side of the carriageway for a distance significantly in excess of 80 metres in both directions. I acknowledge that this visibility has been achieved by pruning the hedge since the Highway Authority's visit to the site. However, it is clear that sufficient visibility has been achieved without any hedgerow removal, and that none is necessary to provide a safe access.
17. I am mindful that this degree of visibility would only be retained in the longer term if the hedge is regularly maintained. The parties disagree on whether the hedge is part of the highway or is controlled by the adjoining landowners. The Highway Authority contends that a Cultivating License under s142 of the Highways Act would be required to maintain the hedge. However, as pruning of the hedge would be necessary to maintain highway safety, it seems unlikely that the Highway Authority would not grant such a license. Consequently, regardless of whether or not the hedge is part of the highway, a condition requiring maintenance of the visibility splays would not be an unreasonable imposition.
18. I acknowledge that the appellant has not objected to the Council's suggested condition requiring the provision and retention of 163-metre visibility splays. However, as there would not be a material increase in traffic using the access, the requirement of the condition to improve visibility would be unreasonable. Splays of

that extent would require considerable hedge removal to the east and, on the evidence before me, the appellant does not control sufficient land to comply with such a condition anyway, so it could not be enforced. I have therefore imposed a condition requiring the maintenance of visibility splays of 80 metres in both directions as previously permitted.

19. Subject to this condition, the proposal would not lead to an increase in highway danger, so would comply with Policy DM2 of the Core Strategy, which seeks to ensure that development proposals provide an attractive, functional, accessible, safe, and adaptable built environment.

Biodiversity

20. An Ecological Report³ was submitted with the appeal, which concluded that the roadside hedge does not qualify as “important” under the Hedgerow Regulations 1997. The Council has accepted this finding. I have also concluded that no hedgerow removal is necessary to provide a safe access. I have imposed a condition to ensure that maintenance of the hedgerow is carried out in accordance with the Ecological Report. Subject to compliance with this condition, the proposal would not be harmful to biodiversity. It would, therefore, accord with Policies SP5, DM2, and DM12 of the Core Strategy, which support proposals that conserve, enhance and promote the landscape, seascape, biodiversity, and geological interest of the Island.

Other Matters

21. Prior to the Council’s decision, the appellant completed a Unilateral Undertaking under s106 of the Act, dated 7 May 2024 (the UU). The UU requires that, prior to commencement of the development, the owner must provide evidence that a Nitrate Credit Purchase has been secured to mitigate 3.29 TN/year (total annual nitrogen produced by the development). This is necessary to avoid increased nutrient levels in The Solent Special Protection Area (the SPA). The number of credits has been calculated through a nutrient budget, and Natural England has concurred with the Council’s Appropriate Assessment under the Habitat Regulations. I am therefore satisfied that the planning obligation is necessary to make the development acceptable, is directly related to the development, and is fairly and reasonably related in scale and kind to it. It therefore meets the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Conditions

22. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters, some of which I have already referred to above. I have considered all the suggested conditions against the advice in the Planning Practice Guidance. Where I have agreed that the conditions are necessary, I have altered them, in the interests of clarity and precision, to better reflect the guidance.

³ Woodside Tree Consultancy: Ecological Appraisal of Hedgerow (including Hedgerow Regulations Assessment) 15th August 2024
Ref: AS/SC/0824

23. Conditions requiring approval of external materials, and placing restrictions on future permitted development rights, are necessary and reasonable to protect the character of the building and to conserve the natural beauty of the National Landscape. A condition requiring the provision and retention of car-parking is necessary in the interests of highway safety.
24. It is necessary to impose a condition requiring connection of the accommodation to the public foul sewer to protect ground water and watercourses from pollution, and to prevent harmful impacts on the SPA. A condition limiting the installation of external lighting is also reasonable in the interests of biodiversity.
25. The proposal is only acceptable under the spatial strategy of the development plan because it complies with Policy SP4 of the Core Strategy, which supports the provision of high-quality tourist accommodation. Consequently, a condition is necessary to ensure that the building is occupied only for this purpose.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

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 LP1 Revision A – Block Plan as Proposed; and P3 – Plans and Elevations as Proposed and Existing.
- 3) No external materials shall be installed on the building until details or samples of the materials to be used 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 / samples.
- 4) Prior to occupation of the holiday unit, the outdoor amenity space shown on approved drawing numbered P3 shall be enclosed in accordance with details that shall first have been submitted to and agreed in writing by the local planning authority. The approved means of enclosure shall be permanently retained thereafter.
- 5) Prior to occupation of the holiday unit, visibility splays shall be provided, in accordance with details that have first been submitted to and approved in writing by the local planning authority, measuring 2.4 metres back from the edge of the carriageway along the centre line of the access, to points 80 metres in both directions. Thereafter, nothing that may cause an obstruction to visibility shall at any time be placed or be permitted to remain within the approved visibility splays.

- 6) Prior to occupation of the holiday unit, the two parking spaces shall have been provided in accordance with the details shown on approved drawing numbered P3. These spaces shall be permanently retained thereafter for the parking of vehicles only.
- 7) Prior to occupation of the holiday unit, the foul drainage shall be connected to the public sewer served by the Southern Water Wastewater Treatment Works at Chillerton and shall be retained as such thereafter.
- 8) The development shall be carried out in accordance with the recommendations made within the Woodside Tree Consultancy: Ecological Appraisal of Hedgerow (including Hedgerow Regulations Assessment) - dated 15 August 2024 (Ref: AS/SC/0824).
- 9) No external lighting shall be installed on the site other than in accordance with details that have first been submitted to and agreed in writing by the local planning authority.
- 10) The development shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C, D and E of Part 1 and Class A of Part 2 of Schedule 2 to the Order shall be undertaken.

END OF SCHEDULE