



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: 18 June 2025

Appeal Ref: APP/P2114/W/24/3354112

Former Arreton Garden & Aquatic Centre, Hale Common, Arreton, Newport, Isle of Wight PO30 3AR

- 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 Carlton Developments Ltd against the decision of Isle of Wight Council.
 - The application Ref is 24/00389/FUL.
 - The development proposed is open sided barn, four storage containers and three static caravans in association with construction of approved scheme P/01579/16.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted in 2017¹ for demolition of glass house and outbuildings, construction of new tourist attraction based on Godshill Cider and Chocolate Island, parking and landscaping (the Approved Scheme). The application site for the development comprised the eastern part of the appeal site. In 2020, a Certificate of Lawful Development was granted² to confirm that work had commenced within the time limit imposed by Condition 1 of the planning permission. The Approved Scheme therefore remains capable of implementation.
3. The barn, storage containers and caravans were already in position at the time of my site visit. I am therefore dealing with this appeal retrospectively. The application sought permission for a temporary period of three years, and I have considered the appeal on that basis.

Main Issues

4. The main issues are:
 - a) Whether the site is suitable for the development, bearing in mind the spatial strategy of the development plan;
 - b) The effect of the development on the character and appearance of the area, including any impact it would have on trees and hedgerows;
 - c) The effect of the development on biodiversity; and,
 - d) The impact of the development on internationally protected habitat sites in the Solent.

¹ Local Planning Authority reference: P/01579/16

² Local Planning Authority reference 20/00142/CLEUD

Reasons

Spatial strategy of the development plan

5. The spatial strategy for the area is set out in Policy SP1 of the Core Strategy³, and supports development within or immediately adjacent to defined settlement boundaries. It is not disputed that the site is outside, and away from, the settlement boundary for Arreton. In such a location, Policy SP1 does not support development unless a specific local need is identified. This limitation does not only apply to residential proposals.
6. The barn, caravans, and containers are proposed to enable the implementation of the Approved Scheme. Two of the shipping containers provide for the welfare needs of on-site workers and as a temporary site office, whilst the other two provide secure storage for tools and materials. The pole barn provides under cover storage for larger items of specialist machinery. Two of the caravans provide accommodation for specialist contractors, and the other will function as a site office. As all of these facilities need to be close to the site of the Approved Scheme, it is contended that there is an identified local need for the development.
7. I have no doubt that the continued implementation of the Approved Scheme will require the storage of materials and equipment, and that welfare facilities should be provided for construction workers. Furthermore, on-site overnight accommodation is likely to be beneficial in terms of cost and efficiency, where specialist workers may have to be sought from the mainland. However, the drawings for the Approved Scheme show significant areas of land within the application site, and outside the footprint of the proposed building, where temporary structures could be provided to facilitate construction works. I have not been presented with any evidence to demonstrate that the requisite facilities could not have been provided within the confines of the development site. Consequently, I am not persuaded that implementation of the Approved Scheme provides a justified need for encroachment of development onto undeveloped greenfield land.
8. My attention is drawn to the Council's approval of caravans for occupation by employees at a horticultural business on the opposite side of the road. However, the circumstances are not directly comparable, as, in that case the residential accommodation was required by employees of a large established enterprise, so there was an identified local need for the accommodation that could not be met elsewhere. Furthermore, the evidence does not indicate that the caravans were on previously undeveloped land outside the confines of the site. Consequently, this development does not carry significant weight in my conclusions.
9. To conclude, the barn, caravans, and containers have been installed on a greenfield site away from any settlement boundaries, without a justified locational need being demonstrated. The proposal would, therefore, be contrary to Policy SP1 of the Core Strategy, which seeks to focus development on appropriate land within, or adjacent to, settlements.

Character and appearance

10. Although the site lies well outside the settlement boundary of Arreton, and within the countryside, there are large-scale glasshouses on the opposite side of the

³ Island Plan: The Isle of Wight Council Core Strategy (including Minerals & Waste) and Development Management Policies DPD (adopted March 2012).

road. There is also intermittent development on the same side of the road, including a pub and its carpark to the immediate north. The A3056 road corridor near to the site is, therefore, strongly influenced by built development. However, there are broad expanses of agricultural land behind the frontage development, and the wider area is characterised by undeveloped countryside.

11. The barn, caravans, and containers are set well back from the road, and are currently largely screened by the security hoarding along the frontage. The barn can be seen from the A3056 to the north, but from here it is seen in association with the pub carpark, and play equipment in the garden, so it is not an intrusive feature. There are also glimpses from the east, across the front garden of the pub, but again these are in the context of the frontage development. I am also mindful that the Approved Scheme is for a substantial two-storey building, so development at the frontage of the site has already been approved. Overall, the impact of the development on the character and appearance of the area when seen from the A3056 corridor is not harmful.
12. However, a public footpath runs immediately adjacent to the southern boundary of the site, which is separated only by a post and rail fence, allowing close public views. Similar, although more distant views, are obtained from Bathingbourne Lane to the southeast. From these viewpoints the proposal is seen in the context of the undeveloped countryside behind the frontage development. The containers have an industrial appearance that is incongruous in this rural context, whilst the caravans have a stark, domestic character that does not assimilate well into the surrounding countryside. In combination with the large utilitarian barn, the melange of structures is an unattractive and intrusive feature in the landscape.
13. I am mindful that planning permission was granted for a large glasshouse on the field to the south in 2020. At the time of my visit, however, there was no visible signs that the permission had been implemented, and no evidence has been submitted to demonstrate that the permission remains extant. In any event, implementation of that proposal would not alter the intrusive nature of the barn, caravans, and containers in views of the appeal site when looking north from the footpath.
14. As the development has already taken place, any direct impact on adjacent trees and hedges has already happened. Overhanging branches of the conifer hedge beyond the western boundary have been cut back, but it is unclear whether this was connected with the development. In any event, the pruning itself has not had a harmful impact on the character and appearance of the area. There are two oak trees in the northwestern corner of the site, close to the pole barn. Their canopies do not appear to have been directly affected by the construction of the barn, and it is unlikely that the pole foundations have significantly affected their rooting systems. The trees are, in any event, poor specimens that have had large limbs removed in the past. They are not important features in the landscape in their own right, as they are seen as part of a group, so any damage that they have suffered as a result of the development has not resulted in any significant harm to the wider landscape.
15. It appears from the evidence before me that hedges bisecting the site, and running along its southern boundary, have been removed in the relatively recent past. However, their removal was not necessitated by the proposal before me, so

appears to have been a separate operation that is not within the remit of this appeal.

16. I recognise that the proposal is for a temporary period, so the intrusive nature of the proposal in the countryside would be for a limited time. However, I am not persuaded that implementation of the Approved Scheme is reliant on the barn, caravans, and containers being located as they have been, and the resultant harm to the character and appearance of the countryside is considerable. Consequently, the proposal is contrary to Policies DM2, DM11, and DM12 of the Core Strategy, which seek to conserve, enhance and promote the landscape of the Island.

Biodiversity

17. The development has been carried out, so any direct impacts on biodiversity have already occurred. Although the application did not include any ecological information, an Ecology Report was submitted with the appeal. Whilst acknowledging that the survey work was carried out at a sub-optimal time, it concluded that no significant habitats or species were present on the site. The hedge removal that appears to have taken place is not directly attributable to the appeal proposal. Therefore, on the basis of the limited evidence available, it is unlikely that the construction of the barn, or the placement of the caravans and containers has resulted in significant harm to protected habitats or species. Furthermore, it is unlikely that their continued presence on site for three years would have any ongoing harmful impacts.
18. Had I been minded to allow the appeal for a temporary period of three years, it would have been necessary and reasonable to impose a condition requiring the land to be reinstated in accordance with a scheme of restoration. The condition could have required the remediation scheme to be based on further ecological survey work to be carried out at appropriate times of the year. The scheme required by such a condition could have incorporated proposals for ecological enhancement, as set out in the Ecology Report, or further measures in the light of the additional survey work. As the evidence indicates that there has been no loss of important habitats or species, a suitable scheme of restoration and mitigation could have ensured that a net gain for biodiversity would be achieved.
19. The development has not resulted in significant harm to biodiversity and, subject to a suitable scheme of restoration, net gains could be achieved at the end of the temporary period proposed. In these circumstances, the proposal would accord with Policies SP5, DM2, and DM12 of the Core Strategy, insofar as they seek to support proposals that conserve, enhance and promote the biodiversity interest of the Island.

Internationally protected habitat sites in the Solent

20. The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. Natural England has advised that there are high levels of nitrogen and phosphorus input to this water environment with sound evidence that these nutrients are causing eutrophication at internationally designated sites⁴. These nutrient inputs include wastewater from housing development. The resulting dense mats of green algae and other effects on the marine ecology from an excessive presence of nutrients are impacting on the

⁴ Natural England Advice on Achieving Nutrient Neutrality for New Development in The Solent Region – Version 5 – June 2020

Solent's protected habitats and bird species. The advice further states that one way to address this is for new development to achieve nutrient neutrality where the treated effluent ultimately discharges into any Solent international sites.

21. The Council has produced a Position Statement⁵, which sets out its approach to achieving nutrient neutrality in proposals for residential accommodation. It states that the Sandown Wastewater Treatment Works (SWTW) outfalls into the English Channel, so developments that will connect to it do not have to demonstrate nutrient neutrality.
22. The application did not provide any information on the proposed foul drainage arrangements for the development. However, the appeal submission confirms that disposal of foul drainage from the overnight accommodation would be via a sealed system emptied and discharged of via the SWTW. The Position Statement says that developments connecting to existing sealed cess pits will not need to demonstrate nutrient neutrality, as Southern Water has confirmed that the SWTW is the only site on the Island accepting this type of waste.
23. I acknowledge that the Position Statement says that a connection to a sealed system should only be proposed if it can be demonstrated that either connection to the mains sewer or use of a package treatment plant is not possible or practicable. In this case, the evidence indicates that the mains sewer is approximately 100 metres away. As the development is only proposed for a temporary period of three years, a permanent connection to the mains sewer, or a bespoke package treatment plant, would not reasonably be practicable. The proposed means of foul drainage would, therefore, accord with the Position Statement, and would avoid any discharge of nutrients to the Solent sites.
24. Subject to a suitably worded condition to secure the proposed method of foul drainage, the proposal would, therefore, comply with Policies DM2 and DM12 of the Core Strategy, insofar as they seek to conserve, enhance, and promote the Island's biodiversity and protect the integrity of internationally designated sites.

Other Matters

25. The appellant has questioned whether the storage containers require planning permission, bearing in mind the provisions of Schedule 2, Part 4, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, which grants consent for temporary buildings and structures for the duration of building operations. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply for a Certificate of Lawfulness under section 192 of the Act for a determination on this issue. Any such application would be unaffected by my decision on this appeal.

Planning Balance

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications for planning permission, and therefore appeals, should be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the proposal would conflict with the spatial strategy for

⁵ Isle of Wight Council Position Statement: Nitrogen neutral housing development - January 2024

the area and would harm the character and appearance of the locality. It would, therefore, be in conflict with the policies of the development plan as set out above.

27. Nevertheless, the benefits of the proposal must be weighed against the harm that I have identified. The barn, caravans, and containers have been installed to facilitate the implementation of the Approved Scheme, which would provide support for the all-year round tourist industry of the Island. There would also be benefits to the economy associated with the construction phase of the development. Furthermore, the provision of on-site residential accommodation for workers would lessen travel to and from the site, resulting in a reduction in carbon emissions. These benefits taken together attract moderate weight in my decision.
28. However, the harm to the character and appearance of the area would be considerable, and it has not been demonstrated that similar benefits could not be achieved without encroachment onto undeveloped countryside. Overall, therefore, the benefits associated with the proposal do not outweigh the conflict that I have found with the spatial strategy of the development plan, and policies that seek to avoid harm to the character and appearance of the area.

Conclusion

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

Nick Davies

INSPECTOR