



Appeal Decision

Site visit made on 24 June 2025

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2025

Appeal Ref: APP/P2114/W/25/3363860

Horestone Point, Priory Road, Seaview, Isle of Wight PO34 5BU

- 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 Messrs William and Christopher Garnett against the decision of Isle of Wight Council.
 - The application Ref is 24/01366/FUL.
 - The development proposed is reinstatement of former boathouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on ancient woodland with particular regard to whether an adequate buffer would be provided; and
 - whether adequate information has been submitted with regard to Biodiversity Net Gain with particular reference to Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO).

Reasons

Ancient woodland

3. The appeal site relates to a small area of bare ground located on the shoreline at the base of a wooded cliff, which includes designated ancient semi-natural woodland (ASNW). The concrete foundation of a previous boathouse is evident within the site, and the proposal seeks to utilise this with a section of the proposed boathouse cantilevered off the existing foundation. There are two other boathouses of a similar size to the proposal next to the site.
4. Paragraph 193 of the National Planning Policy Framework (the Framework) indicates that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
5. The appellants have submitted an email from Natural England (NE) detailing NE's agreement to exclude the appeal site from the Ancient Woodland Inventory (AWI) due to the lack of woodland continuity on the site. However, there is no

confirmation from NE before me that the boundary has been updated and the National Magic Map continues to display the appeal site as ASNW.

6. Even if the appeal site is not within designated ASNW, NE's Guidance on Ancient woodland, ancient trees and veteran trees (the Guidance) advises that proposals should have a buffer zone of at least 15 metres from the boundary of the woodland. It goes on to say that the size and type of buffer zone should reflect the scale and impact of the development. Larger buffers may be necessary where woodland is less dense, close to residential areas or steeply sloping.
7. The woodland adjacent to the site is arguably less densely wooded and steeply sloping. The proposal would not allow for a meaningful buffer zone between the edge of the woodland and the proposed boathouse. Instead, it would result in a very small area between the edge of the woodland and the proposed boathouse. Notwithstanding this, the Guidance does not explicitly preclude development in a buffer zone and the boathouse would be located where a previous one existed, alongside two other boathouses.
8. The appellants submitted a Preliminary Ecological Appraisal (August 2024) (the PEA), an Arboricultural Report (September 2024) (the AR) and a Woodland Management Plan (April 2024) (the WMP) with the application. The Council agrees that the roots of existing trees would not be affected due to the design and construction method of the proposed boathouse. Based on the evidence before me, I have no grounds to find otherwise.
9. The ELR responds to the Council's specific concerns relating to (1) reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species (2) increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration and (3) plants, fungi and invertebrates which may be impacted by increased shading.
10. Regarding point (1), the ELR concludes that the site does not currently support any semi-natural habitat nor is there evidence that it has done so in recent times. Historical satellite imagery within the ELR shows the site to be largely clear of trees and vegetation. The ELR classifies the site as 'Sparsely Vegetated Urban Land' with colonising ivy, horsetail and species-poor grass patches. The plants species are not considered ecologically valuable or supportive of adjacent woodland habitat. The site was also assessed as unlikely to provide suitable habitat for invertebrates, birds, Hazel Dormice, Red Squirrels, Badgers and other woodland species potentially present nearby. In the absence of substantive evidence to the contrary, I find no reason to disagree with these conclusions.
11. In relation to point (2), the appellant asserts that implementing the recommendations of the WMP would reduce the risk of damage to people and property by falling branches through the removal of diseased trees. The WMP recommends the removal of diseased trees near the site. It also recommends around 50% of arisings from tree works be retained on site to create deadwood habitat and log piles. Subject to a condition securing the WMP's implementation, I am satisfied that the proposal would not increase the risk of damage to people and property or cause habitat deterioration.
12. Regarding point (3), while the proposed boathouse would increase shading, particularly to the west of the proposed structure, given the upward slope of the

ASNW and the relatively modest height and mass of the building, the effect is likely to be limited. Moreover, under the WMP, the selective thinning of trees around the boathouse would allow more light into the woodland, and the retained deadwood created would enhance habitat opportunities for fungi and invertebrates.

13. It has been suggested that the proposal would attract paraphernalia and external storage around the building. However, there is no substantive evidence to support this. On the contrary, the proposed boathouse would likely help contain paraphernalia within the structure, reducing visual and physical clutter in the surrounding area.
14. The Council raises concerns that the proposed boathouse would impede the natural growth and regeneration of the woodland. However, the evidence before me indicates that the site has been used for boat storage and has remained largely unchanged for over 25 years. The proposed boathouse is modest in scale, with a height well below the existing tree canopy. As such, any potential impact on woodland regeneration would be limited. Furthermore, implementation of the WMP would actively support regeneration by introducing positive management measures, which would contribute to the long-term health of the woodland.
15. Whether located within ASNW or a buffer zone, the proposal would not result in the loss or deterioration of irreplaceable habitat. Nor would it give rise to any of the direct or indirect impacts on the ASNW identified in the Guidance, due to the site's existing use, the modest scale of the proposed boathouse and the low impact construction method proposed.
16. For the reasons given, while the proposed development would not provide an adequate buffer zone, it would not result in the loss or deterioration of ancient woodland. Consequently, the proposal would comply with Policies SP5, DM2, DM12 of the Isle of Wight Core Strategy and Development Management Development Plan Document (March 2012) insofar as they seek to protect ancient woodland, avoid direct and indirect adverse effects on designated sites and require development proposals to have regard to trees and wildlife.

Biodiversity Net Gain (BNG)

17. Where an applicant believes the development would be subject to the biodiversity gain condition, the application must be accompanied by the minimum information set out in Article 7 of DMPO.
18. A revised Biodiversity Net Gain Assessment (March 2025) (rBNGA) has been submitted to the appeal showing only the headline results of the revised metric calculation. However, a completed updated metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat has not been submitted. Instead, the completed metric before me is the one dated 23 July 2024. Furthermore, the red line boundary used within the rBNGA is inconsistent with the redline boundary on the other submitted plans. In light of the incomplete and conflicting information, I cannot form a view that the Biodiversity Gain Condition is capable of being successfully discharged.
19. In conclusion on this matter, inadequate information has been submitted to meet the minimum information requirements set out in Article 7 of the DMPO. Given

BNG is a statutory requirement, this is a matter of principal importance and failure to comply with the DMPO is a fundamental flaw of the proposal.

Other Matters

20. The site is immediately adjacent to and lies within the buffer zone of the Solent and Southampton Water Special Protection (SPA) and Ramsar. It is also immediately adjacent to the Brading Marshes to St Helens Ledges Site of Special Scientific Interest (SSSI). The Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Given my conclusions on the second main issue, it is not necessary for me to consider this matter in any further detail.

Conclusion

21. The minimum information requirements set out in Article 7 of the DMPO have not been met. For this reason, and having regard to all other matters raised, the appeal should be dismissed.

U P Han

INSPECTOR