



Appeal Decision

Site visit made on 1 September 2025

by **Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date 10 October 2025

Appeal Ref: APP/P2114/C/23/3335800

The Barn, Staplehurst Grange, Long Lane, Newport, Isle of Wight PO30 2LU

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Robert Abbott against an enforcement notice issued by Isle of Wight Council.
- The enforcement notice was issued on 16 November 2023.
- The breach of planning control as alleged in the notice is failure to comply with condition No.4 imposed on a planning permission Ref P/00573/12 granted on 13 July 2012.
- The development to which the permission relates is alterations and conversion of barn to form unit of holiday accommodation.
- The condition in question is No.4 which states: *None of the accommodation hereby approved shall be used other than as holiday accommodation.*
- The notice alleges that the condition has not been complied with in that the owner of the Land is residing in the property on the Land as their permanent residence.
- The requirement of the notice is: to cease the use of the Land for permanent residential accommodation.
- The period for compliance with the requirement is: 6 months.
- The appeal was made on the grounds set out in section 174(2)(a) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice varied then upheld and planning permission is refused.

Preliminary Matter

1. An emerging draft development plan – Island Plan Strategy, Regulation 19 version (the draft IPS) – was examined earlier this year. Although at an advanced stage, it is subject to main modifications. I have not been informed if this work or any unresolved objections are relevant to the draft IPS policies before me, so this diminishes the weight I can give them.

Ground (a)

2. Section 4 of the enforcement notice refers to the creation of a formalised residential curtilage. However, the extent of this area is not clear from the notice but would appear to be outside of the Land, as shown in red on Plan A. It has not therefore formed part of my deliberations which focus on the use of The Barn for residential purposes. In light of that the main issues are:
 - whether condition No.4 is necessary having regard to the development plan spatial strategy for housing, in terms of the location of The Barn and the need for housing;
 - whether removing condition No.4 would result in a justified loss of holiday accommodation;

- the effect of removing condition No.4 on the Solent Special Protection Area, with respect to recreation and nitrates; and
- whether removing condition No.4 would result in provision for affordable housing.

Reasons

Spatial strategy

3. The adopted development plan is the Island Plan (IP)¹. The spatial strategy set out in IP Policy SP1 intends to meet the Island's housing needs within or immediately adjacent to defined settlements. Elsewhere, in the wider rural area, housing development must meet an identified local need.
4. In terms of location, The Barn is most proximate to Newport, a defined settlement in IP Policy SP1. However, it is visually and spatially detached from this town by distance and intervening countryside, so is not in or immediately adjacent to this settlement but in the wider rural area.
5. Newport has a good range of services and facilities and is accessible by public transport. But the barn is at one end of an unsurfaced and unlit track which is narrow and winding in places and includes a gradient. It splits, so part is about 600m from the nearest public highway (Long Lane) closest to the built up edge of Newport. The other part runs a similar distance to Staplers Road but emerges further away from Newport. Exit from the track onto these highways is without any pavement or crossing refuge. Albeit a snapshot, I saw that both are reasonably busy, fast main roads, including because this part of Long Lane is not far inside a 30mph road sign. This part of Staplers Road is unlit and without pavements, just narrow grass verges.
6. Consequently, even if there are bus stops along either of these highways or services and facilities in Newport are within reasonable walking distance, these circumstances are not conducive to pedestrian travel by people living in The Barn used as a permanent residence. Nor for cycling, which would anyway be inherently of limited utility, likely mainly for recreation or exercise. As a result, these occupants of the barn are likely to be mainly reliant on a car to meet most living needs such as for commuting, main weekly food shopping or leisure.
7. Once at The Barn, holiday makers would likely be more inclined to walk or cycle but as part of their stay for leisure purposes. They would likely require a car for other reasons, such as travel from home and to visit other places. But this is generally accepted for planning purposes given that it supports tourism and that holiday accommodation is often located in rural areas. Even if occupied concurrently by different holiday makers, demands on facilities and services are largely seasonal and transient or temporary given the intrinsic nature of holiday use. Though possible, it would be unusual for a holiday to extend beyond a period of weeks and, by mutual exclusion, a dwelling solely used as a permanent residence means it cannot be in holiday use.
8. In terms of need, there is little to counter that there is a need for market housing generally on the Island. However, this objective is primarily achieved elsewhere,

¹ The Island Plan, the Isle of Wight Council Core Strategy (including Minerals & Waste) and Development. Management Policies Development Plan Document, March 2012

not in the wider rural area, including in-line with IP Policy SP1. I have not been directed to any IP policies about rural workers or re-use of buildings in the wider rural area, though I have also not been informed none exist. I accept that draft IPS Policy H6(a) and (b) broadly reflect exceptions in paragraph 84(a) and (c) of the National Planning Policy Framework (NPPF) for new homes in the countryside.

9. In these regards, there is evidence the appellant was a farmer and still helps his sons to run the family owned farm. However, there is no apparent specific objectively assessed need for an agricultural workers dwelling (or an additional one) on this farm or to add to the stock of such dwellings generally, nor for a retired farm manager. I accept that The Barn may have been redundant or disused when planning permission was granted for its use as holiday accommodation. But there is little evidence this remained the case after it was altered and converted to this use, including before the appellant started to live in it. Once it became available for occupation as holiday accommodation it was no longer redundant or disused. Nor has it been shown that permanent residential use of The Barn has enhanced its setting beyond expectations for holiday use. No other recognised identified need or exception as reason to use The Barn for permanent residential purposes has been advanced.
10. I therefore find that condition No.4 is necessary having regard to the development plan spatial strategy for housing, in terms of the location of the barn and the need for housing. Consequently, removing this condition would undermine these objectives of the development plan and the unacceptable harm caused, as set out in the reasons for issuing the notice, means conflict with IP Policy SP1.

Holiday accommodation

11. Tourism on the Island is extensive and important to this local economy. I accept that dwellings can be used for tourist accommodation and this might comply with policies in the IP (or the draft IPS). However, I have not been informed that The Barn is already in lawful use as a permanent residence, so it is not a dwelling potentially available for tourism use. There is little to suggest that The Barn, restricted to holiday accommodation, is an incompatible use in planning terms.
12. Furthermore, there is little objective evidence to substantiate that The Barn is not viable as a unit of holiday accommodation. Nor to show that it has been marketed as holiday accommodation for at least 12 months at an appropriate market price. Both of these requirements of IP Policy SP4 are engaged when existing tourist accommodation would be lost to other uses, such as a permanent dwellinghouse.
13. Draft IPS Policy E8 resists removing restrictive conditions relating to tourist accommodation, unless there are exceptional circumstances. There is little evidence that The Barn is poorly located for use as holiday accommodation by any objective measure, or that its location deters demand for it in order to maintain a sustainable tourism business. Nor is there any apparent reason why its use as holiday accommodation is suddenly in a 'sub-optimal' location because a Lavender Farm near it has ceased operation. For instance, to show that this holiday accommodation was co-dependent on this tourist attraction or would as a result no longer be suitable or available for other holiday use.
14. I therefore find that removing condition No.4 would result in an unjustified loss of holiday accommodation. Consequently, this would be contrary to IP Policy SP4 which seeks to maintain existing tourism accommodation.

Solent Special Protection Area (the SPA)

15. Though not a reason for issuing the enforcement notice, the main parties addressed the location of The Barn within a zone of influence of the SPA. This European site is designated to protect important habitat for bird species. The Council considers that The Barn used as a permanent residence would not likely have a significant individual or in-combination adverse effect on the European site with regard to the recreational impact of its occupants on birds.
16. The appellant claimed the same outcome for potential increased nitrates from foul wastewater entering the Solent, otherwise exacerbating harmful eutrophication. A statement in this respect does not give any details about the author or company and whether it was prepared by a competent person². I have also not been informed that holiday makers would occupy The Barn all year round, whereas the appellant (and albeit if only as a single person) lives here permanently. There is little evidence that this distinction has been taken account of in the otherwise claimed no net increase in nitrates due to planning permission having already been granted for use of The Barn as holiday accommodation.
17. Advertising details and a performance certificate for a package sewage treatment plant are general in nature, not specific to The Barn and not endorsed by Natural England. In any event, there is evidence (including the appellant's nitrogen budget calculation) that this plant would still result in a small residual net increase in nitrogen, so not be nutrient neutral. There is also little evidence to substantiate that the appellant owns land elsewhere which could be used to plant trees and offset this nitrogen increase or that 'nutrient credits' could instead be purchased to this same effect. Nor to suggest that a sealed cess pit would otherwise be the only (least preferred) waste management option. It has also not been explained why a drainage planning condition used by a Council elsewhere was considered suitable in that case, or to show it is directly comparable to the circumstances of this case.
18. Furthermore, I have not been provided with documents produced by the Council or Natural England which are said to endorse the Council's position in respect of recreation impacts or the appellant's position in respect of nitrates, including that nitrates can be left to a planning condition rather than considered as part of an in principle decision to grant planning permission. I have not been informed about any executed planning obligation as an alternative. These matters need to inform Appropriate Assessment³.
19. As the competent authority in this appeal I am not, therefore, satisfied that removing condition No.4 would not significantly harm the nature conservation interests of the SPA or adversely affect its integrity due to recreation or nitrate impacts. The main parties did not refer to any relevant IP policies and no copies have been provided. Removing condition No.4 in these circumstances would be at odds with NPPF paragraph 187(a) to protect sites of biodiversity value and paragraph 193(a) to avoid significant harm to biodiversity or to adequately mitigate or compensate for such harm.

² Gavin Toogood of Mayer Brown

³ Conservation of Habitats and Species Regulations 2017, as amended

Affordable housing (AH)

20. Though also not a reason for issuing the enforcement notice, the main parties addressed the provision of AH. The NPPF sets out that AH should not be sought in minor residential development, such as in this case. The Council has, though, demonstrated a significant under-delivery of AH on the Island as justification for a need to increase provision, including by development of small sites having taken account of viability. It has also explained how this would be achieved and the basis for a level of financial contribution toward provision of AH off-site, including that this should be secured by a planning obligation. I consider that these local circumstances outweigh this provision of the NPPF.
21. The matter in hand is condition No.4 and it is the restrictive occupancy condition in this case, not condition No.5 which requires a register of holiday makers to be kept. If ground (a) succeeded, a new planning permission could be granted free from condition No.4. Albeit then without apparent purpose, condition No.5 would still not restrict occupation. It is not, anyway, open for me to remove or vary conditions that are not the subject of the notice. There is, as a result, little to suggest that the enduring presence of condition No.5 circumvents the exemption from making provision for AH set out in the relevant extract provided from a Council document⁴. No other reason for not making provision for AH has been suggested and I have not been informed about an executed planning obligation to make such provision.
22. In these circumstances, I find that removing condition no.4 would not result in provision for affordable housing. Consequently, use of The Barn as a permanent residence does not comply with IP Policy DM4, which expects financial contributions towards affordable housing.

Other matters

23. There is little evidence that holiday properties count towards the supply and delivery of housing for planning purposes, including because people do not live permanently in them as a home. I therefore accept that if condition No.4 was removed, The Barn in use as a permanent residence would result in a net gain in dwellings. The Council provided its latest published assessment of housing land supply over a four year period⁵. However, this pre-dates the (current) NPPF, which requires assessment over a five year period. There is little other objective evidence to sustain the appellant's claim that the Council cannot currently demonstrate a five year supply of deliverable housing land, though the Council has not substantiated that it can. The latest 2023 Housing Delivery Test⁶ confirms the Council delivered more than 75% of the requisite number of homes over the relevant three year period (76%, not 66% as the Council had suggested).
24. I appreciate the appellant's personal and family circumstances that have been outlined and how this relates to relevant planning history and led to the appellant's current situation. I also acknowledge that The Barn has already been occupied by him as a permanent residence for some time, albeit without planning permission or as lawful development, and suits his particular circumstances. However, planning operates in the wider public interest, rather than for private benefit or to meet any

⁴ Isle of Wight Council Planning and Building Control 'Fees and Charges' booklet 2022-2023

⁵ Housing Land Supply Annual Position Statement on 1 April 2024

⁶ Published December 2024

individual's specific needs or preferences. Whilst these outcomes may coincide, they do not in this case.

25. Considering the main issues, there is little to justify removing condition No.4. Nor to re-word it and grant temporary planning permission to allow use of The Barn as a permanent residence for the duration of the appellants occupation, whereupon it would revert to holiday accommodation. This would otherwise perpetuate the breach of planning control meantime and adverse impacts would endure for an indeterminate period of time.

Planning Balance

26. Notwithstanding that the 5 year housing land supply evidence is inconclusive, application of policies in the NPPF that protect an area or asset of particular importance (the SPA) provide a clear reason for refusing planning permission⁷. Accordingly, the presumption in favour of sustainable development ('tilted balance') does not apply in this case.
27. Removing condition No.4 would help to meet the IP housing requirement, consistent with objectives of the NPPF to significantly boost the supply of homes to meet people's accommodation needs. Though important, the contribution made by a single dwelling is small so this benefit has limited weight.
28. Set against this, removing condition No.4 would result in a permanent residence that is not suitably located or justified by an identified need or other exception and, though a single unit, result in an unjustified loss of holiday accommodation. In addition, I cannot be certain the SPA is not adversely affected and there is no provision towards affordable housing. These outcomes undermine the IP.
29. Removing this condition would also be at odds with objectives of the NPPF for a pattern of development that limits the need to travel, provides genuine travel choice (accepting variation between urban and rural areas) and that rural housing should maintain or enhance rural communities, unless justified in the countryside or isolated for an exceptional reason. It would also conflict with aims to support rural tourism, conserve habitats and biodiversity and deliver affordable housing.
30. The adverse impacts would cause unacceptable harm to these matters of acknowledged planning interest, so these considerations carry substantial weight.
31. The benefits of removing condition No.4 do not, therefore, outweigh the harm.

Conclusion

32. Removing condition No.4 would conflict with the development plan. Other material considerations do not indicate that ground (a) should be determined other than in accordance with the development plan taken as a whole. Consequently, for the reasons given above condition No.4 should remain. I am also satisfied it meets the relevant tests for conditions set out in the NPPF and the Planning Practice Guidance. Accordingly, ground (a) fails.

Ground (g)

33. Although the appeal process has taken some time, after the appeal was lodged the appellant had an expectation of success on ground (a). He would, though, have

⁷ NPPF paragraphs 11(d)(i) and 195

to look for somewhere else to live permanently in earnest after the outcome of the appeal. There is little to suggest how difficult or time consuming that might be, such as in relation to the Island housing property market, so there is uncertainty either way. There is, though, evidence that short term temporary living arrangements – such as a caravan or moving into the farmhouse opposite The Barn⁸ – would likely not be tenable, including for reasons of insufficient space or because the appellant is elderly with health considerations. I am also mindful that he has been settled in The Barn now for some five years or so and, as I saw, is well established with a range of personal possessions and belongings.

34. I accept that the prospect of significant upheaval and losing this home would likely be daunting for the appellant and more difficult or stressful set against the prospect of a relatively imminent deadline, including for his family and partner. While the Council has discretionary powers to extend the period of compliance set out in the notice, it must be sufficient to begin with.
35. In these circumstances, I consider that 12 months sought by the appellant to cease the use of The Barn as permanent residential accommodation would be a proportionate extension of time, so I intend to vary the notice to this effect. Albeit set out without prejudice, it would align with a 12 month longstop period in the Council's appeal statement.
36. Consequently, the 6 month period in the notice to take the steps required by it falls short of what should be reasonably allowed and ground (g) therefore succeeds.

Formal Decision

37. It is directed that the enforcement notice is varied as follows:

- Section 5, time for compliance - delete '*6 months*' and replace with '*12 months*'.

38. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan

INSPECTOR

⁸ Originally occupied by the appellant, now subdivided and occupied by his two sons and their families