



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2025

Appeal Ref: APP/P2114/X/24/3351676

Rocklands Hotel, Undercliffe Drive, Whitwell, Isle of Wight PO38 1UZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Dr W Warren-Thompson against the decision of Isle of Wight Council.
 - The application ref 24/00776/CLEUD, dated 18 June 2024, was refused by notice dated 31 July 2024.
 - The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which an LDC is sought is renovation and refurbishment of existing pool house and pump house serving the swimming pool site.
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed development which is found to be lawful.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

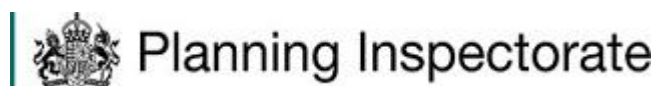
3. The application was submitted, as indicated on the application form, to establish whether building works were substantially completed more than four years before the date of the application. The description of the building works given above is taken from the application form, though it was also stated 'No change of use'. The Council has conceded, in their appeal statement, that "...the Council does not raise issue with the stated time period that the operational development occurred and it is accepted that, on the balance of probabilities, the buildings were substantially complete for the required four-year period prior to submission of the appeal application". From the evidence submitted there is no reason to disagree with the Council's statement.
4. The Council's concession regarding the renovation and refurbishment works conflicts with their reason for refusal of the application, in which it is stated that "...the Council is not satisfied on the balance of probabilities that the renovation and refurbishment works and use as a pool house and pump house, containing a refreshment area, observation lounge, family room and male and female changing rooms has taken place for the required time period...". The Council's concession must be accepted so it must have been their investigations into the uses of the two buildings that led them to refuse the application. However, the application did not seek to establish the lawfulness of the uses of the buildings and did, in fact, state 'No change of use', though this does indicate that there has not been a change of use.

5. The application was submitted to establish the lawfulness of building works and not to establish the lawfulness of any change of use. The Council's concerns regarding a possible change of use, which was probably the specific reason for their refusal of the application, can therefore be set aside. The Council accepts that the renovation and refurbishment works were substantially completed more than four years before the date of the application.

6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for renovation and refurbishment of existing pool house and pump house serving the swimming pool site at Rocklands Hotel, Undercliffe Drive, Whitwell, Isle of Wight was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 18 June 2024 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The building works were substantially complete more than four years before the date of the application.

Signed

John Braithwaite

Inspector

Date: 27 November 2025

Reference: APP/P2114/X/24/3351676

First Schedule

Renovation and refurbishment of existing pool house and pump house serving the swimming pool site

Second Schedule

Land at Rocklands Hotel, Undercliffe Drive, Whitwell, Isle of Wight PO38 1UZ

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 27 November 2025

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Land at: Rocklands Hotel, Undercliffe Drive, Whitwell, Isle of Wight PO38 1UZ

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Scale: Not to Scale

