



Appeal Decision

Site visit made on 9 January 2026

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2026

Appeal Ref: APP/P2114/W/25/3374091

Land at Burnt House Lane, Burnt House Lane, Isle of Wight PO30 2PJ

- 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 Luxury Retirement Living Limited against the decision of Isle of Wight Council.
- The application Ref is 23/00884/FUL.
- The development proposed is Construction of 16 Retirement 'Park Homes' with extended vehicular access, parking and landscaping.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:

- The effect of the proposed development on the character and appearance of the surrounding area;
- whether the living conditions of future occupiers of the proposed development would be sufficient, with particular regard to outlook and privacy;
- whether surface water drainage provision would be adequate for the proposed development;
- whether the proposed development makes an adequate contribution towards the provision of affordable housing; and
- the effect of the proposed development on the Solent and Southampton Water Special Protection Area (SPA), with particular regard to recreational disturbance.

Reasons

Character and appearance

3. The appeal site is situated on the edge of Newport and is bounded by development on two sides, including the adjoining supermarket site and the recent park homes development (the phase 1 scheme) on the same field parcel. With other built form in the surrounding area, the site is therefore clearly not isolated from development, whilst soft landscaping, Pan Lane and topography serve to separate it from the wider rural landscape to some extent. However, given its undeveloped, verdant nature, the site does not read as forming part of the urban area. Instead, it reads as

a green buffer and transition area between the built-up settlement and the wider rural area, which includes limited and more scattered built form. I observed on my site visit that it also appears from various nearby vantage points as forming part of the countryside.

4. With its relatively tight layout, the appeal proposal would lead to an incongruously cramped development in relation to its edge-of-settlement position and the more spacious nature of the phase 1 scheme and the residential properties on the other sides of Pan Lane and Burnt House Lane. In addition, it would urbanise the site and result in the loss of the transition point between the built-up environment and the rural surroundings. It would also read from Pan Lane, with its relatively rural and undeveloped nature, and from parts of the adjoining supermarket car park as extending development into the countryside.
5. In coming to this view, I have taken into account the proposed additional planting, that much of the site would remain undeveloped and that the density would be less than the benchmark recommended in national guidance. The site being within the Medina Valley Key Regeneration Area of the Area Action Plan, its lack of landscape and restrictive policy designations, and the various nearby planning permissions (and other existing development) outside the settlement boundary but within the regeneration area do also not lead me to a different conclusion.
6. With it being visible from various points in the surrounding area, particularly including from the relatively rural Pan Lane, the development proposed would therefore read as being detrimental to the character and appearance of the locality. However, as identified in the Landscape and Visual Baseline Appraisal, views of the site are mostly over short distances and relatively limited, whilst existing planting also filters and screens various views. The images of trees and hedges in leaf in the Planning, design & access statement support this. Along with additional boundary planting and the height of the proposed park homes, the development would therefore not be a particularly prominent feature. Nevertheless, it would still be visible from various public areas, especially given the site's sloping nature and elevated position, and during winter when less screening would be provided by native planting. Any new planting within the site would also likely be limited given the cramped layout.
7. It has been put to me that the site is contained by built form and contains no landscape features that are important to retain or such attributes which would allow it to be defined as a 'valued landscape'; views of the proposed development would involve low sensitive receptors on roads and in built-up areas; additional soft landscaping would not only screen the development but also the supermarket; and by developing the remaining part of the field, the proposal would round off the phase 1 scheme. In addition, the units would have a limited height and muted appearance; the proposed planting would further reduce the already relatively constrained visibility of the site; the development proposed would be seen in the context of its developed surroundings, including with the backdrop of the adjoining supermarket and the built-up area in general; and it would be viewed in conjunction with the phase 1 scheme. On this basis, the harm to the character and appearance of the surrounding area would be limited and localised.
8. Nevertheless, the proposed development would harm the character and appearance of the surrounding area, in conflict with Policies SP5, DM2 and DM12 of the Island Plan, Isle of Wight Core Strategy (IP). Amongst other aspects, these

expect development of a high quality that complements the character of the surrounding area and conserves the island's landscape and natural environment.

Living conditions

9. There would be a limited degree of separation between most of the park homes proposed. Several units would also have relatively small plots and be rather hemmed in between the other proposed units and the access roads. As such, whilst the single storey nature of the units means that overshadowing would not occur, future occupiers' outlook and privacy would be limited. Whilst this may be acceptable for short-term occupiers, the proposed units are identified as providing retirement homes rather than holiday lets for example. The approved park homes developments brought to my attention in other districts (as detailed in the Planning, design & access statement) and that a reduced level of amenity is said to be applied to such developments do not lead me to a different view.
10. Although soft landscaping would be provided between the units, the limited space available indicates that planting would likely remain rather small and thus be insufficient to prevent/reduce overlooking. Even if planting could grow large enough to achieve this, this would be likely to further limit future occupiers' outlook and may also reduce the unusable outdoor space within each plot.
11. It has been put to me that the proposed development would have a similar density to the phase 1 scheme. However, the density calculations provided show that the appeal proposal would have a significantly higher density, whilst the submitted plans show the phase 1 scheme with a different, more spacious layout than the proposed development.
12. For the above reasons, I conclude that the living conditions of future occupiers of the proposed development would be insufficient, with particular regard to outlook and privacy. The proposal therefore conflicts with IP Policy DM2 which, amongst other aspects, seeks development to have an inclusive design and provide a functional built environment.

Drainage

13. Due to the site's characteristics, including limited permeability, the Drainage Statement identifies that surface water from the proposed development would need to be attenuated on site and discharged at a controlled rate. The indicative drainage layout (Drawing No 26341/10, Rev P02) shows that such surface water would be discharged into a highway drain via an on-site drainage network and attenuation tank connected to the phase 1 drainage network.
14. The drawing identifies that surface water discharge would be restricted via a flow control device; and the Drainage Statement sets out that the phase 1 drainage system has been designed to accommodate surface water flows from the appeal proposal. However, no calculations covering discharge rates and the amount of surface water flows that would arise from the proposed development have been submitted. Details demonstrating that the phase 1 drainage scheme and existing highway drainage network could accommodate such flows have also not been provided. Such lack of details runs counter to the Isle of Wight Sustainable Drainage Supplementary Planning Document, which for example sets out that detailed design of the dimensions and performance of the proposed system and components, and detailed design of exceedance routes, must be provided.

15. If the phase 1 system and/or highway drainage network were to be unable to accommodate the additional flows generated by the proposed development, the appeal proposal would therefore increase the risk of flooding to surrounding land and properties. Without details relating to any fuel interceptor (or similar) that would be included as part of the drainage scheme, the proposed development could also negatively impact on water quality, to the detriment of the environment and designated nature sites. The phase 1 scheme having been consented and implemented does not change this.
16. Based on the submitted evidence, it is not clear that surface water drainage from the proposed development could be accommodated via either the method proposed or an alternative. A condition securing further details post-consent would therefore not be reasonable.
17. For the above reasons, it has not been shown that the surface water drainage provision could be designed to adequately accommodate flows from the proposed development and prevent flooding of surrounding land and water pollution. It would therefore conflict with IP Policies SP5, DM12 and DM14. Amongst other aspects, these expect development to provide appropriate on-site sustainable drainage systems, reduce the risk of flooding, not impact on water quality and protect designated nature sites.

Affordable housing

18. In accordance with the IP, affordable housing would normally be provided on-site as part of a development of this scale. However, given the type of units proposed, the Council has indicated that a financial contribution to delivering off-site affordable housing, in-line with the Affordable Housing Contributions Supplementary Planning Document (SPD), would be appropriate in this instance.
19. A Planning Obligation by Unilateral Undertaking (UU) was submitted with the appeal. It includes an obligation to pay an 'Affordable Housing Contribution' (calculated in compliance with the SPD) prior to occupation of each dwelling provided on the site. However, the submitted UU is in draft form and is neither signed nor dated. As such, whilst the appellant may well be committed to providing the affordable housing contribution, it is not secured.
20. Consequently, I conclude that the proposed development does not make an adequate contribution towards the provision of affordable housing. It therefore conflicts with IP Policies DM4 and DM22. Amongst other aspects, these expect the provision of either on-site affordable housing or a contribution towards affordable housing; and seek development to provide infrastructure commensurate with the scale of the development and community needs.

Solent and Southampton Water SPA

21. The proposed development would be located within the 5.6km buffer zone of the Solent and Southampton Water SPA, which is important for numerous species of breeding and non-breeding birds, including 10 per cent of the global population of brent geese and various other wildfowl, waders and seabirds. The available evidence indicates that, in combination with other residential development in the area, the appeal proposal would therefore be likely to have a significant effect on the designated habitats site through recreational disturbance. Accordingly, under the Conservation of Habitats and Species Regulations 2017 (the Habitats

Regulations), Appropriate Assessment of the implications of the project for the SPA is required.

22. Without mitigation, it would not be possible to ascertain that the residential accommodation proposed would not adversely affect the integrity of the SPA through the indirect effects of increased recreation. However, the Solent Recreation Mitigation Strategy sets out that the adverse effects of development can be mitigated by developments providing a financial contribution towards strategic mitigation.
23. Based on the submitted evidence, the securing of a financial contribution would be sufficient to mitigate the effects of the development on the SPA. However, in this instance, whilst the submitted UU includes an obligation to pay the 'Habitat Mitigation Contribution' to the Council prior to commencement of development, the UU has not been signed or dated. As such, there is nothing securing the necessary contribution to strategic mitigation of the recreational effects of the development; and no other bespoke mitigation has been put forward.
24. On this basis, I am unable to ascertain, as the competent authority undertaking Appropriate Assessment, that the integrity of Solent and Southampton Water SPA would not be adversely affected by the proposed development, with particular regard to recreational disturbance. Consequently, I find that the appeal proposal conflicts with IP Policies SP5 and DM12 which, amongst other aspects, expect development to protect the integrity of designated sites.

Other matters

25. The available evidence indicates that the Council cannot demonstrate a sufficient supply of deliverable housing sites. On this basis, the approach set out in paragraph 11d) of the National Planning Policy Framework (Framework) applies. However, the Framework is clear that in such circumstances, permission should be granted unless the application of its policies that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; and this includes, as per footnote 7, 'habitats sites'. Given my findings in relation to the Southampton and Solent Water SPA, there is a strong reason for refusing the development proposed. The presumption in favour of sustainable development is therefore not applicable in this instance.
26. The available evidence indicates that the SHLAA 2018 identified the wider field parcel as deliverable, suitable (given its proximity to the settlement boundary, services and bus stops), and could be considered for potential allocation. However, it identified an indicative yield of 7-10 units on the whole field parcel, of which the site forms the upper part; and it sets out that any development should be located on the lower section, leaving the higher part for biodiversity enhancement, open space and landscape buffering.
27. As such, even if the SHMA does not differentiate between the lower and upper parts of the field parcel, as has been put to me, the SHLAA does not identify all of it as being developable. Nevertheless, the SHLAA attracts limited weight given the Council's insufficient supply of housing land and its record of housing delivery over the past three years. However, whilst the appeal site may be as accessible and deliverable as the phase 1 scheme, the permission for that development does not of itself indicate that the principle of the appeal proposal is acceptable.

Planning Balance and Conclusion

28. I have found that the living conditions of future occupiers of the proposed development would be insufficient and the proposed development does not make an adequate contribution towards the provision of affordable housing. I have also been unable to ascertain that it would not adversely affect the integrity of Solent and Southampton Water SPA; and it has not been demonstrated that the surface water drainage provision could be designed to adequately accommodate flows from the proposed development and prevent flooding of surrounding land and water pollution. In addition, although the harm would be limited and localised rather than significant, the appeal proposal would harm the character and appearance of the area. Based on the submitted evidence and my findings that the proposal would conflict with various IP policies, this leads me to conclude that it conflicts with the development plan as a whole.
29. The proposed development would provide additional windfall housing within the Medina Valley key regeneration area and, given its proximity to numerous services and facilities, in an accessible area. Being on an available site, it could be delivered relatively quickly. Given its scale, it would provide a meaningful contribution to the provision of much needed housing in an area which has an undersupply and historical under-delivery. Although not secured, the intention, aligning with the description of development, is for the park homes to be for older people, and such accommodation is also much needed in the area. In addition, the proposed additional planting would complement existing tree cover on and around the site, help to further screen the adjoining supermarket and improve ecological connectivity. These aspects weigh in favour of the appeal proposal.
30. However, the totality of the benefits and other points advanced in favour of the appeal proposal neither outweigh the harm I have identified nor form considerations of such weight that they warrant a decision to be made other than in accordance with the development plan. The appeal is therefore dismissed.

T Gethin

INSPECTOR