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## Appeal Decision

Site visit made on 27 March 2026

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30<sup>th</sup> April 2026

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**Appeal Ref: APP/P2114/C/23/3314104**

**Land at Bridge Cottage, St Catherines Road, Niton, Ventnor, Isle of Wight  
PO38 2NE**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Martin Cotton against an enforcement notice issued by Isle of Wight Council.
- The notice was issued on 24 November 2022.
- The breach of planning control as alleged in the notice is: Without planning permission, and within the last four years the laying down of concrete bases and the erection of 2 buildings, used as garages, shown in the approximate positions marked 'A' and marked 'B' on the attached Plan 2<sup>1</sup>.
- The requirements of the notice are:
  - (i) To demolish the building shown in the approximate marked 'A' on the attached Plan 2 to ground level and remove the concrete base, hardcore and any resultant materials from the Land.
  - (ii) To demolish the building shown in the approximate marked 'B' on the attached Plan 2 to ground level and remove the concrete base, hardcore and any resultant materials from the Land.
- The period for compliance with the requirements is: 4 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). 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 and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision.**

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### The enforcement notice

1. The enforcement notice ("the Notice") relates to a large area of land around the dwelling Bridge Cottage, as defined in the plan attached to the Notice ("the Plan"). It is customary for the Plan to relate to the planning unit, which is usually the unit of occupation, unless a smaller unit can be identified which is physically and/or functionally separate.
2. While activity at Bridge Cottage appears to be concentrated around the dwelling and buildings, I saw no physical distinction between that area and the land beyond, which has been landscaped in a semi-domestic manner. The Plan, therefore, appears to correctly identify the land to which the Notice relates. The breach of planning control is also clearly set out as relating only to the two buildings 'A' and 'B' and the concrete bases upon which they stand.
3. Through the appeal submissions, the Council has indicated that the concrete base for building 'B' was in situ at the time they previously considered a retrospective application for ground raising and surfacing in that area. It concludes from this that the requirements of the Notice should be corrected to remove reference to that

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<sup>1</sup> References in the heading are references to plans attached to the enforcement notice.

concrete base. The appellant agrees with the position of the Council on this matter and, therefore, no injustice would arise to either party if I were to amend the Notice in this way. The correction should, however, go beyond that to also remove reference to the concrete base from the alleged breach of planning control, in order to ensure consistency in the Notice.

4. In addition, the word 'position' appears to be missing in the description of the location of the buildings within the requirements of the Notice. Inserting this would be a minor typographical point that adds clarity but does not change the meaning of the Notice, so would not result in any injustice. Accordingly, I shall make further corrections to insert that word into both paragraphs.
5. The appeal will proceed on the basis of the corrected Notice.

### **Ground (c)**

6. Ground (c) is that the matters alleged in the Notice do not constitute a breach of planning control. The onus is on the appellant to prove their case on the balance of probabilities.
7. It is suggested by the appellant that a hardstanding at the site was previously granted planning permission. Be that as it may, the Notice does not allege the laying of a hardstanding, only a concrete base and buildings. There is no clear evidence that any other part of the matters alleged is not a breach of planning control. Accordingly, the appeal on ground (c) fails.

### **Ground (a)**

8. Ground (a) is that planning permission should be granted for the matters alleged in the Notice. The main issues are the effect of the development on the character and appearance of the area, and on ecological interests at the Compton Chine to Steephill Cove Site of Special Scientific Interest and South Wight Maritime Special Area of Conservation.

#### *Character and appearance*

9. The site is within the Isle of Wight National Landscape ("NL") and partially within the Tennyson Heritage Coast. The immediately surrounding topography is steep and the site has a backdrop of tall, vegetated cliffs. It is at the edge of the settlement of Niton, where a low density of mixed-style dwellings occupy substantial, well planted plots.
10. To the west is an area of open access land, from where views are possible into the site. Building 'B' is located tight against the site boundary. However, the site is bound on this side by a somewhat stark timber fence that forms a hard boundary to the open access land that is a significantly visually intrusive feature. An existing garage and Bridge Cottage are visible either side of Building 'B'. The upper section of the building that can be seen above the fence is no more intrusive in the landscape than those existing structures.
11. Similarly, looking down into the site from higher up within the open access land and from Old Blackgang Road, building 'B' is seen clustered with the existing structures at the site and surrounded by the gravel hardstanding that covers a large part of the site and the fence. All of those would remain in the event that the Notice was upheld and complied with. In that context, Building 'B' has little visual

influence on the general landscape character of the area; preserves the scenic beauty of the NL and character of the wider undeveloped coast.

12. Building 'A' stands slightly apart from the group formed by existing buildings at the site. Relative to the dwelling, it is located behind the existing garage and courtyard arrangement formed between them that is typical of a number of other dwellings within the immediate area. It is seen as a separate structure extending the developed part of the site into the countryside in views from the west.
13. Although it appears to be located outside the designated Heritage Coast, it is closer to the viewpoints available from higher ground and Old Blackgang Road, extending the spread of buildings in this edge-of-settlement location. The building's current, unfinished appearance is particularly intrusive, but even if planning conditions were to ensure that it was finished in complementary materials, it would still stand separate to the other buildings. The suggested additional planting towards the site boundaries would do little to integrate it into the landscape from these views, such that it would better reflect the buildings scattered among the trees, characteristic of other nearby properties.
14. I, therefore, find that Building 'A' causes harm to the character and appearance of the area, and the scenic beauty of the NL, it would be contrary to those aims of Policies, SP5, DM2 and DM12 of the Isle of Wight Core Strategy 2012 ("CS") that seek to protect, conserve and enhance the Island's natural environment, avoid adverse impacts on designated areas, and complement the character of the surrounding area.

### *Ecology*

15. Part of the site is within the Compton Chine to Steephill Cove Site of Special Scientific Interest ("SSSI") and South Wight Maritime Special Area of Conservation ("SAC"). The majority of the area covered by these designations is that beyond the buildings subject to the Notice, but building 'A' does appear to fall within the designated areas.
16. Even if both buildings are outside the designated areas, they are extremely close. There is little ecological information relating to the effect of the development on the protected habitats. I appreciate why the appellant may contend that the buildings themselves, especially building 'B' that has now been confirmed to be built on a pre-existing concrete slab, may have little effect on the SAC. However, there is inadequate information to allow me to understand what impacts could arise. Given the proximity, I am unable to conclude that there are no pathways that might lead to likely significant effects on the SAC, either alone or in combination with other development.
17. From this position, it is necessary to undertake an appropriate assessment under the Conservation of Habitats and Species Regulations 2017. As competent authority under those regulations, I am unable to agree to a proposal unless I have ascertained that it will not adversely affect the integrity of the SAC. Again, and as indicated in correspondence from Natural England as the statutory nature conservation body, in connection with an earlier planning application for the buildings, the evidence does not adequately demonstrate this.
18. I, therefore, find that it has not been shown that there would not be any adverse effects on the integrity of the SAC, or the SSSI that forms part of it. Accordingly,

the development is contrary to those aims of CS Policies SP5 and DM12 that seek to protect the integrity of designated sites and conserve, enhance and promote the biodiversity interest of the Island.

#### *Other matters*

19. The appellant requires the buildings to support his personal hobby at his home. The scale of the buildings is not so excessive as to be unreasonable in meeting those needs. However, as the planning system operates in the public interest, these personal reasons are of limited weight in the planning balance.
20. I understand that the appellant may have previously been informed by the Council that planning permission was not required for the development. However, notwithstanding that, or the other concerns that the appellant has with the Council's approach to the site, the discretionary nature of enforcement action, and discussions in recent years, these matters have little to do with the planning merits of the case.
21. The reasons for issuing the Notice also refer to CS Policy SP1. As this sets a general spatial strategy for the Isle of Wight, it is unclear how any conflict would arise. In addition, there may well be no adverse effects on the highway network or living conditions of nearby properties. However, all of these matters are neutral in the planning balance.

#### *Conclusion on ground (a)*

22. Building 'A' causes harm to the character and appearance of the area and, by extension, the natural scenic beauty of the AONB. While Building 'B' does not cause that harm, neither building can be permitted given the prospect of harm to protected ecological sites. That also results in conflict with the development plan, read as a whole. Material considerations have not been shown to indicate that a decision should be taken otherwise than in accordance with the development plan.
23. I, therefore, conclude that planning permission should not be granted for the matters alleged in the Notice and the appeal on ground (a) fails.

#### **Ground (f)**

24. The Notice seeks to remedy the breach of planning control. In that context, ground (f) is that the steps required to be taken exceed what is necessary to achieve that purpose.
25. As previously noted, the laying of a hardstanding is not within the matters alleged and the Notice, as corrected, does not go beyond requiring the removal of any items that are within those matters. It is unclear how lesser steps would achieve the purpose of the Notice. Accordingly, the appeal on ground (f) fails.

#### **Ground (g)**

26. Ground (g) is that the period specified to comply with the requirements falls short of what should reasonably be allowed. The appellant suggests that 12 months would allow time to book contractors to undertake the necessary works. However, there is no substantive evidence as to why that could not be done considerably quicker, including within the 4 months specified in the Notice.

27. For these reasons, I find that the period specified is reasonable and the appeal on ground (g) fails.

### **Formal Decision**

28. It is directed that the enforcement notice is corrected by:

- In Section 3 'The matters which appear to constitute the breach of planning control', delete all the text and replace with the following text:

"Without planning permission, and within the last four years, the laying down of a concrete base and erection of a building, used as a garage, in the approximate position marked 'A'; and the erection of a building, used as a garage, shown in the approximate position marked 'B' on the attached plan 2".

- In section 5 'What you are required to do':

In paragraph (i), insert the word "position" after the word "approximate".

In paragraph (ii), insert the word "position" after the word "approximate", and delete the words "the concrete base, hardcore and".

29. Subject to the corrections, the appeal is dismissed and the enforcement notice is upheld.

*M Bale*

INSPECTOR