



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: 12 May 2026

Appeal Ref: APP/P2114/C/23/3329338

Ye Olde Village Inn, 61 High Street, Bembridge, Isle of Wight PO35 5SF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Jay Chapman against an enforcement notice issued by Isle of Wight Council.
- The notice was issued on 3 August 2023.
- The breach of planning control as alleged in the notice is: Without planning permission and within the last four years the undertaking of unauthorised operational development by:
 1. the erection of a wooden building being used as an indoor/outdoor kitchen and bar shown in the approximate location shaded blue on the attached Plan B¹.
 2. the erection of a building known as the secret garden shown in the approximate location shaded green on the attached Plan B.
 3. the erection of a roof and walls covering the former pentanque pitch shown in the approximate location shaded yellow on the attached Plan B.
 4. the erection of a wooden outdoor toilet block shown in the approximate location marked 'Toilet' on the attached Plan B.
 5. the erection of a gazebo style structure shown in the approximate location shaded pink on the attached Plan B; and
 6. the erection of a building shown in the approximate location shaded purple on the attached Plan B.
- The requirements of the notice are:
 1. To dismantle and remove the roof and walls from the seating area shown in the approximate location highlighted yellow on the attached Plan B and remove all resultant materials from the Land.
 2. To dismantle and remove the building shown in the approximate location shaded purple on the attached Plan B and remove all resultant materials from the Land.
 3. To dismantle and remove the gazebo style structure shown in the approximate location shaded pink on the attached Plan B and remove all resultant materials from the Land.
 4. To dismantle and remove all fixtures and fittings from the building shown in the approximate location shaded blue on the attached plan B and remove all resultant materials from the Land.
 5. To dismantle and remove the wooden building shown in the approximate location shaded blue on the attached Plan B and remove all resultant materials from the Land.
 6. To dismantle and remove the wooden building shown in the approximate position shaded green on the attached Plan B and remove all resultant materials from the Land.
- The period for compliance with the requirements is: 6 months.
- The appeal is made on the grounds set out in sections 174(2)(a), (d), (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 allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

The enforcement notice

1. The enforcement notice ("the Notice") alleges the construction of various structures. These include, at item (4), the erection of a toilet block. The Notice does not require the removal of the toilet block, which the Council confirms is intentional. The consequence is that, if the Notice were upheld and complied with,

¹ Reference to a plan here is a reference to the plan attached to the enforcement notice.

planning permission would be granted for the toilet block under the provisions of S173(11) of the Town and Country Planning Act 1990 (“the 1990 Act”).

2. There is a minor typographical error in the matters alleged: ‘pétanque’ has been spelled ‘pentanque’. I can correct this without causing injustice to either the Council or appellant.

Ground (d)

3. Ground (d) is that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters alleged. The ground (d) case is made solely in respect of the building shaded blue on the plan attached to the Notice (“the Plan”). For it to be too late to take action, the building must have been substantially completed more than 4 years before the date the Notice was issued.
4. The blue shaded building is a covered area, supported on a range of upright posts. Part of it covers a seating area and part of it is used as a kitchen. When first constructed, photographs suggest that it was open at the end facing the rear garden area of the public house. However, another photograph from May 2019 shows that a wall with access door had been installed to the front of the seating area. I saw at my site visit that this arrangement is still in place today.
5. I understand that an area of trellis alongside the neighbouring property boundary has been replaced more recently with a solid wall, but that is a small area and minor alteration that appears to have little bearing on the shape, form or construction of the overall structure. I, therefore, conclude that the structure, insofar as it relates to the seating area, was substantially complete by May 2019.
6. However, this structure is attached to a kitchen area. The age of the kitchen area is less certain, and it appears from the various photographs that it was in a state of evolution in 2019. Visual inspection at my site visit indicates that further alterations seem to have been made to the roof, and the May 2019 photographs show the footprint and walls with an angled shape, rather than the current square form. In 2019, the walls were also covered in tarpaulin and what appear to be metal sheets.
7. From the photographs and current situation, the kitchen and seating areas appear to, effectively, be a single structure, and due to the ongoing works, it was not substantially complete in 2019. Accordingly, it has not been shown that the structure shaded blue on the Plan was substantially complete more than 4 years before the Notice was issued.
8. I, therefore, conclude that the appeal on ground (d) should fail.

Ground (a)

9. 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 conservation area, and the living conditions of neighbouring residents with regard to outlook and noise disturbance.

Character and appearance

10. The site is centrally located within the historic core of Bembridge and within the conservation area. The conservation area contains a wide variety of buildings in different styles and materials giving the area a character of piecemeal evolution. Ye Olde Village Inn itself is an attractive historic building, and long-standing public house, that contributes positively to the character and appearance of this part of the conservation area, as well as its significance, which appears to owe a lot to the piecemeal development and resulting visual quality of the area.
11. That said, it is mainly the front elevation that has a presence in the townscape. An accessway to the side provides views of the side wall, beyond which the timber-clad kitchen (blue on the Plan) and 'secret garden' (green on the Plan) can be glimpsed. Far more visible, however, is the timber clad toilet block, which the Notice purposefully does not target. In that context, the small amount of timber wall that can be seen through the accessway, extending the side wall of the building, causes no harm to the character and appearance of the conservation area. None of the other matters can be seen from High Street.
12. From within the rear garden, all of the matters alleged are clearly visible. Their assorted designs and constructions provide a somewhat ad-hoc collection of materials and finishes, with a general lack of coherence. However, the environment is clearly one providing a variety of spaces for customers to enjoy the public house garden. They are compatible with that use, and the general paraphernalia including tables, chairs, umbrellas and the like commonly found in a beer-garden environment. The general enclosure of the site means that the garden is not somewhere where one readily appreciates, or gains an understanding of the historic environment or significance of the conservation area.
13. The rear of the yellow and purple shaded buildings can be seen from Dennett Road, projecting slightly above the neighbouring fence line. A clumsy junction between the roof coverings and walls can be seen. However, this view is already cluttered by an array of boundary treatments and domestic outbuildings constructed of different materials. The street itself contains buildings finished in a variety of materials and there are assorted parking areas and signage that has further visual influence. Thus, it is not a pristine view, or one that is particularly informative of the conservation area's character, appearance, or significance. The small part of the development visible is set back a substantial distance from the road, beyond other boundaries, such that it has very little additional visual influence. Neighbouring residents would also experience the development in this context.
14. The neighbourhood plan expects that extensions to buildings would be finished with pitched roofs. However, as the long mono-pitched roof of the buildings shaded yellow on the Plan are built against a boundary wall, this is not necessary to integrate the development into the area in this case. For the reasons given, I find that the development preserves the character and appearance of the conservation area, and by extension, its significance.
15. I therefore find that the development causes no conflict with policies DM2 and DM11 of the Isle of Wight Core Strategy 2012 ("CS"); and policies D.1, EH.1, and EH.2 of the Bembridge Neighbourhood Development Plan 2014 ("NP") that seek to ensure that development provides an attractive and functional built environment,

conserves and enhances the historic environment, complementing the character of the conservation area.

Living conditions

16. There are residential properties surrounding the site. They would almost certainly experience some noise disturbance from the use of the public house and its garden. The presence and significantly greater extent of covered areas within the garden may well increase the use of the outdoor space, especially in inclement weather. However, that would likely coincide with times when nearby residents were also less likely to be outdoors where they would be most vulnerable to noise disturbance.
17. I appreciate that much of the area was formerly a car park that would have created different patterns of, and possibly less, noise. However, the Council has confirmed that there has been no material change of use of the site, and within the overall use of the site as a public house, there is no control over what use the outdoor area is put to. In particular, there is no reason why the site could not have been given over to an open garden use, for the enjoyment of customers. Therefore, at times when nearby residents are most likely to be outdoors and more susceptible to disturbance, there is no clear reason why the development alleged in the Notice would lead to increased noise disturbance over and above any other beer-garden type use.
18. Parts of the structures protrude above the neighbouring boundary lines. However, none of them are particularly tall, so would not have a significant enclosing effect on neighbouring gardens. While, as previously noted, the parts facing towards Dennett Road are somewhat clumsy in their detailing, this would not in itself cause particular harm to the outlook from nearby properties, in the context of the many other boundary structures and outbuildings in the vicinity.
19. Accordingly, I find that no harm to the living conditions of neighbouring residents has been demonstrated beyond that which would likely take place if the Notice were upheld and complied with. While the Council has suggested a condition relating to noise management, for the above reasons, this is not necessary to make the development acceptable in planning terms.
20. There is, therefore, no conflict with those aims of NP Policy D.1 that seek to protect the living conditions of neighbouring residential occupiers.

Other matters

21. There are concerns that the development has resulted in a loss of parking, displacing patron's cars onto an already congested highway network. However, as already noted, there has been no material change of use of the site, and, within the parameters of the established use, it is for the operator of the public house to decide how to use the space to the rear. Importantly, it is not possible to require a return of the car park and, therefore, refusing planning permission would not affect the nearby parking situation.
22. In the event that the appeal is allowed, the Council has suggested a condition requiring an odour risk assessment in relation to the kitchen exhaust system. However, there is no substantive evidence before me that the kitchen at this long-

standing public house has caused any unacceptable odour disturbance. Accordingly, it has not been shown that such a condition is necessary.

Conclusion on ground (a)

23. I have found no conflict with the development plan has arisen from the matters alleged in the Notice. Accordingly, planning permission should be granted, and the appeal on ground (a) succeeds. As the Notice will be quashed, the appeal on grounds (f) and (g) do not fall to be considered.

Formal Decision

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

In Section 3, paragraph 3, the deletion of the word “pentanque” and its substitution with the word “pétanque”.

25. Subject to the correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely:

1. the erection of a wooden building being used as an indoor/outdoor kitchen and bar shown in the approximate location shaded blue;
 2. the erection of a building known as the secret garden shown in the approximate location shaded green;
 3. the erection of a roof and walls covering the former pétanque pitch shown in the approximate location shaded yellow;
 4. the erection of a wooden outdoor toilet block shown in the approximate location marked ‘Toilet’;
 5. the erection of a gazebo style structure shown in the approximate location shaded pink; and
 6. the erection of a building shown in the approximate location shaded purple
- on the plans attached to the enforcement notice.

M Bale

INSPECTOR