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## Appeal Decisions

Hearing held on 12 and 13 August 2014

Site visit made on 13 August 2014

**by John L Gray DipArch MSc Registered Architect**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 September 2014**

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### **Appeal A: ref. APP/P2114/A/14/2213876**

#### **Land south of Hazely Combe, Arreton, Isle of Wight, PO30 3AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Laurie Calloway against the decision of the Isle of Wight Council.
  - The application, ref. P/01870/12, dated 26 November 2012, was refused by notice dated 2 September 2013.
  - The development proposed is the "erection of 89 dwellings including new access, open space and landscaped areas".
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### **Appeal B: ref. APP/P2114/A/14/2219750**

#### **Land south of Hazely Combe, Arreton, Isle of Wight, PO30 3AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Laurie Calloway against the decision of the Isle of Wight Council.
  - The application, ref. P/01565/13, dated 4 December 2013, was refused by notice dated 1 May 2014.
  - The development proposed is the "erection of 40 dwellings and vehicular access, associated landscaping and open space".
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## **Decisions**

1. Appeal A is allowed. Planning permission is granted for the erection of 89 dwellings, including new access, open space and landscaped areas, on land south of Hazely Combe, Arreton, Isle of Wight, PO30 3AN, in accordance with the terms of the application, ref. P/01870/12, dated 26 November 2012, subject to the conditions set out in the schedule attached to this decision.
2. Appeal B is allowed. Planning permission is granted for the erection of 40 dwellings and vehicular access, associated landscaping and open space on land south of Hazely Combe, Arreton, Isle of Wight, PO30 3AN, in accordance with the terms of the application, ref. P/01565/13, dated 4 December 2013, subject to the conditions set out in the schedule attached to this decision.

## **Application for costs**

3. At the hearing, an application for costs was made by the appellant against the Isle of Wight Council, in respect of Appeal B, ref. APP/P2114/A/14/2219750. This application is the subject of a separate decision.

## Main Issues

4. There are two main issues common to both appeals. They are:
  - the need for the number, type and size of dwellings proposed, bearing in mind adopted policy on housing; and
  - the effect of the proposal on the character and context of Arreton.
5. The third main issue relates to Appeal A only; it is whether the design quality of the proposed layout is acceptable.

## Reasoning

### ***First main issue – housing need***

6. There are two strands to this issue – whether the Council can demonstrate a 5-year supply of housing land and whether, in that context, the number, type and size of the proposed dwellings would be appropriate.

### Housing land supply

7. On Appeal A, the Council relied on its *5 Year Housing Land Supply Monitoring Report* of April 2013 to demonstrate a 5-year supply. On Appeal B, it introduced its *1<sup>st</sup> April 2014 update* to its *Strategic Housing Land Availability Assessment (SHLAA) and 5 Year Housing Land Supply*. As was made clear at the hearing, the determination of both appeals must be in the context of the more up-to-date assessment.
8. The basic 5-year requirement, from the adopted Core Strategy, is for 2,600 dwellings (520 annually). The shortfall at April 2013 (requirement less completions) was 98, increasing that requirement to 2698 (540 annually, rounded up). Adding a 5% buffer to that gives 2,833 (567). The then monitored supply over the following five years was 2,873, giving approximately a 5.32 years' supply.
9. For April 2014, the calculation is a little different. The 5-year requirement of 2,600 plus a 5% buffer gave 2,730 (546 annually). Completions from 1/4/2012 to 31/3/2014 were 742, giving a shortfall of 298. Adding a 5% buffer to that gave a requirement over the next five years of 3,043, or 609 annually (rounding up at each stage). The supply was 3,161 in total, broken down as 1,549 from SHLAA sites, 1,287 from large sites and 325 from small sites. That gives a 5.19 years' supply.
10. The calculation does not, however, take into account the shortfall in the years preceding 1/4/2012. Planning Practice Guidance (PPG) says that "housing requirement figures in up-to-date Local Plans should be used as the starting point for calculating the five year supply" (my emphasis). It does not suggest disregarding any prior shortfall. To the figure that comes from that "starting point" (in this case, 2,730) should be added the shortfall over earlier years, as was done in the calculation for 2013. That said, the appellant puts the shortfall over the period 1/4/2009-31/3/2014 at 428, 116 more than allowed for in the Council's calculation and, if accepted, leaving the overall requirement only marginally greater than the supply.
11. The appellant suggested that the shortfall over the past five years should prompt a 20% rather than 5% a buffer when calculating the land supply requirement. If one takes a longer view, however, there was an over-supply in the years before that. In effect, the figures echo the prevailing economic climate and, in those circumstances, a 20% buffer seems an unduly onerous.

12. More important is an analysis of where exactly the supply might come from. The number of dwellings from sites with planning permission decreased from 1,846 in 2013 to 1,612 in 2014. That figure is an estimate of the likely rate of delivery from a much larger number of dwellings with planning permission, which the appellant considers optimistic. In addition, the number of dwellings from SHLAA sites has increased from 1,029 in 2013 to 1,519 in 2014, from 38% to 49% of the total supply. That is a very substantial increase. Given that applications would have to be submitted, planning permissions granted and conditions discharged before houses could actually be built, it seems that the large majority of those dwellings could only be delivered in the latter part of the 5-year period; that would leave those with planning permission to come forward in the earlier part, if the rate of delivery over the years was to be anything like consistent. On that basis, and without any detailed consideration of specific sites, there must be a certain concern that overall delivery from sites with planning permission and deliverable SHLAA sites will not come forward within appropriate timescales.
13. The Housing Trajectory in the 2014 update appears to bear that out. In addition to the 437 and 305 completions in the last two years, it forecasts 415, 649 and 685 for the following three years, leaving a deficit after five years of 499 dwellings. For the five years to 31/3/2019, that deficit would be reduced to 127; it would be cleared only by 2021/22.
14. Three other things come into the equation, one detailed, two more general. Firstly, the Council accepts that 57 holiday units have been wrongly included in its supply figures, which renders the position marginally poorer. Secondly, the Inspector examining the Core Strategy, in his report of December 2011, accepted that a 5-year supply could be demonstrated but felt that it required the prompt release or allocation of some additional sites through forth-coming Action Area Plans (AAPs) and Development Plan Documents (DPDs). That has not happened – the Council conceded that the earliest possible date for the adoption of any DPD is now late 2015. Thirdly, the Council recognises that requirements are not ceilings; thus, while the *2014 SHLAA update* seeks to show how the requirement can be met, it does not prohibit other sites coming forward for development that would increase the annual or cumulative output.
15. To conclude on housing land supply, the Council can show a 5-year supply on paper but there must be concern about whether it can be achieved. That concern cannot weigh unduly heavily in favour of the appeal schemes – but must nevertheless go in the balance with other considerations.

#### Housing need

16. Adopted Core Strategy Policy SP1 identifies Arreton as a Rural Service Centre (RSC). It supports development “on appropriate land within or immediately adjacent” to RSCs; and, for RSCs, proposals for greenfield land “will need to demonstrate that previously developed land is not available and an identified local need will be met”. In that context, “local” means the ward area, though the Council accepts that Policy SP1 does not constrain development solely to meeting local need. Indeed, that interpretation seems apparent from the requirement in Core Strategy Policy SP2 for 980 dwellings over the Plan period “through smaller-scale development at the [RSCs] and wider rural area” – a figure surely much greater than any likely local need.
17. Council officers accept that a local need has been established for some 40 dwellings. That was the view expressed in the reports on both applications

- (and is agreed in the Statements of Common Ground for both appeals.) It led in part to the recommendation to approve the application for 40 dwellings, though members felt that that scheme had not overcome two of the reasons for refusal of the earlier scheme – those to do with demonstrating need and (the second main issue) the effect on the character and context of Arreton.
18. Both applications were supported by a housing needs survey conducted in November 2012. The response rate was about 6%, raising the question of whether its conclusions should be considered statistically valid. It found a need for 40 dwellings from 11 respondents living in Arreton, 22 in Newchurch (within the ward) and 7 with a connection with Arreton. It would be wrong to extrapolate from that, because those with a need would be more likely to respond than those without, but, in purely numerical terms, the survey does appear to establish a local need for at least 40 dwellings. The much more recent July 2014 survey, conducted by the Arreton Parish Residents Community Group, achieved a high response rate, 76%, and found a need for 21 homes in the 5-year period to 2019. It was limited to the parish of Arreton, rather than the ward, and so takes no account of need from Newchurch, not itself an RSC but one of the villages which services and facilities in Arreton are expected to help support.
  19. In terms of affordable housing need, the Council's Housing Register in May 2014 showed 36 applicants with an address in Arreton or Newchurch, double the number in 2013. This seems broadly to confirm the findings of the two surveys and suggests that a local need for 40 dwellings in the ward is not at all an unreasonable figure. In addition, the 2008 State of Rural Wight Report identified a real need to increase the supply of rural affordable housing. It may now be a relatively aged document – but the Council accepted that the position in relation to affordable housing is little changed.
  20. The clear preference from both housing needs surveys was for 2-bed or 3-bed detached or semi-detached homes. Both appeal schemes propose a high proportion of such dwellings. What remains at issue is what the need may be for the larger house types included in both schemes. Given that housing in RSCs may provide for more than a purely local need, the obvious indication of a wider need that should be catered for comes from the 2007 Strategic Housing Market Assessment (SHMA). It says that housing development in three of the rural sub-markets (including South Wight, within which Arreton lies) should focus on the provision of family housing, including high-quality aspirational housing targeted at managerial and professional occupations. That document may also now appear somewhat dated – but it was part of the evidence base for the Core Strategy and must still carry weight in general terms. There is justification, therefore, for a proportion of larger house types.
  21. To sum up on this aspect, to cater for a local housing need for 40 dwellings is not an unreasonable proposition. On its face, Appeal B, for 40 dwellings, would do just that; in practice, however, it would be unlikely to – because only 14 of the 40 would be affordable housing and it is debatable how many of the remainder would be able to satisfy the need. Appeal A, for 89 dwellings, would provide 31 affordable homes, closer to the estimated need but as part of a significantly greater number of houses overall.

#### Conclusion on first main issue

22. In the Core Strategy, Policy SP1 identifies Arreton as an RSC in which housing development may be permitted; Policy SP2 provides for 980 dwellings to be built

“through smaller-scale development” at the RSCs and wider rural area; and Policy DM3 seeks an appropriate mix of house types and sizes (to reflect the most up-to-date SHMA and to contribute to meeting identified local need and specialist housing requirements). Neither of the appeal schemes conflicts with those policies – subject to whether they would be “smaller-scale”, which is better dealt with under the second main issue.

23. The National Planning Policy Framework (NPPF) has sustainability as the “golden thread” running through both plan-making and decision-taking. That is reflected in the Core Strategy’s references to using previously developed land and in the sequential approach used by the Council in assessing proposed housing development sites. The officer reports on both applications concluded that there was no previously developed land available or suitable for development and that the appeal site was sequentially the most preferable site in (or immediately adjoining) Arreton. In addition, designation of Arreton as an RSC flows from a sustainability analysis as part of the Core Strategy policy-making process. It may be true that many of the facilities that lead to Arreton being an RSC are to be found at the north-western end of the village, some 1.2km from the nearest corner of the appeal site; in relative terms, though, that is not an unusually large or unacceptable distance.
24. Accordingly, there is nothing in terms of the numbers, sizes or types of housing proposed in either appeal scheme that conflicts with local or national policy, which must weigh in favour of both appeals.

### ***Second main issue – character and setting***

25. There are two aspects to this issue. One is the effect which either of the proposed developments would have on the character of Arreton itself, when in the village or approaching it. The other is the effect on Arreton when seen from the wider countryside around, including from the Downs to the north.

#### Effect on the character of Arreton

26. Arreton is essentially a linear village. Not only that, it stands predominantly on one side only of the A3056 road. Most of the facilities that make Arreton an RSC are at its north-western end, where there is a designated conservation area. Apart from that area, there is nothing that marks out Arreton as having a special character or appearance worthy of protection.
27. There are two cul-de-sac developments on the north-east side of the road. Cherrywood View, roughly at the centre of the village, was built in the 1980s; its layout turns parallel to the main road and thus does not very obviously extend the village into countryside. Hazely Combe, built in the 1950s at the south-eastern end of the village, adjacent to the appeal site, has its houses extending almost 150m back from the road and a garage court, admittedly not that visible, a further 30m beyond that. Other than sporadic buildings, the only development on the south-western side of the road is the ribbon of houses opposite Hazely Combe and the appeal site.
28. Along the A3056 and Heasley Lane (on its south side), the appeal site is enclosed by tall dense hedges. Housing development would be visible over those hedges but the visual impact would be significantly lessened by them. Their retention would be visually important and what follows assumes that (retention as part of the development can be secured by condition, although future retention along the southern boundary would require a covenant in the sale of the houses along that boundary). On the south side of Heasley Lane

are the cricket ground and Hasely Manor, a grade II\* listed building standing in its own grounds; and there are other buildings to the east, a little beyond the Arreton Stream. None of these, however, can be considered as part of the village, or indeed as having any urbanising influence on the scene. At present, the south-eastern edge of the village on the east side of the A3056 is firmly at Hazely Combe. In addition, the setting of Hasely Manor is essentially self-contained and would not be diminished by either appeal scheme. (Nor would there be harm to the village setting of Arbutus Cottage, a grade II listed building on the opposite side of the A3056.)

29. All of that said, Arreton is an RSC and, with 980 dwellings to be provided over eleven RSCs and the wider rural area, it will be expected to accommodate a significant number of new houses over the Plan period. The point was made that the village has 154 dwellings at present and that the 89 proposed in the Appeal A scheme would represent an increase in the size of the village of nearly 60%; the 40 proposed in the Appeal B scheme would represent an increase of just over a quarter. Neither was thought to be small-scale and, in simple numerical terms, that is true, particularly of the Appeal A scheme. However, 89 also represents the proportionate increase to be expected if the 980 dwellings required by Policy SP2 were spread equally over the eleven RSCs (unlikely in practice but a good general guide). Thus, whatever happens, the number of dwellings that Arreton will have to accommodate is going to exceed what, numerically, might be considered small-scale. It is also to be noted that Policy SP2 says "smaller-scale", which, in the context of Island-wide housing provision, is rather different to "small-scale". What is important, therefore, is how a significant amount of housing development might be successfully accommodated visually.
30. One way or another, other potential sites present problems. The *2014 SHLAA update* identifies two sites other than the appeal site; they are shown as "developable" (ie. not deliverable within five years) and able to accommodate a combined total of 37 houses, rather less than the need accepted by the Council at the present time. The officer report on the Appeal B scheme says that five other greenfield sites were assessed; only the Main Road site (code LDF117 in the SHLAA) was initially as sustainable as the appeal site but, on closer examination, it was found not to be. It seems inevitable that the appeal site would have to be considered for some level of development at some stage – and, very possibly, given the seeming absence of other options, for something approaching the 89 houses in the Appeal A scheme.
31. Development at the north-western end of the village would be in or adjacent to the Conservation Area and could thus prove problematical. So too could development in depth anywhere on the south-western side of the A3056, where there is none at present. Indeed, any development providing 40 or more dwellings, or even a number of smaller developments providing that total, would be likely to have a significant impact on the character of Arreton. Put simply, to accommodate the scale of development arising from designation as an RSC, Arreton's character is almost inevitably going to change from that of an essentially linear village.
32. The concern is that a development of either 89 or 40 dwellings on the appeal site would unbalance the village, giving a substantial area of development at its southern end while the form of the rest of the village retains its linear character. Visually, the great advantage of the appeal site lies in the extent of both the hedging enclosing it and the dense mature vegetation along the

A3056 to its south. Yes, development would be apparent, not least because of the new access junction. However, approaching the village from the south, it would be barely noticeable until one reached the junction with Heasley Lane, very close to the site itself.

33. The depth of development in the Appeal A scheme would be apparent, because the hedge on Heasley Lane could not wholly conceal dwellings along the southern edge of the site; also, the view at the access junction would be directly into the development. That represents change – but the effect of the existing landscape features, and the ability to retain, replace or enhance those on the boundaries of the appeal site, would largely be to contain the ‘bricks and mortar’ of the development within a rural and verdant setting.
34. The impact of the Appeal B scheme would be less than that of the Appeal A scheme, because there would be no development in depth along the Heasley Lane boundary. That one scheme might be preferable does not, however, render the other unacceptable; both are to be assessed on their own merits.

#### Effect when seen from the countryside

35. The form and size of Arreton is most clearly seen from the road along the Downs to the north. With either scheme, it would be clear from there that a large area of housing had been added to an otherwise essentially linear village. However, Arreton is but a small component of a sweeping view across a wide valley – a view, moreover, that contains a number of man-made visual intrusions into the rural scene. While the form of Arreton would be significantly altered, it would not be a particularly noticeable or incongruous feature in the overall scene.
36. The Council is more concerned about views from the numerous public footpaths in the vicinity of the appeal site. Again, either proposed development would obviously bring change – but there is absolutely no reason why what is proposed should itself be visually incongruous or unacceptable within the rural setting. Neither is there any cogent reason why the linear character of the old village should prevent development in depth that is appropriately designed. Indeed, the designation of Arreton as an RSC indicates the likelihood of significant change.
37. The landscaping around the attenuation pond in the north-east corner of the site would render development, especially the Appeal B scheme, largely invisible in views from the north. From the east, houses would be seen where previously there had been none – but the proposed designs are attractive and landscaping along the eastern (or south-eastern) boundary of either scheme, south (or south-west) of the attenuation pond, would soften the visual impact. Whether new housing would be thought out of balance with the form of the rest of the village is something that may be perceived from a plan – but it would not be unduly obvious on the ground, when someone walking along the footpaths east of the village would be seeing the development in the context of Hazely Combe and Cherrywood View.

#### Conclusion on second main issue

38. Apart from the Conservation Area at its north-eastern end, there is nothing that marks out Arreton as having a special character or appearance worthy of protection. It is essentially a linear village, though development in depth occurs at the culs-de-sac of Cherrywood View and Hazely Combe, the latter abutting the appeal site. Designation as an RSC commits the village to

significant change in the future, whether at the appeal site or elsewhere – though housing need and the present absence of options suggests that some form of development on the appeal site is inevitable.

39. There is an argument to say that development in depth on the appeal site would render the southern end of the village out of balance with the generally linear nature of the remainder. However, the existing boundary hedging and the vegetation immediately to the south limit the extent to which development in depth would be evident from the A3056 through the village. Housing on the appeal site would be visible from the public footpaths to the east but would be seen in the context of the culs-de-sac at Cherrywood View and Hazely Combe. From the Downs, the size and form of the village is a small component in sweeping views across the valley.
40. The proposed developments, especially the Appeal A scheme, might not be thought small-scale in numerical terms. On the other hand, the Appeal A scheme represents broadly the amount of new housing that may be expected to occur over the Core Strategy plan period and the Appeal B scheme about half of that. In that context, both could be considered “smaller-scale” in the terms of Policy SP2. There is also no reason at all why either scheme should result in development that, in itself, was visually harmful or incongruous. And change, of itself, is not necessarily harmful. Accordingly, there is no conflict with Core Strategy Policies SP1 or DM2 (on the design quality of new development), or with the provisions of the design section of the NPPF, that can justify dismissal of either appeal.

### ***Third main issue – the layout for 89 dwellings***

41. Reason for refusal no. 3 and the Council’s hearing statement contained specific criticisms of the proposed layout for 89 dwellings. The appellant had taken those on board and put forward an amended layout. The Council accepted at the hearing (despite its earlier stance to the contrary) that the amended layout could be taken into account in determining the appeal, although it still maintained certain criticisms. It is my view also that to consider the appeal in terms of the amended layout does not prejudice anyone who would otherwise have been consulted upon it. Accordingly, what follows relates to what was said at the hearing about both the original layout and that on drawing no. N1197/107/K.
42. The criticisms made by the Council in its hearing statement in relation to individual or grouped plots had been addressed in the amended layout but the Council retained certain concerns regarding plots 5-10, 37, 56-65, 58-79 (on the original layout).
43. If necessary, and it might well be visually advantageous, the building lines of the houses on (now) plots 5-9 could be adjusted to enhance the greater separation already brought about by the omission of one house (originally plot 10). The position of the house on (now) plot 38 overcomes the visual problem of its previous proximity to the bend on the access road. The houses on the plots along the southern edge of the site are a satisfactory distance from the boundary itself; their roofs would still be seen above the boundary hedge but, as reasoned above, it is the retention of that hedge, coupled with the adjacent landscape features, which renders them acceptable. The layout of the houses on (now) plots 62-77 has a much more spacious feel than previously. It might still appear somewhat denser than the rest of the layout but there is an inevitable compromise here with the wishes of the Housing



Associations for smaller and more compact house types; also, bearing in mind that there would be a significant number elsewhere in the development, it cannot be said that the affordable houses would be being concentrated in one part of the site and treated differently to the remainder of the layout.

44. The Council raised two other points. The first was that it might be appropriate to have houses facing on to Heasley Lane rather than have rear gardens behind the existing hedge. However, domestic paraphernalia would not be readily noticeable through that hedge and the alternative would do away with a significant and visually important landscape feature. There might be a possibility that parts of the hedge could be removed by individual owners, in preference for a wall or fence. That would be regrettable; retention of the hedge as part of the development can be secured by condition but retention by subsequent owners would have to be achieved by a covenant on the sale of the houses, which the appellant acknowledged could be done. The second related to the residual land to the east of the appeal site; the appellant gave an assurance at the hearing that the land could still be effectively used for agricultural purposes.
45. On this third issue, therefore, the amended layout, drawing no. N1197/107/K, may leave scope for further minor improvement but there is nothing on it that could justify dismissal of the appeal. There is no material conflict with what is sought by Core Strategy Policy DM2 on design quality.

#### **Other matters**

46. A number of other matters were raised in the representations or by local people. The water main is in land parallel with the A3056 and not to be built upon in either scheme. The gas main is within highway land. There is not threat to either and conditions on landscaping and access would have the effect of ensuring that. It was thought by some that development would cause serious traffic problems. The forecast traffic from the developments is in line with statistical data nationally and there is no reason to think that there would be any material difference here. Also, there is no objection from the highway authority, subject to there being a protected right-turn lane into the appeal site. Foul and surface water drainage were the subject of negotiation at the application stage. In addition, local people were concerned that existing flooding in the area would be exacerbated. Development cannot be expected to improve existing conditions but neither should it leave them worse than at present; appropriate systems for both foul and surface water drainage can be secured by condition.

#### **Obligations and conditions**

47. A draft section 106 obligation (an agreement) for each appeal was submitted at the hearing. Executed agreements were submitted comfortably within the deadline agreed at the hearing. They provide for affordable housing, public rights of way improvements, highway works, public open space, a children's play area and a sustainable urban drainage system. They are, with one possible exception, necessary to make the proposed development acceptable in planning terms, directly related to the development and also fairly and reasonably related to it in scale and kind. The possible exception, to which little weight can be accorded, is the public rights of way improvements. The drafting of the agreements has been altered subsequent to the hearing, as indeed was anticipated, but there is no material difference in the provisions.

48. The Council suggested various conditions to be attached to planning permission, should either or both appeals be allowed.
49. On both appeals the suggested conditions dealing with the approved drawings, materials, landscaping, foul and surface water drainage, protection of the existing water main, the protection of trees, decontamination, the provision of parking, the roadside boundaries of houses, access roads and footways, are all necessary to achieve an appropriate standard of development, though the Council's wording may be amended to accord with the model conditions (retained from Circular 11/95) or in the interests of greater clarity or precision. The suggested condition on footpath links within the sites may be incorporated within the landscaping condition. It is also important that the landscaping condition secures the retention of the existing hedge along the southern boundary and the careful removal and replanting, along the line required by the design of the access junction, of the existing hedge along the western boundary.
50. The conditions relating to the footway on the western side of the A3056, the bus shelter and the public open space and children's play area are rendered unnecessary by the provisions of the executed obligations. Similarly, the suggested condition for Appeal B on the design of the sustainable surface water drainage scheme is unnecessary. On the other hand, the right-turn lane on the A3056 is not expressly included in either obligation; the access junction can, however, be incorporated in the condition on the design and construction of the access roads and footways. A construction methodology condition would be appropriate and can incorporate wheel-cleaning facilities.
51. Lastly, the suggested phasing condition for the Appeal B scheme appears unnecessary. The appellant indicated at the hearing that development on either scheme would likely proceed at about fifteen dwellings annually. That seems a somewhat slow rate of construction but would not be inconsistent with the suggested condition. At the same time, a faster rate would not be inconsistent with housing land supply requirements generally. Also, it would be inappropriate, without good reason, to interfere with the commercial judgement of the developer and the financial viability of either scheme in relation to the developer's business model.

### **Overall conclusion**

52. On both appeals, there is no conflict with Core Strategy Policies SP1, SP2 or DM3, or with policy in the NPPF, in terms of either housing land supply or housing need (the number size and type of houses). Neither is there conflict with Policies SP1 or DM2 in terms of the scale and nature of development and its impact on the character of Arreton and its landscape setting. On Appeal A, while there might be scope for improvement, the proposed layout causes no conflict with Policy DM2. All other matters raised at the hearing and in the representations have been taken into account but there is nothing to outweigh those conclusions on the three main issues. Conditions and the provisions of the obligations can secure an appropriate standard of development. Accordingly, both appeals may be allowed.

*John L Gray*

Inspector

## **ANNEX A**

### **APPEARANCES**

#### FOR MR CALLOWAY

Ian Albutt, of Counsel	instructed by Geoffrey Prince, of Geoffrey Prince Associates Ltd.
Laurie Calloway	Appellant.
Geoffrey Prince	Director, Geoffrey Prince Associates Ltd.
Mark Jermy	Senior Partner, Halsall Lloyd Partnership.
Mark Rayers	Director, BSP Consulting Limited.
Anthony Goddard	Associate Director, BSP Consulting Limited.
Helen Donnelly	Environment Director, DNS Planning and Design.
Matthew Pickard	DNS Planning and Design.
David Abraham	Vuepoint Consulting.

#### FOR THE ISLE OF WIGHT COUNCIL

Sarah Wilkinson	Principal Planning Officer with the Council.
Peter Griffiths	Principal Planning Officer with the Council.

#### INTERESTED PERSONS

Mick Thirkettle	Chairman, Arreton Parish Council.
Pat Prince	}
Alison Hayden	} local residents
Irene Pavitt	}
Phil Salmon	}
John Langley	Chairman, CPRE, Isle of Wight.

#### **DOCUMENTS submitted at the hearing**

- 1 Draft section 106 obligation for Appeal A.
- 2 Draft section 106 obligation for Appeal B.
- 3 Outline application for an award of costs.
- 4 Application for an award of costs.
- 5 Written statement by Mrs Pavitt.

#### **DOCUMENTS submitted after the hearing**

- 6 Executed section 106 obligation for Appeal A.
- 7 Executed section 106 obligation for Appeal B.

## **ANNEX B SCHEDULES OF CONDITIONS**

### **Appeal Ref. APP/P2114/A/14/2213876 Conditions attached to planning permission**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: N1197 01 rev C, N1197107 rev K, N1197 150, N1197 151, N1197 152, N1197 153, N1197 154, N1197 300 rev A, N1197 301 rev B, N1197 302 rev C, N1197 303 rev B, N1197 304 rev B, N1197 305 rev B, N1197 306 rev C, N1197 307 rev D, N1197 308 rev C, N1197 309 rev D, N1197 310 rev C, N1197 311 rev B, N1197 312 rev B, N1197 313 rev B, N1197 314 rev A and N1197 315 rev A.
- 3) No development shall take place until full details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: retention of the existing hedge along the southern boundary of the site; transplantation of the existing hedge along the western boundary of the site on a line defined by the design of the access junction into the site; a new footpath within the western boundary of the site, broadly parallel with the A3056, and a footpath between the development and the existing public right of way along Heasley Lane (both as shown on drawing no. 107 rev K); any lighting along either of those footpaths; all hard surfacing materials; all soft landscape works, including planting plans, specifications and schedules of all plants and trees; an implementation programme; and a management plan for a period of five years from completion. All hard and soft landscape works shall be carried out in accordance with the approved details.
- 5) No development shall take place until measures for the protection of all trees within or immediately beyond the north-western boundary of the site have been submitted to and approved in writing by the local planning authority. Those measures shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the local planning authority.
- 6) The water main running within the western boundary of the site shall be protected during the construction works. No new soakways shall be installed within five metres of it and no excavation, mounding or new tree planting shall take place within three metres of it.

- 7) No development shall take place until the means of disposal of both foul and surface water from the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. No dwelling shall be occupied prior to the completion of both foul and surface water drainage schemes.
- 8) No development shall take place until:
- a strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
  - an investigation has been carried out in accordance with the approved strategy; and
  - a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.
- Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified in the initial investigation but found during construction work shall be carried out in accordance with details submitted to and approved in writing by the local planning authority subsequent to its discovery.
- 9) No development shall take place until details of the layout and construction of the junction of the highway and the access road into the site, and of all access roads and footpaths within the site, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) No dwelling shall be occupied until the access junction into the site and the access road and footway serving that dwelling have been constructed in accordance with the approved details and space has been laid out within that plot, in accordance with drawing no. N1197107 rev K, for cars to be parked.
- 11) No structure or planting exceeding 1.0 metre in height above the level of the adjacent carriageway shall be placed along the roadside boundary of any dwelling. The visibility so achieved shall thereafter be permanently retained.
- 12) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
- i) the parking of vehicles of site operatives and visitors;
  - ii) the loading and unloading of plant and materials;
  - iii) the storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

**Appeal Ref. APP/P2114/A/14/2219750**  
**Conditions attached to planning permission**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: N1197 SK308 rev B, N1197 155, N1197 156, N1197 157, N1197 300 rev A, N1197 302 rev C, N1197 304 rev B, N1197 305 rev B, N1197 306 rev C, N1197 307 rev D, N1197 310 rev C, N1197 311 rev B, N1197 315 rev A, N1197 316 and N1197 317.
- 3) No development shall take place until full details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: retention of the existing hedge along the Heasley Lane boundary of the site; transplantation of the existing hedge along the western boundary of the site on a line defined by the design of the access junction into the site; a new footpath within the western boundary of the site, broadly parallel with the A3056 (as shown on N1197 SK308 rev B); any lighting along that footpath; all hard surfacing materials; all soft landscape works, including planting plans, specifications and schedules of all plants and trees; an implementation programme; and a management plan for a period of five years from completion. All hard and soft landscape works shall be carried out in accordance with the approved details.
- 5) No development shall take place until measures for the protection of all trees within or immediately beyond the north-western boundary of the site have been submitted to and approved in writing by the local planning authority. Those measures shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the local planning authority.
- 6) The water main running within the western boundary of the site shall be protected during the construction works. No new soakways shall be installed within five metres of it and no excavation, mounding or new tree planting shall take place within three metres of it.
- 7) No development shall take place until the means of disposal of both foul and surface water from the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. No dwelling shall be occupied prior to the completion of both foul and surface water drainage schemes.

- 8) No development shall take place until:
- a strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
  - an investigation has been carried out in accordance with the approved strategy; and
  - a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified in the initial investigation but found during construction work shall be carried out in accordance with details submitted to and approved in writing by the local planning authority subsequent to its discovery.

- 9) No development shall take place until details of the layout and construction of the junction of the highway and the access road into the site, and of all access roads and footpaths within the site, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) No dwelling shall be occupied until the access junction into the site and the access road and footway serving that dwelling have been constructed in accordance with the approved details and space has been laid out within that plot, in accordance with drawing no. N1197 DK308 rev B, for cars to be parked.
- 11) No structure or planting exceeding 1.0 metre in height above the level of the adjacent carriageway shall be placed along the roadside boundary of any dwelling. The visibility so achieved shall thereafter be permanently retained.
- 12) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
- viii) the parking of vehicles of site operatives and visitors;
  - ix) the loading and unloading of plant and materials;
  - x) the storage of plant and materials used in constructing the development;
  - xi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - xii) wheel washing facilities;
  - xiii) measures to control the emission of dust and dirt during construction;
  - xiv) a scheme for recycling/disposing of waste resulting from demolition and construction works.