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## Town and Country Planning Act 1990

# REFUSAL OF PLANNING PERMISSION

**To:** Mr Phil Salmon  
Phil Salmon Planning Ltd  
143 Staplers Road  
Newport  
PO30 2DJ

**On behalf of** Mr Phil Salmon  
Phil Salmon Planning Ltd

**Site:** Land at Seagrove Farm Road, Seaview, Isle of Wight,  
**Development:** Proposed construction of eight dwellings and formation of vehicular access  
**LPA Ref No:** 21/00779/FUL

In pursuance of its powers under the above mentioned Act, the Isle of Wight Council as Local Planning Authority give notice of the decision made on 02.11.2021 to **REFUSE Planning Permission** in accordance with your application, plans and particulars which were received on 12th April 2021 for the following reasons:

1. The access is (Seagrove Farm Road junction with Seagrove Manor Road & Old Seaview Lane junction with Steyne Road) unsatisfactory to serve the proposed development by reason of unacceptable visibility and would therefore be contrary to Policy DM2 (Design Quality for New Development) of the Isle of Wight Core Strategy.
2. The access (Seagrove Farm Road junction with Seagrove Manor Road, Seagrove Manor Road junction with Old Seaview Lane and Old Seaview Lane junction with Steyne Road) is unsatisfactory to serve the proposed development by reason of unacceptable width and would therefore be contrary to Policy DM2 (Design Quality for New Development) of the Isle of Wight Core Strategy.
3. The proposed development would generate a significant increase in vehicular traffic entering and leaving the public highway (Seagrove Manor Road/Seagrove Manor Road junction with Old Seaview Lane/Old Seaview Lane junction with Steyne Road) which is limited in width to the detriment of highway safety and would add unduly to the hazards of highway users and would therefore be contrary to Policy DM2 (Design Quality for New Development) and DM17 (Sustainable Travel) of the Isle of Wight Core Strategy.
4. The proposed development would lead to an adverse impact on the Public Right of Way R67 and its users. The occupation of 8 additional dwellings would lead to a significant increase in the number of daily vehicle movements and with insufficient passing bays/spaces proposed, would cause inconvenience to users, be less enjoyable and result in a safety concern for users, and as such, the proposal is considered contrary to the aims of Policies DM2 (Design Quality for New Development) and DM17 (Sustainable Travel).
5. Insufficient information has been submitted to show that the proposed development would not have an adverse impact on the ecological features and connectivity and as such the proposal would be contrary to Policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy and the NPPF.

6. Insufficient information has been submitted to demonstrate that the proposed development would not have an adverse impact on the trees which are of a high amenity situated along Seagrove Farm Road including two ancient oaks and several trees protected by a Tree Protection Order (T.P.O) and which contribute to the landscape qualities of the area as well as provide screening of the site. Requirements to provide a sufficient visibility splays at the entrance to the site from Seagrove Manor Road would require the removal/loss of vegetation and a tree and would result in harm and an impact on the street scene and wider landscape. The trees to the south of the site would also result in shading of garden areas to serve the proposed housing and therefore result in pressure to remove or prune these trees, harming the contribution they make to the surrounding area. As such the proposal would be contrary to Policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy and the NPPF.
7. A contribution towards affordable housing provision is required from this development proposal in accordance with the requirements of policy DM4 (Affordable Housing) of the Island Plan Core Strategy and the Council's adopted Affordable Housing Contributions Supplementary Planning Document. The applicants have not completed and submitted a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the required contribution and in the absence of this, the proposal is considered contrary to the aims of policy DM4 and the Council's SPD.
8. The application site is located within the Solent Special Protection Area (SPA) buffer zone and the proposal has the potential to result in increased recreational disturbance to the interest features of the Solent SPA alone and in combination with other development projects. To mitigate for these potential impacts to the Solent SPA, the applicants is required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a contribution from the development towards the Solent Recreation Mitigation Strategy. In the absence of such an obligation or any other proposed measures to mitigate for these potential impacts, it is considered that the proposal would be contrary to the aims of policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy and the National Planning Policy Framework.

## Notes to Applicant

### 1. ARTICLE 31 - WORKING WITH THE APPLICANT

In accordance with paragraphs 186 and 187 of the NPPF, the Isle of Wight Council takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following way:

- The IWC offers a pre-application advice service
- Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible.

The application was not considered to be a sustainable form of development and whilst pre-application advice was sought and further information submitted during the application, this did not overcome the concerns raised at both pre-application stage and during the application.

**Date:** 03.11.2021



**Oliver Boulter**  
**Strategic Manager Planning & Infrastructure**  
Seaclose Offices  
Fairlee Road  
Newport  
Isle of Wight  
PO30 2QS

All documents associated with this decision, including the officer's report, can be viewed on the council's website <http://www.iow.gov.uk/>.

*The following notes/guidance may be applicable to you/the applicant:*

## TOWN AND COUNTRY PLANNING ACT 1990

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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**The Isle of Wight Council's Formal Complaint Procedure can be found online at:**

<https://www.iow.gov.uk/council/OtherServices/Council-Complaints/Making-a-complaint1>