

PLANNING PRACTICE GUIDANCE

Analysis of conditions proposed under policies BNDP.H3 and T2 against criteria for Use of Planning Conditions and the six tests of the National Planning Policy Framework

TEST	KEY QUESTION	BNDP policy H3 requires housing development to be first occupied by person(s) with a “Bembridge Connection”
Necessary	Will it be appropriate to refuse planning permission without the requirements imposed by the condition?	<p>Yes – Island Plan Core Strategy policies clearly indicate housing development in Rural Services Centres and the Wider Rural Area must demonstrate a “local need”. Therefore, new housing development approved in Bembridge will be on the basis of having demonstrated there is a local need. Policy BNDP.H3 will ensure that the development is delivered to meet the local need.</p> <p>If no local need can be justified then the proposal would be contrary to Island Plan Core Strategy policies SP1 and SP2 and would be refused.</p>
Relevant to Planning	Does the condition relate to planning objectives and is it within the scope of the	Yes – see above

	permission to which it is to be attached?	
Relevant to the development to be permitted	Does the condition fairly and reasonably relate to the development to be permitted?	Yes – policies SP1 and SP2 of the Island Plan Core Strategy clearly indicate that the majority of new housing development on the Isle of Wight will be expected to be located in the three Key Regeneration Areas with lesser amounts in the two Smaller Regeneration Areas and only smaller-scale development in the Rural Service Centres and the Wider Rural Area where a local need has been identified.
Enforceable	Would it be practicably possible to enforce the condition?	Yes – the policy sets out a clearly defined criteria
Precise	Is the condition written in a way that makes it clear to the applicant and others what must be done to comply with it?	The wording of Policy H3 with its accompanying justification and definition is completely clear
Reasonable in all other respects	Is the condition reasonable?	<p>Policy H3 is founded on policies SP1 and SP2 of the Island Plan Core Strategy and is reasonable in as much as it is seeking to ensure development is delivered to meeting the local need that has been identified through the planning proposal.</p> <p>BNDP.H3 is Island Plan Core Strategy compliant and is reasonable in its intentions. Accordingly it does not place any unjustifiable or disproportionate burden on an applicant seeking to apply for planning permission for residential development in Bembridge on the basis of being able to demonstrate a local need.</p>

TEST	KEY QUESTION	BNDP T2 seeks to impose a condition which prevents use of the approved holiday accommodation as a 2nd home
Necessary	Will it be appropriate to refuse planning permission without the requirements imposed by the condition?	YES – Under this policy, planning permission has been granted for new holiday accommodation. There is an increasing current trend for holiday accommodation to be sold off as separate units rather than being retained within an overall holiday business. This gives rise to situations where the approved development is only used by the owner for occasional visits (ie as a 2 nd home) and not actually contributing to the overall tourism market by being made available through a wider lettings programme. Proposals for new holiday accommodation is a method which can be employed to obtain planning permission for a 2 nd home. The condition will prevent this.
Relevant to Planning	Does the condition relate to planning objectives and is it within the scope of the permission to which it is to be attached?	YES – see above
Relevant to the development to be permitted	Does the condition fairly and reasonably relate to the development to be permitted?	YES – see above

Enforceable	Would it be practicably possible to enforce the condition?	YES – by a requirement for a register of lettings
Precise	Is the condition written in a way that makes it clear to the applicant and others what must be done to comply with it?	YES
Reasonable in all other respects	Is the condition reasonable?	YES – See Necessity test above