



Appeal Decision

Site visit made on 11 October 2016

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 1 November 2016

Appeal Ref: APP/P1615/W/16/3151357

47 Orchard Road, Newent, Gloucestershire GL18 1DQ

- 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 Tim Chance against the decision of Forest of Dean District Council.
 - The application ref P1657/15/FUL, dated 3 November 2015, was refused by notice dated 1 February 2016.
 - The development proposed is the erection of four holiday chalets with parking spaces.
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Application for Costs

1. An application for costs was made by Mr Tim Chance against Forest of Dean District Council. That application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of four holiday chalets with parking spaces at 47 Orchard Road, Newent, Gloucestershire GL18 1DQ in accordance with the terms of the application, ref P1657/15/FUL dated 3 November 2015, subject to the conditions set out in the attached schedule.

Preliminary Matters

3. The site address included in the header above is taken from the planning application form and decision notice. Whilst reference is made to "47 The Scarr" in other documents, it is clear from the plans and my site visit that this is the same property.
4. There is an extant outline planning permission for the erection of four single-storey holiday lets and associated works on the site, and there is no substantive evidence before me to indicate that this development would not be carried out if it were not possible to implement the current proposal. I have, therefore, given substantial weight to that potential fallback position.
5. A revised plan was submitted with the appeal¹. Rather than materially altering the proposal, this provides additional and more accurate information about the floor level and height of proposed chalet no. 3 relative to existing buildings to the west. I have taken this into account in coming to my decision.

¹ Proposed site section facing north ref 12/687.10-D dated March 2016.

6. The Council has referred to policy CSP1 in the Forest of Dean Core Strategy which was adopted in 2012 ("core strategy") and policy AP4 in the Forest of Dean Allocations Plan which was submitted for examination in August 2015 ("emerging allocations plan"). Both policies aim to achieve high quality design, and in so far as the latter is relevant to the current proposal I have taken it into account as a material consideration even though it does not yet form part of the statutory development plan.

Main Issue

7. The main issue is the effect that the proposal would have on the character and appearance of the area.

Reasons

8. The proposed chalets would be built on a field immediately to the east of some substantial glasshouses that are used in conjunction with the appellant's viticulture business. To the other side of the glasshouses to the west are detached dwellings, including no. 47 occupied by the appellant. To the south, beyond a mature hedgerow, are a number of agricultural-type buildings. Vehicular access would be from Orchard Road which is beyond another hedgerow to the north.
9. The site, and the nearby buildings, are situated on The Scarr which is an area of elevated land within a rolling "low hills and orchards" landscape. I am advised that in the 1930's, 57 chalet-style houses were built on The Scarr as part of a public initiative aimed at creating small communities of smallholdings. Each chalet is two storeys in height, with bedrooms in the roofspace, and has a distinctive hipped roof covered with terracotta tiles and red clay brick walls with cedar cladding on the gable ends. During my visit to the area I observed a number of these 1930s buildings (including no. 47), many of which retain their distinctive historic character, along with a variety of other dwellings and agricultural and horticultural buildings on The Scarr.
10. The size, height and design of the proposed buildings are intended to reflect that of the original Scarr chalets. Each would have a footprint of around 68m² and a maximum height of 6.8 metres to the ridgeline. They would be two storeys in height with accommodation in the roofspace. The walls would be clad with cedar boards, the hipped roofs covered in reclaimed terracotta tiles, and the doors and window frames constructed of timber. There would be a separate hot tub building that would be smaller but of similar design and materials.
11. By virtue of their location in an open field on the edge of an existing group of buildings, the proposed chalets would be seen from certain vantage points nearby, including from the public footpath to the north. However, the topography of the area and presence of mature trees and hedgerows along many routes mean that longer distance views to the site from public vantage points are restricted. The ridges of the roofs would be higher than those of the nearby glasshouses, although as the ground is at a somewhat lower level they would be below that of no. 47 to the west. They would not, therefore be unduly prominent or intrusive in the landscape. The glasshouses are essentially functional in character and of no particular architectural merit meaning that, whilst the proposed chalets would not appear subservient to these structures,

this would not result in an awkward relationship between the buildings or detract from the character of the area.

12. The introduction of four new dwellings of the scale, height and design proposed in this location would represent a modest addition to an existing loose collection of buildings in the countryside. Provided that appropriate materials were used, the design of the buildings would mean that they would not appear out of place in their surroundings but rather be reflective of local character and history. Furthermore, their location in relation to existing development means that they would not materially detract from the qualities of the wider rural landscape provided that appropriate planting was undertaken to supplement the nearby hedgerows. This could be ensured by planning condition if the appeal were to be allowed.
13. Whilst I am aware that the proposed buildings would be significantly larger and taller than those shown on the indicative plans that are subject to outline planning permission², I have dealt with the current proposal on its own particular merits.
14. I conclude on the main issue that the proposal would not materially harm the character or appearance of the area and that it would be in accordance with national policy³, policy CSP1 of the core strategy, and policy AP4 of the emerging allocations plan. These policies collectively recognise the intrinsic character and beauty of the countryside and seek to achieve high quality design that establishes or supports a strong sense of place, takes account of local character and history, is visually attractive, and contributes to environmental enhancement.
15. The development would be used to provide short stay visitor and holiday accommodation in association with the existing viticulture business thereby helping a rural enterprise to diversify and grow. The quality and design of the chalets is intended to enhance the visitor experience by providing historical context as well as meeting modern expectations. Additional tourist activity would also be likely to provide support for other local businesses. The proposal would, therefore, deliver a number of social and economic benefits and be in accordance with core strategy policy CSP4 and national policy⁴.

Conclusion

16. The proposal would not materially harm the character or appearance of the area, and would deliver social and economic benefits. It would therefore be in accordance with the development plan and national policy.
17. Accordingly, I conclude that the appeal should be allowed.

Conditions

18. I have considered the conditions suggested by the Council and agree that most are necessary, subject to some alterations to improve clarity and brevity, and ensure consistency with national policy and guidance⁵.

² The Council advises that illustrative material submitted with the outline planning application showed each building having a footprint of 46m² and a maximum height to the ridgeline of 4 metres.

³ National Planning Policy Framework ("NPPF") paragraph 17 and sections 7 and 11.

⁴ NPPF paragraph 28.

⁵ NPPF paragraphs 203 and 206, and Planning Practice Guidance ID 21a: *Use of Planning Conditions*.

19. In addition to the standard conditions relating to the timing of development and compliance with the approved plans, a condition is required to restrict the use of the chalets to holiday accommodation as their use as permanent residential accommodation would be contrary to local and national planning policies that seek to prevent isolated new homes in the countryside. For the same reason, and to safeguard the character and appearance of the area, in the event that the site ceases to be used to provide holiday accommodation, all structures and hardsurfacing should be removed and the land restored to its current condition.
20. A landscaping condition is required in order to safeguard the character and appearance of the area. Whilst not suggested by the Council, I consider it necessary for details of the proposed materials to be submitted for approval for the same reason.
21. The vehicular access, parking and turning areas need to be provided in the interests of highway safety and to ensure satisfactory living conditions for future visitors.
22. Appropriate foul and surface water drainage systems need to be provided, and the existing public sewer protected, in order to prevent pollution and flooding.
23. Finally, a condition requiring details of finished floor levels and cross sections through the site is unnecessary as these have been provided at the appeal stage and can be referred to in condition no. 2 stipulating the approved plans.

William Fieldhouse

INSPECTOR

Schedule of Conditions

- 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: 12/687.06C – site layout; 12/687.05B – proposed floor plans; 12/687.08A – proposed elevations; 12/687.09 – hot tub plan & elevations; 12/687.10D – section; and 12/687.07 – 3D sketch.
- 3) The use of the buildings hereby approved shall be to provide holiday accommodation only and none of the buildings shall be used as any individual's main or sole place of residence. No chalet shall be occupied for a period exceeding four weeks for any single letting, and there shall be no return within four weeks by the same household to any of the chalets. A register of all occupiers of the chalets, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by officers of the Council.
- 4) In the event that the site ceases to be used to provide holiday accommodation, the land shall be restored to its original condition of pasture land through the removal of all built structures and hardsurfacing within six months of the date that the site last operated for the purpose hereby approved.
- 5) No development shall take place until details of both hard and soft landscape works along with an implementation timetable have been submitted to, and approved in writing by, the local planning authority. The works shall be carried out in accordance with the approved details and timetable.
- 6) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings 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.
- 7) The buildings hereby approved shall not be occupied until the vehicular access, parking and turning areas as indicated on the approved plans have been constructed, laid out and provided ready for use. Those areas shall thereafter be permanently retained for their intended purposes.
- 8) The buildings hereby approved shall not be occupied until foul and surface water drainage systems have been provided in accordance with the Forest of Dean District Council "drainage requirements for domestic extensions and single dwellings". Those drainage systems shall thereafter be permanently retained.
- 9) No buildings shall be erected or trees planted within 2.5 metres of either side of the public sewer that crosses the site.

End of schedule of conditions