
Appeal Decision

Site visit made on 25 October 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 02 December 2016

Appeal Ref: APP/P1615/W/16/3155187

Wye Valley Barn, The Common, Brockweir, Gloucestershire NP16 7NN

- 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 & Mrs Tate against the decision of Forest of Dean District Council.
 - The application Ref P1844/15/FUL, dated 6 December 2015, was refused by notice dated 12 April 2016.
 - The development proposed is the alteration and refurbishment of existing barn to facilitate conversion to eco-dwelling (Class C3). Provision of car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal can be considered sustainable development as defined by the National Planning Policy Framework (the Framework);
 - the effect of the development on the character and appearance of the area, with particular reference to the Wye Valley Area of Outstanding Natural Beauty (AONB);
 - whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to privacy, noise and disturbance;
 - the effect of the development on the living conditions of neighbouring residents with particular reference to privacy, noise and disturbance;
 - the effect of the proposed development on highway safety; and
 - whether or not sufficient information has been provided regarding the proposed foul drainage arrangements.

Reasons

Sustainable development

3. The appeal relates to an ancillary domestic barn situated outside of any settlement and within the open countryside.
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4. One of the strategic objectives of Policy CSP.4 of the Forest of Dean District Council Core Strategy Adopted Version (CS) is to promote thriving sustainable communities. The policy amplification sets out the principle that development should be concentrated at settlements. To this end the policy states that most changes in towns and villages will be expected to take place within the existing settlement boundaries. It is stated that exceptions to this may include affordable housing and building conversions.
5. Paragraph 7.75 of the CS states, in relation to the very small villages and hamlets that generally have no facilities or very few, that such settlements will not be generally suitable for new housing, with the possible exception of modest developments of affordable housing and exceptionally conversions.
6. Therefore, whilst not providing explicit support for the conversion of existing buildings in such locations as suggested, the CS does not expressly preclude such development. As highlighted by the appellant, paragraph 5.18 of the CS explains that in rural areas the emphasis will be on sustainable rural development to be promoted where it supports the local economy and is compatible with the conservation of the countryside.
7. This is broadly consistent with Paragraph 55 of the Framework which states that to promote sustainable development, rural housing should be located where it would enhance or maintain the vitality of rural communities and avoid new isolated homes unless there are special circumstances, including where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In this regard, notwithstanding that the building was being used for storage purposes at the time of my site visit, for the reasons set out below I have found that the appeal proposal would be harmful to its rural setting. Consequently, none of the special circumstances of paragraph 55 are applicable to the appeal proposal.
8. The Council's reason for refusal also makes reference to conflict with emerging Policy AP.1 of the Allocations Plan Submission Draft, August 2015 (AP) which states that in assessing planning applications the primary consideration will be whether or not the development is sustainable with the overall aim of improving the economic, social and environmental conditions of the area. There is dispute between the parties about the level of weight which should be afforded to the AP, but having regard to paragraph 216 of the Framework I am able to apply a moderate degree of weight to this policy and those considered below.
9. My attention has been drawn to an appeal decision¹ which records that the Council is unable to demonstrate a five-year supply of deliverable housing sites. In the absence of evidence that this position has changed, paragraph 49 of the Framework is invoked insofar as relevant policies for the supply of housing should not be considered up-to-date.
10. Within this context, the appellant has referred to a recent Court of Appeal judgement² which considered that AONB policies could be relevant policies for the supply of housing if they affected the supply of the same. However, the judgement explains that it will always be for the decision-maker to judge, in

¹ Appeal Ref: APP/P1615/W/15/3136129

² Suffolk Coastal District Council v Hopkins Homes Ltd [2016] EWCA Civ 168

the particular circumstances of the case in hand, how much weight should be given to conflict with policies for the supply of housing that are out-of-date.

11. In this case, CS Policy CSP.4, as a policy relevant to the supply of housing should, in the context of paragraph 49 of the Framework not be considered up-to-date. This therefore suggests a reduction in the weight to be apportioned to it, and requires that paragraph 14 of the Framework is, at this stage, engaged. However, its overarching purpose remains broadly consistent with that of the Framework. As such, and in accordance with paragraph 215 of the same, I am still able to afford a good measure of weight to it. The appellant also makes reference to CS Policy CSP.5 being out-of-date but I note that this policy is not included within the Council's reason for refusal.
12. Moreover, the second strand of the fourth bullet point of paragraph 14 makes clear that the presumption in favour of sustainable development set out therein should not apply where 'specific policies of the Framework indicate development should be restricted'. Here, footnote 9 appended to this last statement makes specific reference to AONB policy in this regard. So, notwithstanding any absence of a five-year supply of housing and the diminution of weight afforded to the development plan policy, the last strand of bullet point four of paragraph 14 disapplies the presumption in favour of the development that might otherwise exist.
13. Nevertheless, the appeal proposal would make a contribution to the deficit in the five-year supply of housing, although this benefit would be very limited due to the small scale nature of the development.
14. Whilst the appellant contends that the site is within convenient walking distance of Brockweir village, which is included within the settlement hierarchy and contains a range of services and facilities, linkages to the same are poor. Notwithstanding the distance, the connecting roads are primarily narrow country lanes with no footpaths and street lighting. Reference is made to access via the playing field but I have no evidence that this is a public right of way or that it is an attractive route. Consequently, the connections to the settlement and its services and facilities would be very unattractive to pedestrians and would be unlikely to encourage cycling. Moreover, whilst I have been provided with a number of bus timetables, I have not been provided with any evidence that such services are readily accessible from the appeal site.
15. It is therefore likely that occupiers of the proposed dwelling would in practice be very reliant on a private car. Consequently, the proposal would not contribute to sustainable travel patterns and as such is not sustainably located. The proposed dwelling would in this sense be isolated. I am not therefore convinced that it would make any material contribution to the vitality of any rural community, as envisaged by paragraph 55 of the Framework. Overall therefore, the proposal would not meet the social objectives of sustainable development.
16. Furthermore, it would not make any substantial ongoing contribution to the economic dimension of sustainability through the conversion of the barn, which would be for a limited time only.
17. In terms of the environmental dimension of sustainable development, I have found, for the reasons set out below, that the proposal would not conserve the

landscape and scenic beauty of the AONB, and the harm arising would outweigh the benefits from measures included within the construction to mitigate climate change.

18. For these reasons, I conclude that the proposal would not meet the social and environmental objectives of sustainability and as such would not amount to sustainable development, having regard to the advice at paragraph 7 of the Framework. It therefore follows that the presumption in favour of sustainable development would not in any case apply. Moreover, even if I had found to the contrary, the benefits of the development identified would in my view be significantly and demonstrably outweighed by the harm I have identified below to the character and appearance of the area and to highway safety.
19. The proposal would not therefore be appropriate to its location in the context of development plan and national policy relating to the provision of new housing in the countryside, being contrary to the Framework and CS Policy CSP.4 and emerging AP Policy AP.1.

Character and appearance

20. The site is situated within the Wye Valley AONB and forms part of a small cluster of existing dwellings.
21. The barn is positioned at right angles to the road and due to the land form within the site it is partly below road level. The lower parts of the barn are clad in stone whilst the upper parts are clad in timber boarding. Its pitched roof is clad in grey metal profile sheeting.
22. Openings to the barn are restricted to the two large doors on the main elevation facing into the site and a door on the rear elevation. It retains an essentially agricultural character, despite the relatively high quality finishes to the walls and existing domestic storage use.
23. It is proposed to insert a number of new window and door openings to facilitate the conversion and a courtyard area would be created across the main front elevation. Being close to the wider site entrance, these changes would be readily apparent from the road.
24. Whilst it is stated that there is no intention to provide a curtilage beyond that of the existing enclosed area, the plans appear to show that there would be a material extension into the agricultural field. Even if I am wrong about this and even though views of the garden would be somewhat limited, the appearance and function of this space would be substantially altered.
25. A parking area at the front of the site is also proposed. Although this would be partly screened by the proposed hedge, it would remain very visible in approaching views from the west. I accept that this space could be used for car parking at the moment but without the barn being used as a dwelling there would be no reason to do as the existing dwellings have parking provision within the site.
26. Taken in isolation, the design is acceptable. However, the area is not dominated by dwellings and gardens as suggested. Rather the character of the area is rural with pockets of isolated dwellings within the countryside. Within this context, the proposal would result in a significant domestication to the character and appearance of the building and its immediate environs. This

would in turn result in substantial harm to the rural character of the area and being located at the front of the site it would affect the rural setting of the existing dwellings. The harm would be sufficient in its own right to warrant withholding planning permission, without consideration of any displacement issues which may arise.

27. In arriving at my findings I have had regard to the previous appeal decisions³ at this site. It is clear that in allowing the appeal in 2012, that the Inspector felt that the positive impact on the site and its surroundings would arise from the completion of a building in appropriate materials, which was unsightly because of its unfinished appearance. The Inspector also noted, as I have done, that the open doorways help the building look more agricultural in character. Therefore, the consequences of this appeal being dismissed would be a continuation of a building sitting comfortably within its rural setting.
28. In contrast the appeal proposal would change a relatively attractive agricultural style building to one which is clearly residential. This would draw more attention to it and therefore make it more prominent within this landscape character type in the AONB. The external materials would not mitigate this harm. Indeed, the Inspector for the 2012 appeal decision noted that the use timber cladding would be appropriate in this countryside location, and would be more subtle than stone cladding.
29. I acknowledge that the Framework does not impose a moratorium on development within AONB's, however, paragraph 115 does highlight that great weight should be given to conserving their landscape and scenic beauty. Having regard to my above findings, it follows that the proposal would not conserve the landscape and scenic beauty of the AONB and as such would conflict with paragraphs 7, 17 and 115 of the Framework.
30. I therefore conclude that the proposal would be harmful to the character and appearance of the area and contrary to CS Policy CSP.1, which states, amongst other matters, that the design and construction of new development must take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment, including their wider context. In achieving the above, a number of considerations are listed, including the effect of the proposal on the landscape including AONB's. The proposal would also be contrary to emerging AP Policies AP.1 and AP.4 in that it would not contribute to environmental enhancement and Policy AP.5 which states that materials must take into account the traditional characteristics, styles and materials that are used in the locality.

Living conditions

31. The barn faces directly out onto the access serving the existing adjacent dwelling, known as Wye Valley Barn as well as the dwelling at Hill Farm. There would therefore be noise from the cars associated with those properties in close proximity to the front of the house as well as pedestrians coming and going. However, the vehicular movements and general activity associated with the two existing dwellings would not be substantial. The proposed plans also show that there would be some defensible space and therefore a buffer between the access and the front of the house. Moreover, the main daytime

³ Appeal References: APP/P1615/A/09/2101617 and APP/P1615/A/12/2169966

living space would be located at the rear of the property. Undue harm to the living conditions of future occupants would not therefore arise in terms of privacy, noise and disturbance.

32. Parking for the proposed dwelling would take place on its northern side and therefore outside of the site and away from the nearest neighbouring property at Wye Valley Barn. There would be no need therefore for future occupants to drive into the site and in front of Wye Valley Barn. Similarly, for occupants to access the dwelling it would not require passing in front of or particularly close to Wye Valley Barn so as to cause undue disturbance or loss of privacy.
33. Given the position and orientation of the dwelling known as Greenfields, the proposed dwelling would in the main face towards the rear garden of that property, across from the existing access. Having regard also to the levels and screening I do not consider that unacceptable overlooking and loss of privacy would arise.
34. I therefore conclude on this issue that the proposal would not result in undue harm to the living conditions of existing or future occupants and as such would not conflict with paragraph 17 of the Framework which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
35. Whilst the Council's third reason for refusal also makes reference to conflict with CS Policy CSP.1, this relates to design and environmental protection and has limited relevance to this main issue. I have therefore attributed little weight to it.

Highway safety

36. The proposed access would be onto a single width rural road where the national speed limit applies. The appellant accepts that a 2.4m x 215m visibility splay cannot be achieved.
37. I acknowledge that previous approvals in relation to Wye Valley Farm may not have required the visibility splay sought by the Council, however, the proposed parking and screen hedge adjacent to the highway, would materially reduce the existing level of visibility for drivers using the access in association with the two existing dwellings which use it. The parking would also likely hinder the existing arrangement which allows a vehicle to leave the site and another to wait off the highway.
38. I accept that moving the car parking into the adjoining field would potentially alleviate this harm. However, there would be no guarantee that parking would still not take place in the area proposed whilst further harm would be caused to the rural character and appearance of the area by the creation of formal and domestic style parking arrangements within the field.
39. In terms of the arrangements for the proposed dwelling, parking would take place on its northern side within a relatively large recessed area off the highway. In my experience of parking and manoeuvring in this location during my site visit, there is sufficient visibility to leave the site safely, particularly given the low number of vehicular movements in this location as evidenced by the appellant's traffic survey and confirmed by my own observations.

40. Nevertheless, although I have no evidence of vehicle or personal injury accidents associated with the current access, the proposal would materially worsen the present arrangement for existing residents, such that safe and suitable access to the site would not be achieved for all people. This would be contrary to CS Policy CSP.1, insofar as this policy considers the adequacy of infrastructure. The severity of the harm, in the context of paragraphs 32 and 35 of the Framework, is sufficient in my view to warrant refusal.

Drainage

41. The appellant has provided a letter from Eagles Vacuum Tankers which confirms that there is sufficient capacity in the septic tank to which it is intended to connect and serve both the appeal property and that of the existing dwelling. Whilst this hasn't been confirmed by a drainage surveyor, I am satisfied that acceptable foul drainage arrangements could be satisfactorily resolved by way of condition so as to comply with above referenced CS Policy CSP.1 and paragraphs 7 and 17 of the Framework.

Other matters

42. I note that the site lies close to Offa's Dyke Scheduled Ancient Monument (SAM). Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting. In this regard, I note that the Council anticipates no impact on the SAM and I find no reason to take a contrary position.
43. I acknowledge that the Council's reason for refusal does not raise concern in respect of amenity space standards and biodiversity and again I find no reason to take a contrary position. Nevertheless, the lack of such harm cannot weigh in favour of the proposal and should properly be considered as a neutral factor in the planning balance.

Conclusion

44. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

Inspector