
Appeal Decision

Site visit made on 3 April 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 13 April 2017

Appeal Ref: APP/P1615/W/16/3160606

Lowlands, Belmont Road, Hewelsfield, Lydney, Gloucestershire GL15 6UX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Davies-Hoare against the decision of Forest of Dean District Council.
 - The application Ref P0866/16/OUT, dated 15 June 2016, was refused by notice dated 25 August 2016.
 - The development proposed is outline application for erection of a two bedroom dwelling in the garden of 'Lowlands'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application seeks outline planning permission with all matters reserved for later approval. I have determined the appeal on this basis. I have therefore treated the 1:200 plan which shows the position of a dwelling and the photomontage showing a dwelling on the site as being for illustrative purposes only.
3. The description in the banner heading above is taken from the Council's decision notice as this is a more concise description than that set out in the application. The proposal is described in the application as "A proposed new carbon-negative 'zero energy' 2 bedroom split level dwelling in the garden of 'Lowlands' to meet the requirements of the 'passivhaus standard' and Clause 4 of the National Planning Policy Framework Paragraph 55. Approving such a new dwelling would facilitate 'Lowlands' to be purchased by the applicant's daughter/family who is an 'essential worker' (community nurse) and wants to remain living in the village."

Main Issues

4. These are:
 - Whether the proposal would constitute sustainable housing development in a rural area having regard to national and local policies.
 - The effect of the proposal on the character and appearance of the area with particular regard to the site's location in the Wye Valley Area of Outstanding Natural Beauty (AONB)
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- The effect of the proposal on the living conditions of the occupiers of adjacent properties with particular reference to daylight and outlook.
- The effect of the proposal on highway safety.

Reasons

Whether proposal would constitute sustainable housing development in a rural area

5. The Forest of Dean Core Strategy¹ (CS) provides the strategic policy context for the District. Protecting the environment is to be achieved by guiding the location of development and requiring high standards of design. Policy CSP1 is a multi-criteria policy on design and environmental protection relating to all development. Amongst other matters it sets out that the effect of proposals on the landscape including AONBs will be considered. Policy CSP 4 sets out that new development will be concentrated at the towns, and that most changes in towns and villages will be expected to take place within existing settlement boundaries. Possible exceptions may include affordable housing for local persons. Areas outside settlement boundaries will be treated as part of the open countryside.
6. Section 7 of the CS sets out the settlement policies and identifies a settlement hierarchy of towns, major villages, group villages, service villages and small villages. The two settlements nearest to the appeal site which are identified in the hierarchy are St Briavels identified as a service village, and Brockweir identified as a small village. Both of these settlements have settlement boundaries. The appeal site lies between Brockweir and St Briavels and is approximately 1 km and 2 km respectively from their settlement boundaries.
7. Paragraph 7.75 of the CS refers to there being a large number of very small villages and hamlets with few or no facilities and with no defined settlement boundaries. In many cases these settlements look like part of the countryside with a dispersed built form and frontages punctuated by agricultural land or forest waste. The overwhelming characteristic of most is that they are small and not intensively developed. Very few could be described as being sustainably located in terms of being within easy reach of a range of transport alternatives or having easy access to some basic facilities. The CS cites national policies and goes on to say that for most purposes such settlements will be treated as part of the open countryside. The settlements concerned will not generally be suitable for new housing with the possible exception of very modest development of affordable housing under policy CSP5.
8. Policy CSP5 relates to promoting thriving sustainable communities and providing affordable homes. Housing in keeping with the needs of the local community is to be provided in identified locations and the policy sets out housing numbers relating to different settlements. With regard to affordable housing, Policy CSP5 accepts single affordable dwellings where they are well related to the settlement concerned and take account of protected open spaces and other areas. Such sites would usually be within or immediately adjoining a settlement boundary. Where local housing need cannot be met elsewhere, exceptionally a small group or single dwelling may be allowed within or adjoining a settlement without a defined boundary. A number of criteria are

¹ Forest of Dean District Council: Core Strategy Adopted Version 23 February 2012

- required to be met. However, all affordable housing must be capable of management by a suitable organisation and be available in perpetuity.
9. The appellant states that if permission was granted for the proposed dwelling, this would enable sale of the host property, Lowlands, at below market price to his daughter, thereby allowing a local family who are unable to afford an open market dwelling to continue living in the area. There is no evidence that either the proposed or existing dwelling would be capable of being managed by a registered provider, village trust or other suitable organisation. The appellant suggested conditions state that the proposed dwelling would not be sold on the open market for a period of five years, and that the development would only proceed if Lowlands was sold to the appellant's daughter and family for their sole occupation. However, notwithstanding that such conditions may not meet the tests set out in paragraph 206 of the National Planning Policy Framework (Framework), they would not secure affordable housing in terms which complied with CS Policy CSP5.
 10. Paragraph 55 (P55) of the Framework promotes sustainable development in rural areas, advising that new isolated homes in the countryside are to be avoided unless there are special circumstances. The appeal site is not directly served by public transport. Although there is a community shop and village hall in Mill Hill, this is reached along narrow roads which lack pavements or street lighting. Other services and facilities are further away and, notwithstanding that residents in rural areas are frequently dependent on private cars, I consider the appeal site is isolated in the context of P55.
 11. One of the special circumstances set out in P55 where new isolated homes may be allowed is the essential need for a rural worker to live permanently at or near their place of work in the countryside. The appellant and his daughter's family refer to the lack of affordable housing in the Brockweir and Hewelsfield area and the desirability of the family continuing to live close to other family members, to work and to local schools attended by their children. The appellant's daughter is a community nurse. However, the evidence does not demonstrate in terms of place or nature of her work that there is an essential need to live in this rural area rather than elsewhere including in an identified settlement or in one of the district's towns. I have noted the suggestion that medically trained volunteers are sought as part of a 'community response group'. However, the evidence is not sufficient to show that the proposed dwelling, which would not be occupied by the appellant's daughter, would meet this special circumstance of P55.
 12. A further special circumstance set out in P55 relates to the exceptional quality or innovative nature of the design of the dwelling and the proposal is put forward in this context. I consider this below.

Character and appearance

13. Belmont Road is for much of its length undeveloped on either side. West of its junction with the road down to Mill Hill, Belmont Road has some houses immediately to its south side and, after an intervening field, a group of three houses on its south side of which Lowlands is one. Belmont Road is part of a much wider area between St Briavels and Brockweir which is characterised by intermittent development, scattered between farmland and more wooded areas. Many of the houses are set within generous plots, and some are set away from the road. I consider its character fits the general description set out

in paragraph 7.75 of the CS which is referred to above. The Council draw attention to the landscape character assessment² relating to St Briavel's Common, described as a unique landscape of intimate pastures and dispersed 'squatter' settlements linked by narrow winding lanes on a gently sloping landform.

14. The appeal site and wider area lies within the Wye Valley AONB. The statutory purpose of AONBs is to conserve and enhance the natural beauty of the area. Paragraph 115 of the Framework confirms that AONBs have the highest status of protection in relation to landscape and scenic beauty and great weight is to be afforded to conserving their landscape and scenic beauty.
15. The appeal site lies between Lowlands which is a single storey dwelling and Moedigate which is a two storey dwelling. The identified site, although of similar depth to neighbouring properties, is relatively narrow. The site slopes downwards away from the road and enjoys wide ranging views over the Wye valley. As the proposal is for outline permission only, the effects of any dwelling on the appearance of the area cannot be assessed in detail. However, the insertion of a dwelling between Lowlands and Moedigate would intensify the built frontage along this part of Belmont Road, eroding its sporadic nature which is central to the intrinsic character of this area. There is small group of dwellings relatively close to one another near the junction of Belmont Road with the road to Mill Hill. However this is not typical of the wider area and does not create a precedent for the appeal proposal.
16. The proposal is put forward as a dwelling which would meet one of the special circumstances set out in P55 of the Framework, that is the exceptional quality or innovative nature of the design of the dwelling. However, as an outline application with all matters reserved for later approval, the design quality cannot be assessed. The appellant's intention to secure an architect to design the dwelling at a later stage is not sufficient to meet this special circumstance. Although not part of the application, I have taken into account the 3D visualisation or photomontage which shows a contemporary dwelling on the site which would contrast with the form and appearance of other dwellings in the immediate vicinity. When compared with the undeveloped garden area of the existing site, the illustrative proposals fail to demonstrate that the development would enhance the immediate setting, which is one of the requirements of P55.
17. Whilst the innovative nature of the intended 'carbon zero' house is explained within written descriptions, there is insufficient evidence as part of this application for outline planning permission to demonstrate that the proposal would be genuinely innovative. Nor would the condition suggested by the appellant achieve this. In my experience, various features associated with achieving such standards, including those of a *passivhaus*, are increasingly a feature of a number of developments and therefore are not in themselves likely to meet the exceptional requirements of P55.
18. Drawing these matters together, I find that the proposal would harm the character of the area and would harm the landscape and scenic beauty of the AONB. It would thus fail to comply with CS Policy CSP1 which requires account to be taken of important characteristics of the environment and to conserve,

² Forest of Dean Landscape Character Assessment 2002

preserve or respect them in a manner which maintains or enhances their contribution to the environment, including in a wider context.

Living Conditions

19. As all matters are reserved for later approval, the position of the house within the proposed plot is not specified, nor is its layout or size. However, there is an illustrative block plan which indicates a position part way between the southern elevation of Lowlands on one side and the neighbouring dwelling Moedigate on the other. Moedigate has a glazed small side entrance or conservatory on the elevation facing the appeal site and a small first floor window. The principal windows of this neighbouring property face south out over the valley and north towards Belmont Road. Lowlands has windows to two rooms in the side elevation facing the proposed plot and a conservatory on the south elevation. Each of the two rooms with side facing windows has a window in another elevation.
20. Were the proposed dwelling indicated in the photomontage to be built, it is likely that this would have an adverse impact on the living conditions of occupiers of dwellings on each side in terms of outlook and potentially loss of daylight. However, as this is not part of the proposals, I cannot conclude that it would not be possible to design a dwelling which would avoid unacceptable harm to the living conditions of neighbouring properties. Consequently, as all matters are reserved, there would not necessarily be a conflict with those elements of Core Strategy CSP.1 and CSP.4 which relate to living conditions.

Highway safety

21. Whilst the Council has not consulted the highway authority on the proposal, neither the position of the access or any details are specified in the application. Consequently the Council relies on the standing guidance issued by the highway authority. Belmont Road in the vicinity of the appeal site is subject only to the national speed limit and the Council has applied the relevant visibility splays of 2.4 x 215 metres in each direction. It is clear these cannot be achieved. However, the road serving the site is a single track road with some passing places. From what I observed during my site visit, the road is lightly trafficked. Even without the surveys which the Council suggests are needed, the constraints of the road are likely to mean that vehicles would travel at considerably less than 60 mph. Meeting the full visibility requirements for a 60 mph zone are therefore not necessary. The existing stone boundary wall is of low height and the large Beech tree on the appeal site is set back into the site by a short distance so that its retention may not interfere with visibility. However, no topographical survey has been submitted.
22. Overall I consider that, had the proposal been acceptable in other respects, it would be possible to achieve safe access into the site. This may require a combined access with Lowlands which, whilst outside the application site, is land within the appellant's control. Taking these factors into account, the matter of highway safety has had a neutral effect in my decision.

Other matters

23. My attention is drawn to 'The Outhouse' as an award winning example of modern design in the local area. However, I am not provided with the details

of this development or its planning history. Accordingly, it has not had a bearing on my findings in relation to the main issues in this case.

Planning Balance and Conclusions

24. The Council is unable to demonstrate a 5 year supply of housing land. In accordance with paragraph 49 of the Framework, policies related to the supply of housing are therefore to be considered as being out of date. The development would make a modest contribution to housing supply to which I attach some weight. Whilst there would be economic and social benefits as the proposal is for a single dwelling these would be limited. However, as I have found that the proposal would harm the landscape and beauty of the AONB, specific policies of the Framework indicate that development should be restricted in accordance with footnote 9 to paragraph 14.
25. The location is not accessible to a range of facilities and services so occupiers of the proposed dwelling would be heavily reliant on private cars for most trips. Given the distance of the site from larger settlements and its location within the AONB, and despite the shortage of housing land, I still give considerable weight to the Council's policies which seek to restrict housing development in the countryside and direct development towards larger settlements. I find the proposal conflicts with CS policies CSP4 and CSP5 and with the CS when considered as a whole. The proposal would also fail to satisfy P55 of the Framework which addresses housing in rural areas.
26. Given the environmental harm I have identified to the AONB and the distance of the site from defined settlements, the proposal would not be sustainable development.
27. For the reasons given above, I conclude that the appeal should be dismissed.

J E Tempest

INSPECTOR