
Appeal Decision

Site visit made on 8 August 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 23 August 2017

Appeal Ref: APP/P1615/W/17/3175137

The School of the Lion Beauchamp House, Main Road, Churcham GL2 8AA

- 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 Ms Clare Shepherd against the decision of Forest of Dean District Council.
 - The application Ref P0889/16/FUL, dated 26 June 2016, was refused by notice dated 11 November 2016.
 - The development proposed is the erection of two retirement bungalows with the demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - i) the effect of the proposal on heritage assets;
 - ii) whether the proposal would have a harmful effect on biodiversity; and
 - iii) whether the proposal would represent unsustainable development in the open countryside.

Reasons

Heritage Assets

3. The appeal site adjoins the residential curtilage of Beauchamp House, a Grade II listed farmhouse where the listing includes reference to external architectural features. Part of the appeal site comprises an open area to the west of the residential curtilage of the farmhouse. This area and the driveway in front of the farmhouse are important elements of the setting of the building in that they allow the appreciation of the form of the building and its architectural features without distraction.
4. The proposal would position converted barn style bungalows within part of this open area alongside the curtilage of Beauchamp House. The north facing gable of these bungalows would be almost in line with the front elevation of the farmhouse. This new development would result in a visual distraction within an important element of the setting of the farmhouse. The proposal therefore would not preserve or enhance the setting of the listed building, and this

impact would conflict with Core Strategy¹ (CS) Policy CSP.1 and the NPPF. I give this harm substantial weight.

5. I recognise that some vegetation is present between the curtilage of Beauchamp House and the appeal site. This may not however be the case in the future, and it is thus not a source of mitigation that I can rely on. I also recognise that the area around Beauchamp House was previously much more intensively used than it is at present. There is however no evidence that the previously more intensive use would have resulted in the same level of harm that I have found, and I therefore give this previous use limited weight in my decision.
6. I therefore conclude that the proposal would have a harmful effect on the significance of the Grade II listed Beauchamp House through development within its setting, and I give this harm substantial weight. I have paid special attention to the desirability of preserving this setting, and this is a matter to which I have attached considerable importance and weight. I further conclude that the proposal would thus conflict with CS Policy CSP.1 in this regard and that the impact would represent substantial harm in terms of the NPPF.

Biodiversity

7. The Council's sustainability officer has advised that a further and up to date assessment in relation to bat habitat is required to ensure that significant harm can be avoided, mitigated or compensated for in accordance with the NPPF. I accept that protected bat species could be present in the area of, and indeed on, the appeal site where buildings are not intensively used.
8. I therefore consider that the proposal would result in an unacceptable risk of habitat loss in terms of the assessment work carried out to date. Furthermore, the proposal has not been shown to preserve and safeguard important natural assets and protect priority species which would conflict with CS Policy CSP.1 and emerging Allocation Plan² (AP) Policy AP 7. I attach moderate weight to this policy of the emerging AP which is under examination.
9. I therefore conclude that the proposal would result in an unacceptable risk of a harmful effect on biodiversity and this is a harm to which I attach moderate weight. I further conclude that the proposal would thus conflict with CS Policy CSP.1 in this regard, AP Policy AP 7 and the NPPF.

Open Countryside

10. The appeal site is much bounded by existing buildings and accesses within the area of the farmhouse and its associated buildings, and it is reasonably classified as brownfield land with buildings in poor condition. The appeal site has footway access along the A40 road to bus stops with a regular service and also footway access to the settlement of Churcham.
11. The proposed bungalows would be of a lesser scale than other nearby and surrounding buildings within the former farm complex. Because of this relationship, the bungalows would not have an unacceptably harmful effect on the character and appearance of the open countryside in this locality.

¹ Forest of Dean District Council: Core Strategy: February 2012

² Forest of Dean District Council: Allocation Plan: Submission Draft: August 2015

Furthermore, the proposal would represent sustainable development in terms of its land use and accessibility.

12. The proposal would therefore preserve the important environmental characteristics of the area in which it would be located, as required by CS Policy CSP.1. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites and that relevant policies for the supply of housing should therefore not be considered up to date. This includes the locational elements of CS Policies CSP.4, CSP.5 and CSP.16 and AP Policy AP 1 in terms of the appeal site being situated outside settlement boundaries and in the open countryside. I therefore give these elements of the policies limited weight.
13. The proposal would appear to be resource efficient and make best use of existing infrastructure, would be located on brownfield land, would result in some economic benefits and would take account of the services available from its location and the availability of public transport. These are elements of CS Policies CSP.4, CSP.5 and CSP.16 and AP Policy AP 1 with which the proposal would accord, and I give them significant weight in terms of the CS and moderate weight in terms of the AP.
14. I therefore conclude that the proposal would not represent unsustainable development in the open countryside. I further conclude that it would thus not conflict with CS Policy CSP.1 in this regard and relevant elements of CS Policies CSP.4, CSP.5 and CSP.16.

Other Matters

15. The proposal would assist in meeting the Council's full objectively assessed need for housing in accordance with the NPPF in an area where a five-year housing land supply cannot be demonstrated, and it has some local support. This is a benefit to which I attach significant weight.
16. It has also been suggested that the accommodation would be suited to the elderly, but there is no evidence that this has been secured in any way. In any event, the need for accommodation for the elderly would not cumulatively outweigh the harm that I have found. I understand that the appellant received positive pre-application advice from the Council, although this is non-binding. I also understand that no opportunity was given to the appellant to amend the proposal to render it more acceptable, although the Council's position was that the level of harm rendered this unnecessary. I have therefore given these matters little weight in coming to my decision. I have also taken into account the various applications and appeals said to be comparable to the circumstances of this appeal in coming to my decision.

Conclusion

17. I have considered the appeal under the 2nd 'decision taking' bullet point of para 14 of the NPPF, together with the relevant part of footnote 9, as a result of relevant development plan policies being not up to date. I have found that the proposal would result in substantial harm to the significance of the GII listed Beauchamp House. This is a harm to which I attach substantial weight. I have also found that the proposal would result in an unacceptable risk of a harmful effect on biodiversity and this is a harm to which I attach moderate weight. I have also found that the proposal would assist in meeting the Council's full

objectively assessed need for housing in accordance with the NPPF, and in an area where a five-year housing land supply cannot be demonstrated. This is a benefit to which I attach significant, but lesser, weight.

18. Beauchamp House appears to be the subject of reasonable and viable use as a dwelling, and I therefore consider that the first two of the NPPF para 133 bullet points apply in this case. My decision therefore turns on substantial public benefit. In this regard, I do not consider that the substantial harm that I have identified would be necessary to achieve any substantial public benefit that would outweigh that harm. Having taken into account all other matters raised, none carry sufficient weight to alter the decision, and my conclusion is based on the evidence before me in terms of policy as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR