
Appeal Decision

Site visit made on 5 October 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 25 October 2017

Appeal Ref: APP/P1615/W/17/3179248

Land at Hillside Road, Redbrook, Monmouth

- 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 Mike Jones against the decision of Forest of Dean District Council.
 - The application Ref P1417/16/FUL, dated 10 October 2016, was refused by notice dated 31 March 2017.
 - The development proposed is construction of two new detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council, in its decision notice, refers to policy AP.1 of the Forest of Dean District Council Allocations Plan (the Allocations Plan). This Plan has not yet been adopted but is at an advanced stage in its examination. That policy referred to seems broadly consistent with the principles of the National Planning Policy Framework (the Framework) and so I have given it some weight in my consideration of this appeal, having regard to paragraph 216 of the Framework.
3. The Council also refers to the Wye Valley Area of Outstanding Natural Beauty (AONB) Management Plan 2015-2020 (the AONB Management Plan) in its decision notice. I have afforded some weight to that document also due to its role in supporting the relevant development plan policies.

Main Issues

4. The main issues are:
 - i) Whether the proposed development would preserve the setting of the Grade II listed Church of St Saviour (the LB) and the non-designated heritage assets (the NDHAs) comprising the adjacent school building and village hall;
 - ii) whether or not the proposal would be in a suitable location for two dwellings, having regard to development plan policies and the principles of sustainable development;
 - iii) the effect of the proposed development on the character and appearance of the Wye Valley AONB and setting of Redbrook;

- iv) the effect of the proposed development on ecology, trees and hedgerows on and surrounding the site.

Reasons

Setting of the Grade II listed church and non-designated heritage assets

5. The church is a distinct and prominent building set within the centre of the village, clearly seen alongside other important functional buildings comprising the school and village hall. The latter two buildings are not listed. Nevertheless, they have importance in respect of their grouping alongside the church and, with regard to the school, complementary design features including the external facing materials. As such, I concur with the Council that those other two non-listed buildings should be regarded as non-designated heritage assets.
6. The site is located immediately to the east of the LB and NDHAs on the opposite side of Hillside Road. As such, special attention has to be paid to the desirability of preserving the setting of those heritage assets.
7. The heritage assets are enclosed to some degree by the buildings to their north and south and against the partial backdrop of dwellings, particularly that named Mandalay, on the hillside to the rear. However they are still seen within a sufficiently spacious setting, which is important in terms of reflecting their historically important functional status within the village and their being a central focal point. That setting importantly includes the open and undeveloped hillside comprising the appeal site, which is seen as a significant part of the backdrop to those assets from various vantage points, most prominently from the public space and footpath on the opposite side of the main road between it and the river Wye. Views from the main through road are restricted to varying degrees by intervening buildings and vegetation. However, in respect of the vegetation, that is likely to provide a less effective screen in the winter months with less leaf cover.
8. The proposed development would fill a large part of that remaining open backdrop to the east of the church and school with the proposed two fairly large dwellings. Their overall heights would be lower than that of Mandalay, and there would be a degree of screening of their lower sections and driveway by intervening buildings and vegetation. However, their upper parts would be clearly visible above the height of the heritage assets, particularly from the public space and footpath referred to above.
9. That prominent and substantial additional degree of enclosure around the heritage assets would therefore materially impinge on their spacious setting and noticeably reduce their visual prominence within the village. As such, despite the intention to utilise natural and locally sourced materials in the construction of the proposed dwellings, the degree of additional harm to the setting of the heritage assets, seen to varying degrees from surrounding vantage points, would be significant.
10. Notwithstanding the findings within the appellant's Heritage Assessment, for the above reasons, I conclude on this issue that the proposed development would fail to preserve the setting of the LB and NDHAs. As such, in respect of this issue, it would be contrary to policy CSP.1 of the Forest of Dean District Council Core Strategy (the Core Strategy) which, amongst other things,

requires consideration of the impact of development on any protected sites including heritage assets.

11. Having regard to paragraphs 132 and 134 of the Framework, the harm identified above to the significance of the LB would not be substantial due to the fairly small scale of the proposed development in terms of comprising just two dwellings within the context of the village as a whole. It therefore remains for that harm to be weighed against the public benefits of the proposal within the overall planning balance.

Suitability of location for two dwellings having regard to development plan policies and the principles of sustainable development

12. Policy CSP.4 of the Core Strategy requires new development to contribute to reinforcing the existing settlement pattern. To this end it sets out that most changes are expected to take place within the existing settlement boundaries, with some exceptions. The proposal would be located outside of the settlement boundary, albeit adjacent to it, and does not relate to any of those exceptions. Policy CSP.5 of the Core Strategy sets out, amongst other things, that no new greenfield sites will be released unless it can be proven that land is not available from other sources and is needed to meet the plan's requirements. However, it does not state this as including such sites for market housing outside of the settlement boundary which would be in contradiction of policy CSP.4. The proposal would therefore not be in accordance with policies CSP.4 and CSP.5 of the Core Strategy in these respects.
13. With regard to paragraph 55 of the Framework, the Council states that the proposal would result in new isolated homes in the countryside without any special circumstances. In this respect, although the proposal would be outside of the settlement boundary and in the countryside, it would be immediately adjacent to existing dwellings within the centre village and so could not be regarded as isolated.
14. I have also had regard to the extent to which the prospective residents would have access to those facilities and services necessary for day to day living, including shops, schools, health and leisure provision, along with employment destinations. Although the village is limited in such provision, it does nevertheless have a primary school, church, shop and recreation ground. These are all within easy walking distance of the site. Although there are no footways alongside the immediate minor road until the main road is reached, that would only be for a fairly short distance. That minor road also only serves a limited number of local properties in terms of only being likely to generate a low traffic flow. I also saw some street lighting which would facilitate visibility after dark.
15. Additionally, there is a bus stop within fairly short walking distance of the site. That would enable access to other destinations for a greater range of services and facilities, including the full range of shops, secondary schools, health and leisure provision as well as employment destinations, without a necessary reliance on private car use.
16. I therefore conclude on this issue that the proposal would not accord with policies CSP.4 and CSP.5 of the Core Strategy in terms of its location outside of the settlement boundaries. It would nevertheless be in a sustainable location in respect of those identified aspects relating to accessibility, and would also be

likely to make a small contribution towards maintaining the vitality of the village in terms of the potential support of its existing services and facilities. It would therefore not be in conflict with paragraph 55 of the Framework in this respect.

17. The Council, in its decision notice, also refers to policy CSP.1 of the Core Strategy in respect of this issue. However, that policy relates more to specific design principles dealt with elsewhere in this decision, rather than the principle of the location for the purposes of maintaining the existing settlement pattern. It is therefore not directly relevant to this issue. It also refers to policy AP.1 of the Allocations Plan. However, that relates to the overall sustainability of development with the aim of improving the economic, social and environmental conditions of the area, which I have therefore considered, taking account of all issues concerning this appeal, in the planning balance.

Character and appearance of the AONB and setting of Redbrook

18. The site is located within the AONB. Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs.
19. The site is prominently located on a hillside adjacent to existing village development, as referred to previously under the first main issue. Notwithstanding my findings on that other issue, the site, along with other fields immediately to the east sloping up to woodland beyond, also strongly contributes to a distinct sense of openness to this part of the village. It is only separated from those other fields by a single row of trees. This contrasts with the properties immediately to the north of the site which are more closely fringed by woodland. That sense of openness relating to the site and adjacent fields is a key characteristic of the village's rural setting in this location.
20. The proposed dwellings would significantly impinge on that existing degree of openness, which would be visible from those various vantage points referred to previously, most notably from the public space and footpath on the opposite side of the main road. The proposed green roof would be unlikely to materially mitigate this due to the vantage points being primarily from lower levels to that of the site.
21. I have had regard to the presence of another existing dwelling, known as Hillcrest, beyond the rear part of the site's southern boundary. However, that property is distinctly set apart from others in the village and also surrounded by mature trees. The house itself is also separated from the site by a fairly wide stretch of land containing dense mature trees. Together with the distinct openness of the site within the context of its surroundings referred to previously, these factors combine to ensure that the proposed dwelling would not read as being a natural infill form of development, despite continuing the line of dwellings from the north.
22. Notwithstanding the findings within the appellant's Landscape and Visual Amenity Assessment, for the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the AONB and the setting of Redbrook. As such, in respect of this issue, it would be contrary to policy CSP.1 of the Core Strategy and the AONB Management Plan which together, amongst other things, require consideration of the effect of the proposal on the landscape including AONBs.

It would also be contrary to sections 7 and 11, including paragraph 115, of the Framework which relate to requiring good design and conserving and enhancing the natural environment.

23. The Council, in its decision notice, also refers to policies CSP.4 and CSP.5 of the Allocations Plan in respect of this issue. However, I have not received any such policies relating to the Allocations Plan. Furthermore, policies CSP.4 and CSP.5 of the Core Strategy relate more to strategic development principles than to the specific character and appearance matters relating to this issue. They are therefore not directly relevant to this issue.

Ecology, trees and hedgerows

24. The Council highlights that the orchard on the site is identified as a habitat of national principle importance. The appellant has submitted a Preliminary Ecological Assessment and a further response to concerns raised by the Council in respect of the proposal's effects on the ecology, trees and hedgerows relating to the site.
25. I note that most of the existing apple trees would be removed. However, appropriate replacement planting could be secured by condition were the appeal allowed along with other new hedgerow planting and protection of existing trees proposed for retention. It is also apparent that two trees, where there is a low chance of the presence of bat roosts, would be retained. Furthermore, any external lighting on the site could be appropriately controlled by condition to prevent disruption to foraging or commuting bats on and around the site.
26. For the above reasons, I conclude on this issue that the proposed development would not have an adverse impact on the ecology, trees and hedgerows on and surrounding the site. As such, in respect of this issue, it would accord with policy CSP.1 of the Core Strategy which, amongst other things, requires new development to respect natural areas and for consideration to be given to the impact on any protected natural sites and the potential for avoiding and/or mitigating any impacts, or providing enhancement. It would also accord with paragraph 118 of the Framework which relates to conserving and enhancing biodiversity.

Planning balance

27. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
28. I have found that there would be less than substantial harm to the significance of the LB, having regard to paragraph 132 of the Framework. With regard to paragraph 134 of the Framework the proposal would have some public benefits. These would include the addition of dwellings to the local supply of housing, particularly in light of the need, as set out in paragraph 47 of the Framework, to boost significantly the supply of housing and given that the Council cannot demonstrate a five-year supply of deliverable housing sites (5 year HLS).
29. However, the weight that I attach to the addition of only two dwellings to that supply is not substantial. The proposal would also bring additional support to

local businesses and community facilities, employment during construction, and opportunities for biodiversity enhancement. I also acknowledge that it would be in a sustainable location in terms of access to services and facilities necessary for day to day living, and the intention to build to a high architectural and environmental quality. However, all of these benefits, in relating only to a fairly small site and just two dwellings, would be small and so again do not attract substantial weight. For these reasons the public benefits of the proposal would not outweigh that less than substantial harm to the significance of the LB where, as set out in paragraph 132 of the Framework, great weight should be given to the asset's conservation.

30. The appellant refers to another appeal decision, Ref APP/D3830/W/16/3165113, where my colleague allowed the appeal despite finding less than substantial harm to heritage assets, having afforded substantial weight to the provision of three dwellings where the Council could not demonstrate a 5 year HLS. However, I have not received the full details of that case, which also relates to a different Local Planning Authority, and so am unable to properly compare the two cases and circumstances. I have in any case determined this appeal on its own merits.
31. Under paragraph 49 of the Framework, housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year HLS. In this case, it is not disputed by the parties that the Council cannot demonstrate a 5 year HLS. However, in having regard to paragraph 14 of the Framework, I have found that specific policies in the Framework indicate that development should be restricted. This relates to my findings that the setting of a designated heritage asset would not be preserved and that unacceptable harm would be caused to the character and appearance of the AONB. The tilted balance set out in paragraph 14 does not therefore apply in this case.
32. I have found that the proposal would be acceptable in relation to the ecology, trees and hedgerows on and surrounding the site and that it would be in a sustainable location in respect of those identified aspects relating to accessibility. However, this does not deflect from or outweigh the harm that I have identified in respect of the setting of the LB and NDHAs and the character and appearance of the AONB and the setting of Redbrook. It would also fail to comply with policies CSP.4 and CSP.5 of the Core Strategy in relation to the second main issue. I have found that there would be some benefits arising from the proposal. However, these benefits would not be sufficient to outweigh the conflicts with the development plan and it would therefore not be a sustainable form of development.

Conclusion

33. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR