The Planning Inspectorate

Appeal Decision

Site visit made on 9 July 2019

by S Shapland BSc (Hons) MSc MILT

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/P1615/W/19/3228304
Bridge Farm, Barbers Bridge, Rudford GL2 8DX

- 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 Mrs Linda Rondeau against the decision of Forest of Dean District Council.
- The application Ref P1951/18/FUL, dated 29 November 2018, was refused by notice dated 8 February 2019.
- The development proposed was originally described as "change of use of holiday accommodation to form 2no. dwellings; including operation development – Resubmission of P0631/18/FUL".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has altered the description of the development to "conversion of 11 no. individual letting rooms into 2 No. dwellings with associated works (resubmission)". This is also the description used by the appellant on the appeal form. I have therefore considered the appeal on this basis.

3. The application plans show that the gardens of the proposed dwellings would be bounded by a wooden post and rail fence. As part of the appeal, the appellant has included a revised plan[1] which has replaced this boundary treatment with a 1.8m high close boarded fence. Annex M of the Planning Appeals Procedural Guide – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on what interested people's views were sought. If I were to determine the appeal on the basis of the revised plan it is possible that the interests of parties who might wish to comment would be prejudiced. For the avoidance of doubt, I have determined the appeal on the basis of the plans which were before the Council when it made its decision.

Main Issues

4. The main issues are:

    - The effect of the proposal on the living conditions of neighbouring and future occupiers in terms of privacy;

[1] Drawing No. JT/COU/BP/2018/R Plan 2/4 Block Plan Scale 1-500 August 2018

- Whether the proposal is appropriate location for new housing; and
- The impact of the loss of holiday accommodation on the local rural economy

Reasons

Living conditions

5. The appeal site of Bridge Farm comprises of a number of buildings, including the residential dwellings known as Stone Barn, Monument Cottage and Dark Barn. The appeal site also includes the Grade II listed building of Bridge Farmhouse. The appeal building is 'U' shaped and set around a central courtyard. The proposal would convert the existing holiday accommodation into two residential dwellings.

6. The proposal would include a post and rail fence around the outskirts of the property providing a reasonable size outdoor space for the proposed dwellings. Any boundary treatment should satisfactorily protect the living conditions of the future occupiers whilst maintaining the rural character. The proposed post and rail fence by virtue of its construction would afford no privacy to the gardens of the proposed dwellings. This is significant given the presence of the public right of way[2] (PRoW) which currently runs through the appeal site.

7. The submitted plans indicate that the PRoW would be diverted to run alongside the proposed gardens. At the time of my decision I have not been made aware of any steps having been taken to alter the route of the PRoW. Whilst this is a matter outside of the planning process I note that the appellant and Council are in agreement that this diversion could possibly be secured. I have no reason to doubt that there would a reasonable prospect that a diversion could be agreed. As such I have assessed the appeal on the basis of the intended diversion.

8. As a result of the suggested PRoW diversion, walkers on this public footpath would look directly into the gardens of the two proposed dwellings. A post and rail fence would therefore not offer the occupiers of the proposed residential dwellings any privacy whilst using this outdoor space.

9. In my judgement, the boundary treatment is a matter which is integral to the overall design of this scheme and upon which consultation takes place. It is necessary for the maintenance of the surrounding rural character, including the PRoW on any realigned route. Accordingly, it cannot be satisfactorily addressed through the use of a planning condition. I therefore find that the proposal would harm the living conditions of the future occupiers of the dwellings in terms of privacy.

10. The Council is also concerned that the proposals would harm the privacy of the occupiers of neighbouring properties, which includes Monument Cottage and Stone Barn. As the proposals do not include any additional windows, I find that the proposals would not harm the living conditions of the occupiers of these neighbouring properties.

11. Accordingly, I find that the proposal is contrary to policy AP.4 Forest of Dean District Council Allocations Plan 2006 to 2026 (AP), adopted 2018 and section 12 of the National Planning Policy Framework (the Framework). Together these

[2] Reference GRU8

policies seek to ensure development is of a high-quality design which protects the amenities of residents.

Impact on the rural economy

12. Policy CSP.7 of the Forest of Dean District Council Core Strategy Adopted Version 2012 (CS) is to develop the local economy. It requires that priority should be given to sustaining the development of key economic sectors which includes tourism. It states that land presently used for employment will be expected to remain so. The appeal site currently offers 11 holiday accommodation rooms on a bed and breakfast basis and employs one member of staff. The appellant has stated that the business has been in a continual decline for a number of years, and as such the business cannot be sustained.

13. The Council is concerned that the loss of this tourist facility would harm the rural economy, contrary to this policy. It is of the view that it has not been adequately demonstrated that the site is no longer viable as tourist accommodation. However, the policy does not specifically require viability evidence to be submitted. Furthermore, the policy does not explicitly cover holiday accommodation and consequently does not provide any clear policy framework against which the loss of holiday accommodation should be assessed.

14. The appellant has submitted abridged account information for the period April 2014 to April 2018, to support their claim that the business is in decline. The account information does indicate a reduction in accommodation sales between 2014 to 2017, however there is an increase in sales for 2018 compared to 2017. Furthermore, these figures show that the business is still making a profit in each of these years. The appellant has stated that the level of sales and subsequent profit has restricted the number of staff at the business to a single employee.

15. The appellant has provided details of other holiday accommodation within the area and states that growth in new hotels within the Gloucester area has resulted in reduced sales at the site. It is clear from this evidence that there is considerable local competition for tourist accommodation. Whilst the presence of competing hotels in itself does not prove that the business is not viable, it does demonstrate the challenges it may face in the future.

16. In 2014 planning permission was granted to three other buildings within the Bridge Farm complex for a change of use from tourist accommodation to residential. The appellant has submitted the details of these schemes as part of their evidence. As part of the Council's consideration of that planning application, the commercial services manager indicated that he felt the business was in decline and no longer viable. By contrast in this case the Council has not provided any substantive evidence as to why it considers the position has changed. This is a matter which I give significant weight to.

17. From the evidence submitted it is clear that the business is in decline and currently only able to support a single employee. Given the level of competition of other hotels in the surrounding area it is unlikely that this situation is likely to change in the future. Given the nature of the current operation, it is not providing a significant contribution to the rural economy and therefore loss of this facility is unlikely to cause significant harm to the rural economy.

18. The Council has provided an appeal decision[3] for Hopewell Barn which applied for the conversion from a holiday let to residential. The inspector concluded that in that instance a conversion from a holiday let to residential would impact the rural economy and thus be contrary to Policy CSP.7. However, I have not been provided with the full details of that scheme and so cannot be certain that the circumstances are the same. In any case, all applications and appeals must be determined on their own merits and that is what I have done in this case.

19. Accordingly, I find that the loss of the tourist accommodation is unlikely to have a significant impact on the rural economy. Therefore, there is no conflict with Policy CSP.7 of the CS; Policy AP.1 of the AP and section 6 of the Framework. These policies seek, amongst other things, to support rural economies.

Location

20. One of the elements of Policy CSP.4 of the CS is to promote thriving sustainable communities. The supporting text of this policy sets out the principle that development should be concentrated within existing settlements. The policy states that most changes in towns and villages will be expected to take place within the existing settlement boundaries. Policy CSP.5 sets out the type, numbers and general location of new housing expected by the Core Strategy. Policy CSP.16 sets out how development proposals within villages will need to comply with the core policies of the CS, and that the defined settlement boundary will be a key determinant in judging the acceptability of proposals.

21. The appeal site is situated outside of any defined settlement and is therefore considered to be within open countryside. Policy CSP.4 states that exceptions to development outside the settlement boundary may include affordable housing, building conversions and new buildings for employment use on the edge of settlements. The appeal proposal would see the conversion of two existing buildings and would therefore accord with this requirement of the policy.

22. Policy AP.1 of the AP states that the primary consideration when assessing planning applications will be whether or not the development is sustainable, with the overall aim of improving the economic, social and environmental conditions of the area. The site is within a rural location, with limited pedestrian facilities around the site. As such future occupiers would likely be reliant on the private car to access key facilities. Consequently, the proposal would not contribute to sustainable travel patterns and would harm the social and environmental dimension of sustainable development.

23. However, the proposal would provide new residential dwellings, make use of existing buildings and complement the existing residential buildings on site. The construction and occupation of the dwellings would also provide minor economic benefit. On balance it is considered that the development would bring economic and environmental benefits, and therefore can be considered sustainable development.

24. The appellant has stated that the Council has accepted development in the open countryside outside of the settlement boundary. Examples have been

[3] APP/P1615/W/17/3188851

cited of developments at Corse and Hartpury within their evidence. Whilst the appellant has submitted the decision notices of these applications, the full details of these schemes have not been provided. I cannot be certain that the circumstances are the same and I can therefore only afford limited weight to these examples in my determination of this appeal.

25. Furthermore, the appellant states the Council has supported the conversion of rural buildings to dwellings, and this includes the buildings adjacent to the appeal site. The Council has stated in their evidence that approval of the adjacent properties complied with local and national policy at the time. Substantive evidence has not provided as to the reasons why the change of use for the wider site was considered acceptable at the time. Notwithstanding this, all applications and appeals must be determined on their own planning merits and that is what I have done in this case.

26. The Council has stated that an unrestricted residential use in the countryside would make additional and uneconomic demands upon the provision of infrastructure and services in the area. There is no evidence to suggest that two new dwellings would make such significant demands on infrastructure and services, and I therefore do not find conflict with Policy CSP.1. of the CS.

27. Accordingly, I find no conflict with Policies CSP.4, CSP.5, CSP.16 of the CS, and Policy AP.1 of the AP, and also sections 2 and 5 of the Framework. Together these policies seek, amongst other things, to ensure that development is sustainable and located in the appropriate location.

Other Matters

28. The appeal site is located within the setting of the Grade II Listed Building of Bridge Farmhouse. As such I have had regard to my statutory duties under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I find that the proposed external alterations to the appeal building would be limited and consequently would have a neutral effect on the significance of these designated heritage assets. I note that the Council raised no concerns in this regard.

29. I recognise that the proposal would make a contribution to the housing supply with the district, and this benefit is something I have given weight to when considering the appeal.

30. I note that there have been a number of letters of support for the proposals. However, it does not outweigh the harm that I have identified above. The appellant has indicated that a conversion from tourist accommodation to residential could significantly reduce the traffic movements at the site, which could represent a benefit. However, no evidence has been provided to demonstrate this would be the case and as such I can therefore only afford this minimal weight.

Conclusions

31. I have found that the proposal would not harm the rural economy and would be an appropriate location for new housing development. However, this does not outweigh the harm I have identified in respect of living conditions of future occupiers of the dwellings. For this reason I conclude that the appeal should be dismissed.

S Shapland

INSPECTOR