
Appeal Decision

Site visit made on 10 September 2019

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/P1615/W/19/3233118

Penfold, Main Road, Pillowell, Lydney, Gloucestershire GL15 4QY

- 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 and Mrs Mike & Ann Cannon against the decision of Forest of Dean District Council.
 - The application Ref P0317/19/OUT, dated 26 February 2019, was refused by notice dated 29 April 2019.
 - The development proposed was originally described as "New build (for self builder) on garden land at Penfold adjacent to School Road. Circa 1800 square feet 2 storey 'forest' style cottage".
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Decision

1. The appeal is dismissed

Procedural Matters

2. The Council has altered the description of the development on the decision notice to "Outline application for the erection of a dwelling (for a Self Build project), with ancillary works involving use of the existing access. (Some matters reserved). I have considered the appeal on this basis.
3. The planning application was in outline but with all matters reserved except for access and scale. I have had regard to the site location plan (IMBY Location Plan 1/2500) and the indicative elevations drawing number A105 (IMBY outline plans). I have regarded all elements of these drawings as indicative apart from the details of the access and the height of the building as 2 storeys.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is an orchard located within the village of Pillowell. The site is in a raised location above the highway of Main Road, and slopes in height away from the proposed access. The site's elevated nature means that it is clearly visible from a number of viewpoints along Main Road. The proposal is for the construction of a two storey self-build dwelling. Access is proposed to be taken from an existing gated field access on Main Road.

6. The site is identified as being within a Locally Distinctive Area (LDA) within the Forest of Dean District Council Allocations Plan 2006 to 2026 (AP) adopted June 2018. Policy AP6 states that development within LDAs will be required to demonstrate that it complements the established character of the area. Development will be resisted where proposals would be harmful to the character of these areas. Furthermore, open areas will in particular be protected as they are important features in LDAs.
7. In addition to this the site is designated as an Important Open Area (IOA). The Forest of Dean District Council Keynote AP04 – Important Open Areas Keynotes states, that in order to offer a degree of protection that is necessary and provide certainty in terms of a plan, it is necessary to specifically identify areas for protection. These areas within settlements which are deemed important to the local character and should remain undeveloped. These areas of protection are supported by policies within the AP. However, the Keynote recognises that there are exceptions where protected areas will need to be developed. In considering whether the loss of part or all of a designated area is justified, the impact of this loss would need to be assessed. The importance of this orchard is that its prominent location when viewed along Main Road provides an important green open space which complements the character and appearance of the area.
8. The proposal will introduce new built form into an existing important open space, on a site which is clearly prominent from a number of viewpoints from the public realm. Whilst the exact layout and design of the dwelling are reserved matters for a detailed planning application, the two-storey scale of the proposal is a matter for determination as part of this appeal. With the site's topography this two-storey built form is at odds with the existing rural open nature of the orchard. It would introduce new levels of hardstanding and built form which would give an urban feel to an area which has a predominantly rural feel. This is not in keeping with the character and appearance of the area.
9. The site is located within the Pillowell Conservation Area (CA). The Pillowell Conservation Area and Character Appraisal submitted by the Council describes the significance of the CA. Pillowell is described as being the best remaining example of a large village within the 'forest ring' of settlements around the Forest of Dean. It exhibits a sporadic and open pattern of growth, which includes important open areas including forest waste and woodland, paddocks, small agricultural enclosures, large gardens and amenity spaces. Furthermore, the sloping hillsides and sporadic irregular nature of the settlement provides the CA its rural and historic character. Clearly the provision of open spaces within the settlement is of great significance to the character and appearance of the CA.
10. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character and appearance of CAs. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Annex 2: Glossary of the Framework confirms that CAs are included within the definition of a designated heritage asset.

11. The introduction of a new dwelling in this location would not be in keeping with the character and appearance of the area by virtue of introducing built form in a key open area of the settlement. As such, I find that the proposal neither conserves nor enhances the character or appearance of the CA. It is considered that given the scale of the development this will cause less than substantial harm to a designated heritage asset.
12. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Turning to the benefits of the scheme, the proposal would be a self-build dwelling which I recognise as a positive benefit of the proposal. Furthermore, the appellant has indicated that the proposal would reinstate a large amount of Hawthorne hedging and stone walls surrounding the site. The CA character appraisal states that stone walls and native hedgerows contribute significantly to the character of the area. The reinstatement of these native hedgerows and stone walls are therefore a positive benefit of the scheme, and something which I attach positive weight to when considering this appeal. However, this benefit does not outweigh the harm I have identified above to the character and appearance of the area.
13. The appellant has raised concerns about the reasoning behind the site being designated as an IOA within the adopted development plan. The adopted development plan has been examined by an independent inspector who has found the plan to be sound. It is not within the remit of this planning appeal to determine the appropriateness of these allocations. Paragraph 47 of the Framework states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have been presented with no evidence to compel me to do otherwise. I have determined the appeal on its the planning merits.
14. Consequently, I find that the proposal harms the character and appearance of the area, and fails to conserve or enhance the character or appearance of the CA. As such, it is contrary to policy CSP.1 of the Forest of Dean District Council Core Strategy, adopted February 2012 and AP policies AP.1, AP.4, AP.5, AP.6. Cumulatively these policies seek, amongst other things, that development is of a high-quality design that conserves and enhances the built and natural environment. I find further conflict with section 16 of The Framework, which seeks to conserve the historic environment.

Other matters

15. During my site visit I observed the relationship between the appeal site and Jasmine Cottage. Given the separation distance between the proposal and this neighbouring property, and the topography of the land I am satisfied the proposal would not harm the privacy of the occupiers of Jasmine Cottage.

Conclusions

16. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR