
Appeal Decision

Site visit made on 15 October 2019

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/P1615/W/19/3228924

Church Villa, High Street, Ruardean, Gloucestershire, GL17 9US.

- 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 Keith Wright against the decision of Forest of Dean District Council (the LPA).
 - The application Ref.P0156/19/FUL, dated 1/2/19, was refused by notice dated 25/2/19.
 - The development proposed is the building of a three bedroom chalet style bungalow and detached two storey double garage in the rear garden of Church Villa. Access and parking will be via existing driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the Ruardean Conservation Area (RCA). It also forms part of the settings of the grade II* listed Church of St. John the Baptist (the Church¹) and Ruardean Castle Scheduled Monument (SM).
3. The appellant accepts that the LPA has a five year supply of deliverable housing sites but has argued that it cannot meet the requirements of paragraph 68(a) of the National Planning Policy Framework (the Framework). This is a new argument introduced through the appellant's Final Comments. There is nothing to support this assertion and even if the appellant is correct it would not trigger the 'tilted balance' in paragraph 11 of the Framework. Even if it did, this would only be engaged if public benefits of the proposal outweighed any harm to the significance of the above noted designated heritage assets.

Main Issue

4. The main issue is whether the proposal would preserve the setting of the Church, have any adverse effect upon the significance of the SM and preserve or enhance the character or appearance of the RCA.

Reasons

5. The significance (heritage interest) of the Church is derived primarily from its special architectural and historic qualities. The former include its mid-13th century nave and arcade, 14th century tower with spire, 15th century chancel and Early English doorway with hoodmould and carved head, as well as the carving of St. George and Dragon. The historic qualities include the important

¹ This building dates from the 12th century but was heavily restored in 1890.

- building fabric, as well the role of the Church as a place for worship within the parish since the medieval period.
6. The open qualities of the land and countryside to the north, north east and north west of this parish church assist in maintaining its tranquil rural setting. These open attributes afford an appreciation and understanding of the special architectural and historic qualities of the Church. The appeal site makes a small positive contribution to the significance of this high status building.
 7. The significance of the SM is derived primarily from the archaeological remains of the circa 13th century stone keep and 14th century manor house. The open qualities of the land and countryside around the SM assist in affording an appreciation and understanding of these earthworks and remains, as well as the former role of the castle and manor house within this part of the district, including its likely historic connections with the Church.
 8. The appeal site lies along the southern approach to the SM and its largely unspoilt open qualities make a small, positive contribution to the significance of this designated heritage asset. The LPA has informed me that consent has recently been granted for the removal of a row of *leylandii* growing along the northern end of the churchyard. When these trees are removed, the historic relationship between the SM, the Church and the RCA will be better revealed.
 9. The RCA covers a sizeable part of the village and also includes some surrounding fields. The significance of the RCA is derived from its special architectural qualities, which include the Church, as well as its special historic qualities, which include the roles and functions played by the Church and the SM. Many of the gardens within the RCA, including the appeal site, provide attractive settings to the buildings and make a pleasing contribution to the character and appearance of this rural settlement. As I noted during my visit, many of the spaces around the buildings also provide glimpsed views over the Wye Valley. These views add to the attractive qualities of the RCA.
 10. The proposed dwelling and double garage would be built in part of the appellant's garden and on land within the settlement boundary as defined within the development plan². Within such locations the principle of new housing is broadly supported. However, development is also required to preserve the special qualities and historic character of the area³.
 11. The proposed development would be sited to the north east of the Church and on the opposite side of the track/green lane⁴ which leads towards the SM. It would be designed and finished to match existing buildings within the village and some boundary vegetation and trees would be retained. However, these new buildings, by virtue of their siting, height and mass would intrude into the open setting on the eastern side of the churchyard and erode the tranquil rural surroundings of the Church. To a limited extent, this would detract from the ability to appreciate and understand the special architectural and historic qualities of this building which is of more than special interest.
 12. This harm would be exacerbated by the extra traffic that would be moving along the track/green lane serving the appeal site, as well as the additional

² This includes the Forest of Dean District Council Core Strategy, adopted in 2012 and the LPA's Allocations Plan 2006 to 2026 (AP), which was adopted in 2018.

³ AP policy AP5, which is the most relevant development plan policy to the determination of this appeal.

⁴ This is a designated public right of way.

activity and increase in domestic paraphernalia that could reasonably be expected within this existing garden space. The proposed removal of vegetation along the north western boundary of the site and its replacement with a 1.2m high stone wall would result in the new dwelling being prominent in views looking south towards the Church. It would suburbanise the setting of this neighbouring listed building and adversely affect its setting.

13. In the context of the Framework, the proposal would result in less than substantial harm to the significance of the Church. This does not amount to a less than substantial planning objection and great weight must be given to the conservation of designated heritage assets. The harm that I have identified weighs considerably against granting permission.
14. The proposed development would be prominent within the landscape when seen from the SM and the track/green lane leading to and from this designated heritage asset. It would convey the impression of the built environment extending towards this important asset with development encroaching upon its open rural surrounds. I concur with the LPA's Conservation Consultant that the new buildings and domestic trappings would diminish an appreciation of the open rural setting of the SM and the ability to understand its heritage interest. The proposal would result in less than substantial harm to the significance of this heritage asset.
15. The above noted harm to the significance of the Church and the SM would adversely affect the special qualities of the RCA. The proposed development would harmfully erode the historic open landscape setting of the SM and would compete with and distract from an appreciation of the Church. It would result in the loss of pleasing garden space within the RCA and would intrude into a glimpsed view towards the Wye Valley. The proposal would detract from the character and appearance of the RCA. This would amount to less than substantial harm to the significance of this designated heritage asset.
16. The proposal would fail to preserve the setting of the Church, would adversely affect the significance of the SM and would not preserve or enhance the character or appearance of the RCA. This harm would not be outweighed by the very limited public benefits⁵ that would be derived from a single dwelling. Furthermore, neither the existing planning permission for a double garage within the appellant's garden nor other development that has been permitted elsewhere within the village sets a precedent that I must follow. Even if it did, it would not outweigh the harm that I have identified above. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector

⁵ These include increasing the choice and supply of housing, as well as support for the construction industry and local services and facilities.