The Planning Inspectorate

Appeal Decision

Site visit made on 30 September 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2019

Appeal Ref: APP/P1615/W/19/3233576
The Old Church, Scowles, Coleford GL16 8QT

- 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 & Mrs Paul & Linda Williams against the decision of Forest of Dean District Council.
- The application Ref P1991/18/FUL, dated 19 December 2018, was refused by notice dated 12 February 2019.
- The development proposed is the conversion and reuse of existing residential outbuilding (Previously a dwelling), together with linked extension, as a dwelling (a self-build one-bedroom dwelling).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - whether the appeal site offers a suitable location for new housing development having regard to the Council's settlement strategy policies and the National Planning Policy Framework (The Framework),
   - the effect of the proposal on the character and appearance of the existing outbuilding and the immediate setting of the residential curtilage, and
   - the effect of the proposal on the living conditions of future occupiers, in particular regard to room sizes.

Reasons

Locational suitability

3. The site is within a small ribbon development otherwise within the open countryside. The Development Plan for the district is the Forest of Dean District Council Core Strategy 2012 (CS) and the Forest of Dean District Council Allocations Plan 2018 (AP). Policy CSP.4 of the CS, establishes that most new development would take place within Lydney and Cinderford and within existing settlement boundaries. It also states that new housing would be directed to areas with good access to employment. Exceptions to this include development that provides affordable housing for local people and the conversion of existing buildings. The site lies outside the defined settlement boundary of Coleford and the proposal therefore conflicts with this policy.

4. Policy CSP.5 of the CS sets out the Councils housing growth strategy and focuses development in and around its major centres giving priority to allocated housing sites. The objective of this policy is to promote thriving sustainable communities. The policy also gives priority to development of sites on previously developed land (PDL). Parties agree the site is PDL. However, the priority conveyed by policy CSP.5 is clearly not without regard to the wider objectives of the Council's spatial strategy. This seeks to direct most new development to within settlement boundaries enabling easy access to employment and services. Consequently, the site would not be suitable for housing development on these terms, due to the hamlet's lack of local services and its limited accessibility. As such, despite the appeal site being PDL, the proposal would nevertheless fail to accord with the main objective of policy CSP.5.

5. The appellant identifies that Policy CSP.14 seeks to maximise the use of PDL. However, as I have considered that the PDL status of the site is not of over-riding importance, this policy objective is of limited relevance.

6. The Framework seeks to boost the supply of housing. Furthermore, the site is not isolated and as such paragraphs 77-78 of the Framework would apply. Paragraphs 77-78 require planning decisions to support housing development in rural areas that reflect local needs. Rural housing should also enhance and maintain the vitality of rural communities especially where this would support local services.

7. However, the small settlement of Scowles has no discernible services. It is connected to Coleford by public footpaths that are hard surfaced, over a distance of around 1.5kms. This is a useful link, but it is unlit and would require time and fitness to navigate. Furthermore, accessibility to public transport is limited. This leads me to conclude that the majority of travel would be car borne. The Framework recognises that sustainable travel will be less available in rural areas. However, even taking this into account the site would be reliant on the private car to access services. In summary, the dwelling would be poorly located to gain access to employment and services. Moreover, it would also make only a limited contribution towards the vitality of local services, being for one dwelling.

8. Accordingly, the proposal would not comply with policies CSP.4 and CSP.5 of the CS, which amongst other things seek to locate new development within existing settlement boundaries and to prioritise housing development on sites identified in the development plan. Furthermore, the proposal would not accord with policy AP.1 of the AP, which seeks development that is located in a sustainable location and in accordance with the Council's spatial strategy.

9. The Coleford Neighbourhood Development Plan 2017-2026 (NP) has been recently made. Map One of the NP shows both the Plan area and the Coleford settlement boundary, the village of Scowles falls within the Plan area but is outside its settlement boundary. Consequently, the proposal would not accord with Policies CH.1 and CH.2 of the NP, which support new housing within the defined settlement boundary and where it would fit with the distinctive character of the local area and new housing where it is in keeping with the surrounding area.

Character and appearance

10. The site is within the large rear garden of an existing dwelling. It includes a well-maintained lawn and is mostly enclosed by trees, hedging and stone walls. An existing access connects the site to an access track to the side of The Old Church. The existing outbuilding is located to the rear of the site. It is a stone building with a corrugated roof with the appearance of a small store or workshop. Although of limited historic interest, the site is in keeping with the surrounding rural character of the area. It is visible from private views and the public realm including the highway beyond the adjacent garden. The site makes a positive contribution to the character and appearance of the area.

11. The proposal would add a new building behind the existing outbuilding and connect them with a glazed link. It would be behind the existing structure and being of a similar scale and be a relatively subtle addition to the area. However, it would not be subordinate and would therefore have a moderately harmful impact on the character and appearance of the existing building. Moreover, although the Development Plan supports the reuse of existing buildings, this benefit would be outweighed by the harm caused due to the scale of the proposed extension. The extension would undermine the character of the existing building and create a disproportionate form of development.

12. Consequently, the proposal would be contrary to policy CSP.1 of the CS, which seeks development proposals to respect important characteristics of the environment and maintain or enhance their contribution. The proposed dwelling would also fail policy AP.4 of the AP, which requires development to take account of local character. The proposed development would also not accord with the Council's Design Guide[1] that requires the design of new development to be sensitive to the essential characteristics of the settlement.

Living conditions

13. The proposed dwelling would convert the existing store and extend it with a similar sized building behind. They would be connected by a simple glazed link. There is some dispute between parties as to the size of the internal floor area. However, in consideration of plan reference 1643.03, I consider the appellant's figure of 46.85sqm to be more accurate. The Technical Housing Standards[2] have not been adopted by the Council and as such I can only afford them very limited weight. Further storage space is referred to as being within the roof-space and an ancillary workshop on site. The roof storage space, whilst not set out in the proposed plans, would be of some use to future occupiers. However, both areas would be likely to be used for long term storage rather than for the day-to-day use of the dwelling.

14. It is apparent that the layout of the proposed dwelling would be constrained with only limited internal space. Also, its compact nature would be compounded by its inefficient arrangement being two small buildings with a connecting link. As a consequence, the rooms would be less capable of providing multi-use. This would create small spaces that would be awkward to use efficiently. Furthermore, with the addition of furniture there would be extremely limited circulation space for an occupant. Consequently, despite the Council's lack of adopted size standards, the dwelling would nevertheless be cramped. It would

[1] Forest of Dean, Residential Design Guide 1998
[2] DCLG Technical Housing Standards – Nationally Described Space Standards 2015

therefore represent poor-quality accommodation. The proposal would therefore be harmful to the living conditions of future occupiers by reason of its limited size and arrangement.

15. Accordingly, the proposal would not comply with policy AP.4 of the AP, which seeks development to be of high-quality design. Furthermore, the proposal would not satisfy the Framework which seeks development to create a high standard of amenity for existing and future users.

16. The Council has found the proposal to be contrary to Policy CSP.1 of the CS due to its effect on the living conditions of future occupiers. However, this policy relates to the effect of good design on the environment. It does not seek appropriate living conditions and is therefore not relevant to this issue.

Other matters

17. The evidence identifies the historical use of the building as a cottage. However, it has more recently been used as a storage building in connection with the host dwelling. Furthermore, the existing building is of such a limited size that it would have been a basic form of accommodation and in isolation unsuitable for contemporary habitation.

18. Both parties agree there would be no harm to the landscape character of the Newland Hills area as identified by the Council's associated guidance[3]. However, this merit can only afford a neutral contribution towards the planning balance.

19. The appellants refer to other dwellings that were approved by the Council that are less than 50sq.m. The examples at The Railway Tavern[4], Church Farm[5] and the Kings Head[6] do not show a clear correlation with the proposal and are therefore materially different. In any event, although consistency in decision making is important, each case must be considered on its own merits.

20. The Framework requires a broad range of housing needs to be assessed and reflected in planning policies, including support for self-build projects. The Inspector for an appeal at The Meadows[7], identified that the Council may not be meeting its self-build requirements and identified this as a benefit of that proposal. Therefore, although the proposal has not been registered as a self-build project it is recognised that this is a personal project for the appellant. This is therefore of moderate weight in favour of the proposal. Although, the appellant questions the 5-year housing land supply I have inconclusive evidence that this figure is currently underperforming. In any event, one dwelling would make a very limited contribution towards the district's housing supply figure.

21. It is intended for the proposal to be initially occupied by a family member and to be affordable (being small). Nevertheless, it would be unreasonable to require family member occupation in perpetuity. Also, it is not compelling that the proposal would meet a clearly identified local need in planning terms. These assertions are therefore of limited weight.

[3] Landscape Character Assessment SPG (2002) and the Landscape Supplementary Planning Document (2007)
[4] Planning Application Reference: P0509/16/FUL
[5] Planning Application Reference: 18/03321/FUL
[6] Planning Application Reference: P1266/18/FUL
[7] Planning Appeal Reference: APP/P1615/W/18/3213122

22. Although, I consider the dwelling to be too small, a larger extension to ameliorate this deficiency would exacerbate the harm identified to the character and appearance of the area. The reasons for refusal are not therefore contradictory. However, I sympathise with the appellants as the previous planning application[8] raised concerns partly due to the size of the then larger rear extension.

23. The application gained 7 letters of support from local residents, comments explain that the development would be good for the community. This weighs in favour of the proposal and carries moderate weight in mind of the objectives of the Framework.

24. An appeal decision[9] in Staunton is in Evidence. That site was PDL and outside a defined settlement boundary. The Inspector identified a conflict between policy CSP.5 and CSP.4. He found that the site was very well placed for access to local services and facilities and allowed the appeal. The locational matters of this case are therefore materially different to that decision.

Planning balance and conclusion

25. The Framework seeks to significantly boost the supply of housing. The social, economic and environmental effects of the proposal would result in the provision of a new dwelling which would utilise a local workforce in its construction, deliver some economic benefits, be self-build and would make a social contribution to the village; mindful of the local support. However, these benefits would not out-weigh the harm I have identified to the spatial strategy of the development plan, to the character and appearance of the area or to the living conditions of future occupiers.

26. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR

[8] Planning Application Reference: P0441/17/FUL
[9] Planning Appeal Decision: APP/P1615/W/18/3208068