



Appeal Decision

Site visit made on 3 February 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2020

Appeal Ref: APP/P1615/W/19/3240559

Land west of The Patch, Hollywell Lane, Brockweir, Chepstow NP16 7PJ

- 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 Kim Hilton against the decision of Forest of Dean District Council.
 - The application Ref P0095/19/FUL, dated 20 January 2019, was refused by notice dated 10 May 2019.
 - The development proposed is external alterations to enclose the front of the building and change of use to personal storage.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 12th May 2020.

Decision

1. The appeal is allowed, and planning permission is granted for external alterations to enclose the front of the building and change of use to personal storage at Land west of the Patch, Hollywell Lane, Brockweir, Chepstow NP16 7PJ in accordance with the terms of the application, P0095/19/FUL, dated 20 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans.
 - 2) The B8 commercial use of the building is solely for the businesses of Mr Kim Hilton and Jaqualine Roby for storage, and no other persons or business shall use the building at any time, or for any other purpose.
 - 3) There shall be no external storage within the site at any time.

Preliminary Matters

2. I note that part of the proposed development and the proposed use appears to have commenced. For the avoidance of doubt, I have determined the appeal on the plans as were before the Council when the planning application was determined.

Main Issues

3. The main issues are:
 - Whether the appeal development accords with the Council's adopted strategy for the location of new development, including in respect to vehicle

movements and, if not, whether there are any other considerations that indicate that planning permission should be granted; and

- The effect of the proposal upon the character and appearance of the area, which lies in the Wye Valley Area of Outstanding Natural Beauty (AONB).

Reasons

Location of the development

4. Policy CSP.1 of the Core Strategy seeks to protect the environment by guiding the location of development and by requiring high standards of design. Policy CSP.4 of the Core Strategy highlights that the Council expects most changes will take place within the existing settlement boundaries of identified towns and villages. Areas outside of these settlement boundaries are to be treated as part of the open countryside. Policy CSP.7 of the Core Strategy supports economic development throughout the District and highlights that new economic development must be justifiable in terms of the settlement hierarchy and Policy CSP.4.
5. Policy AP.1 of the Allocations Plan 2006 to 2026 (Allocations Plan) requires development to meet the policies set out in national guidance and the Core Strategy. Where it does not it should not be permitted. Policy AP.4 of the Allocations Plan requires new development to make a positive contribution towards the area in which it is located.
6. The appeal proposal lies outside of any identified settlement boundary and therefore, when assessed against Policy CSP.4 lies within the open countryside, where new development is restricted. I note that the policy provides a number of exceptions to this, however no evidence has been put to me to demonstrate that the proposal would satisfy any of these exceptions. On this basis, the appeal site lies within the open countryside and the proposal would conflict with the aims of Policy CSP.4. It therefore also follows, that due to this conflict, the proposal would also fail to meet the aims of Policy CSP.7.
7. The evidence indicates that the current lawful use of the building is for incidental storage use for the adjoining property. The proposed use would remove this connection. Given the distance between the appellant's home and the appeal site, it follows that the proposal would generate additional vehicle movements, when compared with the lawful use.
8. No evidence is before me with regards to the likely level of additional traffic that would be generated from the proposed use. However, from my observations I noted that the size of the unit is relatively small and that only the southernmost bay would be enclosed and therefore fully secure. Considering the amount of space that would be available within the building, and whilst there would be some additional traffic generated by the proposed development, the number of vehicle movements associated with the proposed use is likely to be low. I note the nearby presence of a public footpath, which links the appeal site with Brockweir. Furthermore, the rural nature of the surrounding roads and the restricted access to the site, would further limit the suitability of the site to a larger scale storage operation. Therefore, whilst I accept that the proposal would result in some additional vehicle movements, on the basis of the site and its surroundings, these are unlikely to be of a significant level to result in an unsustainable form of development.

9. From the evidence before me, it is clear that the proposal does not involve a traditional B8 storage use. Therefore, whilst there is some element of commercial storage proposed, this is relatively small in scale and I consider that the proposed use would be similar to the existing use of the building. I am also not convinced that the proposed use would necessarily be more suited to an urban location. As with the existing building, a suitably worded condition could be attached to restrict the use of the building, ensuring it can only be used by the appellant and his partner. This would prevent the building and the surrounding land from becoming an unrestricted B8 use. Furthermore, a condition could restrict external storage.
10. Therefore, given the specific set of circumstances around this proposal, I conclude that, despite the conflict with the Council's adopted strategy in relation to the location of new development, there are other considerations which indicate that planning permission should be granted. Whilst these matters outweigh the strategy conflict, there remains the matter of whether the appeal development would harm the character and appearance of the area.

Character and appearance

11. The site lies within the AONB, where great weight should be given to conserving and enhancing the landscape and scenic beauty of the area. The existing building is relatively modest in size and is of a design that is sensitive to the nature of the surrounding countryside. The only change to the design would be the addition of wooden doors to the southernmost bay of the building. From public viewpoints, views of the building would therefore remain essentially unchanged. The proposed changes to the design of the building would therefore conserve and enhance the scenic beauty of the area.
12. For the above reasons, I therefore conclude that the proposed development would not represent harm to the character and appearance of the area and, in this respect, would accord with Policy CSP.1 of the Core Strategy and Policy AP.1 of the Allocations Plan 2006 to 2026 (Adopted June 2011), and Policies contained within Part 12 and paragraph 172 of the National Planning Policy Framework, which amongst other things, requires development proposals to take account of important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the wider environment.

Other Matters

13. I note the comments raised in relation to drainage and biodiversity. However, there is no substantive evidence that there would be any adverse effect on wildlife or drainage within the area as a result of the proposal.
14. My attention has been drawn to the potential for the proposal to have an adverse effect upon highway safety. From my site visit, I observed the existing access arrangements and note that these would remain unchanged. Whilst I acknowledge the concerns of local residents, I have no technical evidence to substantiate this, and do not consider this to be a reason, on its own, to withhold planning permission.
15. Comments have also been made in relation to potential space being available at the appellants home to accommodate the proposed use, however there is no evidence from either of the main parties in this regard. Whilst I have reviewed

the information submitted, I do not consider it to be sufficient to justify the withholding of planning permission on these grounds. In any event, I am required to determine the appeal on its own merits.

Conditions

16. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. It is appropriate to attach a condition to require the development to be carried out in accordance with the approved plans. In light of the specific circumstances which apply to the proposal, it is appropriate to restrict the use of the building to the applicant and his partner. To protect the special qualities of the AONB, and to prevent storage taking place on the wider site, it is necessary to attach a condition to prevent any external storage.
17. The Council have suggested a condition that the building should be removed from the land, once it is no longer required by the appellant. Such a condition would be unreasonable and I note that no such condition was attached to the original permission to erect the building. Given the personal condition attached to this permission, any future use would require further planning permission, at which time the proposed use can be considered against the appropriate development plan policies. I note that the appellant has requested that the use be expanded to include purposes in connection with the adjoining agricultural land. Attaching such a condition would take the proposal beyond what was originally sought planning permission, therefore such a condition would be unreasonable.

Conclusion

18. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR