



Appeal Decision

Site visit made on 14 July 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 August 2020

Appeal Ref: APP/P1615/W/20/3250954

Little Hawthorns, Hawthorns Road, Drybrook GL17 9BS

- 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 Carol Gardiner against the decision of Forest of Dean District Council.
 - The application Ref P1310/19/FUL, dated 16 August 2019, was refused by notice dated 25 October 2019.
 - The development proposed is change of use of residential outbuilding to 1 bed holiday let for persons with limited mobility (mobility scooter adapted) by removal of porch and replaced by bedroom.
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Decision

1. The appeal is allowed, and planning permission is granted for a change of use of outbuilding to holiday let including removal of existing porch and the erection of a single storey extension and associated works (wheelchair accessible) at Little Hawthorns, Hawthorns Road, Drybrook GL17 9BS, in accordance with the terms of the application, Ref P1310/19/FUL, dated 16 August 2019 and subject to the following conditions:
 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Details dwrg B-1.
 3. The proposed holiday accommodation shall be used for holiday purposes only and shall not be used as any individual's main or sole dwelling for perpetuity.

Preliminary Matters

2. In my formal decision I have used the description of development as it appears on the Appeal Form and the Decision Notice, in preference to how it appears on the application form, because it more accurately reflects the proposals.

Main Issues

3. The main issues are:
 - The effect of the proposal upon the character and appearance of the area; and
 - Whether appropriate evidence has been provided to support the proposed use within the open countryside.

Reasons

Character and appearance

4. The appeal property comprises a small, single storey building, which forms part of a larger farmstead that includes a detached bungalow and a number of other outbuildings. The appeal site sits within predominately open countryside, interspersed with a scattering of dwellings and other buildings, including nearby tourism uses. Access to the site is from Hawthorns Road, through the farmstead. The frontage of the site is identified by an established hedge along Hawthorns Road.
5. Policy CSP.1 of the Forest of Dean Council 23 February 2012 Core Strategy (Core Strategy) identifies that new development must take into account important characteristics of the environment and its wider context. Equally, Policy AP4 of the Forest of Dean Council Allocations Plan 2006 to 2026 Adopted June 2018 (Allocations Plan), requires all new development to be of the highest quality and to make a positive contribution.
6. Due to its position within the site, the nature of surrounding topography and the screening effect of the existing hedge and other surrounding buildings, the appeal property is not readily discernible when viewed from public vantage points. Nonetheless, any lack of visibility from public areas does not remove the aim of the development plan and that of the National Planning Policy Framework (the Framework) to deliver good design.
7. The proposed extension would be a substantial addition to what is currently a modest building. However, whilst the addition would increase the overall bulk of the building, the design draws inspiration from the existing building with regards to its roof design and materials, along with the overall fenestration of the extension. The finished materials of the external walls, despite being different to those of the host building, would complement them, making the extension appear as a sympathetic addition. Furthermore, in comparison to the other existing buildings on the site, the appeal building would remain as a modest structure.
8. There is disagreement between the parties with regards to changes to the land immediately to the rear of the appeal property. Submitted photographs within the Council's evidence shows this area to be grassed, with an established post and wire fence and landscaping marking the boundary of the site from the more open agricultural land beyond. In any event, the appeal proposal would retain this existing arrangement. Moreover, I note that the plans show no external access or intended use of this area. Therefore, on this basis, and without any substantiated evidence to the contrary, this element of the proposal would have no adverse effect upon the character and appearance of the area.
9. For the above reasons, I therefore conclude that the proposed development would have no significant effect upon the rural character and appearance of the area and, in this respect, is in accordance with Policy CSP.1 of the Core Strategy and Policy AP4 of the Allocations Plan and paragraph 127 of The Framework. These Policies amongst other things, seek to ensure development proposals demonstrate a high quality of design.

Suitability of use

10. The appeal site is well removed from any identified settlement boundary, therefore, as defined by Policy CSP.4 of the Core Strategy, it lies within the open countryside. Policy CSP.4 identifies that it expects most changes to take place within towns and villages within existing settlement boundaries. The policy does however identify a number of exceptions to this, which, amongst other things, includes for the conversion of buildings. In this aspect, the proposal would involve the re-use and conversion of an existing building, which lies within an existing farmstead. On this basis, the proposal, whilst being located within the open countryside, would accord with one of the exceptions listed within Policy CSP.4.
11. The proposal is to be used for holiday accommodation. In this regard I note that Policy CSP.7 supports proposals which sustain and develop key economic sectors throughout the District, with tourism being identified as one of these sectors. The submitted business plan sets out the case that the proposed holiday let would be capable of operating as a viable business proposition. Whilst the Council have raised concerns with regards to the business plan, I have been provided with no substantiated evidence to support this position. Furthermore, I note that in the Officer's report on the appeal application, it refers to a response from the Council's accounts team which, whilst raising questions, considered that the proposed use would be capable of generating a profit and would therefore represent a viable business plan. Having reviewed the submitted evidence, I have no reason to disagree with these conclusions.
12. For the above reasons, I therefore conclude that the proposed development represents a suitable use within the open countryside in terms of Policies CSP.1, CSP.4, CSP.5 and CSP.16 of the Core Strategy, Policies AP1 and AP4 of the Allocations Plan and the Framework.

Other Matters

13. Reference has been made to the potential for the appeal property to become a separate residential dwelling. No evidence has been put to me to substantiate this point, however in any event, such a use would require a new planning permission, with the Council having the opportunity to assess the proposal against the development plan policies in place at that time.
14. I have been referred to two previous Inspector's decisions that relate both to the appeal site and other buildings within the farmstead. Both of these appeal proposals appear to relate to the provision of a new dwelling on the site. I therefore find that the circumstances which were applied to these other cases are not directly comparable to those before me. In any case, I am not familiar with all of the circumstances of these cases, and I am required to determine the appeal on its own merits.
15. Within reason for refusal one reference is made to the layout failing to accommodate wheelchair users, however no substantive evidence has been provided by the Council to support their concerns. I note that in this regard reference is made within the appeal drawings to demonstrate accessibility into the extension via a mobility scooter. Further information is also provided with regards to the internal access, including door widths, to demonstrate that the unit would be accessible. Having reviewed the information, I consider that the proposal makes adequate provision for disabled access to the building.

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. A standard implementation condition, along with a requirement to implement the scheme in accordance with the approved plans is necessary. To protect the open countryside, it is also necessary to attach a condition restricting the use of the building to that of a holiday let. In this regard, I have however revised the Council's suggested condition, as the level of restrictions suggested within this condition would be unreasonable.

Conclusion

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

Adrian Hunter

INSPECTOR