
Appeal Decision

Site visit made on 7 July 2020 by Scott Britnell MSc FdA

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/P1615/W/20/3249993

Sheperdine Top Barn, Yarleton Lane, May Hill, Longhope GL17 0RF

- 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 George Gough against the decision of Forest of Dean District Council.
 - The application Ref P1061/19/FUL, dated 8 July 2019, was refused by notice dated 3 October 2019.
 - The development proposed is conversion of existing barn to a self build low impact studio dwelling (Improvements to existing vehicular access & associated works).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application form and drawings refer to the appeal building as a barn, while it is described in the appeal statement as a former milking parlour. For the avoidance of doubt, I shall refer to the building as a barn in accordance with the application form and drawings.
4. The appellant suggests that full weight should not be afforded to the Council's Development Plan (DP) Policies. Although the DP Policies pre-date the 2019 National Planning Policy Framework (the Framework), paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
5. The appellant also indicates that the Council's Landscape Supplementary Planning Document (March 2007) should be a relevant consideration. I have not been provided with a copy of that document so cannot consider the proposal against it.

Main Issues

6. The main issues in this case are the effect of the proposal on:
- the character and appearance of the appeal site and the wider area;
 - the living conditions for the intended future occupants of the proposed dwelling; and,
 - the effect of the proposal on highway safety.

Reasons for the Recommendation

7. The appeal site comprises a disused stone built barn with a lean to blockwork extension and timber lean-to in an agricultural field. The site sits on the south side of Yarleton Lane and is situated within the May Hill Locally Valued Landscape. To the west is a dwelling at May Hill House and its associated outbuildings. The surrounding area is rural in character with agricultural fields and open countryside to the east, south and north of the appeal site. Due to the topography of the area, the site commands far reaching views to the south.

Character and appearance

8. A number of alterations are proposed to the barn, which I consider would be sympathetic and would not harm its overall character. However, the proposed large residential curtilage would encroach into an open agricultural field and would introduce a Ha-Ha, which would be an alien form of boundary treatment in this area of countryside. Moreover, the likely domestic paraphernalia including garden furniture, washing line and storage buildings that would be likely to serve the dwelling, and areas of patio, planting and lawn would result in an incongruous and overtly domestic appearance. This would have a significant and harmful impact on the character and appearance of the building and upon the wider landscape.
9. I acknowledge that it would be possible to remove permitted development rights for outbuildings and other domestic structures, but this would not cover other domestic paraphernalia as set out above. Whilst I note the suggestion that the size of the curtilage could be controlled by planning condition, I have no suggestions before me, so have assessed the proposal as considered by the Council.
10. The removal of a section of hedge to the front of the site is also proposed. While the appellant suggests that this would be a short section north west of the existing electricity pole¹, the precise length is not clear on the submitted drawings. Although a common feature in the area, the hedge makes a positive contribution to the appeal site and the immediate locality. The proposal would erode that contribution and open up views of the site, exposing the harmful effects of its domestication identified above.
11. The appellant suggests that the presence of residential paraphernalia needs to be assessed against the uncontrolled potential for agricultural paraphernalia. It is also suggested that in the event that this appeal is dismissed, a replacement barn for which permission already exists would be constructed, as well as the exercising of permitted development rights. However, the site is in an

¹ Paragraph 6.3 of the Appeal Statement.

agricultural use within a rural area and an agricultural barn and use of the land would not appear incongruous in this location. In exercising permitted development rights to use the barn as a dwelling, it is likely that a smaller curtilage would be created thereby reducing the visual impact of domestic paraphernalia. These scenarios do not provide justification for harmful development.

12. In conclusion, I find that the proposal would cause significant harm to the character and appearance of the appeal site and wider area. There would be conflict with Policy CSP.1 of the Core Strategy Adopted Version February 2012 (CS) and Policies AP 1, AP 4 and AP 14 of the Allocations Plan 2006 to 2026 Adopted June 2018 (AP), which collectively seek to ensure that development improves the environmental conditions of the area and takes account of local character, including that of May Hill. These policies are broadly consistent with Paragraph 8 and Section 12 of the Framework and the National Planning Policy Guidance (NPPG) regarding design and the natural environment.
13. The Council also refer to the Landscape Character Assessment: Gloucestershire and Forest of Dean, Forest of Dean Landscape Character Assessment, Final Draft Report November 2002. However, only a single page of this document has been provided setting out the history of May Hill and its important features. It does not contain any criteria against which to assess the proposal against.

Living conditions

14. Drawing 5 indicates that the appeal building has a total footprint of 36.1 square metres. The Council's report states that the proposal would provide a floor space of 22 square metres², which the appellant does not dispute. The proposal would provide an open plan living and sleeping area and separate kitchen and shower/WC.
15. I acknowledge that the Council does not have a policy in terms of internal space standards and as such it is not necessary for me to assess whether or not the proposal accords with the Nationally Described Space Standards 2015. However, the floor plan indicates that a single bed and two chairs would be provided in the main living area. While I acknowledge that this may be indicative, the lack of space is clear and there appears to be insufficient room to provide essential furniture, such as a wardrobe and other storage space which would normally be expected in a dwelling. The proposed accommodation would be unacceptably cramped and would result in a poor quality living space for the intended future occupier.
16. I am mindful of the appellant's comments that suggest he is content with the proposed living conditions offered and that the proposal provides an opportunity for him to own his own home. However, I must have regard to the living conditions of all future occupants and not the appellant alone. Home ownership is a principally private benefit. Consequently, I afford these matters limited weight in my assessment.
17. I conclude that the proposal would provide poor living conditions for the intended future occupants of the proposed dwelling. There would be conflict with high quality design aims of Policy AP 4 of the AP which is consistent with

² Page 8.

Chapter 12 of the Framework. Moreover, there would be conflict with Paragraph 127f) of the Framework, which states that developments should create places with a high standard of amenity for existing and future users.

18. The Council also refer to Policy CSP.1 of the CS, although this does not refer specifically to living conditions, and part of the Residential Design Guide, but this does not include any criteria regarding the size of internal living areas. Consequently, I do not consider that these are relevant for the purposes of my recommendation in this matter.

Highway Safety

19. Yarleton Lane comprises a narrow single carriageway which is subject to the national speed limit of 60mph, although given the highway conditions, it is likely that vehicles would be travelling below this speed in the vicinity of the site. Nonetheless, the road curves in the vicinity of the appeal site in both easterly and westerly directions and as a consequence there would be limited visibility from the site access along the road in both directions.
20. As a consequence, users of the access, including delivery vehicles and visitors would have restricted visibility in both directions and there would be little advanced warning of other users of the highway, including vehicles, cyclists and horse-riders. Moreover, other highway users would have little warning of a vehicle exiting the site. As a result, there would be a high probability that harm would be caused to highway safety within the vicinity of the site. The removal of the hedge would not mitigate the harm that I have identified.
21. In reaching this view I am mindful of the agricultural use of the access which may be increased in the future, that the use of permitted development rights may allow for a residential use of the access, and that there is no evidence before me in terms of accidents in the locality. However, vehicle movements in respect of existing and permitted uses has not been substantiated and in any event the Framework requires me to ensure that a safe and suitable access to the site can be achieved for all users. For the reasons set out above I find that this cannot be achieved.
22. The appellant also indicates that if the proposal was approved, he would be located on the farm where he works, and that this would potentially reduce trips. This, it is suggested, would also contribute to addressing the Climate Emergency Designation announced by the Council. However, the residential use of the site would still be likely to introduce a number of vehicle movements associated with essential journeys. These include shopping trips, deliveries to the dwelling and friends visiting, which have the potential to increase the number of movements on and off the appeal site than currently take place and at different times of the day. This matter does not therefore mitigate the harm that I have identified.
23. In conclusion, I find that the proposal would result in harm to highway safety, in conflict with the Framework's objective of providing a safe and suitable access to the site for all users³.

³ Framework paragraph 108

Other Matters

24. The appellant indicates that the Council cannot demonstrate a 5 year housing land supply and that they have failed to meet their most recent Housing Delivery Target. The Council are silent on these matters.
25. In such circumstances the Framework makes it clear that the most important policies for determining the application are out of date in the terms set out in paragraph 11d) and footnote 7 of the Framework. Thus, planning permission should be granted, unless the effects on areas or assets of particular importance provides a clear reason for refusing the development proposal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole. This anticipates that a level of harm will potentially be acceptable. This balancing will be considered in the final section.
26. Whilst acknowledging that the Longhope Parish Neighbourhood Development Plan 2016 – 2026 supports affordable housing for elderly and younger households, and that the size of the dwelling would affect its value, there is no mechanism before me to secure that it would be affordable housing in the terms set out within the Glossary to the Framework. Accordingly, this limits the weight that I can give this matter.
27. The absence of objections to the proposal from Longhope Parish Council and the Council's Policy Officer is a neutral factor in my consideration of the proposal.

Planning Balance and Conclusion

28. The proposal would result in the reuse of an existing rural building to create a new dwelling which would be constructed on a self-build basis. The new dwelling would make a contribution to the Council's supply of housing and would be likely to have a number of benefits, including economic, social and environmental through the ecological enhancements proposed. However, given the scale of the development such benefits would be likely to be limited and as such I attach limited weight to these matters. I note that the proposal would not result in harm to the living conditions for occupants of the neighbouring dwelling, but this is a neutral factor which does not weigh in favour of the scheme.
29. Against the benefits of the proposal I have found that the proposal would result in significant harm to the character and appearance of the area, would result in poor living conditions to the intended future occupants and would be harmful to highway safety, in conflict with AP Policies AP 1, AP 4, AP 14 and CS Policy CSP.1, the most important policies for determining the appeal, the Framework and NPPG.
30. I conclude therefore that the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. Therefore, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

31. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR