
Appeal Decision

Site visit made on 29 October 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2020

Appeal Ref: APP/P1615/W/20/3257914

Playleys Place, Playley Green, Redmarley GL19 3NB

- 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 and Mrs P Bailey against the decision of Forest of Dean District Council.
 - The application Ref P0467/20/FUL, dated 15 April 2020, was refused by notice dated 23 June 2020.
 - The development proposed is erection of a single storey self-build dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development above from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.

Main Issues

3. The main issues of the appeal are:
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the setting of the listed building of Playleys Place; and
 - Whether the proposed development would provide a suitable site for housing, having regard to local housing strategy, proximity to services and reliance on private motor vehicles.

Reasons

Character and Appearance

4. Playleys Place is a listed building. As such I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
5. The significance of Playleys Place lies, in part, in its elegant detailed architectural style that emphasises the status of the original owners. There is a more simplistic and functional curtilage stone outbuilding adjacent. This indicates links between the dwelling and the former use of the nearby land.

6. The setting of these buildings currently includes the other frontage properties adjacent and forms part of the predominantly linear development nearby. Playleys Place and the stone outbuilding are relatively enclosed by frontage vegetation. At present there are some views of the appeal site along the existing access over the landscaping behind Playleys Place.
7. Although no longer an orchard or being farmed in connection with it, this gives the impression of the site being associated with these buildings. The appeal site contributes to the sense of Playleys Green being located in the countryside and the spacious feel to the land beyond Playleys Place. This is part of how Playleys Place is experienced.
8. Whether there is a direct functional relationship anymore with Playleys Place or not, the significance of the setting also includes the open and undeveloped land behind it.
9. There is an existing modern outbuilding to the rear of Playleys Place and others in the rear gardens of some nearby properties. Single storey properties are not uncommon in the area and there is variation in the scale and appearance of dwellings. The proposed L-shape dwelling is similar to Playleys Place and the use of timber would reflect the orchard link. Nonetheless, the proposal would introduce a dwelling, domestic paraphernalia and extended driveway set back some distance from the road behind another property. This would be uncharacteristic of the undeveloped backland areas at the site and nearby, as well as being at odds with the prevailing pattern of frontage properties in Playleys Green.
10. The new orchard would reflect the previous use and association of the land with Playleys Place. However, the proposal would appear disjointed and separate from the existing built form. Furthermore, a dwelling in this location would not reflect the presence of the former orchard layout. It would erode the spacious and open countryside character of the area that forms part of the setting of Playleys Place.
11. Additional planting, that would take some time to mature, and the existing landscape features retained, would not effectively screen the proposal in views along the extended access and from nearby properties. The proposed orchard planting would only serve to emphasise the disjointed and incongruous location of the dwelling. Moreover, that a development would be screened is not a reason to allow development which is unacceptable.
12. The proposal would lead to less than substantial harm to the significance of the setting of the listed building. The National Planning Policy Framework (Framework) indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
13. The proposal would contribute towards the housing supply and mix in the area. Notwithstanding this, even if I were to agree with the appellant with regard to the level of self-build provision, being for a single dwelling the contribution would be small. Similarly, economic and social benefits associated with the construction period and occupation of the dwelling to the local community and services would be minor. The re-introduction of an orchard area and other landscaping would bring limited environmental benefits.

14. As such, in this instance the public benefits would not outweigh the harm to the designated heritage asset. The proposal is therefore contrary to the historic environmental policies contained within the Framework.
15. Consequently, the scheme would unacceptably harm the character and appearance of the area and the significance of the setting of the listed building. It would, therefore, be contrary to design and heritage protection aims of Policy CSP.1 of the Core Strategy (CS) and Policies AP 4 and AP 5 of the Allocations Plan (AP). It would also fail to meet the requirements of Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Suitability of Location

16. Policy CSP.5 of the CS sets out the housing strategy stating that no new greenfield sites will be released unless land is not available from other sources, giving priority to previously developed land. Policy CSP.4 of the CS states that most changes in towns and villages will be expected to take place within the existing settlement boundaries, although with some exceptions. Areas outside settlement boundaries will be treated as part of the open countryside. This and Policy CSP.1 of the Core Strategy require proposals should be resource efficient.
17. Policy CSP.16 of the CS, amongst other things, requires developments at villages to take into account the scale, function and level of services accessible from their location and the availability of public transport. Where appropriate, it states that, the defined settlement boundary will be a key determinant in judging the acceptability of proposals. The supporting text indicates that very small villages and hamlets without a defined settlement boundary generally have no facilities or very few and will not be generally suitable for new housing except for certain exceptions.
18. Policy AP 1 of the AP states that the primary consideration for planning applications will be whether or not the development proposed is sustainable with the overall aim of improving economic, social and environmental condition of the area. The supporting text makes reference to considering how easily the development can be accessed by modes other than private car and are they located to make best use of existing facilities and services.
19. The proposal would not prevent most development being provided within defined settlements. Being located relatively close to other properties, it would not be isolated in the context of paragraph 79 of the Framework. Nevertheless, Playley Green has no defined settlement boundary. The proposed development would be residential development in the open countryside and does not meet any of the exceptions listed in the above policies.
20. The proposal would align with the national aim to boost the supply of housing and support small scale development. However, the scheme is for one dwelling and, while any provision is welcomed, the contribution would be small. There is no compelling evidence that Covid-19 has led to any significant implications for housebuilding in the area. Moreover, I have also found that the proposal would fail to preserve the setting of Playleys Place.
21. Economic benefits from the construction period would be short lived. Additional support for services and facilities along with environmental benefits from

planting, biodiversity features and renewable energy would be minimal given the size of the scheme.

22. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and aims to enhance or maintain the vitality of rural communities. Services and facilities in and near Playleys Green itself are limited, primarily relating to recreational activities.
23. While Redmarley has a greater range, the roads near the site comprise unlit rural lanes with no footpaths, in some instances where the shape of the road limits forward visibility. These circumstances do not lend themselves to safe use by pedestrians and would be unlikely to encourage cycling to the services and facilities, in particular at times of darkness or adverse weather conditions. From the details provided, despite a bus stop being close by, the infrequent timetable would not make buses an attractive or probable option.
24. Therefore, I have reached the same finding as the Inspectors considering appeals at a nearby site¹. The site is poorly located in terms of access to services and facilities and there would be a high degree of dependence on travel by car.
25. Consequently, the proposed development would not provide a suitable site for housing, with regard to local housing strategy, proximity to services and reliance on private motor vehicles. It would fail to comply with Policies CSP.1, CSP.4, CSP.5 and CSP.16 of the CS as well as Policy AP.1 of the AP. These, in part, seek to ensure there is an efficient use of resources and direct most changes to within settlement boundaries, sites identified for housing and accessible locations.

Other Matters

26. The CS and AP pre-date the Framework and legislation regarding self-build properties and do not make reference to this type of development. Nevertheless, 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 it.
27. The policies identified in the main issues above are the most important for determining the proposal. The Framework identifies that strategic policies should set out an overall strategy for the pattern, scale and quality of development (CSP.5, CSP.4 and CSP.16 of the CS). It also seeks to limit the need to travel and offer a genuine choice of transport modes (CSP.1 and CSP.4 of the CS and AP 1 of the AP). The Framework also recognises the intrinsic character and beauty of the countryside and contains policies to protect heritage assets. This is similar to the relevant aspects of Policies CSP.1 of the CS, and AP 4 and AP 5 of the AP.
28. The most important policies also follow the three overarching objectives of sustainable development set out in the Framework. The policies most important for determining this proposal are broadly consistent with the Framework and are therefore not out of date.

¹ APP/P1615/W/17/3170312 and APP/P1615/W/18/3207085

29. A recent appeal² indicated that the Council do not currently have a 5-year supply of housing land. However, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Therefore, in accordance with paragraph 11d)i of the Framework, the tilted balance in paragraph 11d)ii is not engaged.
30. The Council have not included refusal reasons in relation to other issues such as highway safety or living conditions. Nonetheless, this would only be a neutral factor. The conduct of the Council during the application and the lack of objections to the proposal from consultees and third parties are not matters that affect my findings on the main issues.

Conclusion

31. Therefore, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR

² APP/P1615/W/19/3236737