



Appeal Decision

Site visit made on 19 January 2021

by H Porter BA(Hons) MSc Dip IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 February 2021

Appeal Ref: APP/P1615/W/20/3261805

The Willows, Horsefair Lane, Newent GL18 1RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs P Gurney against the decision of Forest of Dean District Council.
 - The application Ref P0317/20/OUT, dated 9 March 2020, was refused by notice dated 15 May 2020.
 - The development proposed is outline application for the erection of a low carbon energy efficient self-build dwelling (associated works to include a vehicular access).
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Decision

1. The appeal is allowed and planning permission is granted for erection of a low carbon energy efficient self-build dwelling (associated works to include a vehicular access) at The Willows, Horsefair Lane, Newent GL18 1RG in accordance with the terms of the application P0317/20/OUT, dated 9 March 2020, subject to the conditions in the attached Schedule.

Background and procedural matters

2. The appeal relates to an application for outline planning permission with all matters reserved. The submitted Block Plan gives an indication of how the site could be developed, including with an access off Horsefair Lane; I have treated this as illustrative.
3. Subsequent to issuing its decision notice, the Council concedes it is no longer able to demonstrate a five-year supply of housing land. Accordingly, the Council confirmed it would not be seeking to defend its first reason for refusal, which related to location of the proposed development in open countryside. The Government's Housing Delivery Test Results 2020 (HDT results) were published on 19 January 2021. The main parties were given the opportunity to comment on the implications, if any, of the HDT results in relation to the appeal. I have taken any responses received into consideration.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal concerns a gently sloping and roughly square parcel of garden land associated with The Willows, a detached dwelling situated on the north side of Horsefair Lane on the outskirts of Newent. As Horsefair Lane extends westwards beyond The Willows, the instances of development fragments and the route becomes increasingly rural. In the more immediate vicinity of the appeal site, the development pattern is defined by detached dwelling set in relatively generous garden plots and, to the north, by the open, verdant rolling countryside and the Herefordshire and Gloucestershire Canal. On the opposite side of Horsefair Lane is a substantial modern housing development (Bellway Homes development), which is nearing completion.
6. The wider environs to the north and west of the appeal site provide an open, verdant and undeveloped setting that is of value to the Herefordshire and Gloucestershire Canal and rural character of the area. However, some of the new houses associated with the Bellway Homes development have been sited on the slightly higher ground that rises immediately opposite the appeal site to the south. Even with the inclusion of a green area as part of the Bellway Homes scheme, the new dwellings unmistakably influenced an urbanised interface along the appeal site's Horsefair Lane boundary.
7. When I visited the appeal site, the lane-side boundary comprised of close-boarded timber fencing. It appears that the hedgerow planting referred to in the Officer's report had been cut down to stumps. Any access opening and driveway would therefore not involve the loss of extant mature hedgerow, rather an opening through fencing. Detailed matters of design, landscaping and layout are for future consideration. However, the indicative block plan shows supplementary hedgerow planting along the site's perimeters, which, as part of landscaping details, would assist in assimilating the proposed access drive and turning area. Furthermore, the proposed dwelling is shown as occupying the site's south eastern corner, close to the road but where the land slopes down. While layout is a reserved matter, the indicative plans illustrate that views out across the appeal site towards the Canal and rolling hills and open countryside beyond would not be harmfully diminished.
8. The proposal would not result in the loss or reduction in agricultural land such as separates larger plots elsewhere along the Lane. Rather, it would introduce one detached dwelling set in a good-sized garden where the site's setting has been unmistakably influenced by the recent housing development. Taking the site-specific circumstances into account, I judge that the proposed development would not cause harm to the character and appearance of the area. I therefore find no conflict with Policy CSP.1 of the Forest of Dean District Council Core Strategy, 2012; nor with Policies AP 1 or AP 4 of the Forest of Dean District Council Allocations Plan 2006 – 2026, 2018 insofar as these relate to good quality design and environmental protection.

Other considerations

9. The appeal site is located outside the settlement boundary of Newent, indicating that there is conflict with the development plan's settlement strategy. However, it is not a matter in dispute that the Council cannot demonstrate a deliverable five-year supply of housing land. Accordingly, I am mindful of paragraph 11 of the Framework and the presumption in favour of sustainable development. There are no Framework policies protecting areas or

assets of particular importance that provide a clear reason for refusing the development. I do not consider the proposed development would harm the character and appearance of the area, therefore there would be no adverse impacts in my granting permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conditions

10. I have considered the various conditions suggested by the Council and have made some revisions to these in the interests of clarity and consistency and to ensure compliance with the Framework and Planning Practice Guidance. Conditions requiring details of reserved matters be submitted and a setting out timescales are necessary to provide certainty and enforceability. A condition requiring details of foul and surface water drainage and infiltration testing is necessary in the interests of securing satisfactory drainage of the site and avoiding flood risk and local pollution. In the interests of highway safety and given the nature of Horsefair Lane, I have included conditions requiring details of parking, turning, access surfacing and entrance gates, as well as a construction management plan.

Conclusion

11. For the reasons given, and having considered all other matters raised, I conclude that the appeal should be allowed.

H Porter

INSPECTOR

SCHEDULE

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until a site survey showing the levels along all site boundaries and levels across the site at regular intervals; as well as details of the finished levels above ordnance datum of the ground floor of the proposed building in relation to existing ground levels have been submitted to and approved in writing by the local planning authority.
- 5) No development shall take place until details of a scheme for dealing with foul and surface water drainage have been submitted to and approved in writing by the local planning authority. That scheme shall include details of the design, size, position and construction of a drainage scheme that has been informed by infiltration tests carried out in accordance with BRE Digest

365, or such other guidance as may be agreed in writing by the local planning authority. The drainage scheme shall be carried out as approved and implemented in full prior to the first occupation of the development hereby permitted and maintained thereafter, unless otherwise agreed by the local planning authority.

- 6) No development shall take place until details of space to be laid out for vehicles to be parked and to turn within the site; details of bound surfacing materials within at least 0.5 metres of the site access of Horsefair Lane; and details of inward-opening entrance gates have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved and maintained thereafter, unless otherwise agreed by the local planning authority.
- 7) Prior to the occupation of the dwelling hereby approved, details including location and specification of an electric vehicle charging point shall have been submitted and approved by the local planning authority. The electric vehicle charging point, or subsequent replacement, shall be comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, or a higher charging performance specification, and maintained thereafter, unless for replacement or otherwise agreed by the local planning authority.
- 8) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.