
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: 08 February 2021

Appeal Ref: APP/P1615/W/20/3261818

Land adjoining Longhope Road, Huntley

- 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 Gerald Akerman against the decision of Forest of Dean District Council.
 - The application Ref P1206/19/OUT, dated 19 July 2019, was refused by notice dated 23 April 2020.
 - The development proposed is erection of no. 2 residential dwellings and associated development all matters reserved.
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Decision

1. The appeal is allowed and planning permission is granted for erection of no. 2 residential dwellings and associated development all matters reserved at Land adjoining Longhope Road, Huntley in accordance with the terms of the application, Ref P1206/19/OUT, dated 19 July 2019, subject to the conditions set out in the Schedule at the end of this decision letter.

Preliminary matters

2. The application was made in outline with all matters reserved for future consideration. I have treated the appeal on this basis and considered the proposed site layout plan and the internal/access plan as being indicative.

Main Issue

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

Reasons

4. The appeal site fronts Longhope Road and comprises part of a gently sloping field laid to grass. As Longhope Road extends from the A40 and the more built-up area of Huntley, the area becomes increasingly defined by an open, rural context of rolling arable fields that partly characterises The Severn Vale Landscape Character Area¹. That said, while the wider green field in which the appeal site sits certainly blends with the wider verdant landscape, the character and appearance of the appeal site is greatly influenced by the detached dwellings and domestic curtilages neighbouring it, as well as by the complex of industrial units opposite. The proximity of nearby development, along with bus stops, laybys and pedestrian footways together give the impression that the

¹ Landscape Character Assessment: Gloucester and Forest of Dean, November 2002

appeal site is located in transitional area that is at the semi-urban, semi-rural settlement edge.

5. Notwithstanding the reserved matters, the appeal scheme proposes the construction of two dwellings that would make use of an existing access track off Longhope Road. The indicative layout shows the proposed dwellings would be set behind the site's mature hedgerow frontage boundary and stand detached in good-sized gardens. In terms of plot size and building line, the indicative layout shows the proposal would effectively infill the line of development as it extends on the south side of Longhope Road away from the settlement.
6. To a small extent, the proposal would diminish the soft, verdant qualities of the existing field and increase the instances of development along Longhope Road. Taking into consideration the site's developed context, I do not consider that two additional dwellings would be either visually intrusive or harmful to the character and appearance of the site or its immediate environs. As the degree of change would principally affect the Longhope Road frontage, the appeal site's wider, rolling verdant context and Severn Vale landscape would be preserved.
7. Drawing the above together, I do not consider that the proposed development would have an adverse impact on the character and appearance of the area, which would maintain the site's wider context and preserve the local landscape. There would be no conflict with Policy CSP.1 of the Forest of Dean District Council Core Strategy, 2012 (CS).

Other considerations and planning balance

8. For planning policy purposes, the appeal site is located beyond the settlement boundary of Huntley and within the open countryside. CS Policy CSP.4 expects most changes in towns and villages to take place within existing settlement boundaries. The appeal scheme does not meet any of the exceptions for development in the open countryside listed under CSP.4 and thereby runs contrary to the development plan's settlement strategy and Policy CSP.16.
9. A footway runs from the appeal site into Huntley, and, in my opinion, the site is within easy walking distance to the services and facilities therein and to wider public transport links. Even if bus services stop opposite the appeal site every two hours or so, future occupiers of the proposed development would be offered an accessible and feasible alternative to wholesale reliance on journeys by private car. The location of the appeal site would therefore not be remote from services and facilities to satisfy day-to-day needs and the proposal would not represented the development of isolated homes in the countryside.
10. Taking into account intervening distances and the orientation of existing dwellings in relation to the appeal site, I am satisfied that no harmful overlooking or loss of privacy would occur. There would inevitably be some increase in the use of the access track, however, there is no reason to expect existing residents would be subject to unacceptable disturbance, nor is there convincing evidence that noise associated with the nearby industrial units would harm future occupiers' living conditions. Matters of scale, design, sewerage or refuse provision would be dealt with under the reserved matters or by condition and there is nothing to demonstrably indicate any harm in respect of biodiversity or ecology.

11. The proposal would offer a very small contribution to the supply of housing. There would be economic and social benefits associated with the construction phase, feeding the local economy and increasing the choice of homes. The proposed dwellings would be within reasonable walking or cycling distance to the services and facilities of Huntley, would not be harmful in respect of living conditions or in respect of character and appearance. All things considered, the proposal would conform with the presumption in favour of sustainable development. There would consequently be no conflict with the principles of sustainable development set out in Policy AP 1 of the Forest of Dean District Council Allocations Plan 2006 – 2026, 2018 (AP) and the Framework².
12. Since issuing its decision notice, the Council concedes it is no longer able to demonstrate a 5-year supply of housing land indicating the policies that relate to the provision of housing are out of date and the 'tilted balance' under paragraph 11d) of the Framework is engaged. The application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. The very minor adverse impacts associated with a development of a greenfield site in the open countryside that is not in accordance with the District's settlement strategy would not significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the policies in the Framework taken as a whole. This is a material consideration that carries very significant weight in favour of granting planning permission.

Conditions

13. I have considered the various planning conditions suggested by the Council and have made some revisions to ensure clarity and consistency as well as compliance with the Framework and Planning Practice Guidance. Conditions requiring details of reserved matters and setting out of timescales are necessary to provide certainty and enforceability. Conditions controlling means of access, surfacing, visibility splays and space for parking and turning are necessary in the interests of highway safety. 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. I have imposed a condition for the provision of fire hydrants, electric vehicle charging points and cycle storage required by the Council in the interests of public safety, clean energy and sustainable transport. I have included a condition requiring details of refuse and recycling to ensure adequate provision for waste management. I have removed rights for works permitted to take place without the need for express planning permission on a selective basis, referring to classes of the GPDO³ concerned with the addition of built volume in the interest of reducing the future effect of the proposal on the character and appearance of the area.

Conclusion

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

H Porter

INSPECTOR

² The National Planning Policy Framework, revised February 2019 (the Framework)

³ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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) The details to be submitted in compliance with Condition 1 shall include:
 - i) Details of the location and specification of electric vehicle charging points for each dwelling hereby approved
 - ii) Details of secure and covered cycle storage facilities for a minimum of two bicycles per dwelling
 - iii) Details of refuse and recycling storage for each dwelling hereby approved
 - iv) Details of fire hydrants (served by mains water supply) for each dwelling hereby approved

The dwellings hereby permitted shall not be occupied until the development has been implemented in accordance with the approved details and maintained thereafter, unless otherwise agreed by the local planning authority.

- 5) Prior to the commencement of development, a detailed foul and surface water drainage scheme shall have been submitted to and approved in writing by the local planning authority. The submitted scheme shall include 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) Development shall not take place until details of the vehicular access including visibility splays at the access point to the development, roadside frontage boundaries, footway levels, and surfacing materials (that shall be in bound material for at least the first 5.0 metres from the highway boundary), have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until that vehicular access has been constructed in accordance with the approved details and maintained thereafter.
- 7) Prior to the occupation of either dwelling hereby permitted, the areas for the parking and turning of vehicles shall be laid out, surfaced and drained in accordance with the details to be first submitted to and approved in writing by the local planning authority. Those areas shall then be retained and for use only as vehicle access, parking or turning thereafter.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, D or E of Schedule 2 Part 1, unless expressly authorised by this or subsequent planning permission.