
Appeal Decision

Site visit made on 29 December 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2021

Appeal Ref: APP/P1615/W/20/3260287
Spring Bank, Malswick, Newent GL18 1HF

- 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 Reg Daldrey against the decision of Forest of Dean District Council.
 - The application Ref P0121/20/FUL, dated 29 January 2020, was refused by notice dated 30 March 2020.
 - The development proposed is erection of an office building with associated parking and works. Demolition of existing office building.
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Decision

1. The appeal is allowed, and planning permission is granted for an office building with associated parking and works. Demolition of existing office building at Spring Bank, Malswick, Newent GL18 1HF in accordance with the terms of the application, Ref P0121/20/FUL, dated 29 January 2020, and the plans submitted with it, subject to conditions in the attached Schedule.

Procedural Matters

2. The description of development has been amended from the application forms and has been taken from the appeal forms and decision notice. These more accurately describe the proposal, although note that the term 'revised scheme' has also been removed by me because it is unnecessary. The appeal has been dealt with accordingly.
3. The appellant states that demolition of the existing office building has already taken place, and this was corroborated by what I observed during my site visit. An element of the proposal is therefore retrospective. In any event, I have based my decision on the plans submitted with the planning application and on which planning permission is being sought.

Application for costs

4. An application for costs was made by Mr Reg Daldrey against Forest of Dean District Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The site is located in the countryside, outside of the defined development boundaries established in the development plan, which includes the Forest of Dean District Council Core Strategy 2012 (CS) and Allocations Plan 2018 (AP). The site's designation in the countryside is reflective of the area's largely undeveloped rural character and appearance. It is located off of the B4215 and apart from an agricultural complex opposite is largely surrounded by agricultural fields.
7. The wider site comprises a mix of uses, a detached two storey residential dwelling at Spring Bank to the south and an area of land which benefits from a lawful development certificate for business uses¹ to the north. There are buildings consistent with the land's lawful business use, which are large structures several metres in length and depth, and around one to two storeys in height, constructed of timber among other things. Both the residential and business uses are served by a single access track off of the B4215 with internal spurs leading to the relevant land parcels within the wider site. Consequently, the wider site is separated into a residential component and a business component, as shown on the plan under the lawful development certificate.
8. The proposal would be sited on land associated with the business component of the site and would be located directly adjacent to existing buildings of a similar nature. Accordingly, in principal terms, it would read as a coherent addition to this part of the site and not as a standalone element. The proposal would comprise a building of around one storey in height, and it would therefore appear subservient to existing structures adjacent. It would also comprise a similar timber construction and assimilate in this context. This lightweight material would help make the structure unobtrusive in the landscape, befitting of the rural location.
9. Demolition of the structures formerly attached to the rear of Spring Bank helps reinforce the separation between the residential component and business components of the wider site. Whilst additional built form would be introduced within a largely undeveloped landscape, any residual effects not mitigated by the proposal's general coherence and conformity with adjacent development on the site could be further mitigated to a negligible degree by sensitive landscaping measures.
10. There is no precise evidence before me demonstrating that the acceptability of the proposal should hinge on whether an equivalent amount of business floorspace is lost elsewhere at the site, or that the site has reached a point where further growth of business ventures would generate harmful intensification effects. In any event, there is an element of business floor space lost under the development, which would mitigate any potential intensification effects.
11. It is acknowledged that Forest of Dean District Council Landscape Supplementary Planning Document 2007 (SPD) places the site within character area '6b The Severn Vale' but it has not been made clear how the proposal would conflict with specific characteristics detailed within the SPD. Furthermore, it is unclear how the structure might be mistaken for a dwelling, when the dwelling of Spring Bank is of robust brick construction.

¹ P0808/18/LD1

12. Consequently, when viewed from the B4215, given the separation distances involved, the proposal would read as a compatible element of the site and preserve the character and appearance of the area. It would therefore comply with Sections 2, 12 and 15 of the National Planning Policy Framework, Policy CSP.1 of the CS and Policy AP.1 and AP.4 of the AP, and 6b of the SPD. Among other things, these seek to ensure development comes forward in a manner that is compatible with the character and appearance of an area.

Conditions

13. The Council suggested 8 conditions, on which the appellant commented. These were all considered against the National Planning Policy Framework and Planning Practice Guidance. Some conditions were subject to minor amendments in the interests of consistency and clarity. Some conditions were removed to avoid duplicating information already secured by another condition, among other things as reasoned below. All the conditions set out in the attached Schedule are considered necessary to make the development acceptable in planning terms.
14. As an element of the development is retrospective, a condition setting out the time limit for commencement would be unenforceable and has been removed. Conditions restricting development to a particular use class are unnecessary, because the Council have enforcement powers to act on unlawful changes of use triggered by a departure from the details of the planning permission. Demolition of the existing office building has already taken place, and this was corroborated by what I observed during my site visit. Consequently, a condition to this effect is unnecessary. It has been found under the appeal that an office building in the location proposed would be acceptable, a condition requiring its removal at some future point in time would be unreasonable in this context. A condition securing compliance with materials in isolation would duplicate the plans condition, which already secures compliance with drawing RD-SBO-M-001B and the materials set out therein and is therefore unnecessary.
15. The standard condition securing compliance with the approved plans is necessary to provide certainty. A condition securing landscaping details is necessary to mitigate the additional built form and any residual effects on the character and appearance of the area. The landscaping condition has been modified into two parts for clarity. A condition securing car parking spaces before occupation is necessary so that vehicles can park without detriment to highway safety.

Conclusion

16. For the reasons given, the appeal is allowed, and planning permission is granted in accordance with conditions in the attached Schedule.

Liam Page

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the approved plans listed below;
 - a. RD-SBO-M-009A
 - b. RD-SBO-M-001B
 - c. RD-SBO-M-010A
- 2) The office building hereby permitted shall not be occupied until the car parking spaces as shown on drawing number RD-SBO-M-010A dated 5th March 2020 have been laid out and are ready for use and those facilities shall be maintained for the duration of the development.
- 3) Works relating to the office building hereby permitted shall not commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of hedgerow planting along the northern and western boundaries of the site.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

End of Schedule