



Appeal Decision

Site visit made on 10 August 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/P1615/W/21/3273568

Ash Farm, Morse Lane, Drybrook, GL17 9BE

- 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 Ann Sullivan and Hazel Bullock against the decision of Forest of Dean District Council.
 - The application Ref P0571/20/FUL, dated 22 April 2020, was refused by notice dated 21 October 2020.
 - The development proposed is conversion of no. three barns to no. 4 dwellings and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the Forest of Dean District Council against Ann Sullivan and Hazel Bullock. This application is the subject of a separate Decision.

Main issues

3. The main issues are:
 - whether or not the location is appropriate for open market housing with regard to local and national policies for housing in the countryside,
 - whether or not the development would provide satisfactory living conditions with particular regard to overlooking and private external space,
 - whether or not the location is appropriate for housing having regard to local and national policies regarding accessibility,
 - the effect of the development on highway safety,
 - the effect of the development on the character and appearance of the landscape.

Reasons

4. The farmhouse at Ash Farm shares a yard with 3 disused barns, the subject of this appeal, and a large, steel framed barn to the rear of the site. A modern 2-storey property called 'Sunnyside' is located on the opposite side of the site to the farmhouse, with another house beyond. The yard, farmhouse and adjacent properties are all in proximity to Morse Lane, a single lane rural road, bordered

by stone walls and hedging. The site is otherwise surrounded by agricultural fields.

5. Brick built Building 1 (Plots A and B) is a long, single-storey structure running perpendicular to the lane, along the side of the yard. It is proposed to divide this into 2 dwellings, with garden space to the rear, backing on to the side of Sunnyside. Building 2 (Plot D) is a traditional, 2-storey, rectangular stone barn with slate roof, attached at one end to the rear side of the farmhouse. Building 3 (Plot C) is partly 2-storey, constructed of stone and brick with a slate roof, and runs parallel to Building 2, alongside Morse Lane.

Location

6. It is not in dispute that the appeal site is located in the open countryside. Policy CSP.4 of the Forest of Dean District Council Core Strategy (February 2012) (CS) states that most development must take place within settlement boundaries, with certain exceptions, one of which is conversion of buildings.
7. The barns are in a state of disrepair and a degree of restoration is clearly required to preserve the stone barns in particular, including structural work to the roofs and repairs to the walls. However, the barns are largely intact and large scale rebuilding of the loadbearing walls is not required according to the structural report, nor is there a requirement for significant demolition and reconstruction. The report has been compiled by structural engineers and, in the absence of evidence to the contrary, I have no reason to doubt their conclusions. I am content that the works required are not the equivalent of a new build or complete reconstruction.
8. The proposed design retains the fundamental form of the barns, and, in the most part, the existing openings would be used for windows and doors, albeit some of these are re-sized. The exception to this is the insertion of bi-fold doors along the rear face of Plot A. However, I observed that there is already a large opening of similar height along this wall and an entrance of comparable scale on the opposite side would be bricked up, resulting in a neutral effect overall. There are therefore no significant external new build elements required for the purposes of conversion to domestic use.
9. 'Conversion' is a broad term and not further defined in local or national policy or guidance. I am content that the proposed works would meet a reasonable definition of conversion and that, in this respect, such development meets the requirements of CSP.4 and is appropriate at this location.
10. Notwithstanding this, the Council cannot demonstrate a deliverable 5-year supply of housing sites. This means that the most important policies for determining the application are deemed to be out-of-date and it is necessary to assess the proposal against the up to date policies in the National Planning Policy Framework (2021).
11. Paragraph 152 of the Framework encourages conversion of existing buildings to support the transition to a low carbon future. The proposal therefore satisfies this policy.
12. Paragraph 80 of the Framework has also been brought to my attention. Given the site's proximity to other dwellings, public transport and settlements, I do not consider it isolated and, in the absence of arguments from either party in this regard, conclude that the provisions in this paragraph do not apply.

13. For the reasons above, I am content that the proposal constitutes conversion of existing buildings and therefore meets the criterion in Policy CSP.4 of the CS. There is also support for such development in the Framework.

Living conditions

14. Two windows on the side of the farmhouse immediately border and overlook the main garden of Plot C, one on the ground floor and one on the first floor. The large, fenestrated barn doors to the rear of Plot D would also immediately overlook this space.
15. The 1.2 metre high post and rail boundary fence would not reduce visibility into the garden. The proposed hedge would, however, potentially reduce the extent of overlooking from the neighbouring windows at ground floor level. Details of the height, density and timing of the hedge are not provided, but I accept that to a great extent this could be secured and controlled with a condition. However, the hedge would not prevent direct overlooking of the entire garden from the upstairs window of the farmhouse, and for this reason, I conclude that there would not be private external amenity space associated with Plot C.
16. Sunnyside also has a side window on the border of the site, overlooking the rear space of Plot B at ground level. According to the plans, it is proposed to retain the low boundary wall between the two, but not plant a hedge. This would result in the entirety of the garden of Plot B being overlooked and no private space being available.
17. The Residential Design Guide¹ states that private garden space must be attached to individual dwellings. I conclude that two of the properties would not have private garden space and the guidelines are therefore not met.
18. Two of the farmhouse front windows and the kitchen window of Plot C would directly face each other at a distance of less than 7 metres. Intervening hedging may reduce the degree of overlooking but, given that one of the farmhouse windows is on the top floor, I consider that an unacceptable level of harm from lack of privacy in would remain.
19. The appellant has indicated that the kitchen windows of Plot C could be obscured to increase privacy. In the absence of further evidence and considering the short distance between the properties, it appears likely to me that both sets of French doors in the main living space would need to be obscured to ensure privacy. This would result in one small window to the side of the kitchen remaining clear, which overlooks the farmhouse driveway. To my mind, this would not provide a good standard of living in a main room of the house.
20. The Residential Design Guide also states that there should be privacy against overlooking between living spaces, and for the reasons above I conclude that these guidelines are not met.
21. The ground floor bedroom window of Plot C and the side kitchen window of Plot B would face each other less than 6 metres apart. However, there are several other, larger windows in the living space of Plot B, and I am satisfied that intervisibility could be adequately reduced by insertion of opaque glass. In

¹ Forest of Dean, Residential Design Guide, University of the West of England, August 1998

addition, an acceptable level of privacy in the other gardens could be secured by a condition to control hedging and landscaping.

22. In conclusion, the occupants of Plots B and C would not be provided with private external space and there would be a harmful degree of overlooking between the existing farmhouse and Plot C, which does not meet the guidelines in the Residential Design Guide. Together, Policies CSP.1 of the CS and AP.4 of the Forest of Dean Allocations Plan (2018) (AP) require that the development must respect the amenity of residents and others, the assessment of which should have regard to the design guidelines. The proposal does therefore not comply with these policies.
23. Paragraph 119 of the Framework requires that decisions should ensure safe and healthy living conditions. The lack of privacy identified above means that the proposal does not meet the requirements of the Framework in regard to living conditions.

Accessibility

24. Although local policies regarding accessibility were not stated in the reason for refusal, the Local Highway Authority refers to Policy AP1 of the AP, which requires that development is sustainable. The supporting text explains that this includes consideration of accessibility by means other than private car. Paragraph 105 of the Framework requires that significant development is focused on locations with a genuine choice of transport modes, but that allowance must be made for the fact that these opportunities may not be as readily available in rural areas.
25. The site is within walking distance of a regular bus service and within easy cycling distance of community hubs, including the facilities at Drybrook, approximately 1 km away. I accept that the walk to the bus stop is along a single, unlit lane, but the distance is not far, the visibility for users of the road is good and the Local Highways Authority confirms my observation that it is a slow speed environment. I noted that the appeal site is also adjacent to a network of public footpaths.
26. I acknowledge that given the rural location, much travel would inevitably be by private motor vehicle. Nevertheless, genuine transport options are available and the requirements of Policy AP1 and national policies are met.

Highway safety

27. Following submission of additional details, the Council has confirmed that appropriate visibility splays for egress from the site could be achieved. This is consistent with my observation that visibility from the site exit was good in both directions along Morse Lane.
28. It is possible that four new dwellings would create more traffic than the farm, but I have no information on which to base a sound assessment of this. However, the number of trips from four 1-2 bedroom dwellings would be small and I can see no reason why this would cause an unacceptable cumulative impact on the local road network.
29. I doubt that two estate cars would be able to pass each other along Morse Lane. However, the road is not particularly narrow and there are numerous laybys to pull into, in addition to good general visibility in a slow speed

environment. Taking all of this into account, I do not consider that the small number of vehicles from the site would cause a significant risk to highway safety because of the limited width of the local road.

30. Although local policies regarding highway safety were not listed in the reason for refusal, the Local Highway Authority refers to CSP.1 of the CS, which states that development without adequate existing infrastructure will not be permitted. Based on the above, I do not find that the infrastructure is inadequate.
31. Paragraph 111 of the Framework states that development should only be refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road networks would be severe. I have not found this to be the case.
32. Paragraph 112 of the Framework has also been brought to my attention. This requires that, within the context of paragraph 111, priority should be given to pedestrian and cycle movements, and applications should address the needs of people with disabilities and reduced mobility.
33. This is a small scheme and there would be negligible risk to pedestrians and cyclists within the site. I acknowledge that these road users are not 'prioritised' on the nearby country lanes, but I have also concluded that the surrounding road network is not unusually dangerous for such users, given the rural location. 'Prioritisation' must be viewed in the context of it being a rural area, where opportunities to achieve this are more challenging and, for this reason, I give limited weight to the requirement at this location.
34. I have no evidence that people with reduced mobility or a disability would not be able to access the wider transport network. I accept that long distances along single lanes to transport hubs could be more challenging for those with physical disabilities but, again, this has to be viewed in the context of it being a rural area, which limits the weight that I give to this requirement.
35. I conclude that there is not an unacceptable risk to highway safety from the development and that the proposal meets the requirements of CSP.1 of the CS and the overall requirements of the Framework.

Character and appearance of the landscape

36. This did not form a reason for refusal on the decision notice but was introduced as an issue in the Council's appeal statement. The appellant has provided a response and I am therefore satisfied that they are not prejudiced by my inclusion of it in this decision.
37. The minimal external changes to the barns and use of appropriate materials means that they would clearly remain of agricultural origin and, to this extent, would be in character with the rural surroundings. Preservation of the buildings, in particular the attractive stone barns, would contribute to the appearance of the area.
38. Residential gardens and paraphernalia would be introduced immediately around the barns. These gardens would be of high density, and only separated by a fence and hedge, which would be more 'urban' in appearance than the existing form. However, the site has housing on both sides and in this context, I do not find an increase in domestication of the area overly intrusive. I also observed

that there are comparable small clusters of residential development in the wider area. Given the layout of the barns and stone walls around the front of the site, the residential gardens and paraphernalia would not be easily visible from the main public viewing point along Morse Lane.

39. There would not be harm to the landscape from the proposal and it is therefore compliant with Policy CSP.1 of the CS. Paragraph 130 of the Framework requires that development is sympathetic to the landscape setting and I conclude that the proposal is also consistent with this.

Other matters

40. The site is within the zone of influence of the Wye Valley and Forest of Dean Bat Sites Special Area of Conservation (SAC). The development must therefore be subject to a Habitats Regulations Assessment under the Conservation of Species and Habitats Regulations (2017) (as amended). However, in this case there is no need for me to consider the implications of the proposal on the SAC because the scheme is unacceptable for other reasons.

Planning balance and conclusion

41. As outlined above, the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The presumption in favour of sustainable development in paragraph 11d) is engaged and it is necessary to assess the proposal against the policies in the Framework.
42. There would be a lack of privacy within a main indoor living area of Plot C and two plots would not be provided with private external space. This would be in conflict with paragraph 119 of the Framework. Given the scale of the lack of privacy, this is a matter of substantial weight.
43. The benefits of the scheme are that the attractive stone barns would be restored and retained, which would improve the appearance of the area. Buildings and materials would be re-used, and the biodiversity of the area enhanced through landscaping and bat boxes. Four new dwellings would contribute to local housing supply in a reasonably accessible location. The building works and future occupants would contribute to the local economy and community. Support can be found for all of these benefits in the Framework, as outlined above. These benefits attract moderate weight given the modest scale of the project.
44. I am satisfied that there would be no harm to highway safety, nor to the character of the area from domestication of the immediate surroundings. These are matters of neutral weight in the planning balance.
45. I conclude that the adverse effects from lack of privacy would significantly and demonstrably outweigh the modest benefits of the scheme, when assessed against policies in the Framework taken as a whole. This is a material consideration of significant weight.
46. I conclude that the proposal would conflict with both the local development plan and the Framework when read as a whole, and there are no other considerations that would lead me to determine other than in accordance with this. The appeal is therefore dismissed.

B Davies, INSPECTOR