



Appeal Decision

Site visit made on 11 January 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 27 January 2022

Appeal Ref: APP/P1615/W/21/3281882

Highbank Barn, Monmouth Road, Longhope GL17 0PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr. Colin Welfair against Forest of Dean District Council.
 - The application Ref P2064/20/OUT, is dated 4 December 2020.
 - The development proposed is for the erection of 2 x 3 Bed Semi Detached Dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought but with access to be considered at this stage. Siting has been shown on an indicative plan. I have determined the appeal on this basis.

Main Issues

3. Although the Council did not determine the planning application, they have nevertheless provided reasons for refusal had they determined the application within the prescribed period.
4. In light of the reasons set out, the main issues in this appeal are
 - Whether the proposed development would provide a suitable location for housing, with regard to the Council's settlement strategy under the Forest of Dean District Core Strategy 2012 (CS), Allocations Plan 2018 (AP), the Longhope Neighbourhood Development Plan 2021 (NP) and the Framework.
 - The effect of the development on the character and appearance of the area, including the setting of the Longhope Conservation Area (CA) and the setting of a Grade II Listed Building (Knapp House).

Reasons

Suitable location for housing

5. The appeal site forms land to the rear of Highbank Barn, which includes an existing dwelling currently under construction. The site closely adjoins but is located outside of the defined settlement boundary of Longhope. As the site lies outside any residential settlement boundary, it is defined for planning purposes as being in the countryside.

6. Policies CSP.4 and CSP.5 of the CS set out the Council's settlement strategy for new development. Policy CSP.4 focusses new development within existing settlement boundaries, but would enable some development outside of them, such as affordable housing, conversions and rural enterprise developments. Policy CSP.5 indicates that priority should be given to development on previously developed land and that no new greenfield sites will be released unless it can be demonstrated that such land is not available. Also, it provides scope for affordable housing to be located within or adjoining village settlements without a defined boundary. Although some change is anticipated in villages under Policy CSP.16, these are generally expected to occur within defined settlement boundaries or on allocated sites. These policies accord with the approach set out in Section 5 of the National Planning Policy Framework (the Framework).
7. There is no evidence with the appeal that indicates that the site is allocated or that it could reasonably be considered previously developed land, nor did it appear as such during my site visit. As such, the proposed development for two market dwellings, outside of the settlement boundary of Longhope, would not comply with the settlement strategy or meet the specified exceptions. Thus, the proposed development would represent an unjustified form of residential development outside of any defined settlement.
8. I acknowledge the appellant indicates that the site has been put forward under the Strategic Housing Land Availability Assessment (SHLAA). However, the SHLAA is a relatively coarse view of potentially available sites and cannot be considered an allocated site. As there is no substantive evidence before me that indicates that the site will come forward as an allocated site soon, I cannot afford any significant weight to this in my determination. I also note the appellants suggestion that the site represents 'rounding off in spatial terms.' However, there is no mechanism within the above-mentioned housing strategy policies to allow for 'rounding off' outside of settlement boundaries.
9. I, therefore, conclude that the proposed site is not a suitable location for housing, with regard to the Council's settlement strategy, conflicting with Policies CSP.4, CSP.5 and CSP.16 of the Forest of Dean Core Strategy 2012 as well as Policies AP. 1, AP. 4 and AP. 5 of the Forest of Dean Allocations Plan 2018. These policies, in general, seek to encourage new development to occur within the existing settlement boundaries of towns and villages, to achieve a sustainable pattern of development and to protect the character and appearance of the countryside, limiting development outside of settlement boundaries to justified exceptions. The proposed development would also be contrary to the objectives of Section 5 contained within the Framework.

Character and appearance of the area

10. The site is an undeveloped agricultural field, which is higher and slopes away from the access track to the rear of Highbank Barn. It borders the settlement boundary of Longhope and its CA, which is a rural village location where density of development is low and the predominate pattern of development are dwellings fronting the historic roads with good spacing in between. The significance of the CA, in part, is derived from the low and simple pattern of development enclosed by the sloping hill to the east, resulting in a distinctive character and appearance of the rural settlement.

11. Highbank Barn is within the settlement boundary and CA, adjacent to Knapp House, a Grade II Listed Building. Highbank and Knapp House front the main road with a notable space in between as well as heavily landscaped frontages. The undeveloped fields meet the skyline and are visible as a backdrop to the dwellings fronting the road. The site is appreciable from public vantage points on the road near to the junction of the A4136 and Old Monmouth Road. Although Knapp House itself is closer to the built form and collection of traditional dwellings to the southeast, the sloping fields directly to the rear are a positive aspect of its setting and add to its significance as a heritage asset.
12. The proposed development is in outline, with all matters reserved other than access and an indicative siting of the two dwellings. However, the position of the dwellings on the sloping field to the rear of Highbank would be at odds with the established pattern of development. Furthermore, although the detail has not been provided, the access track, associated parking and formation of the dwelling would result in significant engineering works to accommodate the proposed development. These works would heavily urbanise the undeveloped field, significantly altering the rural character and appearance of the site. The dwellings would be appreciable from the A4136, where the urbanisation of the field would be exacerbated, failing to preserve the setting of the CA or Knapp House heritage assets.
13. I acknowledge the appellants contention that the adjacent dwellings to Knapp House are contemporary and could be regarded as effecting its setting. However, I have considered the proposed development on its own merits, and in this instance, the backdrop of the undeveloped field is a positive contribution to the CA and Knapp House. The siting of the dwelling on the undeveloped field would result in a significant change to the character and appearance of the site, detrimentally impacting upon the positive contribution the greenfield makes to the setting of the CA and Knapp House.
14. Although the proposed development would be harmful to the setting of Knapp House, which adds to its significance as a heritage asset, this harm is considered to be less than substantial. Paragraph 202 of the Framework is applicable in these instances and indicates that less than substantial harm to heritage assets should be weighed against the public benefits of the proposal. The proposed development would be considered a windfall site that would contribute two new dwellings to the local housing stock. There would also be social and economic benefits from the construction of the new dwellings, in terms of additional expenditure in the local economy and the creation of construction jobs. I consider that the public benefits would not be sufficient to outweigh the less than substantial harm that I have identified, giving considerable weight and importance to paying special attention to the desirability of preserving or enhancing the character or appearance of the setting of the listed building.
15. I, therefore, conclude that the proposed dwellings detrimentally impact upon the character and appearance of the area, which fails to preserve the setting of the CA and Knapp House, which adds value to the significance of these heritage assets. As such, the scheme is contrary to CSP.1, CSP.4 of the Forest of Dean Core Strategy 2012, AP. 4 and AP. 5 of the Forest of Dean Allocations Plan 2018. These policies, in general, require new development to be high quality, respect the overall design and character of the area and contribute positively to an area's local character as well as safeguarding locally important heritage

assets. It would also be contrary to the objectives of Section 16 of the Framework.

16. The Council also cite Policy PE1b of the NP. This policy seeks to protect the character and appearance of areas outside the conservation area but within the settlement boundary. However, as the site is not within the settlement, consequently, I do not find that the proposal would conflict with Policy PE1b.

Other Matters

17. I accept that there was no objection from the Ecology Officer or the Highways Authority, however, the absence of objections from consultees in respect of these matters does not affect my findings on the main issues. The appellant has also drawn my attention to development in Mannings Road, Drybrook. However, this site is in a different village settlement and would be read in a different context. There are no sufficient direct comparisons between this and the proposal that would weigh in favour of the appeal.
18. I acknowledge that the delay in the determination of the application would have been frustrating, especially as there is no substantive evidence to indicate why a decision could not have been made before the appeal was submitted. However, the lack of a determination within the prescribed period does not outweigh the harm identified to the Council's settlement strategy and the character and appearance of the area.

Planning Balance

19. I acknowledge that the Council cannot demonstrate a 5-year land supply. However, in accordance with footnote 7 of the Framework, as I have found harm in respect of the setting of Knapp House, a heritage asset, Paragraph 11d) of the Framework is not engaged.
20. The contribution that two new dwellings from a windfall site could make to the local housing stock is a benefit, albeit limited due to the small scale of the development. I also note that there would be social and economic benefits from the construction of the new dwellings, in terms of additional expenditure in the local economy and the creation of construction jobs. However, these benefits do not outweigh the harm I have identified above.

Conclusion

21. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR