



Appeal Decision

Site visit made on 7 March 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/P1615/W/21/3281058

Dresden House, Glasshouse Hill, Longhope, GL17 0NN

- 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 & Mrs M Ellerby against the decision of Forest of Dean District Council.
 - The application Ref P2164/20/FUL, dated 17 December 2020, was refused by notice dated 4 June 2021.
 - The development proposed is for the erection of a two-bedroomed dwelling house (on the site of a former Cottage known as Eel Cottage) to be used as a self-catering unit for tourists together with the provision of two car parking spaces.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is made by Mr & Mrs M Ellerby against Forest of Dean District Council. This costs application is set out with a separate decision.

Main Issues

3. The main issues are (1) the effect of the development on the character and appearance of the area including the designated May Hill Locally Valued Landscape (LVL); and (2) whether the countryside location of the proposed development is justified given local and national policy.

Reasons

Visual Impacts

4. The proposed dwelling, to be used for holiday accommodation, would be located near both the access to Dresden House and the highway. Although there are hedgerows along the highway edge, there would still be views of the proposed two storey house.
5. It is clear that there was a small dwelling in the location of the proposed house, although this has been largely demolished with some low sections of wall remaining. What does remain has little in the way of visual impact due to its low height and surrounding vegetation. From what I observed on site the former house has visually blended into the landscape. Nonetheless, I have taken into account that there was a house on this site. There is also an area where there are a loose collection of dwellings and a public house near the site, but these elements of built development do not alter the predominant character of open ruralness, to the side of the May Hill landscape feature.

6. Whilst not an isolated site, the land appears from public views as predominantly open, which reflects positively the mostly open rural landscape in this part of the district. The proposed dwelling would be in a particularly prominent position, due to the close proximity with the highway boundary. It would be more prominent than Dresden House also, which is set back from the road significantly.
7. Although near the driveway entrance of Dresden House, the proposed dwelling would result in increased urbanisation of this section of land and would also add a further dwelling into this attractive rural landscape. Although there was a house on this site, it does not exist now (beyond some remains) and has not existed in place for a number of years. As such this further dwelling in a particularly prominent location would erode the rural and largely open character of this part of the landscape.
8. The Framework requires that planning decisions recognise the intrinsic character and beauty of the countryside (paragraph 174). Furthermore, Core Strategy policy CSP4 states that proposals are expected to improve the quality of their environments with special regard to the general rural character. In this case, a dwelling in such a prominent position within an attractive rural setting would fail to preserve or have due regard to this important rural character.
9. The site is within the setting of May Hill Locally Valued Landscape as the site is adjacent to the boundary of this designated landscape. Policy AP14 requires that development demonstrates that it would not adversely affect the character and landscape setting of May Hill LVL. Its setting is, from my observations, mainly open countryside, although with some low density groups of historic dwellings. Therefore, there are already houses in the area around May Hill, but further dwellings would move the balance from a rural and mostly natural landscape to one with greater levels of built development. In my view, a proposed two storey house in a prominent position adjacent to this designated landscape area would adversely affect its setting, by introducing a further dwelling into this landscape with the associated urbanising character effects this would have.
10. The appellant has proposed a cottage of local vernacular with traditional materials. There is also proposed new landscaping. However, the design and materials along with the further landscaping would not, in my opinion, be sufficient to overcome this harm.
11. As such, the proposal would have a detrimental impact to the character and appearance of the area and the setting of the May Hill LVL. The proposal would therefore be contrary to Policies CSP.1 and CSP.4 of the Core Strategy and Policies AP.1, AP.4, AP.5 and AP.14 of the Allocations Plan. These policies require development to improve the quality of their environments with special regard to the general rural character; consider the effect of the development on the landscape; not adversely affect the character and landscape setting of May Hill LVL; amongst other things.
12. The proposed development also does not accord with the Framework in that the development does not sufficiently recognise the intrinsic character of the countryside, for example.

Tourism Use

13. The proposal is for a house to be used as a tourism holiday let. Local and National policy does provide support generally to rural economic development, such as through policy CSP.7. However, the supporting text to policy CSP.4 requires that where development is not located in settlements because of its nature then this will need to be justified. The Council have highlighted a lack of a Business Plan with the original application, but such justification has been submitted with the appeal which has been commented on by the Council.
14. The Business Plan submitted has been considered with this appeal. In terms of financial viability, I am satisfied that the proposed holiday cottage would provide a return and would break even at some time. The Council have questioned some of the figures the appellant has used, which may mean the development would not break even after approximately 5 years as suggested in the Business Plan. Indeed, comparing the proposed holiday cottage to other available existing accommodation units it did appear breaking even after 5 years would be overly optimistic, especially considering building costs. I do note that the appellant will be self-funding the development and looking to do much of the building.
15. In terms of competition for the proposed holiday cottage, there is a number of alternative holiday accommodation options within the Forest of Dean. It may be that some of the nearest other sites provide types of cabins or yurts than the cottage as proposed, but they would still be a form of competition. From the basic level of evidence submitted, I am not satisfied that the level of tourism accommodation competition in the area would not affect the occupancy rate of the proposed holiday cottage.
16. As such, the proposal would provide a tourism based cottage in the countryside, in an area known for its tourism industry. However, the evidence provided with the Business Plan is not sufficient to demonstrate that the proposed new-build holiday cottage would be an economic success in the future. Therefore, there are doubts as to the extent to which the proposed development would provide towards the local economy in a beneficial way.
17. Policy CSP.4 sets out development principles and seeks to reinforce settlement patterns. The proposed development is within the countryside, but this policy does acknowledge that some development may take place outside of settlements. Furthermore, policy CSP.7 requires that the location of new development must be justifiable in terms of the settlement hierarchy and policy CSP.4, and also gives priority to key economic sectors such as tourism.
18. In my view, there is a justifiable reason why some holiday accommodation should be located in more rural areas, as there is a demand for this, especially in the Forest of Dean where tourism is a key sector. There is a lack of evidence through the Business Plan that the proposed holiday cottage would be economically successful to the degree the appellant anticipates through their Business Plan, but there is no reason for me to conclude that the development would not provide tourism accommodation with some benefits to the rural economy, such as support for the nearby public house. I also note that as a new build holiday dwelling it would not lead to the loss of a dwelling through conversion. As such, I consider that the proposal is in broad accordance with policies CSP.4 and CSP.7 of the Core Strategy.

Planning Balance

19. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
20. In this case I have concluded that the proposed two storey dwelling in this prominent location, within the setting of the May Hill LVL, would be detrimental to the rural landscape and therefore contrary to the aforementioned policies. However, tourism is a key industry in the Forest of Dean and the proposed holiday cottage could provide a high quality form of tourism accommodation. A Business Plan has been submitted, but I am not convinced by the evidence submitted with regards to the development viability. This undermines the argument that the proposed development would be beneficial to the local rural economy as such benefits may be more minor in scale than the appellant anticipates.
21. Other benefits would include the design of the proposed cottage with use of local vernacular and traditional materials. The design is not outstanding or innovative but does weigh in favour of the development.
22. In regard to the Framework, paragraph 84 allows for sustainable rural tourism and leisure developments to support the rural economy, but only where this respects the character of the countryside. In this case, there would be some likely support for the rural economy, but at the expense of the character of the countryside around the site with the harm identified.
23. I have considered the conditions put forward to me, but none of these would overcome the harm identified to the rural character of the area.
24. Overall, the harm to the character and appearance of this rural landscape would be significant and as a result the environmental role of sustainable development would not be achieved. When assessed against the policies in the Framework, taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

25. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR