



Appeal Decision

Site visit made on 22 March 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2022.

Appeal Ref: APP/P1615/W/21/3287838

Land to the North of Woodbine Cottage, Hartpury, Near Gloucester, Gloucestershire GL19 3BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr S Smith against the decision of Forest of Dean District Council.
 - The application Ref P1555/21/PIP, dated 6 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is residential development of 1 dwelling house.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 1 dwelling, at Land to the North of Woodbine Cottage, Hartpury, Near Gloucester, Gloucestershire GL19 3BT, in accordance with the terms of the application, Ref P1555/21/PIP, dated 6 September 2021.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage (permission in principle) establishes whether a site is suitable in principle. The second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for one dwelling on the appeal site. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether the site is a suitable location for residential development, with particular regard to the character and appearance of the surrounding area.

Reasons

5. The site is part of a field parcel to the north of Woodbine Cottage, adjacent to the road and served by an existing access. The site is around 370 metres north of the Hartpury settlement boundary, so in planning policy terms, it is located within the open countryside. Woodbine Cottage is part of a loose cluster of dwellings in a linear formation along the A417. It is the northernmost dwelling on the eastern side of the road, with other dwellings opposite and extending further north on the western side of the road.
6. Policy CSP4 of the Forest of Dean District Council Core Strategy 2012 (CS) seeks to ensure that development is located within settlements unless exception criteria are met. The proposed site is located outside of the settlement boundary and does not meet any of the specified exception criteria, so fails to accord with Policy CSP4.
7. Although the location of the appeal site is classed as countryside, it is directly adjacent to the road and an existing dwelling, as well as being opposite other dwellings, amongst a small cluster of roadside dwellings. Given that the site is not between existing properties it is not an infill development and the proposal would extend the built form on the eastern side of the road into currently undeveloped land.
8. Despite this, the site is part of a relatively small field parcel with clearly defined boundaries on 3 sides. The northern boundary is currently a line of trees and dense hedgerow which clearly divides the site from the much larger field beyond it. Both are within the countryside for policy purposes, but the site is markedly different in character and appearance to the field to the north. The Council have indicated that the site is not authorised for residential use. Regardless of this, I observed that the site is relatively domestic in its scale and appearance, with modest fruit trees closest to the road and a small metal shed and greenhouse to the rear. By contrast, the field to the north is large, entirely open, and currently in active agricultural use.
9. Whilst retention of the tree and hedge line cannot be guaranteed, not least because it is in different ownership to the site, its existence serves to emphasise the clear difference in character and appearance between the site and the land to the north. I am also conscious that on the western side of the road there are already several dwellings to the north of the site. The proposed new dwelling would therefore be read in the context of the built form on both sides of the road and would be viewed as part of an existing linear development.
10. Overall, locating a dwelling within the site would have an urbanising effect on the local landscape, so it would not fully respect the important characteristics of the environment, contrary to Policy CSP1. That said, due to the factors set out above, the level of harm to the openness and landscape character of the surrounding area would be limited, subject to suitable details being agreed under a technical details consent application. Furthermore, the development of this site for residential purposes would be no worse than other greenfield sites.
11. I conclude that the proposal would result in development outside of a settlement boundary and some harm to the character and appearance of the area, so would not be a suitable location for residential development. It would conflict with Policies CSP1 and CSP4 of the CS which together, amongst other

things, seek to ensure that development respects important characteristics of the environment and reinforces existing settlement patterns to secure sustainable communities.

12. The Councils reason for refusal also cites conflict with Policy AP4 of the Forest of Dean District Council Allocations Plan 2018, which is concerned with the design of development. Given that the appeal relates to a permission in principle, only location, land use and the amount of development can be considered. Matters such as the design of the dwelling would be for consideration under a technical details consent application. For this reason, at this stage, I consider that there would not be any conflict with this policy.

Planning balance

13. It is common ground between the main parties that the Council cannot demonstrate a deliverable five year supply of housing and I have no reason to disagree with that view. Consequently, in accordance with the provisions of paragraph 11d and footnote 8 of the Framework, the policies which are most important for determining the application are considered to be out of date. In applying paragraph 11d to this case, the proposal would not impact on areas or assets of particular importance, as set out under paragraph 11di. Therefore, paragraph 11dii comes into play and sets out that 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.
14. The development would provide much needed residential accommodation which is a clear benefit of the proposal. There would also be temporary economic benefits during the construction phase, together with long term social and economic benefits through increased support for local shops and services in the area. However, these are relatively limited benefits of the scheme.
15. I have found that the proposal fails to accord with the development plan, which weighs against the development. However, as set out above, only limited harm would result from the proposal.
16. The site is relatively close to the centre of Hartpury which has a number of services and facilities and there is a surfaced footway from the site to Hartpury and north to the Watersmeet bar and restaurant. Hartpury also benefits from a reasonably frequent bus service to larger settlements. Whilst the nearby services and facilities are somewhat limited, they would go some way to meeting the day to day needs of future occupants of the proposed dwelling. Consequently, whilst being located outside of a settlement, the location benefits from real choices in terms of public transport and active travel options which are key components of a sustainable location.
17. I acknowledge the general points made by the Council in referring to previous appeal decisions¹ which consider the consistency of local plan policies with the Framework. Notwithstanding this, the paragraph 11d presumption in favour of sustainable development was not engaged in those appeals.
18. Taking all of the above factors into account, when assessed against the policies in the Framework taken as a whole, the limited adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits. Consequently,

¹ Appeal references APP/P1615/W/19/3242630 and APP/P1615/W/21/3281882

the Paragraph 11d presumption in favour of sustainable development applies and advises that planning permission should be granted.

19. Planning law² requires that determination must be in accordance with the development plan unless material considerations indicate otherwise. In this case, the presumption in favour of sustainable development is a material consideration of sufficient weight to indicate that permission in principle should be granted notwithstanding the conflict with the development plan.

Other Matters

20. As part of the consultation responses to the planning application concerns were raised in respect of drainage and ecology matters. However, such matters are not for consideration under a permission in principle application as these are matters which would be considered under a technical details consent application.

Conclusion

21. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed. As stated in the PPG, it is not possible for conditions to be attached to a grant of permission in principle.

Helen Davies

INSPECTOR

² Section 38(6) of the Planning and Compulsory Purchase Act 2004.