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# Appeal Decision

Site visit made on 3 May 2022

**by Martin Allen BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 June 2022**

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**Appeal Ref: APP/P1615/W/22/3291420**

**Land to the west of Blaisdon Lane, Blaisdon Village, Forest of Dean, Gloucestershire GL17 0AH**

- 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 Alan Turner and Others (G Langford, D Davies, L Zijlmans) against the decision of Forest of Dean District Council.
  - The application Ref P1692/21/PIP, dated 28 September 2021, was refused by notice dated 3 December 2021.
  - The development proposed is Residential development - up to 2 dwellinghouses.
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## Decision

1. The appeal is dismissed.

## 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 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 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. I have determined the appeal accordingly.

## Main Issue

4. The main issues are
  - whether the proposed development can be considered by way of the Permission in Principle route, and
  - whether the location and amount of development would be acceptable.

## Reasons

### *Permission in Principle*

5. Article 5B(1) of The Town and Country Planning (Permission in Principle) Order 2017 (as amended) states that permission in principle cannot be given for

habitats development, which is defined in Article 5B(5) of the Order as development

a) which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site; and

(b) for which the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Assessment of implications for European sites and European offshore marine sites).

6. Natural England responded to consultation on the planning application observing that the appeal site is located less than 400 metres from the Blaisdon Hall Site of Special Scientific Interest, which is a component of the Wye Valley and Forest of Dean Bat Site Special Area of Conservation (the SAC). It was further commented that the site falls within the core sustenance zone for both lesser and greater horseshoe bats.
7. In light of the above, in the absence of evidence to the contrary and adopting a precautionary approach, I cannot be satisfied that the proposed development on this site would not have a likely significant effect on the SAC. I note the appellants contention that the consideration of a likely significant effect should be based on "real world objective evidence of risk" however as I have set out, I have adopted a precautionary approach, bearing in mind the proximity to a habitat site. I thus find that there is no evidence that the development would have an acceptable effect.
8. The location of the site adjacent to existing residential development and that it is asserted that bats have not been seen by one of the appellants while they have been at the site do not allay my concerns in this regard.
9. There is also reference to a site in Ruardean, as well as one in Yorkley, where applications for Permission in Principle were considered and it was found that there would not be significant adverse impacts. However, while Natural England, which is the statutory consultee for such matters, provided differing advice in those cases, there is no positive evidence before me that the appeal site and the other sites are comparable, in terms of their ecological sensitivity. As such, this matter has little bearing on my consideration of this issue.
10. Accordingly, in the absence of objective evidence to the contrary, I find that the proposal would be likely to have a significant effect on the SAC and is thus habitats development. Therefore, the proposal cannot be considered by way of the Permission in Principle route, being contrary to Article 5B(1) of The Town and Country Planning (Permission in Principle) Order 2017 (as amended).
11. While permission in principle cannot be granted, in the interests of comprehensiveness, I go on to consider the remaining matters which formed part of the refusal by the Council.

#### *Location and amount of development*

12. Policy CSP.4 of the Forest of Dean Core Strategy (the Core Strategy) sets out that development will be expected to take place within existing settlement boundaries. However, exceptions to this could include affordable housing, the

conversion of buildings and employment uses. The appeal scheme proposes new residential development, comprising of up to two dwellings; a form of development which does not fall within the limited scope of the exceptions I identify above.

13. Furthermore, the appellant highlights that Blaisdon is a small village with limited facilities. Services are located in the surrounding settlements which are between 1.5 and 3 kilometres distant. From my observations, the narrow country lanes which surround Blaisdon are not conducive to walking to access services and, along with the limited bus service which the appellant highlights, would result in occupiers relying on the private car to access day-to-day services.
14. As such, the location of the development would conflict with policy CSP.4 of the Core Strategy, as well as policies AP1 and AP4 of the Forest of Dean Allocations Plan (the Allocations Plan). Together, and amongst other things, these policies seek to ensure that development emphasises the importance of towns and that development is accessible.
15. In terms of the amount of development, the site lies within the Blaisdon Conservation Area, which I observed derives its significance in part from the relatively spacious arrangement of dwellings along the highway, within generously proportioned plots.
16. While separate from the open, pastoral fields beyond, the appeal site represents a transition between the nearby dwellings and the surrounding rural landscape. I acknowledge that the building, and associated development, within the site is not particularly sympathetic to its location. Nonetheless, the building is not an unduly prominent feature within views of the site from the surrounding area, and it reflects the low-key use of the site.
17. While the detailed design of the dwellings would be considered at any subsequent Technical Details Consent stage, the development of up to two dwellings within this site would in my view result in a cramped form of development that would be incongruous at this location. The appeal site is narrower than the plots within the vicinity and thus the addition of up to two dwellings would be discordant additions, not reflective of the prevailing pattern of development.
18. As a result, the scheme would result in a visually intrusive development that would fail to preserve the significance of the Blaisdon Conservation Area as a designated heritage asset. In this regard it would conflict with policy CSP.1 of the Core Strategy and policies AP1 and AP4 of the Allocations Plan. Together, and amongst other things, these seek to ensure that development takes into account important characteristics of its environment and is of a high design quality. The scheme would also conflict with the design aims of the National Planning Policy Framework.

## **Other Matters**

19. The appellant states that the Council is unable to demonstrate a five-year supply of deliverable housing sites, and this is accepted by the Council. However, I have found harm above in respect of a habitat site. There are policies within the Framework therefore that provide a clear reason for refusing permission for the proposed development. In this case, the presumption in

favour of sustainable development, as envisaged by paragraph 11 of the Framework does not apply to the appeal scheme. Therefore, a decision other than in accordance with the policies of the development plan is not indicated.

20. I acknowledge that there would be some economic and social benefit through the provision of additional housing. However, given the scale of the development any such benefit would be limited and not sufficient to outweigh the harm I identify. No objection is raised on flood risk grounds, however this is a neutral matter in consideration of the appeal.

### **Conclusion**

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Martin Allen*

INSPECTOR