



Appeal Decision

Site visit made on 16 August 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022.

Appeal Ref: APP/P1615/W/22/3296054

Land at Jubilee Lane, Bream, Gloucestershire

- 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 and Mrs P Griffiths against the decision of Forest of Dean District Council.
 - The application Ref P1809/20/FUL, dated 30 October 2020, was refused by notice dated 23 December 2021.
 - The development proposed is temporary rural worker dwelling and stabling and change of use of land to equestrian.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form gave the site address as being within South Gloucestershire, but it is within the Forest of Dean District Council, which is part of Gloucestershire. This has been corrected in the site address stated above. However, the location is clear from the submitted site plan.
3. I note the apparent discrepancy in the final paragraph of the 'living conditions' section on page 15 of the Council officer report. Regardless of this, I have considered the appeal on the basis of the reasons for refusal which are set out in the decision notice.
4. The proposal includes the provision of a temporary dwelling in the form of a mobile home, to support a rural enterprise for which the stables would be used. I am informed that the application was supported by business and financial details but these have not been provided at appeal. The Council concluded that the proposal would have a functional need for someone to live on site, and that the rural enterprise would be financially viable. I have no substantive information which would lead me to conclude contrary to the Council in this regard. Against this background I consider the main issues to be as set out below.

Main Issues

5. The main issues are the effect of the proposed development on:
 - The character and appearance of the site and the surrounding area; and
 - The living conditions of the occupants of neighbouring dwellings, with regard to noise and disturbance.

Reasons

Character and appearance

6. The site is a modest field parcel in the countryside on the edge of the settlement of Bream and adjacent to the Bream Locally Distinctive Area. It currently contains a relatively small, low, stone and wood clad building, located next to the access gate. Three sides of the site are bounded by forestry. There is an unmade track along the other side which separates the site and the neighbouring dwelling at Lynwood, with Rose Cottage located opposite the access gate where Jubilee Lane meets the track.
7. The Forest of Dean District Landscape Character Assessment describes Bream as being set on a ridge of high ground, falling away on 3 sides with development on these slopes prominent within the surrounding countryside. The Locally Distinctive Area Keynotes adds that forest fringe settlements, such as Bream, are of limited visual sensitivity, but change should recognise the importance of areas of woodland and open space between settlements. For the section of Bream around the site it notes that there are traditional dwellings located within important open areas. While smaller agricultural holdings and 'horsiculture' are also noted, it is evident that areas of open space such as the appeal site, which contain neither forest nor development, are considered an important characteristic of the area and its landscape.
8. The general design of the stables is simple and not uncommon of agricultural buildings. Despite this, both the footprint and height of the stables would be substantial, particularly when compared to the size of the field. At present, the forestry provides screening and would limit any medium to longer distance views from 3 directions. However, the forestry land is not in the appellants' control so although no trees are to be removed on site, there is no way to ensure the long term retention of the surrounding trees in an area of managed forestry. There is no significant screening of the site when viewed from the track and lane. Although planting is proposed along parts of this boundary, it would take some considerable time to establish to a sufficient extent to provide any significant screening, particularly given the height of the stables, and a substantial gap would remain around the access and existing building.
9. The topography of the site, which slopes down away from the track, would reduce the prominence of the western elevation of the stables nearest the track. However, the proposed change in site levels would increase the height of the eastern end of the stables, as shown on the section drawings. This would result in part of the side elevation being highly prominent, especially when viewed from the track and Jubilee Lane. In addition, the fact that the site is at a lower level than the track would increase the visual impact of the proposed roof, which regardless of its colour would appear as a large and solid mass of built form. The proposed bound gravel hardstanding area for parking and turning and around the stables and mobile home would further extend the area of developed land.
10. Taken together, the above factors mean the proposed stables would appear out of proportion with the site and would be an overly dominant feature in the landscape. The proposal would add a significant amount of built form and hard surfacing to an otherwise undeveloped area, eroding the sense of openness and separation between settlements which the site currently contributes to the area and which is recognised as an important characteristic.

11. The mobile home is stated to be timber clad, with the plans showing a unit of the scale and appearance of a caravan. This would look out of keeping within its surroundings at a site which is neither residential nor in leisure use. As the mobile home would be a full time residence it would necessitate outside amenity space for sitting out, clothes drying, storage and bins. As such the mobile home and associated paraphernalia would domesticate the site and appear as an incongruous feature within the landscape. Again, any screening would take time to establish. However, the use of post and rail fences within the field would be low key and any impact on the landscape would be minimal.
12. I conclude that the proposed development would cause significant harm to the character and appearance of the site and the surrounding area. Consequently, the development would not comply with Policies CSP1 of the Forest of Dean District Council Core Strategy (adopted 2012) (CS) and Policies AP1 and AP4 of the Forest of Dean District Council Allocations Plan 2006 to 2026 (adopted 2018) (AP). Together, amongst other things, these policies seek to ensure that new development makes a positive contribution to the area, taking into account important characteristics of the surroundings, and protecting the landscape. However, on the basis of the evidence presented with this appeal, I find no specific conflict with Policy CSP4 which relates to the principles for the location of development.

Living conditions

13. The site is accessed via Jubilee Lane, which is narrow, poorly surfaced and runs between Lynwood and Rose Cottage directly adjacent to their boundaries, as well as passing very close to other dwellings. The site can also be accessed off Forest Road via an unmade track which runs directly in front of Lynwood and joins Jubilee Lane at the site access gate.
14. I am informed that the site is currently accessed by car up to 3 times a day to tend to horses on site and has also been accessed by larger vehicles in association with agricultural use, most recently consisting of hay making. I have considered the information provided by the appellant and whilst it seems to underestimate the likely number of journeys associated with the proposed residential use of the site, journeys made by car are unlikely to result in significantly detrimental impacts. Comparisons between the total number of existing and proposed journeys, without a distinction between journeys made by car and those made by larger vehicles are of limited relevance.
15. The main consideration is the impact of lorries and trailers transporting horses to and from the site, which would be required to enable the proposal. The appellants estimate an average of 84 such accesses a year. Each of these would require a journey in, entry to the site via the gate, manoeuvring on site, and then a separate journey out. Given the size of the site and the nature of the previous and existing use, any access by agricultural vehicles is likely to be intermittent and infrequent. Therefore, the proposal would lead to a significant increase in journeys to and from the site by larger vehicles.
16. Whichever route to site is used, the lane and the track are both narrow, poorly maintained and pass close to dwellings. The increased use of either route by lorries and trailers, and the increased use of the access and associated onsite manoeuvres close to dwellings would inevitably result in additional noise and disturbance for neighbouring residents. Due to the proximity of the dwellings, particularly at Lynwood and Rose Cottage, but also other dwellings along

Jubilee Lane, it would not be possible to adequately mitigate the impact of this additional noise and disturbance.

17. I conclude that the proposed development would have an unacceptable impact on the living conditions of the occupants of neighbouring dwellings, with regard to noise and disturbance. Consequently, the development would not comply with Policy AP4 of the AP, which amongst other things, seeks to ensure that the design of development respects the amenity of residents and others. Policy CSP1 of the CS requires that development does not cause pollution that cannot be mitigated but does not specify what pollution it might cover. In so far as noise can be considered as noise pollution, the proposal would not comply with Policy CSP1.
18. In addition, the proposal would not be in accordance with paragraph 130 of the National Planning Policy Framework (the Framework) which requires that development creates places with a high standard of amenity for existing and future users. It would also fail to accord with Paragraph 185 which sets out that new development should be appropriate for its location taking into account the likely effects of pollution, on living conditions, including the need to mitigate and reduce to a minimum potential adverse impacts resulting from noise.

Other Matters

19. I acknowledge the lack of objection from consultees regarding drainage, highway safety, ecology and lighting. These matters, along with elements such as the storage of manure and the specified use of the site, could be controlled by conditions, if the proposal was acceptable in all other respects. There have been representations in support of the proposed development, primarily on the basis that such an enterprise requires someone to live on site and the appellants are experienced with horses and offer a professional service. The proposal needs a rural location and would allow the appellants to bring their two rural enterprises together on site and to live there to tend to the horses. This would be more convenient and cost effective for the appellants. It may also enable the rural enterprise to grow, which is supported by local policy and the Framework. However, these matters do not outweigh the harm I have identified.
20. The proposed location for the mobile home and stables may be less harmful than other locations within the site, and I note that changes were made and additional information provided in response to comments during the application process. I have considered the proposal on the basis of the final plans and details on which the Council reached its decision and found it to be harmful.
21. I have no substantive information before me to consider the viability of any agricultural use, or whether the site and any associated land provides sufficient space for the proposed rural enterprise. Regardless, these are not the main issues of this appeal and do not change the reasoning set out above.
22. I note reference to appeal APP/P1615/A/02/1103089 but as it is of some considerable age and relates to a different part of the District I do not consider it is directly comparable to the site specific circumstances of the proposal before me.

Conclusion

23. 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.

Helen Davies

INSPECTOR