



Appeal Decision

Site visit made on 30 August 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/P1615/W/22/3298601

Margery Lane Barns, Margery Lane, Clearwell, GL16 8LA

- 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 S Matthews against the decision of Forest of Dean District Council.
 - The application Ref P1160/21/FUL, dated 19 June 2021, was refused by notice dated 7 December 2021.
 - The development proposed is described as "replacement dwelling, new garage/workshop and increase of residential amenity area."
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr S Matthews against Forest of Dean District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description in the header above has been taken from the application form. I note however that there is no dwelling on site, however there is an extant prior approval for the conversion of barns on the appeal site to residential.
4. Prior approval for the conversion of the barns through Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) was approved in 2016¹. However, both parties confirm that the Council incorrectly issued the decision with a condition requiring development to be commenced within 3 years rather than the standard conditions for Class Q requiring developments to be completed within 3 years. Subsequently the decision was reissued in November 2020 with the correct condition.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the extent it would effect the setting of Clearwell Conservation Area (CA) and the Wye Valley Area of Outstanding Natural Beauty (AONB).

¹ P0281/16/PQ3PA – 23 September 2016 and reissued on 11 November 2020

Reasons

6. The appeal site is an area of land comprising traditional stone agricultural buildings to the rear of dwellings along Lower Cross. The appeal site is bound by a terrace of dwellings to the north, Margery Lane to the west and agricultural land to the east and south. The area is characterised by two-storey buildings, mainly in residential use. There is much variation in the design of buildings which have been developed over time. The site currently comprises traditional agricultural buildings arranged in a L-shape around a yard. The traditional agricultural buildings and adjoining open agricultural land gives the area its rural characteristics which contribute to the character and appearance of the area and setting of the nearby CA which is a designated heritage asset.
7. The building is located outside but close to the Clearwell Conservation Area (CA). The CA covers the historic parts of the village and its character and appearance is informed by a range of historic stone and rendered properties with tile or slate roofs. The architectural vernacular is strongly rural and there are prominent buildings such as Clearwell Castle, the church and a public house. The above features combined with its rural setting contribute positively to the significance of the CA.
8. The appellant argues that a CA should only be considered a designated heritage asset when there are other designated assets within it worthy of protection. However, Annex 2 of the National Planning Policy Framework (the Framework) defined all CA's as designated heritage assets. I do however note that paragraph 207 of the Framework advises that not all elements of a CA will necessarily contribute to its significance.
9. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 202 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
10. The area between the appeal site and the boundary of the CA has been developed with a terrace of modern dwellings. The historic settlement of Clearwell would have derived intrinsic and evidential value from being experienced in a rural setting as part of the wider agricultural landscape. The development of residential dwellings in close proximity to and within the CA have somewhat diminished its rural setting.
11. I have had regard to the appellants submission that the existing barns are not designated or non-designated heritage assets, and that the proposal would lie adjacent to a modern terrace of dwellings and due to limited views of the site from within the CA does not contribute to the setting of the CA. Nevertheless, the remaining buildings assist in reinforcing the historic link between the appeal site and surrounding agricultural landscape and use. The appeal site, and the buildings upon it, are therefore an important part of the CA's setting and contributes positively to its significance.

12. Although designed to emulate the layout and style of the existing buildings, the proposal would nevertheless have a modern and domestic appearance due to its asymmetric roof, fenestration and composition of the elevations. Additionally, it would appear taller and longer than the existing buildings. Its residential character would also be evident in the domestic curtilage bound by stone retaining walls, parked vehicles and associated activity.
13. As such, the proposed development would have a suburban character. Consequently, the rural character and experience of the site would be harmfully eroded. Furthermore, the rural setting of the CA would be meaningfully diminished.
14. The harm that would arise would be localised and therefore the impact on the significance of the setting of the CA would be less than substantial within the meaning of paragraph 202 of the Framework. In weighing the public benefits of the proposal against the harm identified, the appellant has suggested that the proposal is a high-quality development. Additionally, the access would be improved to the benefit of highway safety. I have already found harm with regard to the design of the proposed development. With regards to highway safety this would mitigate the proposed development rather than being an overall benefit. As such, these public benefits of the scheme are of no more than limited weight. Further public benefits associated with any increased employment and expenditure there may be arising from the proposed developments would be limited by their scale as the schemes are for a contextually small number of units. These matters would also attract limited weight.
15. Moreover, the site lies within the setting of the Wye Valley AONB, the designation of which is afforded the highest status of protection, as explained in paragraph 176 of the Framework. The replacement of traditional agricultural buildings with a dwelling of the design proposed would domesticate the simple rural character of the site, harming the landscape and scenic beauty of the AONB.
16. The site benefits from approval under Class Q, this is for the conversion of the existing buildings. Whilst this would inevitably introduce domestic features such as boundary treatments and parking, the buildings would be retained and the historic agricultural links with the CA would be retained.
17. I conclude that the proposed development, due to its scale, design and location, would harm the character and appearance of the surrounding area., as well as the setting and therefore significance of the CA. I find in relation to paragraph 202 of the Framework that whilst harm would be less than substantial, there are no public benefits that would outweigh that harm.
18. For the reasons above, I conclude that the proposed development would not accord with the development plan as a whole. It would be contrary to Policies AP1, AP4 and AP5 of the Forest of Dean District Council Allocation Plan (2018), Policies CSP.1, CSP.4 and CSP.16 of the Forest of Dean District Council Core Strategy (2012), and the guidance contained within the Wye Valleys AONB Management Plan (2021) and the Forest of Dean Residential Design Guide (1998). These together seek, amongst other things, to ensure that developments take account of important characteristics of the environment and preserve and enhance local character and those aspects of the historic environment together with their setting. The proposed development would also

be at odds with paragraph 130 of the Framework which seeks to ensure developments are visually attractive and sympathetic to local character. The appeal schemes would also be contrary to paragraphs 176 and 199 of the Framework which seeks to ensure that great weight is given to conserving and enhancing landscape and scenic beauty in AONB's and a heritage asset's conservation.

Other Matters

19. The Councils delegated report advises that it cannot demonstrate the supply of housing sites required by the Framework, the appellant has therefore asserted that Paragraph 11 (d) of the Framework should apply. As the erection of a single dwelling, the proposal would make a very limited contribution to any housing undersupply. The scale of the scheme would accordingly limit its associated socio-economic benefits. Additionally, Paragraph 11 (d) (i) states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 lists harm to CA's and AONB's as reasons to refuse permission. Consequently, as I have found harm in relation to the CA and AONB Paragraph 11 (d) does not apply.

Conclusion

20. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR