



Appeal Decision

Site visit made on 25 July 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2023

Appeal Ref: APP/P1615/W/23/3317225

91 High Street, Aylburton, Gloucestershire GL15 6DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Ridley against the decision of Forest of Dean District Council.
 - The application Ref P0276/22/OUT, dated 23 February 2022, was refused by notice dated 9 November 2022.
 - The development proposed is for the erection of two dwellings and improvements to vehicular access and associated works (all matters reserved).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline, with all matters reserved. The application form describes the proposal as being for three dwellings. However, the scheme was amended during the application and now proposes only two new dwellings. I have therefore taken the description of development above from the Council's Decision Notice. The appellant also uses this in the appeal form and Statement of Case and so I am satisfied that no party would be prejudiced by my using this revised description.

Main Issue

3. The main issue is the effect of the proposal on the Aylburton Conservation Area (CA) and on the setting of Old Court House, 89 High Street, a Grade II listed building (LB).

Reasons

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the LB or its setting, or any features of special architectural or historic interest. Section 72 of the same Act requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. Much of the built form of the village has evolved along the two principal roads, High Street and Church Road. Particularly on the southeast side of High Street, most buildings are two-storeys in height and positioned in a linear arrangement, close to and facing a principal road. Many also have long gardens to the rear, towards the River Severn. The village core has a dense, enclosed character. Nearer to the edge of the settlement, such as around the appeal

- site, the pattern becomes looser, albeit that some gaps have more recently been filled in.
6. Modern housing developments on Orchard Close, Cross Farm Close, Milling Crescent and Stockwell Lane lead from High Street or Church Road but are on separate roads and are largely or wholly outside of the CA. Within the CA, only a few buildings, such as the listed 75 High Street, are behind others. Milling House on Millbrook Green, also referred to by the appellant, is something of an exception within the CA, being within its own large plot, and somewhat isolated from other dwellings. As such, relevant to this appeal, the significance of the CA is its rural character and generally linear grain of development.
 7. The LB at Old Court House consists of a modest, 1.5 storey L-shaped building with its side gable fronting onto the road. Though much-altered, the list description dates it as being possibly from the 16th century. It is located immediately adjacent to the appeal site. Relevant to the proposal, its significance is its age and semi-rural setting.
 8. The appeal site, 91 High Street (No 91), is a two-storey detached dwelling. Being nearer the edge of the village, it has been laid out on a wider plot and faces onto High Street. Walls, gates and tall trees and hedgerows form the boundaries of the site. Its rear paddock is overgrown and has a range of outbuildings, including a two-storey stone building. Even so, the open, green paddock contributes positively to the rural character of this part of the CA and the setting of the LB.
 9. Although in outline, the appellant has provided plans suggesting that the proposed two dwellings would be located in the paddock behind No 91. On this basis, they would be positioned away from the LB. I have treated these plans as being illustrative. However, I understand that alternative siting options are constrained by protected trees and a foul sewer, such that development in some form would have to take place to the rear of No 91. I am also mindful that the initial intention for a further dwelling in the garden of No 91 no longer forms part of the proposal.
 10. As such, by seeking development that would be positioned broadly behind No 91, the proposal would result in a pattern of development that would not reflect the predominantly linear form of this part of the CA. Consequently, regardless of the height or design of the dwellings, the proposal would appear out of place. The proposal would also inherently change the appearance of the paddock, filling it with more built form. This, together with the associated gardens and parking areas, would give the paddock a harder and more suburban feel.
 11. As a result, notwithstanding the presence of the existing low-key buildings, the proposal would detract from the positive contribution that the site makes to the CA and the setting of the LB. Having regard to the advice in the Planning Practice Guidance (PPG)¹, this harm would be caused regardless of the extent of public views obtainable of the proposal.
 12. The site levels fall away somewhat from the road. Even so, regardless of the position of the dwellings within the site, parts of the proposal are likely to be seen when viewed in association with the LB, for example from higher land at

¹ Paragraph 013 Reference ID 18a-013-20190723

Cross Farm Close. The proposal would therefore harmfully erode the semi-rural setting of the LB. Although filtered by existing trees and proposed landscaping, I saw that the proposal would also be visible in public views from the footpath to the rear of the site, particularly in winter months when foliage is reduced.

13. I do not have confirmed access arrangements. Nevertheless, instructions to motorists leaving the site to give way to those entering it, as suggested by the appellant, cannot necessarily be relied upon. As such, improvements to highway visibility at the entrance may well be required. Even if these are not themselves harmful to the CA, they would be likely to result in the proposal being seen from High Street, through the driveway. For these reasons, the public visibility of the proposal would therefore add to its harmful effects on the CA and the LB.
14. My attention has been drawn to a recent decision by the Council to grant planning permission² for a dwelling to the rear of 5 Cross Farm Close. However, this proposal concerned a site outside of the CA and on the opposite side of High Street, with its somewhat less linear pattern. It also proposed only a single dwelling on garden land. As such, it has clear differences to the proposal, such that I can draw little comparison between them.
15. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the CA as a whole and on the setting of the LB, thus failing to preserve them. It would therefore conflict with Policy CSP.1 of the Council's Core Strategy, adopted February 2012, policies AP.4 and AP.5 of the Council's Allocations Plan, adopted June 2018, and the PPG. Amongst other things, these require development to preserve heritage assets, taking account of local character, history and distinctiveness. As required by the National Planning Policy Framework (the Framework), I give great weight to the conservation of both the heritage assets.

Planning Balance and Conclusion

16. In the language of the Framework, the harm I have identified would be less than substantial. Weighed against this, its public benefits would include the positive contribution it would make to the supply of housing. Furthermore, it would be on a small site within a built-up area, with good access to the services and facilities in the village and could be delivered quickly. Its construction would make an economic contribution to the area, as would future occupiers socially and economically.
17. Nevertheless, due to the proposal being for only two dwellings, such benefits would be limited and so I give them only limited weight. I therefore conclude that the public benefits of the proposal would not outweigh the less than substantial harm to the character and appearance of the area including the CA and the setting of the LB.
18. I have found conflict with Development Plan policies CSP.1, AP.4 and AP.5, which are consistent with the Framework. The Council accepts that it cannot currently demonstrate a five-year supply of housing land. However, the policies in the Framework that protect assets of particular importance, including designated heritage assets, provide a clear reason for refusing the proposal in

² LPA reference P2003/21/FUL

this case. As a result, the tilted balance of Framework paragraph 11(d) is not engaged.

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
20. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR