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## Appeal Decisions

Site visit made on 27 June 2023

**by S Crossen BA (Hons) PgCert PgDip MA MRTPI**

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

**Decision date: 11 September 2023**

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**Appeal Ref: APP/P1615/W/22/3313050**

**33 Ford House Road, The Scarr, Newent, Gloucestershire GL18 1LQ**

- 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 & Mrs Godfrey against the decision of Forest of Dean District Council.
  - The application Ref P0946/22/FUL, dated 4 July 2022, was refused by notice dated 21 October 2022.
  - The development proposed is for a change of use to extend existing holiday home park to accommodate the stationing of up to an additional 15 static holiday homes.
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### Decision

1. The appeal is allowed and planning permission is granted for a change of use to extend existing holiday home park to accommodate the stationing of up to an additional 15 static holiday homes at 33 Ford House Road, The Scarr, Newent, Gloucestershire GL18 1LQ in accordance with the terms of the application, Ref P0946/22/FUL, dated 4 July 2022, and the plans submitted with it, subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. I have also dealt with another appeal (Ref: APP/P1615/W/22/3312746) on this site. That appeal is the subject of a separate decision.
3. The description of development refers to static holiday homes. These are shown on the drawings subject of the appeal. For clarity, I have also referred to them as caravans in my decision.

### Main Issues

4. The main issues of this appeal are:
  - Whether the site is a suitable location having regard to access to shops and services, and the development strategy.
  - The effect of the development on the character and appearance of the area.

### Reasons

*Suitable location for static holiday homes*

5. Policy CSP.4 of the Forest of Dean, Core Strategy adopted February 2012 (CS) requires new development to be located to accord with existing settlement pattern and hierarchy. However, the policy accepts there are cases where

development can be justified outside of settlements because of the nature of the development, with examples given in the policy. However, this is not an exhaustive list so other forms of development, such as for tourism, may also be satisfactory. Policy CSP.7 of the CS relates to economic development. It seeks to sustain the development of key economic sectors, such as tourism, and the background to the policy states that development should be compatible with the surroundings and landscape, and located so that it contributes to the local economy.

6. The nearest bus stop to the appeal site is on the edge of Newent 1.7km away with the settlement itself being 1.8km away. There are no footpaths on the unlit roads surrounding the site. However, they are quiet in terms of vehicular traffic. Their winding nature, with a number of junctions and points of access to other development, are unlikely to encourage drivers to drive at speed. The adjacent roads Strawberry Hill and Tewkesbury Road are part of a signed cycle route that leads to Newent, amongst other places. This would provide an alternative option for occupants of the static holiday homes to access the nearest shops and services.
7. The appeal site has no public transport to access the shops and services in Newent and although close enough to walk, the option for walking in the road would not be attractive to everyone and there may be times of the year where weather conditions could prohibit this option. However, the static holiday home use is different to a permanent residential use. The nature of these uses is that they are located in more rural settings away from dense urban areas, and they are used for short periods of time.
8. There is a previous permission for the 9 static holiday homes at the appeal site. The Council attached conditions which required that the site was only used for holiday accommodation and required the appellant to keep a record of visitors which should be available for inspection at all times. A business plan has been submitted that the Council suggests does not demonstrate this would be a viable operation. Nevertheless, the application is for static holiday homes that would provide some support to the local economy and provide employment, if only for the appellants. So that the site can be effectively monitored, the condition previously used, which required the appellant to keep records, is reasonable and there are no reasons before me to suggest the condition is not effective.
9. The principle of the use has been established through a previous planning permission and the justification for the location is both the nature of the use, and its relationship with the existing cluster of holiday lets at this site and adjacent sites, a location which would sustain the economic development of existing tourism businesses. The location is semi-rural and compatible with the expanded use of the site, which isn't far from Newent, close enough to contribute to the local economy and accessible by cycle, to a lesser extent on foot with some reliance on car travel which is compatible with the exceptions in Policy CSP.4 of the CS.
10. I conclude that the site is a suitable location having had regard to access to shops and services, and the development strategy. Therefore, the proposed development is consistent with policies CSP.1, CSP.4 and CSP.7 of the CS and Policy AP 1 of the Forest of Dean Allocations Plan 2006 to 2026, adopted June

2018 (AP), these policies amongst other things seek that new development contributes to and reinforces the existing settlement pattern.

### *Character and Appearance*

11. The appeal site is a field accessed from a private road which provides access to other holiday accommodation, including touring caravans, a steel fabrication business which is to the rear of the site and to other sites in agricultural/employment uses and private accommodation. The boundary to the appeal site is defined by tall hedges approximately the height of the existing caravans.
12. Caravans, static and touring types, already form part of the character of the existing landscape, the agricultural land surrounding the site is reliant on large poly tunnels and green house structures which although partially screened by soft boundary planting from the site, are still prominent in the landscape. Furthermore, to the rear of the site are large metal warehouse styled buildings for the use of metal fabrication which also have a built presence in what is a mixed landscape. Views of the additional proposed 15 caravans located next to the existing 9 would largely be obscured by hedges and in any case seen in the context of existing static holiday homes, touring caravans and a mix of employment and agricultural buildings so would have little, if any effect on the character and appearance of the area.
13. I conclude that the development would not result in material harm to the character and appearance of the area. Therefore, the proposed development is consistent with policies CSP.1, and CSP.4 of the CS and policies AP 1 and AP 4 of the AP, these policies amongst other things seek that new development contributes and reinforces the existing settlement pattern. It would also reflect the National Planning Policy Framework that recognises the intrinsic character and beauty of the countryside.

### **Other Matters**

14. I have had regard to the concerns expressed regarding highway safety. The private road which provides access from the main road is narrow, but visibility is good and there are places to pass. Surrounding main roads are subject to the national speed limit, but for reasons described above, speeds would likely be lower. The development would result in 24 units, with extra parking spaces provided for visitors, which would increase traffic to and from the site. However, the use of all of these spaces at once would be unlikely, and it is reasonable to expect that they would serve occasional requirements. Consequently, the increase in traffic would not be significant. Furthermore, I do not disagree with the Council's conclusions that the development and proposed layout would not result in an unacceptable impact on highway safety or have a severe impact on the highway network.
15. I note concerns about water supply, drainage and sewage treatment capacity. No concerns are raised by the water company or flood risk officer in their comments which recommend conditions, and there is no evidence to suggest that the development cannot be accommodated in these respects.
16. My attention has been drawn to previous planning permissions and whether or not conditions have been complied with, and whether the planning permission for the wider site is being sought in phases to avoid planning committee

decisions. However, these do not affect my determination of this appeal which I have considered on its own merits.

## **Conditions**

17. In addition to the standard 3 year time limit condition and the condition listing the approved plans, I have had regard to the conditions suggested by the Council. I shall impose a condition requiring details of foul and waste water drainage to be submitted and approved prior to commencement, in the interests of water management and so that a suitable system can be installed prior to the completion of any ground works. In the interests of highway safety during construction I impose a condition to ensure the use of a safe point of access and a condition requiring a construction management statement, prior to commencement due to the potential immediate impacts of implementing the development.
18. I attach conditions that require the use to remain as holiday accommodation with a register of occupiers to be kept and made available at all times, and a condition requiring the site to revert to its original condition should the use cease, all in the interests of the development strategy and to allow the effective monitoring of compliance with conditions.
19. In the interests of protected species, I impose conditions which ensure Great Crested Newts (GCN) are discouraged from using the site prior to construction, that no additional or alternative external lighting is erected, and that Bird Houses and Bat Boxes are installed.
20. I impose a landscape condition requiring phasing details and a detailed landscaping schedule for the implementation of soft landscaping with a requirement to provide replacements as necessary in the interests of biodiversity, I have not required these details to be submitted prior to commencement because it is not justified or necessary.
21. I have imposed a condition requiring the point of access to be singular and retained for the use. I also impose a condition for layout, access, internal road, parking, electric vehicle charging points and cycle and bin storage facilities to be laid and constructed in accordance with the submitted plan prior to occupation, in the interests of immediate effects on Highway Safety, but have omitted the requirement for traffic calming measures to be implemented because of the revised layout plan which was considered at the time of the Councils decision, and which indicates a gravel surface to provide sufficient drainage. This gravel due to its unconsolidated surface would result in traffic calming helping to slow the approach of cars.
22. I have attached a condition requiring verification that the acoustic fencing is effective in protecting the health of occupiers of the static holiday homes.
23. I have not imposed the suggested condition regarding levels, sections and floor levels, or details of the acoustic fencing because the submitted plans are sufficient in detail and so this requirement is unnecessary. I have also not imposed the condition preventing any other structure from being erected other than the static holiday homes because it is not necessary and I have not attached the suggested condition that the site remains ancillary, part of 33 Ford House Road, because it is not part of the application so it would not be either necessary or enforceable.

**Conclusion**

24. For the reasons given I conclude that the appeal should succeed.

*S Crossen*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Layout 5n.
- 3) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide for:
  - i. the specification, type and number of vehicles
  - ii. the parking of vehicles of site operatives and visitors
  - iii. the loading and unloading of plant and materials
  - iv. the storage of plant and materials used in constructing the development
  - v. wheel washing facilities
  - vi. specifying the intended hours of construction operations
  - vii. specifying the measures to control the emissions of dust and dirt during construction, and
  - viii. details to include how the temporary access will be stopped up once all the static caravans hereby approved have been transported onto the site.
- 4) Before above ground works commence, full drainage details, including a plan, for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority. The foul and surface water drainage for the site shall be constructed in accordance with the approved details prior to the first occupation of any of the holiday homes hereby approved and thereafter maintained.
- 5) Before any above ground works commence phasing details for the implementation of the soft landscaping scheme approved in drawing 5n, and detailed landscaping schedule, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the soft landscaping for the site shall be delivered in accordance with the approved details. If at any time in the five years following planting any tree, shrub or hedge shall for any reason die, be removed, or felled it shall be replaced with another tree, shrub or hedge of the same species during the next planting season.
- 6) No holiday home hereby permitted shall be occupied until the layout, including access, internal road layout and parking, Electric Vehicle charging points, and cycle/bin storage facilities shall be laid out and constructed in accordance with approved layout drawing 5n and shall thereafter be maintained as approved.
- 7) No caravan hereby permitted shall be occupied until a pre-occupation validation noise survey along with a certificate of compliance by a suitably qualified acoustic assessor has been submitted to and approved in writing by the Local Planning Authority. The noise survey shall demonstrate that the noise attenuation measures installed have resulted in reducing noise levels down by 2dB over background noise levels, when assessed against BS 4142, and has reduce averaged noise levels in external amenity areas in line with

BS 8233 and WHO guidance levels, as detailed in the Noise Assessment prepared by Walnut Acoustic dated 01/12/2020.

- 8) The proposed site shall only be used for stationing of no more than 15 static caravans. Caravans shall be occupied for holiday purposes only and no caravan shall be used as any individual's main or sole dwelling. A register of all occupiers, detailing dates, names and usual addresses shall be maintained by the owner and shall be kept up to date and be made available for inspection at all reasonable hours by officers of the Council.
- 9) The sole means of vehicle access for the holiday uses hereby approved shall be from Ford House Road and the vehicle access shall be retained and maintained in accordance with the details hereby approved.
- 10) All vegetation within the works area shall be maintained at a maximum height of 30mm until construction is completed through regular mowing or grazing in order to discourage GCN from using the site. All works shall be carried out in accordance with the following measures:
  - Any trenches or excavations left overnight shall be covered or provided with ramps to prevent GCN from becoming trapped. Excavations shall be checked for the presence of animals before being filled.
  - Any building materials will be stored on pallets or in jumbo bags or containers to discourage GCN from using them as shelter.
  - Any demolition materials or waste will be stored in skips or similar containers rather than in piles on the ground.Anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.
- 11) There shall be no external lighting permitted to be erected at the site other than that approved through this planning permission.
- 12) The Schwegler Bird Houses and Schwegler Bat Boxes shall be installed on the caravans prior to their first occupation in accordance with the approved layout drawing and thereafter be maintained in perpetuity of the development.
- 13) In the event of the site ceasing as a tourist facility for the provision of holiday accommodation the land shall be restored to its original condition of pasture land through the removal of all built structures and hard surfacing, and those areas levelled to the height of the adjacent ground level with topsoil and seeded with grass within six months of the date that the site last operated for the purpose hereby approved.