



Appeal Decision

Site visit made on 14 November 2023

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2023

Appeal Ref: APP/P1615/W/23/3323415

Land Adjacent Dene Hollow, Highfield Lane, Lydney

- 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 Mrs Jaqueline Colwell against the decision of Forest of Dean District Council.
 - The application Ref P0407/23/PIP, dated 20 March 2023, was refused by notice dated 04 May 2023.
 - The development proposed is permission in principle for one dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for one dwelling at Land Adjacent Dene Hollow, Highfield Lane, Lydney in accordance with the terms of the application, Ref P0407/23/PIP, dated 20 March 2023.

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) (PiP) establishes whether a site is suitable in-principle, and the second (technical details consent) (TDC) 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 permitted¹. All other matters are considered as part of a subsequent TDC application if PiP is granted. I have determined the appeal accordingly.
4. The application was supported by a plan showing an indicative site layout. I have treated the plan as being for illustrative purposes only.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and amount of development.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

Location

6. The appeal site comprises amenity space associated with Dene Hollow which contains a detached garage and a shed. The site is situated between 2 houses, which form part of a small cluster of dwellings fronting Highfield Lane.
7. Having regard to the development plan's spatial strategy, the site is located close to but outside of the defined settlement boundary of the town of Lydney. In this context, Policy CSP.4 of the Forest of Dean Core Strategy (2012) (CS), states that areas outside defined settlement boundaries will be treated as part of the open countryside.
8. The broad thrust of the locational policies of the CS, supported by Policy AP1 of the Forest of Dean Allocations Plan (2018) (AP) and Lydney Neighbourhood Plan (2015) (NP) Policy LYD ENV 1 are for the promotion of sustainable development by directing most development to the most sustainable locations with reasonable levels of services, facilities and employment opportunities. This, amongst other things, is to protect the open countryside and reduce the need for travel, particularly by private motor car. CS Policy CSP.4 outlines that most development will be expected to take place within existing defined settlement boundaries with limited exceptions for some other specific forms of development. This proposal would not meet the specified exceptions.
9. The cluster of dwellings in which the appeal site is located relate visually and spatially to the built form of Lydney, with minimal separation between these dwellings and the properties on Driffild Road which form part of the built-up part of Lydney. Lydney has a range of services, facilities and employment opportunities, with public transport connections for onward travel to nearby settlements. The Council state that the nearest bus stops are located approximately 250m and 470m from the site, which I consider to be convenient walking distance.
10. Highfield Lane is a narrow no-through lane providing access to a limited number of properties with no pedestrian footpath. At my site visit I observed that the lane has street lighting. During my mid-morning site visit there was a very light flow of traffic on Highfield Lane. Whilst a snapshot in time, there is nonetheless nothing in the evidence before me to indicate that those observations are atypical of the area.
11. The route to Lydney would involve a narrow lane with no dedicated pedestrian facilities. However, this lane is lit, traffic levels along it appear to be low and the distances involved would be limited. Therefore, I have no evidence before me that Highfield Lane would be unsuitable for journeys on foot or by bike and, given the proximity of the site to the services and facilities and public transport connections in Lydney, future occupants of the dwelling could reasonably choose to walk or cycle to access these. The difference in accessibility with other parts of Lydney would, in my view, be negligible and future occupants of the proposed dwelling would not necessarily be reliant on private motor vehicles which are the least sustainable form of transport. The development proposed could lead to further use and support of facilities and services, contributing to the vitality of Lydney.

12. The proposal is for one dwelling located between existing dwellings. Given that the site is part of a garden which contains a number of domestic outbuildings, its character and appearance is already residential, and the proposal would not result in an encroachment of built form into the open countryside or harm to the character of the area.
13. Reflecting on the above, whilst the site is located outside a settlement boundary, in these particular circumstances the proposal would not undermine the wider development strategy which seeks to direct development towards the most sustainable locations and reinforce the existing settlement pattern, emphasising the importance of towns such as Lydney. Therefore, it would be a suitable location for new residential development.

Land use and amount

14. As a proposal for housing which would be located amongst other residential properties, there is little reason in principle to anticipate a conflict in land uses. The site is big enough to accommodate one dwelling of a size commensurate with those around it. Thus, I find the proposed use and amount acceptable.

Conclusions on site suitability

15. The proposed residential development would not result in the erosion of the open countryside. The site is well located in relation to services, facilities, employment and public transport. Thus, the site would be suitable for the residential development proposed having regard to the location, land use and amount, with regard to local and national planning policies. It would comply with CS Policies CSP.1, CSP.4 and CSP.5, NP Policy LYD ENV 1 and AP Policy AP.1 insofar as they together require development to be sustainable and promote thriving communities. Moreover, it would accord with the Framework, being accessible to a genuine choice of modes of transport.
16. The reason for refusal also refers to CS Policy CSP.2. However, this policy does not appear to be directly applicable to the appeal proposal as it focuses on how the design and layout of development will address impacts of climate change.

Other Matters

17. Details of matters including ecology, drainage, access and parking would all need to be considered and approved at TDC stage. However, I have been presented with no evidence which would lead me to conclude that acceptable arrangements could not be implemented.

Conditions

18. The PPG makes it clear that it is not possible for conditions to be attached to a grant of PiP, whose terms may only include the site location, the type and amount of development.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be allowed.

N Robinson

INSPECTOR