



Appeal Decision

Site visit made on 9 April 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th May 2024

Appeal Ref: APP/P1615/W/23/3331764

Boxbush Barn, Oxenhall Lane, Gorsley, Gloucestershire HR9 7BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Maureen Bailey (Millstrand Properties Limited) against the decision of Forest of Dean District Council.
 - The application Ref is P0358/23/FUL.
 - The development proposed is the continued use of former barn as a dwelling (C3 use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The building is already in use as a dwelling. The application is therefore retrospective.

Main Issues

3. The main issues are: (i) whether the site is in a suitable location, taking account of the Council's spatial strategy and access to services and facilities; and (ii) whether the loss of a unit for tourism is justified.

Reasons

Location

4. The appeal site is located in a very rural area within the open countryside. Policy CSP4 of the Forest of Dean Core Strategy, February 2012 (CS) sets out the spatial strategy for the area. The policy does not explicitly state what forms of development are acceptable in the open countryside. However, it is very clear that the general thrust of the policy, and its supporting text, is to direct the provision of new dwellings away from such areas to more sustainable locations. Indeed, that was the approach taken by the Inspector in a previous appeal for the site in 2014¹ and I see no reason to disagree.
5. In this instance, the site is situated well away from any defined settlement. Cycling into the village of Gorsley is possible, but the facilities there are very limited. Therefore, in order to access the services and facilities needed for everyday living, such as supermarkets and schools, occupiers would be required to travel further afield to towns such as Newent. There is a bus stop relatively nearby on the B4221. However, services are fairly infrequent and getting to the bus stop would require walking along unlit lanes without

¹ Appeal reference: APP/P1615/A/13/2209569

pavements. Doing so is unlikely to be attractive during adverse weather or during the hours of darkness. In my view, it is therefore clear that occupiers of the dwelling would be heavily reliant on the private car to access such facilities, and as such, the site can be regarded as being in an unsuitable and unsustainable location. Indeed, it is highly likely that there would be more car borne journeys associated with the building's use as a dwelling than as a holiday let where occupation may be more sporadic over the year.

6. As a result, the proposal conflicts with CS Policies CSP4, CSP5 and CSP16. Taken together, the relevant aspects of these policies seek to direct new development towards sustainable locations.

Loss of Tourism Unit

7. The evidence suggests that the building has not been used for its originally intended purpose as a holiday let. Nevertheless, that is the use that it has planning permission for and so its conversion to a residential dwelling has resulted in the loss of a unit for tourism.
8. CS Policy CSP7 sets out the approach to economic development in the area, including tourism. In general terms, the policy seeks the retention of such uses. It also states that an alternative use may be appropriate where a site is underused and unsuitable by way of its environment or location.
9. It does not appear that the appellant has sought to argue that the location of the site can be considered to be unsuitable for use as a holiday let, or that such a use would be underused. While the policy does not explicitly require the provision of evidence in relation to these matters, it follows that such evidence would be helpful. Without it, it is not possible for me to determine whether the requirements of Policy CSP7 are met. Indeed, it appears to me that there would be demand for a tourism unit in this location given its setting within attractive countryside and its proximity to areas such as the Forest of Dean.
10. As a result, I find that the loss of a permitted tourism unit has not been justified and that there is conflict with Policy CSP7 which seeks to retain employment generating uses.

Conclusion

11. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, I have no evidence before me to suggest that this position is likely to improve in the short-term. As a result of the shortfall, policies related to the location and supply of housing are deemed to be out of date. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
12. In this instance, the benefits of the proposal include the provision of a single new home that would assist in meeting need in the area, and support for local facilities. It would also re-use an existing building on a previously developed site, and given the proximity to other buildings, I also acknowledge that the site could not be considered to be isolated with regards to paragraph 84 of the Framework. However, I only afford limited weight to these benefits overall given that the scale of the development is minor in nature. The appellant has

suggested that the shortfall in housing supply is longstanding and so greater weight should be applied. However, I must make my decision based on the facts at the time, and I do not find that I should apply greater than limited weight to the provision of a single dwelling. In addition, it is argued that single dwellings can cumulatively make a significant contribution towards housing supply. While I acknowledge that to be the case, I can only base my decision on the individual proposal that is before me.

13. I have concluded that there would be material harm in relation to the location of the dwelling and the loss of a tourism unit. The support for the principle of development on previously developed land within the Framework is countered by the importance it places on the provision of sustainable patterns of development that reduces the need to travel by car. In this instance, the harm would be enduring, and I apply significant weight to this issue. The loss of a single permitted tourism unit would only have a limited negative impact on the local economy. Nevertheless, for the reasons given, I find that, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits.
14. As such, the development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR