



Appeal Decision

Site visit made on 7 May 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/P1615/W/23/3329616

Wild Oak Farm, Little London, Longhope, Gloucestershire GL17 0PH

- 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 Lizzie Whyte against the decision of Forest of Dean District Council.
 - The application Ref is P1775/22/FUL.
 - The development proposed is described as 'erect a new dwellinghouse, the majority of which would be within the envelope of the extant walling (i.e., ruins). The existing extant walling would be repaired and/or partially reconstructed and/or completely reconstructed to form low cladding to the new dwellinghouse.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate than that used in the application form. For the same reason, I have taken the site address from the appeal form. I am satisfied that no party would be prejudiced as a result.

Main Issues

3. The main issues are:
 - whether the proposal would be suitable for housing having regard to the strategy of the Development Plan, the character and appearance of the area and access to services and facilities, and
 - the effect of the proposal on highway safety.

Reasons

Suitable for Housing

4. Policies CSP.1, CSP.4, CSP.5 and CSP.16 of the Council's Core Strategy (CS), adopted February 2012, seek to reinforce the existing settlement pattern, concentrating new development in towns and villages with a range of services and employment. This is to ensure a sustainable pattern of development and to protect the landscape. Consequently, locations outside of identified settlement boundaries as here are treated as open countryside, not normally appropriate for new housing, other than in limited circumstances.
5. The site forms part of an attractive rolling landscape. It contains the floor, openings and some standing walls from a previous dwelling and buildings that

- existed on the site. These are said to have once formed a hamlet. However, use of the appeal structure as a dwelling was abandoned many years ago. Parts of it have blended into the landscape and much of it is overgrown or in ruins. The proposal would require significant new building, and re-construction of at least some of the walls that do remain. This therefore limits the extent to which the proposal would re-use existing resources.
6. The proposal would introduce appreciable new built form onto the site, together with a driveway, hardstanding, garden and other paraphernalia associated with residential use. The site is not particularly prominent from nearby bridleways, and the proposal would include additional landscape planting to provide screening. Nevertheless, the proposal would have the effect of domesticating the appearance of the site, thus undermining its attractive, rural appearance and that of its surroundings.
 7. In respect of facilities, there are bus stops located on the A4136 which provide public transport access to Gloucester and Ross on Wye, for example. There are some services in Longhope village, including a school and shop, albeit some distance away. The proposals also include bicycle storage and an electric vehicle charging point. However, the access track to the site is steep, narrow, has sharp bends and is unlit, making its routine use undesirable including for cyclists and pedestrians.
 8. Accessing the services in Longhope would also require use of the A4136, even if Old Hill is used for part of the way. Although a snapshot in time, I found the A4136 to be busy, including with large, heavy vehicles. The footway along it is narrow, overgrown and unprotected. As such, its use by bicycle or on foot would not be pleasant. This is especially true at night, in inclement weather or for those of limited mobility. For these reasons, future occupiers of the proposal would have little alternative but to rely on private vehicles to access many day-to-day services and facilities, as would their visitors and deliveries.
 9. Consequently, even if the site constitutes previously developed land, I conclude that the proposal would not be suitable for housing, having regard to the strategy of the Development Plan, the character and appearance of the area and access to services and facilities. Accordingly, it would conflict with CS policies CSP.1, CSP.4, CSP.5 and CSP.16, as well as Policy AP.1 of the Council's Allocations Policy (AP), adopted June 2018, which requires development to improve the conditions of the area, including its character and access to services.
 10. For similar reasons, the proposal would conflict with Policy AM2 of the Longhope Neighbourhood Development Plan (NP), made March 2018, which covers the whole parish. It requires safe, convenient access, including for those with restricted movement. The proposal would also not accord with the aims of the National Planning Policy Framework (the Framework) to limit future car use and recognise the intrinsic character and beauty of the countryside. Therefore, I give this conflict significant negative weight in the planning balance.

Highway Safety

11. The site is accessed primarily by using an unmade track leading from Blakemore Road. I have already found that it has significant constraints. It forms a public bridleway and serves the dwelling at Lonehead as well as the appeal site. As such, it is used regularly by vehicles including tractors, trailers,

horseboxes and for shopping deliveries. The appellant intends to occupy the proposed dwelling and to live self-sufficiently, thereby limiting the number of additional movements on the track, including current trips to and from businesses operated by the appellant.

12. However, patterns of travel would not be fixed. As a permanent dwelling, future occupiers may well make different journeys, including for employment, and may not choose to live self-sufficiently. On this basis, the proposal would generate new movements, such as from delivery vehicles and visitors, as well as trips to access wider services and facilities, and those involved in construction of the dwelling.
13. As such, the proposal would be likely to result in additional use of the track, and so a greater risk of vehicles meeting along it. With insufficient space to pass, reversing manoeuvres would be required. This would increase the risk of collision, including to pedestrians. Although the Highway Authority raised no objection to an earlier similar planning application at the site, it does now object to the proposal before me, for highway safety reasons.
14. It has been suggested that an additional passing place would be created along the track. Very few details have been provided and I understand that it would use land not under the control of the appellant. I cannot therefore be satisfied that this would overcome my concerns about the track, or could be achieved without other adverse effects, for example to the character and appearance of the area.
15. For these reasons, the proposal would give rise to a very real potential for conflict and inconvenience to those using the bridleway, including members of the public. Consequently, it would risk highway safety, contrary to the aim of Framework Paragraph 114 for safe and suitable access. I therefore give this significant negative weight in the planning balance.

Other Considerations

16. I acknowledge the need for housing including to serve local businesses, such as those operated by the appellant. The Council accepts that it cannot currently demonstrate an adequate supply of housing land. As such, I must determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply, as set out in Framework Paragraph 11.
17. I have found conflict with CS policies CSP.1, CSP.4, CSP.5 and CSP.16, AP Policy AP.1 and NP Policy AM2, which are consistent with the Framework. As a result, the proposal would conflict with the Development Plan as a whole. Against that, it would make a positive contribution to the general supply of housing. It would also provide an additional self-build unit. However, the proposal is for only a single dwelling. Its benefits to housing supply, including the provision of self-build accommodation, would therefore be small and so attract limited positive weight.
18. Construction of the proposal would make a positive economic contribution including from employment in farming at the site. Its future occupiers would make social and economic contributions, for instance to other local businesses. The proposal would provide modest accommodation but is not proposed as

affordable housing as defined by the CS. The proposal would be built to high environmental standards and includes ecological enhancements. It would result in the efficient use of land, could be delivered quickly and would improve the security of the site. However, given the relatively small scale of these benefits, I give them limited positive weight.

Other Matters

19. The previous planning application was made for a similar proposal but as housing for a rural worker. However, no such case is made to justify the proposal before me. I have no substantive evidence that the proposal involves a heritage asset or might be exceptionally justified by Framework Paragraph 84(e). The site is not within a Green Belt, and so references to this are not relevant. I have little evidence to suggest that the existing structure represents a significant risk to the safety of people or animals, or that the proposal is the only way of mitigating this risk.
20. Reference has been made to development approved in the local area. Some involve extensions to existing dwellings and so are not directly comparable to this proposal, as a new dwelling. Residential lodges have been approved at nearby Swallow Lakes, also accessed from Blakemore Road. However, I do not have full details of the background to this development, including its access arrangements. Consistency in decision-making is important. However, this must be set against the need to properly apply the policies of the Development Plan. As such, these examples do not change my overall conclusions.
21. The site lies close to the Wye Valley and Forest of Dean Bat Special Area of Conservation (SAC). As a European Designated Site and Ramsar site, this is protected pursuant to the Conservation of Habitats Regulations 2017 as amended. Had I found no harm in respect of the other issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the proposal on the SAC. However, as the balance of considerations is against it on other substantive grounds, this matter need not be considered any further in this case.

Planning Balance and Conclusion

22. 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. Given the harm that I have identified, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken in the round.
23. 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