

Appeal Decision

Site visit made on 4 September 2024

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2024

Appeal Ref: APP/P1615/W/24/3341217

Colefordian Willets Ltd, Edenwall Road, Coalway, Gloucestershire GL16 7HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by FR Willetts Ltd against Forest of Dean District Council.
 - The application Ref is P1762/22/OUT.
 - The development proposed is Outline application for the erection of No. 7 new dwellings.
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Decision

1. The appeal is dismissed and planning permission for Outline application for the erection of 7 new dwellings is refused.

Preliminary Matters

2. The appeal scheme relates to an outline proposal with access, layout and scale submitted for approval at outline stage. Appearance and landscaping are reserved for future consideration and I have considered the appeal accordingly.
3. The Planning Application form states that 14 car parking spaces are proposed but the layout does not show where these spaces are located. The submitted Layout Plan reference Willets 2b dated December 2022, which forms part of the application, shows 9 car parking spaces. As the layout plan forms part of the application, I have therefore determined the appeal on the basis of the parking spaces marked on that plan.
4. Although the description of the development on the appeal form and in the Appellant's Statement of Case includes reference to landscaping, I have not been provided with a detailed landscaping scheme. I have treated it as a reserved matter as indicated on the planning application form.
5. As the appeal is against the Council's failure to make a decision within the prescribed period, no formal reasons for refusal have been issued. The Council however has submitted a Statement of Case which sets out its principal concerns.

6. These are, firstly, that the proposed mix of 3 and 4 bed houses has insufficient parking due to the proposed development being too cramped to accommodate sufficient spaces. This would result in residents and visitor parking overspilling onto adjacent land and the highway causing conflict with other highway users and between future occupants of the development. This would be contrary to parts 9 and 12 of the National Planning Policy Framework (the Framework), Policy CSP.4 of the Forest of Dean District Council Core Strategy 2012 (CS) and Policy AP.4 of the Forest of Dean District Council Allocations Plan 2018 (AP).
7. Secondly, the proposed development would result in the loss of an employment site. The submitted marketing and business relocation summary does not justify why the site should be lost or that there is no other employment or mixed use alternative that the site could be used for. The proposals are therefore contrary to the guidance in CS Policy CSP.7 and Policy CE2 of the Coleford Neighbourhood Development Plan 2018 (CNDP).
8. Thirdly, whilst the Council acknowledges that it is currently unable to demonstrate a five-year housing land supply, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Main Issues

9. The main issues in this case are:

- The effect of the development on the supply of land available for employment generating use; and
- Whether the proposed development makes suitable provision for the parking of vehicles including its effect on the local highway network, with particular reference to the quality of the layout of the development.

Reasons

Employment land

10. The appeal site is currently occupied by an existing private coach business seeking to relocate and expand on a site with better access and facilities. It comprises a large hard surfaced yard with garaging workshop and associated storage and employs ten people.
11. CS policy CSP.7 indicates that land presently used for employment will be expected to remain so unless allocated to another purpose. Where a site is underused or unsuitable, a mixed use, such as employment and housing, may be appropriate. Failing that, the policy allows for an alternative non-employment use. CNDP Policy CE2 supports the change of use to non-employment uses where, amongst other things, the site has been empty for 12 months and active and appropriate marketing shows no prospect of re-use in the short term; or it is in poor condition and not economically viable for employment use; or the proposal promotes the support and enhancement of local employment in the whole Parish.

12. The Appellant has submitted a letter from a Chartered Surveyor dated 14 November 2023 responding to queries about the business and the relocation proposals. This indicates the business's intention to stay within the local area and explains the informal marketing of the current site which has taken place since April 2022. It does not indicate however whether the alternative sites being considered are within the Parish or how the proposals support and enhance local employment in the Parish. I therefore cannot conclude from the evidence that the proposal would support employment in the whole Parish.
13. The letter indicates that 12 parties have been approached but there is no demand for the current site due to its dated nature and the availability of other industrial sites. Whilst informal contact has been made with prospective buyers, the evidence does not demonstrate that formal, active marketing has been carried out. Detailed evidence of active marketing such as the site value, sale price or other sales particulars have not been provided. Nor have I seen evidence to demonstrate why a short term-re-use or mixed employment and housing development is not feasible or viable. On the basis of the informal marketing, the loss of the site would be likely to cause modest harm to the availability of employment opportunities in the District.
14. As a consequence, for the reasons given, the proposals would have a harmful effect on the land available for employment use in conflict with CS Policy CSP.7 and CNDP Policy CE2 which seek to retain land presently used for employment.

Parking

15. The car parking standards for new housing development are set out in the Gloucestershire County Council's "Manual for Gloucestershire Streets (July 2020) Addendum - October 2021" (MfGSA). Whilst the MfGSA is technical guidance, it has not been demonstrated that the parking standards are referenced in a development plan policy and their planning status is unclear. Nevertheless, the Framework expects transport issues to be considered from the earliest stages of development proposals. This is so that, amongst other things, patterns of movement and parking are integral to the design of schemes and contribute to making high quality places. The Framework also indicates that parking standards, including for residential development, should take into account various matters including the availability of public transport and local car ownership levels.
16. The MfGSA refers to further evidence having been collected on car ownership levels and aspires to reduce car dominance and promote alternative transport modes. This resulted in the review of the required parking levels for residential development. The updated standards require that a minimum of 2 car parking spaces be provided for 3 and 4 bedroom units. In the light of the Council's evidence from the 2021 census that 74.8% of households in the area immediately around the appeal site have one or more cars or vans, this standard is reasonable for 3 and 4 bed family houses. Applying the standard, the scheme would generate a requirement for 14 car parking spaces. The proposed layout plan shows 9 parking spaces, with only one space indicated for each of the 3 bed units.
17. Although the layout plan appears to indicate where garages may be located, it does not specifically identify any garages. Notwithstanding this, the MfGSA

indicates that garages do not in any event count towards the car parking provision, regardless of their dimensions, on the basis that they tend to be used for other purposes. The national Manual for Streets (MfS) points out that whether garages count fully should be decided on a scheme by scheme basis.

18. For this scheme, the internal layout of the development has no identified spaces for communal, unallocated parking which might accommodate the shortfall of 5 spaces. Informal parking on the internal access way would unacceptably narrow it and obstruct access to the dwellings resulting in internal vehicle circulation issues. The shared access way is bordered by front gardens with a turning head at its southern end which has no additional parking capacity shown within it. Space at the north western end is constricted by the need to provide access to the existing dwelling in that corner of the site. Informal parking around the access to that house would result in its obstruction. As a consequence, the proposed parking arrangement would impede or prevent the manoeuvring of vehicles within the development and significantly harm its quality.
19. Turning to off-site parking arrangements, the site is accessed via a narrow, class 4 highway which forms a cul-de-sac close to the site entrance. This also serves other properties including houses, a retail unit and Ormiston, a premises used to provide care which adjoins the site. Whilst the shop and Ormiston have private off-street parking, reference has been made to the on-street parking problems that the cul-de-sac currently experiences. This is primarily due to the number of vehicles visiting Ormiston. I noted from my site visit that Ormiston had several cars parked outside it perpendicular to the road as well as on the premises forecourt. Together with some informal parking on the western side of the cul-de-sac opposite the site, this limits the availability of parking on the road adjacent to the site. Although there is a large parking area opposite the retail unit, this is clearly signed as a private car park for customers only. I have no detailed information on on-street parking capacity, including any difference between times of day or days of the week, but from the evidence before me the short fall of parking provision within the development would exacerbate the existing on street-parking problems.
20. I note that the Highway Authority's pre-application advice on the proposals referred to the need to meet the parking standards and set out in detail the requirements of the MfGSA. Whilst the Highway Authority did not raise an objection to the appeal proposals at the planning application stage, it is unclear why its pre-application advice was not followed. Notwithstanding this, I am satisfied that the application of the standards is justified in this case and the shortfall in spaces within the development would not meet the Framework's intention that parking provision contributes to making a high quality place.
21. Although the site is within walking and cycling distance of bus stops and some local services, I have no evidence to show that this would reduce car usage by a sufficient amount to offset the shortfall in useable car parking spaces within the development.
22. I have given consideration as to whether a suitably worded condition could be imposed to secure further details of additional parking were I minded to allow

the appeal. As the layout and scale of the development form part of the appeal proposals, the provision of additional parking would be likely to require a significant change to the submitted plans and would not be reasonable. The Planning Practice Guide (PPG) also makes clear that, as the scale and layout have been submitted as part of the appeal proposals, conditions cannot be used to reserve these matters for subsequent approval.

23. The Highway Authority did not consider that the traffic generated by the proposals would have a severe impact on the highway network. The existing commercial use of the site already generates vehicle movements, including coaches, and although a short section of the road into the site is poorly surfaced and without footways, I have no evidence to conclude that the road is not adequate to serve the proposed development.
24. I have been referred to unspecified new housing developments in nearby Berry Hill and Coleford. I have not been provided with details of these developments or the relevant planning issues they raise and have considered the appeal proposals on their individual merits
25. Policy CSP.4 is a general policy promoting development in settlements and as such does not relate directly to the parking issues I have identified. However, Policy AP 4 expects new development to be of high quality design which is, amongst other things, safe and accessible. The effect of the shortfall in parking would cause substantial harm to the quality of the proposed development
26. As a consequence, for the reasons given, the layout and scale of the development do not make suitable provision for the parking of vehicles which conflicts with AP Policy AP 4 and the Framework's policies for creating high quality places.

Other Considerations

27. Set against the harm I have identified, the development would have the benefit of providing an additional 7 houses; would make use of previously developed land (PDL); and provide economic benefit through construction jobs and spending by future occupiers using local businesses. Whilst the contribution to the housing supply and the related economic benefits are modest and thereby attract moderate weight, the use of PDL is a significant benefit which has substantial weight in accordance with the Framework's policy for making effective use of land within settlements. The redevelopment would also significantly benefit the existing business by providing a means for it to relocate. However, as the evidence does not provide full details of the proposed relocation or availability of suitable sites, I give this limited weight.
28. The site is within 1km of the Old Bow and Ham Mines Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), which is the nearest component of the Wye Valley and Forest of Dean Bat SAC and has a significant bat population. Natural England's consultation response on the scheme, however, indicated that the proposed development would not have significant adverse impacts on legally protected nature conservation sites or landscapes. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to

give consent for the proposed development. Therefore, given my conclusions on the main issues, it is not necessary for me to consider this matter in any further detail. The proposals include a detailed tree survey and from the evidence provided I am satisfied that trees around the site which are worthy of retention could be retained as part of the development.

29. Reference is made to the Council's handling of the planning application and the delays in it reaching its decision. There are alternative processes for pursuing these matters and I have determined the appeal on its individual planning merits.

Planning Balance

30. For the reasons given, the effect of the proposals would cause harm to the amount of land available for employment use in conflict with CS Policy CSP.7 and CNDP Policy CE2 which seek to retain land presently used for employment. In addition, the proposed layout of the development does not make suitable provision for the parking of vehicles which conflicts with the expectation in AP Policy AP 4 that new development creates high quality places.
31. The CS, AP and CNDP date from 2012 and 2018 respectively but the weight to be attached to them does not hinge on their age. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
32. The Framework requires that significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development. It also indicates that proposals to use employment land for homes in areas of high housing demand should be supported provided this would not undermine key economic sectors and be compatible with other policies in the Framework. Policies CSP.7 and CNDP Policy CE2 broadly reflect this positive approach and therefore conflict with them should be given substantial weight. The Framework identifies that parking provision contributes to making high quality places and I therefore attach substantial weight to the conflict with Policy AP 4. The MfGSA parking standards however do not form part of the development plan and therefore attract moderate weight.
33. As there are no policies in the development plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, I conclude that there would be conflict with the development plan as a whole.
34. The Council cannot demonstrate a five year supply of deliverable housing sites. In these circumstances, applying footnote 8 of the Framework, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The site is not within a protected area.
35. As described above, the benefit of redeveloping PDL has substantial weight albeit that the modest contribution to the housing supply shortfall and related economic benefits of construction jobs and support for local businesses has

moderate weight. Due to the limited evidence, the benefit of relocating the existing business attracts limited weight.

36. Consequently, on the basis of the evidence before me, the moderate harm caused by the loss of the land currently available for employment and the substantial harm arising from the inadequate parking provision would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

37. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR