



Appeal Decision

Site visit made on 8 October 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2024

Appeal Ref: APP/P1615/W/24/3344714

Land West Of Chapel Pitch, Ketford, Dymock, Gloucestershire GL18 2BL

- 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 Rebecca Preece against the decision of Forest of Dean District Council.
 - The application Ref is P1021/23/FUL.
 - The development proposed is change of use of land and siting of 1 no short-term holiday cabin.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mrs Rebecca Preece against Forest of Dean District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The description of development in the header above is taken from the application form. This description suggests the development involves no new building operation. However, a drawing showing the elevations and the floor plan of the cabin has been provided by the appellant and this is relied upon in their submissions. It is fair and appropriate to assess this appeal on the basis of the proposed cabin being in accordance with the submitted plans. The appeal drawings also show the provision of a package treatment plant, drainage field, car park, bin store and new access. These proposed features have also been considered in my assessment.

Main Issue

4. The Council's decision to refuse planning permission was made by its Development Management Committee (the Committee). The appellant raises concern that the reasons for refusing permission as stated on the relevant minutes of the Committee's meeting are different to those as set out on the formal decision notice. It is suggested that a revision of the wording is inappropriate and unreasonable.
5. It is not in my remit in determining this appeal to decide upon the validity or appropriateness of the Council's actions relating to the issuing of its decision. The appellant has had the opportunity to respond to all of the objections raised by the Council through the appeal process. With this in mind, I consider

the main issue is the effect of the development on the character of the area and the appearance of the landscape.

Reasons

6. The appeal site lies in a rural area characterised by fields, grassland and woods. Built development tends to be isolated farms and dwellings dispersed through the countryside. Consequently, the wider area has a strong natural feel with the most influential features being open land and vegetation.
7. The appeal site forms part of a wooded area that stretches alongside a narrow country lane called Chapel Pitch. The trees lie on a slope that falls down from the lane to a grassed field. A public footpath runs along the bottom of the slope and across the field. Whilst there is a post and wire fence along the roadside boundary, the largely natural feel to the belt of trees contributes positively to the area's rural qualities. The site and its surroundings are not designated for their landscape importance but nonetheless, there are attractive public views from the road and the footpath of the natural, undulating landform.
8. The holiday cabin would be stationed on a clearing amongst the trees. The topography and the screening effect of the vegetation would prevent the cabin from being easily seen from the lane. However, the appellant's Landscape and Visual Statement acknowledges it would be at least partially visible from a section of the footpath. The cabin would be to the side of the path but it would be on a higher level and so it is likely to draw the attention of walkers. The trees would not entirely conceal the cabin from the footpath, particularly during times of leaf fall. Also, the information before me fails to show whether additional planting could be provided to screen the cabin. From where it is seen, the holiday unit would appear as an unusual man-made feature amongst the natural environment. Its small size and the proposed timber cladding would not fully address nor overcome its incongruity and its visual impact.
9. The new access would be off the lane and lead to 2 new parking spaces and a bin store. These features would be near to the highway and so they would be clearly seen by drivers passing the site. The use of a low-key surfacing such as grasscrete would ensure the access, parking and turning area are not unduly prominent. However, parked vehicles and the bin store would be visible and they would spoil the natural feel to the tree belt and the elevated views from the road of the countryside. I am unconvinced that new planting could be provided that entirely screens the cars and bin store, particularly as the access and associated visibility splays would need to be kept clear of obstruction.
10. An informal path to link the car parking area to the cabin would have minimal visual impact. Also, the proposed drainage features would largely be underground and so they would not have any meaningful effects on the landscape. However, the development would introduce onto the site activities such as outdoor relaxation and recreation as well as associated paraphernalia. The visual effects of such human activities would be fairly low-key but nonetheless they would be noticed from the footpath and the road. These activities would detract from the tranquil qualities of the locality.
11. The development's visual effects and impacts on the character of the area would be fairly localised and limited to short stretches of the footpath and Chapel Pitch. Also, the cabin and parking would not permanently change the

landscape in the same way as a new building. Even so, the development would have a marked detrimental effect by introducing man-made features and human activity into a highly natural environment. As such, granting planning permission would go against the aim set out at paragraph 180 of the National Planning Policy Framework (the Framework) for planning decisions to recognise the intrinsic character and beauty of the countryside.

12. For the above reasons, I conclude the development would have a harmful effect on the character of the area and the appearance of the landscape. In these respects, it would not accord with policy CSP1 of the Forest of Dean District Council Core Strategy adopted 2012 and policies AP4 and AP5 of the Council's Allocations Plan adopted 2018. Amongst other things, these policies look to ensure development preserves and takes account of important characteristics of the environment as well as local character and distinctiveness.

Other considerations and planning balance.

13. In light of my conclusion on the main issue, I find the proposal would not accord with the development plan when read as a whole. It follows to consider whether other factors indicate planning permission should be granted contrary to the development plan.
14. At paragraph 88, the Framework says planning decisions should enable sustainable rural tourism. However, this support only extends to schemes that respect the character of the countryside. I have already found the development would be harmful to the rural landscape and so it gains no support from this part of the Framework.
15. The Council's refusal reason refers to harm caused to the Barn Farm Banks Wildlife Area (the LWS). The appellant's ecological impact assessment (EIA) indicates that the appeal site lies outside the LWS as its boundary runs along the edge of the tree belt. The EIA explains that the LWS is noted for its grassland with a large number of wild daffodils. The development would have no effect on these features and so it would not harm the ecological importance of the LWS. Acceptability in these respects is a neutral factor in my consideration of the appeal.
16. The EIA explains that the site has the potential to support protected species such as bats, dormice, breeding birds and great crested newts as well as priority species such as hedgehogs and common toads. The report concludes the development would not impact on any of these species subject to various mitigation and avoidance measures. Acceptability in these regards is a neutral factor in my assessment.
17. The EIA notes that the deciduous woodland within the appeal site is a priority habitat, although it is managed by low intensity sheep grazing and so represents wood pasture. Due to the grazing, there is little or no shrub layer beneath the tree canopy and so as a biodiversity enhancement measure it is proposed to exclude grazing from part of the woodland. Also, it is proposed to provide new native trees to compensate for the removal of existing trees and to fill in suitable gaps. A landscape and ecological management plan is included within the EIA and the enhancement measures could be reasonably secured by a planning condition. As such, the development would have local ecological benefits that weigh in favour of allowing the appeal.

18. It is suggested that the development would support a low carbon future through the incorporation of renewable and low impact carbon features. However, any environmental benefits in these respects would be tempered as it is likely that visitors would need to travel by private car to get to and from the cabin given the lack of realistic alternatives and the isolated location. Therefore, this factor attracts limited positive weight in my assessment.
19. The development would generate construction-related employment. Also, it would provide an opportunity for tourists to stay in the area and it may lead to guests supporting local businesses and services. Nevertheless, these economic benefits would be modest given the scale of the development. Moreover, the site's remote location would reduce the likelihood of guests using the nearest facilities.
20. The Council indicates that it is unable to demonstrate a 5 years' supply of housing land as required under the terms of the Framework. However, the proposal is not for housing that would help address the shortfall in supply as it is for short term occupancy as holiday accommodation. As such, footnote 8 and paragraph 11(d) of the Framework do not apply.
21. In any event, the benefits of the proposal only attract moderate weight when considered together. The identified harm to the landscape would significantly and demonstrably outweigh the factors in support of the development when having regard to the policies of the Framework when taken as a whole. Accordingly, there is insufficient justification to grant planning permission contrary to the development plan.

Other Matter

22. The Council contends that lighting associated with the development would have a likely significant effect on protected bat species associated with the Wye Valley and Forest of Dean Bat Special Conservation Area. If I agreed with the Council on this point, I would need to carry out an appropriate assessment under the terms of the Conservation of Habitats Regulations 2017 (as amended). However, I need not consider this matter further as I am minded to dismiss the appeal for other reasons. A finding that the development would be acceptable in these respects would not affect my overall conclusion.

Conclusion

23. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR