



Appeal Decision

Site visit made on 13 November 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2024

Appeal Ref: APP/P1615/W/24/3347827

Herridges Orchards, Ketford Rd, Poolhill, Newent, GL18 1LW

- 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 I R & J M Greenwood against the decision of Forest of Dean District Council.
 - The application Ref is P1618/23/FUL.
 - The development proposed is described as "general-purpose agricultural building."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In their submission the appellant has referenced potential alterations to the scheme, such as a reduction in scale, an alteration to the design to fully enclose outdoor areas and changes to the external materials. Whilst I have not been provided with plans detailing all the alterations, they would represent a noticeable departure from the scheme that the Council considered and that on which the views of third parties were sought. I have some concerns therefore that accepting the amendments would result in some prejudice to third parties wishing to comment. I have not therefore taken the alterations into account in making my decision.
3. Works have commenced on the appeal building, which I saw during my site visit, therefore the appeal is part-retrospective.
4. In their submission the appellant has stated that the application is a retrospective notification and not a planning application. As works have already commenced on the appeal building, I am mindful that there is no provision to grant prior approval retrospectively within The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order). Furthermore, as a full planning application has been submitted, and this is how the Council determined it, I have proceeded on this basis.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is located in a rural area characterised by an agricultural landscape of rolling hills, divided up by traditional hedgerows and pockets of woodland. The Council have produced a Forest of Dean District Landscape

Character Assessment (LCA) and the appeal site falls within the Bromsberrow Heath character area. The LCA refers to this area as having neat hedgerows that divide the landscape into a patchwork of arable fields, orchards, and verdant pastures, which are characteristics that can be readily attributed to the area of the appeal site.

7. The appeal site is clearly visible in close views from a nearby network of public rights of way which run to its north, east, south, and west. The general open nature of the land, apart from orchard planting, gives clear and pleasant views across the field and out over the surrounding rolling countryside. Users walking from the north would have a particularly clear view of the development due to the land sloping down away from the building, giving the building a prominent appearance in the landscape. The site is easily viewed in medium range views from a stretch of Pool Hill Road to the south of the appeal site, where those walking or driving can look up to the site and to the land beyond, which slopes up away to the north.
8. The proposed building would be highly prominent within these views. It would appear isolated, particularly when viewed from the nearby public rights of way and Pool Hill Road. It would significantly degrade the quality and character of the rolling patchwork of agricultural land that forms the setting of the appeal site.
9. Harm to the character and appearance of the area further stems from the design of the building. In particular, the use of a wide mix of materials in the construction of the building, including brick red render, mineral felt to one part of the roof, and light-coloured corrugated material to another part of the roof, and the inclusion of fenestration, would be an alien feature incongruous to the local vernacular and more akin to that typically found on dwellings rather than agricultural buildings. By way of its more domestic appearance the appeal scheme would also further contribute to the loss of the rural character of the area. Due to the scale and height of the building, landscape planting would not screen the building, which would still be visible in close and medium range views, particularly in the winter.
10. I have had regard to the appellants submission that suggests that the design of the building is low-carbon, thermally efficient and required to allow for the appropriate management of the enterprise, including the germination of seedlings, storage of fruit crates and machinery. From the details provided by the appellant in relation to the enterprise, I am not convinced that the needs of the enterprise could not be met by a building of a more traditional construction and less harmful to the character of the area. Furthermore, I have no evidence before me that the materials used in the construction of the building could not be repurposed for the construction of another building or elsewhere on the enterprise.
11. My attention has been drawn to a prior notification that was approved approximately 90 metres to the north of the appeal site for an agricultural building which both the appellant and the Council consider to be a fall-back position. The agricultural building would be of a typical construction finished in blockwork, timber cladding and dark grey and green metal sheeting. Whilst the building approved under the prior notification would still be visible its design and use of typical agricultural materials would mean it is viewed as an agricultural building in a rural landscape. Thus, it would have a less harmful

impact on the character and appearance of the area than the appeal scheme which has a more domestic appearance and alien use of materials.

12. The proposal would result in harm to the character and appearance of the surrounding area. The proposal would therefore conflict with Policies CSP 1, CSP 4 and CSP 7 of the Forest of Dean District Council Core Strategy (2012) (CS), Policies AP 4 and AP 5 of the Forest of Dean District Council Allocation Plan (2018) (AP) and the guidance contained within the LCA. Together, these policies seek, amongst other matters, to ensure that development improve the quality of their environment with special regard being paid to the general rural character of the district and protect local distinctiveness. It would also conflict with the design aims of the Framework with particular paragraph 135 which seeks to ensure that developments are sympathetic to local character.

Conclusion

13. For the reasons above, I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR