



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: 04 December 2024

Appeal Ref: APP/P1615/W/24/3349877

Land Off Kempley Road, Lower Orchard, Gorsley

- 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 Mr & Mrs IC and CA Burson against the decision of Forest of Dean District Council.
 - The application Ref is P1425/23/FUL.
 - The development proposed is described as the "erection of a detached dwelling with associated garage, parking and access."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the proposal is for a self-build dwelling. No evidence or information pertaining to its self-build nature has been submitted with the appeal and no legal agreement securing it as such has been provided. Additionally, the Council have not raised this as a concern during the course of the application or appeal. I have therefore dealt with the proposal as an open market dwelling.

Main Issues

3. The main issues are whether the location of the proposed development would be acceptable with specific regard to the principle thereof, the Council's spatial strategy and access to services; and the effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. The appeal site is an undeveloped parcel of land located to the east of the village of Gorsley. The appeal site is laid to grass with some trees located on the site and bound on four sides by mature hedgerows and trees, giving it the appearance of an agricultural paddock. To the north and west are residential dwellings and to the east and south are Kempley Road and the B4221, respectively.
5. The strategy for the area is set out in the Forest of Dean District Council Core Strategy (2012) (CS) It directs most new development to settlements. Policy CSP 4 addresses development at settlements and states that most changes in towns and villages in town and villages will be expected to take place within existing development boundaries. Exceptions to this include affordable housing

for local persons and new buildings for employment uses. It goes on to state that area outside settlement boundaries will be treated as part of the open countryside.

6. The closest settlement is Gorsley, which is located within a neighbouring Council area. The appellants submission details the development boundary for Gorsley, noting that the appeal site lies wholly outside this. As such, CS Policy CSP 4 requires the site to be treated as part of the open countryside.
7. Gorsley is a village with built development mainly focussed along four, the B4221, Quarry Lane, Frowens Lane and Common Road. These four roads create a rectangle of development, with village hall, shop, public house, and primary school located on these roads, somewhat creating a village centre. As you move away from this built development becomes more linear and sporadic.
8. The appeal site is located to the east of the settlement boundary along the B4221. Built development from Gorsley extends beyond its settlement boundary towards the appeal site on the southern side of the road. To the northern side of the B4221 there are large gaps in built form with development becoming more sporadic.
9. Whilst Gorsley has amenities, overall, it has limited services and facilities. For example, the nearest secondary school or convenience stores are at Newent and Ross on Wye. There is a bus stop in close proximity to the appeal site, and the appellant states that there is a bus twice a day.
10. Whilst the bus services may be considered reasonable for a rural location and do provide an option for travel, in the absence of a timetable, I am not convinced that this would provide sufficient alternative travel arrangements to meet day to day needs such as travelling to school, employment and other services and facilities. I consider that it is still likely that there would be significant reliance on the private motor car to access shops and a wider range of services, facilities, and employment opportunities.
11. Furthermore, the nature of the surrounding highway network, with narrow pavements and lack of street lights or cycle paths, would unlikely encourage walking or cycling, the most sustainable forms of transport, to access services, facilities, or employment.
12. The above factors support the classification of the appeal site as to be treated as open countryside in the CS settlement hierarchy. Overall, the proposal does not comply with the housing strategy for the area, the thrust of which is to direct most development to locations with good access to services, facilities, and employment opportunities, whilst generally avoiding development in the open countryside.
13. I conclude that the proposed development would not be in a suitable location, with particular regard to the housing strategy for the area, access to services and facilities and use of sustainable modes of transport. Consequently, it would be contrary to policies CS Policies CSP.1, CSP.4, CSP.5 and CSP.16 and Policies SP1 and AP4 of the Forest of Dean District Council Allocation Plan (2018) (AP). Together these seek, amongst other things, to safeguard the environment and ensure that most changes in towns and villages are within settlement boundaries, and that the level of accessible services should be

considered, along with the availability of public transport and whether the development would be proportionate to the function of the settlement. It would also not meet the aims of paragraphs 8 and 135 of the Framework in terms of ensuring accessible services and facilities.

Character and Appearance

14. The appeal site is an area of undeveloped land bound by mature trees and hedgerows. The open nature of the land combine with its verdant boundary features contributes to the rural character of the area. The site is visible when passing along the adjoining roads, the B4221 and Kempley Road, through gaps in the hedgerow. Additionally, a pavement runs along the southern boundary of the appeal site giving users close views.
15. The appeal site forms part of the gap in development on the northern side of the B4221. The gaps in built development along the B4221 and other roads leaving Gorsley contribute positively to the rural character and the sporadic and dispersed feel of the area, denoting the change from a village to the open countryside. It adjoins a residential dwelling to its north and west. Large areas of agricultural land are located to the east and south.
16. As noted above, the appeal site contributes positively to the rural character of the area by providing an area of open space and a gap in built form. The construction of a dwelling on this area of undeveloped land would erode the rural characteristics of the site, harming the character and appearance of the wider area.
17. I have had regard to the appellants submission that there are dwellings nearby and the site is well screened. Whilst the dwelling would be located close to existing dwellings, it would remove the last piece of undeveloped land fronting the B4221 between Burrups Lane and Kempley Road, widening this cluster of dwellings and giving the area a suburban character. Additionally, the existing dwellings are set well back from the B4221 or behind extensive mature landscaping, meaning that they are not readily apparent when travelling along the road and their extensive landscaping contribute to the rural characteristics of the area.
18. Whilst the new development closer to Gorsley is apparent when travelling west along the B4221, this is clearly separated from the appeal site by a stretch of hedgerow and tree bound road. As such it is both visually and spatially separated from the appeal site.
19. The proposal would result in harm to the character and appearance of the surrounding area. The proposal would therefore conflict with CS Policies CSP 1, CSP 4, CSP 5 and CSP 16, Policies AP 1 and AP 4 of the Forest of Dean District Council Allocation Plan (2018) (AP) and the guidance contained within the Forest of Dean District Council Landscape Character Assessment. 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.

Planning Balance

20. It is common ground that the Council cannot demonstrate a deliverable five-year supply of housing and I have no reason to disagree with that view. In this case, I have found that the proposal would not be in an appropriate location for housing and would harm the character and appearance of the area. To my mind, this weighs very heavily against allowing the proposed development.
21. The proposal would deliver one dwelling that would deliver at least 10% of the predicted energy requirements from renewable or low carbon sources. The development would bring socio- economic benefits from the construction process together with the ongoing occupation of the dwelling. It would also deliver biodiversity enhancements. However, in my view, these benefits are limited in the overall balance.
22. Taking all of the above factors into account, I consider that the harm I have identified relating to the location of the proposal and to the character and appearance of the area significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework when taken as a whole. The proposal does not therefore benefit from the presumption in favour of sustainable development outlined in the Framework.

Conclusion

23. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR