



Appeal Decision

Site visit made on 3 January 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th January 2025

Appeal Ref: APP/P1615/W/24/3346302

Engine Meadow Lodge, Dymock, Gloucestershire

- 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 Richard Goulding against the decision of Forest of Dean District Council.
 - The application Ref is P/0073/24/FUL.
 - The development proposed is temporary retention of dwelling and garage building for up to three years for the essential needs of a rural worker to demonstrate viability of farm business (resubmission of P0357/23/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site from the Council's Decision Notice, which is more concise than that used in the application form. I am satisfied that no party would be prejudiced as a result.
3. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against the updated national policy context, the relevant changes to the Framework are not fundamental to matters which are determinative to the outcome of this appeal.

Main Issue

4. The main issue is the effect of the appeal development on Boyce Court, a Grade II Listed building and its setting.

Reasons

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I have special regard to the desirability of preserving the listed building and its setting, or any features of special architectural or historic interest.
6. The site consists of former agricultural land, on which a wooden dwelling and garage have been erected, together with the creation of a driveway and domestic garden. The land is to the rear of Boyce Court, and within its historic estate. This is an early 17th century house, much altered in the 19th and 20th centuries. Its front elevation has a Regency form, including a central porch framed by Doric pilasters.
7. Relevant to the appeal, the significance of Boyce Court is its architectural and historic interest as a grand country house, within a surrounding agricultural

landscape that is relatively unchanged. The appeal development provides accommodation for an agricultural worker, as part of a calf rearing and store cattle enterprise. The appellant seeks to retain the buildings for a further temporary period of up to three years.

8. To the rear of Boyce Court, close to the appeal site, is a substantial brick wall, albeit dilapidated in places. This wall, together with the existing vegetation, limits the degree of intervisibility between the appeal development and Boyce Court. However, this may well have been intentional, to reflect the lower-order, functional status of this part of the estate.
9. To the north of the wall, small agricultural buildings were built, which remain today. That said, there is little if anything to suggest that the appeal site itself has been previously built-upon. Accordingly, as greenfield agricultural land, and as evidence of the hierarchy within the estate, the appeal site in its undeveloped state would have made a positive contribution to the setting and significance of Boyce Court.
10. Despite its wooden materials and modest scale, the appeal dwelling does not resemble a barn or similar agricultural structure. Instead, its large roof gives it a chalet-like design, massing and appearance. This conflicts with the traditional design of Boyce Court and its farm buildings. In addition, the creation of a new residential use and its associated paraphernalia results in the domestication of the land, adding to its adverse effects. Consequently, the appeal development has a harmful effect on the surroundings of the listed building, even on a temporary basis.
11. It is common ground that plot boundaries within the estate have remained relatively unchanged over time, with the appeal site having been part of a secondary, functional part of the estate. This historic relationship contributes to the setting and understanding of Boyce Court and its land. As a new 'primary' use, close to but separate from the main house, the appeal development conflicts with and disrupts this hierarchy, further harming the significance of the listed building.
12. Farming forms an important part of the history of Boyce Court, and the continuation of a working agricultural use and stewardship of the land undoubtedly has some heritage benefit. Nevertheless, this is outweighed by the adverse effects caused by the appeal development to the surrounding landscape, and its conflict with the significance of the listed building and its setting. Any additional landscaping and the removal of permitted development rights would not overcome this harm.
13. Consequently, I conclude that the appeal development has a harmful effect on the setting of the listed building, failing to preserve it. This conflicts with Policy CSP.1 of the Council's Core Strategy, adopted February 2012, and policies AP4 and AP5 of the Council's Allocations Plan, adopted June 2018. Amongst other things, these require development to preserve heritage assets, taking account of local character, history and distinctiveness. As required by the Framework, and having regard to the statutory duty under the Act, I give great weight to the conservation of the heritage asset.

Other Considerations

14. In the language of the Framework, the harm identified would be less than substantial. Against this, there is an undisputed functional need for the dwelling as

part of the farming enterprise. Its public benefits include the wider economic contributions of the business, given the importance of the accommodation to it. I give this moderate weight in favour of the development, and I have little substantive evidence of suitable alternative locations for the accommodation.

15. The development makes a positive contribution to the supply of housing. However, as a single unit, this benefit attracts only limited weight. For these reasons, I conclude that the public benefits of the development do not outweigh the less-than-substantial harm to the setting of Boyce Court, to which I have given great weight.
16. I have found conflict with Development Plan policies CSP.1, AP4 and AP5, which are consistent with the Framework. The Council accepts that it cannot currently demonstrate an adequate supply of housing land. Nevertheless, the policies in the Framework which protect assets of particular importance, including designated heritage assets, provide a clear reason for refusal in this case. As a result, the tilted balance of Framework Paragraph 11(d) is not engaged.
17. The development is close to the Wye Valley and Forest of Dean Bat Special Area of Conservation (SAC), which is protected pursuant to the Conservation of Habitats Regulations 2017. Had I found no harm in respect of the main issue, as competent authority I would have carried out an Appropriate Assessment in respect of its effects on the SAC. However, as permission is being refused for another reason, this matter need not be considered any further.

Planning Balance and Conclusion

18. 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.
19. 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