



Appeal Decision

Site visit made on 24 February 2025

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2025

Appeal Ref: APP/P1615/W/24/3348930

Rectory Fields, Church Lane, Rudford, Gloucester GL2 8DT

- 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 Marshall Oldham against the decision of Forest of Dean District Council.
 - The application reference is P1290/23/FUL.
 - The development proposed is change of use of agricultural building to form a single unit of holiday accommodation, including improvement of the existing driveway and access.
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Decision

1. The appeal is dismissed.

Reasons

2. The appeal site is in the countryside to the east of a small group of buildings, Mill Cottage, Mill House, Ingleside Farm and St Mary's Church, a Grade I listed building. Access to the group of buildings and the site is along Church Lane, a single track unlit cul-de-sac without footpaths that has a junction with the B4215. Close to the existing access into the site the lane passes over a bridge; formerly over a railway line. The narrow strip of land between the bridge and the B4215, the route of the railway line, is now part of public footpath GRU26 known as the Three Choirs Way.
3. On the appeal site is a building that is a reconstruction of a previous structure. A previous application for its change of use to form a holiday let was refused for several reasons; including "The proposed development will result in an intensification in the use of a substandard junction between the B4215 and Church Lane which currently offers substantially limited visibility splays". An appeal was dismissed. To address highway safety concerns the Appellant now proposes that the site be accessed along a gravel driveway from the B4215 along the route of the Three Choirs Way.
4. The main issue is the effect of the proposed development on the use and character of the Three Choirs Way.
5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan in this case includes the Forest of Dean District Council Core Strategy (CS) and the Forest of Dean District Council Allocations Plan (AP). The National Planning Policy Framework (NPPF) is a material consideration.
6. Drawing number 210597-01 submitted with the application indicates that the private drive would be constructed using compacted Type 1 aggregate and would be bound by wooden edging. The drawing indicates that details of the drive would be

agreed by Gloucestershire County Council (GCC) Highways but they only have jurisdiction over the public highway and would not agree details of a private drive. The drive would be 3 metres wide with four 10 metre long passing bays where the drive would widen to 4.5 metres. The private drive would be about 800 metres long.

7. The 800 metre long section of former railway line is now grassed over, though the aggregate of the line can be seen occasionally, and has overgrown hedgerows on both sides. This section of the footpath route is confined and secluded and, away from the B4215, is relatively tranquil when compared with the busy highway. It is visually attractive and a comfortable route for users of the footpath. The footpath is not marked and walkers are not likely to follow a consistent route. The private drive would be to one side of the area between the hedgerows, which is about 15 metres wide, and nothing is proposed to segregate the drive from the footpath.

8. The introduction of a gravel drive into the 800 metre long narrow area of the former railway line would, in itself, be wholly unacceptable. The character of the area would be seriously undermined by the drive, which would be an alien and visually intrusive feature. The wooden edging of the drive would probably decay over time and gravel would be likely to migrate across the area, exacerbating the harm that would be caused. The use of the drive by guests accessing the proposed holiday let would introduce vehicular activity into the area. This would harm the tranquillity of the footpath and would seriously harm enjoyment of this part of the Three Choirs Way.

9. In some cases it is difficult to express how harmful a proposed development would be. This is one of those cases. The private drive would seriously harm the character of this part of the Three Choirs Way, and would seriously undermine enjoyment of the public footpath. Given the lack of any segregation of the drive from the footpath there is also the potential for conflict between traffic and users of the footpath. This part of the footpath would not be safe, secure and attractive. The proposed development conflicts with CS policy CSP.1 and with paragraph 116 of the NPPF.

10. The conclusion on the main issue is sufficient reason, in itself, to dismiss the appeal and to withhold planning permission for the proposed development.

Other matters

11. AP policy AP9 supports the reinstatement of the Herefordshire and Gloucestershire Canal (HGC). The former railway line is part of the route of what would be a reinstated HGC. The Appellant's Agent has commented that the reinstatement of the HGC is unlikely to happen, for financial and other reasons. This consideration notwithstanding, the introduction of the proposed private drive would compromise the route of the proposed reinstated HGC and conflicts with AP policy AP9.

12. The group of designated and non-designated heritage assets, the Church and the dwellings, can be viewed and experienced from open countryside to the east. The reconstructed structure is close to and in front of the group in these views so is within the setting of the group of heritage assets. Neither the completed building, if it were to be completed, nor use of and activity associated with the proposed holiday let would harm the setting of the group of heritage assets.

13. All matters mentioned in support of the appeal have been taken into account but they do not, either individually or collectively, outweigh the conclusion reached on the main issue. There are no material considerations to indicate that the appeal should be determined other than in accordance with the development plan.

Conclusion

14. The private drive would seriously harm the character of the Three Choirs Way, and would seriously undermine enjoyment of the public footpath. The proposed development conflicts with CS policy CSP.1 and AP policy AP9. The appeal is thus dismissed and planning permission is withheld for 'change of use of agricultural building to form a single unit of holiday accommodation, including improvement of the existing driveway and access' at Rectory Fields, Church Lane, Rudford, Gloucester.

John Braithwaite

Inspector

