



Appeal Decision

Site visit made on 24 January 2025

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th March 2025

Appeal Ref: APP/P1615/W/24/3351312

Valley View Park, Newnham Road, Blakeney, Gloucestershire GL15 4DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Jason Smith against the decision of Forest of Dean District Council.
 - The application Ref is P0476/24/FUL.
 - The application sought planning permission for change of use of touring caravan and camping site from 25 units to holiday park for 11 lodges without complying with a condition attached to planning permission Ref P1633/20/FUL, dated 14 October 2020.
 - The condition in dispute is No 3 which states that: *"The proposed holiday accommodation shall be used for holiday purposes only and shall not be used as any individual's main or sole dwelling. When occupied as a holiday let a register of all occupiers, detailing dates, names and usual addresses shall be maintained by the owner and shall be kept up-to-date and available for inspection at all reasonable hours by officers of the Council"*.
 - The reason given for the condition is: *"The site is in an area where permission would not normally be granted for permanent residential accommodation and the Local Planning Authority wishes to retain control over the use, in the interests of amenity and in accordance with Policies CSP.1, CSP.4 and CSP.7 of the Core Strategy"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Main parties have had the opportunity to comment on the implications of the revised Framework, where received comments have been taken into account.
3. The site address in the banner heading above is taken from the appeal form, as opposed to the original application form as this provides a more accurate indication of its location.
4. Works in connection with the implementation of the planning permission (ref: P1633/20/FUL) have already commenced, including through the siting of lodges at the appeal site, along with services across the site for the remaining lodges. The Council has stated that the works undertaken do not fully accord with the previously approved plans. For the avoidance of doubt, I have considered the proposal based on the plans before me.

Background and Main Issues

5. Planning permission (ref: P1633/20/FUL) was previously granted at the appeal site for the change of use of a touring caravan and camping site from 25 units to a holiday park for 11 lodges. This was subject to a condition that prevented the lodges from being used as a person's sole or main dwelling (the 'occupancy condition'). The condition though did not state a maximum number of days/periods per annum that the occupants are allowed to stay within the lodges.
6. Following difficulties in selling the lodges, the appellant is now seeking to remove the occupancy condition restricting their use, with the appellant indicating a desire for the lodges to be capable of being used as permanent residential accommodation.
7. Through the appeal, the appellant has also indicated an intention to restrict occupancy of the lodges to persons over the age of 50. This could be secured via an appropriate planning condition on the grant of a permission.
8. The main issues in this case are whether the condition is reasonable and necessary, having regard to the following matters:
 - The Council's spatial strategy and its accessibility to facilities and services;
 - The living conditions of future residents, with respect to internal space, privacy and children's play space;
 - The provision of affordable housing;
 - Highway safety; and
 - An unacceptable loss of an employment site.

Reasons

Accessibility to facilities and services

9. The appeal site is situated in a rural setting, a considerable distance outside of any defined settlement boundary. In planning policy terms, it is within the open countryside as defined in the Forest of Dean Core Strategy (adopted 2012) (the Core Strategy).
10. Together Core Strategy Policies CSP.4 and CSP.5 and Policy AP.1 of the Forest of Dean Allocations Plan 2006 to 2026 (adopted 2018) (the Allocations Plan), seek to promote sustainable development through directing most new development towards towns, villages or groups of villages with reasonable levels of services, facilities and employment opportunities. Amongst other matters this is to reduce the need for travel, particularly by private motor vehicles.
11. Notably, Core Strategy Policy CSP.4 outlines that most development is expected to take place within towns and villages, with strict controls on development in the countryside unless certain limited exceptions are met. The proposal has not been demonstrated to meet any of the specified exceptions.
12. The appeal site is located a significant distance from the services and facilities that are available within the nearest village of Blakeney. Meanwhile, the context of highway and footpath provision in the vicinity of the site is not conducive to

encourage walking or cycling. This is due to the local topography, a lack of streetlighting, and rather narrow footpath provision that alternates between different sides of the A48 (a national speed limit road) without formalised crossing points. Due to the combination of these factors, I consider it unlikely that future occupiers of the proposed development would choose to walk or cycle to access local facilities or services needed to sustain day-to-day living.

13. Bus stops are located relatively nearby to the site that provide services between Gloucester and Coleford, but I have no detailed information of the timetable for buses. It is therefore unclear whether there is a frequent/convenient service available throughout the week in the day/evening. Although in walking distance, a footpath is only present on one side of the A48 leading from the site to the bus stops, such that the route would entail either travelling along the road, or crossing it near a bend in the road where sight-lines restrict visibility of approaching vehicles. The bus stops are also not served by shelters and are in rather exposed positions beside the A48, including on a grass verge adjacent to a vehicular entrance to a haulage yard. As such, I do not consider that use of buses by future residents of the site is likely to be an attractive or frequently used option.
14. Given the above, future residents of the proposed development are likely to be heavily reliant on the use of private vehicles. This would be the least sustainable travel option and would undermine the Council's spatial strategy.
15. The existing holiday accommodation at the site would also necessitate vehicle trips, albeit the appeal proposal is likely to result in a greater intensity of vehicle movements. This is due to more permanent residents being increasingly likely to require access to day-to-day and essential services, whilst also commuting to places of work. Even if a restriction were to be imposed that the development could only be occupied by persons over the age of 50, such residents would still need to access a range of facilities and services on a likely day-to-day basis.
16. In light of the above, the proposal conflicts with Core Strategy Policy CSP.4 and Policy AP.1 of the Allocations Plan, and I find that the condition is reasonable and necessary with regards to the Council's spatial strategy and access to facilities and services.
17. The Council has also cited Core Strategy Policy CSP.1 in relation to its reason for refusal on this issue. This sets out several environmental characteristics that the design and construction of new developments must take into account. However, I have not found the policy to be directly relevant to this main issue.

Living Conditions of Future Residents

18. The proposed lodges would be two-bedroom properties with a total internal floorspace of approximately 70sqm.
19. The Council has referred to the Technical Housing Standards – Nationally Described Space Standards, albeit I have no evidence that these standards have been adopted by the Council. In any case, the Framework expects new developments to be of a high standard of design, including through providing high standards of amenity for existing and future users, and this is echoed by the supporting text to Policy AP.4 of the Allocations Plan.

20. Although the accommodation may be suitable for use as holiday homes or residential lodges¹, this does not directly translate into the buildings being suitable for full time, permanent occupancy as dwellinghouses. Notably, the bedrooms within the lodges are very small, even with minimal furniture commensurate with the present holiday home use. Indeed, from my observations the bedrooms appear to be very constrained both in terms of floorspace and circulation space. Together with a general lack of storage space for domestic items, I therefore find that the lodges would result in highly cramped and impractical internal accommodation for more permanent residential occupancy.
21. Turning to matters of privacy, the lodges would have very intimate relationships due to their close siting and orientation. The introduction of 1.8m high close boarded fencing along boundary lines (in accordance with the previously approved plans) would ensure that majority of the lodges would maintain sufficient privacy despite their proximity to one another.
22. Units 3 and 5 would still share a close relationship despite being separated by an access road. Due to this close relationship and a lack of boundary fencing along the relevant plot frontages there would be a significant lack of privacy between occupants of the relevant units. These shortcomings may be tolerated by holiday makers or others who would be in occupation for limited periods. However, I am not convinced that such arrangements provide acceptable living conditions were the lodges to be occupied on a more permanent basis.
23. Furthermore, I do not consider that the use of boundary treatments (to be conditioned as part of any permission) would provide suitable mitigation for the lack of privacy between units 3 and 5. As the necessary scale and nature of boundary treatments are likely to lead to dominant or overbearing impacts on the occupiers of the relevant lodges, whilst also harming the character and appearance of the proposed development.
24. The fact that the lodges conform with the definition of a caravan² and would also meet the requirements of the appellant's site licence (relating to standard conditions for Holiday Caravan Sites) does not overcome my above findings that they do not provide suitable living conditions for more permanent residential occupation as dwellinghouses. Similarly, that the build quality of the lodges are capable of providing permanent residential occupation also does not overcome my above concerns. Rather it is the scale, internal layout and siting of the proposed development that would result in unsuitable living conditions for potential future and largely permanent occupiers, as opposed to the use of caravans itself.
25. Turning to the provision of children's play space, as the appellant has highlighted the proposed development is to only be occupied by persons over the age of 50 (which could be restricted via a suitable planning condition) I do not find the provision of a local area of play on the site to be reasonable or necessary. Additionally, each of the lodges would be served with an outdoor terrace area providing adequate space for occupants to relax or spend time outside. Therefore, I find no conflict with Core Strategy Policy CSP.9 which amongst other matters sets out expectations in relation to the provision of recreational space in new developments.

¹ Including compliance with a Site License, Model standards 2008 for caravan sites in England, and relevant British Standards.

² Under the Caravan Sites and Control of Development Act 1960

26. Nonetheless, for reasons outlined above, the proposed development would not provide sufficient living conditions for potential future occupiers in respect of internal space and privacy and would conflict with the relevant aims of Policy AP.4 and the Framework. I therefore find the condition to be reasonable and necessary in the interests of the living conditions of future residents.

Affordable Housing

27. Core Strategy Policy CSP.5 provides details of the Council's strategy for the delivery of new housing, including the provision of affordable housing. This includes a requirement for sites of 0.16ha or more, or accommodating 5 dwellings or more, to deliver 40% affordable housing. The supporting text to the policy further identifies that whilst provision is expected on the application site, in exceptional circumstances an equivalent off-site provision or financial contribution may be accepted.
28. The appeal scheme is intended to result in the proposed lodges at the site being capable of being used as future owners' main dwelling, but would not secure any provision towards affordable housing. There is no indication before me that the Council can meet its affordable housing need, such that the requirements of Core Strategy Policy CSP.5 should not be met. Nor has any robust evidence been provided that the proposal should be exempt from contributing towards affordable housing. Notably, there is no detailed information before me as to the likely sales values of the lodges should the relevant occupancy condition be removed, and thus the (in)ability of the appeal scheme to contribute towards affordable housing provision.
29. Although the appellant indicates that the lodges would provide housing of a lower value than typical house prices in the area, no suitable comparisons have been presented to me. Even if, the proposal would involve lower market value housing, this does not equate to affordable housing as defined under Annex 2 of the Framework or the terms of Policy CSP.5.
30. Even if the lodges themselves are not capable of being offered as affordable housing (due to legislation surrounding the use of caravans), there is no detailed viability evidence before me to verify that the development is unable to provide a financial contribution towards the provision of off-site affordable housing.
31. Neither is the appellant's argument that caravans for occupation by Gypsies and Travellers are classified as affordable housing (and that the appeal site has been previously allocated for such purposes), suitable justification that the appeal scheme should not be required to make an affordable housing contribution.
32. The proposal therefore conflicts with Core Strategy Policy CSP.5, as well as Policy AP.1 of the Allocations Plan which amongst other matters promotes social aspects of sustainable development. While I find that the condition is reasonable and necessary having regard to the provisions of affordable housing.

Highway Safety

33. In the immediate vicinity of the site there is a narrow grass verge that runs alongside the A48, while footpath provision is only located on the opposite side of the road. Therefore, any users who walk to or from the site, are likely to need to cross the road near the site's entrance to access the footpath (or alternatively walk

along the carriageway itself). From my observations, due to the curvature of the road near the appeal site's entrance, and the presence of vegetation and a boundary wall lining the road, there appeared to be restricted sightlines for drivers approaching the entrance to the appeal site.

34. The appellant has not provided any robust details of visibility splays or speed surveys along this section of the A48. Meanwhile, the Local Highway Authority has reported previous accidents on this stretch of the highway. In the absence of detailed information of appropriate forward visibility for drivers and appropriate vehicle stopping distances, I consider that there are significant highway safety risks associated with pedestrians crossing the highway near the entrance to the appeal site.
35. Still, such conditions would already be faced by persons utilising the approved holiday lodges. Meanwhile, given the context of the local highway network and distances involved to facilities and services, I am not convinced that the proposed more permanent residential occupation of the lodges would lead to any significant increase in pedestrians seeking to walk to and from the site, or crossing the A48 near its entrance.
36. Consequently, I do not consider the proposed development will result in any material increase in highway safety risks compared to the permitted situation. I therefore do not find the condition to be reasonable or necessary in the interests of highway safety.
37. Despite highlighting concerns with highway safety, the Council's reason for refusal did not refer to a specific development plan policy in relation to this matter. In respect of this main issue, I have found no conflict with the aims of the Framework or Policies PD0.1, PD0.2 or PD0.3 of the Gloucestershire's Local Transport Plan 2020 - 2041, in so far as they seek to maintain highway safety.

Loss of Employment Site

38. A portion of the appeal site forms part of a larger site that is allocated under Policy AP.11 of the Allocations Plan for employment generating uses. The policy, and its supporting text, do not specify which types of uses are deemed to be employment generating. Nor do they provide any indication of the expected level of employment to be generated from use of the allocated site. The policy does though state that the allocation may also include use for a depot and residence by travelling showpeople. Given the policy specifically singles out residence for travelling showpeople, it suggests to me that permanent residential uses (including within caravans) are not intended to be considered as employment generating use.
39. Meanwhile, Core Strategy Policy CSP.7 seek to promote economic development in the district in accordance with its spatial strategy and allocations. Notably, it sets out that land presently used for employment will be expected to remain so unless allocated for another purpose.
40. Permission was previously granted for the holiday lodges based upon a submitted business plan, that identified the tourism use would employ approximately 10 staff members, along with additional subcontractors. From the information before me, the proposed development would be unlikely to generate similar levels of employment. Nevertheless, as indicated, the policy provides little detail in relation to the anticipated use of the site or types/level of employment expected to be

generated. Furthermore, the appellant has highlighted there would remain some employment associated with the management and upkeep of communal areas on the site, albeit this is likely to be very limited.

41. The Council has also not presented any evidence of demand from employment generating uses for sites such as this, or any indication that there is a shortage in availability of suitable employment land within the authority area. Meanwhile, the appeal site also does not account for the whole of the allocated site.
42. Bringing the above together, although the proposal may not strictly accord with the aims of Policies AP.11 and CSP.7, based on the evidence before me, I do not consider that it would result in a harmful loss of an employment site. Accordingly, I do not find the condition to be reasonable or necessary to avoid an unacceptable loss of an employment site.

Other Matters

43. The appellant has provided financial evidence along with marketing evidence that suggests that the sale of the lodges, with the occupancy condition in place, is likely to result in a financial loss to the appellant. Notwithstanding that a full detailed breakdown of costs for completing the development has not been provided, the fact that the appellant would not fully recoup his original investment is not suitable justification for the appeal proposal. Indeed, financial risk is an inherent aspect of the development industry. Furthermore, the limited anecdotal evidence from the appellant and an unnamed holiday letting company does not persuade me that it would be unviable for the site to operate under different practices or ownership arrangements, for example, short-term lettings. As such, my decision does not turn on the financial matters raised by the appellant.
44. The appellant has raised frustrations with the manner in which the Council dealt with his application, and in particular, claims that the Council misunderstood the nature of the business and how it would be run. Nevertheless, planning permission runs with the land (as opposed to an individual or company) and it is rarely appropriate to provide otherwise. Therefore, the approach to managing the site as set out by the appellant may not endure should the current proposal be allowed.
45. The appellant has also not suitably demonstrated that the current condition that restricts the occupancy of the lodges fails to meet the tests of conditions as outlined in both the Framework and the Planning Practice Guidance, in particular with regards to being enforceable.
46. Notwithstanding, that the appellant argues the lodges meet the definition of a caravan, and therefore would not be deemed a building, I am not convinced that the approved lodges can be classified as disused. This is because one of them is being occupied while several of them have not yet been brought into use. Nor do I consider that the use of the site for holiday accommodation has been demonstrated to be redundant merely because the lodges are not attracting the appellant's anticipated sales prices. Consequently, the Framework's support for development of isolated homes in the countryside whereby it involves the re-use of redundant or disused buildings is not applicable to the appeal scheme.
47. Reference has been made to other nearby examples in which the Council has granted planning permission for residential development in countryside locations, including for the removal of an occupancy condition on a very nearby neighbouring

site. I have extremely limited details of those other cases, including the precise nature of the permissions, the other sites' planning histories, or any relevant contextual differences between those cases and the appeal development. Consequently, I cannot draw suitable comparisons with the proposal before me. The appeal scheme though has been determined on its own merits.

Planning Balance and Conclusion

48. The appeal scheme conflicts with the development plan as a whole, for the reasons previously outlined.
49. From the evidence before me, the Council is unable to demonstrate a five-year housing land supply, while its shortfall of housing supply is likely to be considerable. Accordingly, Paragraph 11d)ii of the Framework is engaged.
50. The proposal would provide some benefits through its contribution towards housing supply, potentially freeing up other dwellings in the authority area, albeit such benefits are likely to be extremely modest given the scale and nature of the proposal. There would also be modest-socio economic impacts through the delivery and subsequent occupation of the proposed development.
51. The support for the proposal in the Framework is countered by the importance it attaches to design as a key aspect of sustainable development and its expectation that there should be a high standard of amenity for future users. Moreover, the Framework also seeks to direct the delivery of development to sustainable locations, whereby opportunities for the use of sustainable modes of transport can be promoted.
52. Overall, I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal scheme therefore does not benefit from the presumption in favour of sustainable development.
53. For the reasons outlined above, the appeal scheme conflicts with the development plan taken as a whole and there are no material considerations, including the approach of the Framework, that justify a decision other than in accordance with it. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR