



Appeal Decision

Site visit made on 20 February 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th March 2025

Appeal Ref: APP/P1615/W/24/3355043

Barn, Joyford, Coleford GL16 7AS

- 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 John & Ann Reeves against the decision of Forest of Dean District Council.
 - The application Ref is P0269/24/FUL.
 - The development proposed is works to an existing stone barn including alterations and raising of external walls and addition of a new roof with associated new fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for works to an existing stone barn including alterations and raising of external walls and addition of a new roof with associated new fenestration at Barn, Coleford GL16 7AS in accordance with the terms of the application, Ref P0269/24/FUL, and the plans submitted with it, subject to the following condition:

- 1) Unless within 6 months of the date of this decision a scheme for biodiversity enhancement is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site shall cease until such time as a scheme is approved and implemented.

Upon implementation of the approved details specified in this condition, the biodiversity enhancement shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. I have removed wording from the banner heading above which does not describe development. However, for the avoidance of doubt, I saw on site that the outbuilding is in place, in accordance with the plans before me, and I have considered the appeal on the basis that the development has already taken place.

Main Issues

3. The main issues in this case are:
 - whether the appeal site is in a suitable location for the proposal having regard to the development plan and national strategy: and

- the effect of the proposal on the character and appearance of the surroundings.

Reasons

Location

4. The appeal building is located within the open countryside, as set out in Policy CSP.4 of the Core Strategy (CS).
5. Policy AP1 of the Allocations Plan (2018) (AP) requires development to be sustainable in the overall the aim of improving the economic, social and environmental conditions of the area.
6. CS Policy CSP.4 seeks to ensure that new development contributes to reinforcing the existing settlement patterns. The supporting text to this policy sets out that there will be cases where development is not located within settlements '*because of its nature, but these will need to be justified (for example agricultural development and some tourist development is appropriate away from settlements).*'
7. There is no clarification before me of what information is required for development to be 'justified' in this respect. The appellants state that the barn is being used for agricultural purposes, providing shelter for chickens, ducks, sheep and pigs and for the storage of feedstock, fencing etc to support livestock management. I observed that the building, a modest stone barn, is in use for such agricultural purposes and keeping of animals. There is no reason before me why such a barn should not be used use for this purpose. It is not therefore of an unreasonable design for agricultural use.
8. The appellants set out that none of the other buildings within the appellant's ownership are suitable for the shelter of livestock. There is no substantive information before me to contradict this, or that the holding is too small to justify this use. As such, the agricultural use of the building is justified, as is its location within the open countryside.
9. I conclude therefore that the appeal site is suitably located for the proposal having regard to the development plan and national strategy. There is no conflict with the general reinforcing of the existing settlement patterns goals of CS Policy CSP.4, nor the wider sustainable development goals of AP Policy AP.1 in terms of its location.

Character and appearance

10. The surroundings are characterised by traditional rural development, from open fields and agricultural buildings of various scale and form to loose knit detached dwellings of varying appearance. There is therefore no specific consistent design to the surrounding built form other than what would be expected in a rural context.
11. The appeal building is a modest stone barn with a pitched slate roof, located in a field. It sits nearby substantially larger agricultural buildings and two storey dwellings. Its agricultural use is in keeping with the surroundings, and visually, it sits comfortably within the traditional rural built form context.
12. The development therefore does not harm the character and appearance of the surroundings. There is no conflict with CS Policy CSP.1, which seeks to ensure

that the design and construction of new development takes into account important characteristics of the environment, or the high-quality design goals of AP Policy AP4.

Other Matters

13. There is no substantive evidence before me that the submitted plans are not accurate. The plans and description of development are clear that proposed development involved re-building a structure. A structure is shown on the photographs provided. There is no policy in front of me to set out what would be appropriate in terms of re-building an agricultural building for agricultural purposes. As such, there is no conflict with any development plan or national policy in this respect.
14. Whilst a previous planning application was refused on this site, each case is considered on its own merits, and I have considered the development against the policies put before me. The works undertaken prior to permission was done at the risk of the appellant.
15. I have no compelling reason to contradict the Council who state that the application was advertised in accordance with the regulations. The level of noise and disturbance from the agricultural use of the building is not unusual in this rural location, nearby other agricultural buildings, and will not lead to a harmful effect on the living conditions of nearby residents. The agricultural use will not harm the privacy of the occupiers of any nearby properties. There is an existing gate providing access to the site from the road, and there is no substantive evidence that this leads to harm to highway safety. Similarly, given the modest scale of the development and location next to existing agricultural buildings, the additional direct use of the local road network is minor and will not lead to congestion, highway safety issues or amenity issues for nearby residents.
16. Given the minor scale of the building, the agricultural use, and lack of wider hardstanding associated with the proposal in front of me, the development will not lead to surface and sewerage drainage issues.
17. The proposal before me is for an agricultural use. Any future residential or any other material change of use would require planning permission.

Conditions

18. Due to the retrospective nature of the development, a plans condition is not necessary. Given the limited scale of the appeal building and proposal before me, conditions relating to the movement of vehicles on the wider site and operation of 'non-vehicular machinery' within 'the two barns' are not appropriate nor directly related to the development.
19. As set out above, a material change of use would require planning permission and as such a condition restricting the use to agricultural is not necessary. The submitted plans are sufficient to illustrate the scale and floorplan of the building, and no further details are therefore necessary.
20. The National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights should only be used in

exceptional circumstances. Given the agricultural use of the building, a condition removing permitted development rights for dormer windows or other windows etc is not necessary nor justified. No exceptional circumstances are put forward by the Council and as such a condition restricting any further development or operations is also not justified.

21. A biodiversity enhancement condition is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms, in compliance with CS Policy CSP.2. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the enhancements before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Conclusion

22. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR