



Appeal Decision

Site visit made on 11 March 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/P1615/W/24/3348567

Land Off Knapp Lane, Oak Barn Farm, Knapp Lane, Alvington GL15 6BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Trini Jones against the decision of Forest of Dean District Council.
 - The application Ref is P1347/23/OUT.
 - The development proposed is erection of up to 1no self-build dwelling, and associated works. All matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal seeks outline planning permission with all matters reserved apart from details of access. Drawings have been provided that show floor plans and elevations of a proposed dwelling. These are marked as being illustrative and I have treated them as such in my assessment.
3. The appellant has submitted a bat activity assessment and ecology written statement, a heritage impact assessment (HIA) and a light spill assessment. These were not with the Council at the time it determined the planning application leading to this appeal. However, the Council has had an opportunity through the appeal process to comment on the submissions and they do not fundamentally change the proposed development. No injustice would be caused by having regard to the appellant's documents in my assessment.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. There is no need to seek the main parties' comments on the Framework as the parts most pertinent to this appeal remain largely unaltered.
5. A completed unilateral undertaking made under section 106 of the Act has been provided by the appellant (the UU). This requires a contribution towards mitigation measures to address impacts of the development on the Severn Estuary Special Area of Conservation, Special Protection Area and Ramsar Site as well as an associated administration fee. I have had regard to the UU in my assessment.

Main Issues

6. The main issues are (i) whether the dwelling would be in a suitable location having regard to development plan policies and the Framework, (ii) its effect on the

character and appearance of the area, and (iii) its effect on the setting and significance of Alvington Conservation Area (the CA) and listed buildings.

Reasons

Suitability of the location.

7. The Council officer's report on the proposal refers to policy CSP.4 of the Forest of Dean Council Core Strategy 2012 (the CS). Under this policy, most changes in towns and villages will be expected to take place within existing settlement boundaries.
8. The appeal site consists of an existing access off Knapp Lane as well as a track and part of an open grassed field. Alvington is defined as a service village within the CS but the site is beyond the settlement boundary and so the proposed dwelling would be in the open countryside. Therefore, the proposal would go against the expectation as set out in CS policy CSP.4.
9. The development would be fairly near to properties on Knapp Lane and so it would not be an isolated home in the countryside. As such, the scheme would not conflict with paragraph 84 of the Framework. Also, residents of the dwelling would be within a realistic walking distance to the church, village hall and 2 pubs within Alvington. A petrol filling station and shop on the northern side of the village would be beyond a reasonable walking distance for some occupants but it would be a short drive away from the house. The primary school and convenience store at nearby Woolaston would also be a short journey away for residents, particularly if travelling by car. As such, the dwelling would be located so its occupants would support local facilities and the vitality of rural communities. In these respects, it would accord with paragraph 83 of the Framework.
10. The house would be within a reasonable walking distance from bus stops on the A48. These allow access to bus services that run between Lydney and Chepstow on Mondays through to Saturdays. The nearest bus stops are downhill from the site and so the topography may discourage some residents from using the services. Nevertheless, residents of the dwelling could potentially travel to and from the nearest towns by public transport and so they would not be overly reliant on the private car. In these respects, the proposal would promote sustainable transport as advocated under section 9 of the Framework.
11. Therefore, I conclude the development would not be in a suitable location in light of CS policy CSP.4. The Council's refusal reason on this matter also refers to CS policies CSP.1, CSP.2 and CSP.5 as well as policy AP.1 of the Forest of Dean District Council Allocations Plan adopted June 2018 (the AP) and policy NE.2 of the Alvington Parish Neighbourhood Development Plan adopted 2021 (the NDP). However, these policies contain no provisions that are relevant to this issue. The harm due to the development's conflict with CS policy CSP.4 is tempered as it would accord with the provisions of the Framework on the location of rural housing.

Character and appearance of the area.

12. The proposed house would be located in an open field. Farm buildings of a typical simple form and appearance lie near to the site and the access track. Despite these buildings, it is evident that the plot forms part of a wide area of largely open

farmland and paddocks. There are attractive views of the countryside and down towards the Severn Estuary from Knapp Lane as well as from a public footpath through the field between the appeal site and the road. The site is not formally identified for its landscape value and it is a small part of the rural area around Alvington. Nonetheless, its openness and obvious rural nature make a positive contribution to the scenic qualities of the countryside setting to the village.

13. Full details of the proposed development are not before me for consideration. However, the erection of a dwelling house on the site is bound to change the character and appearance of the open field. Even if additional planting is provided to help screen the development, it seems likely the house would be noticed from the nearby footpath as well as from the road and properties along Knapp Lane.
14. From where it is visible, the house would interrupt and spoil attractive views of the countryside. Also, it would be seen as a separate dwelling away from the clusters of other local houses that tend to follow and to be near to the roads. In these respects, it would appear at odds with the current pattern of development. A dwelling of a design that is in keeping with other local buildings could be secured through the reserved matters process. However, acceptability in these regards would not address the detriment to the scenic qualities of the landscape nor the incongruous and unsympathetic positioning of the house away from the road.
15. For these reasons, I conclude the development would have a harmful effect on the character and appearance of the area. In these regards, it would not accord with CS policy CSP.4, AP policies AP4 and AP5 as well as NDP policy NE.2. Amongst other things, these look to ensure development reinforces existing settlement patterns and preserves and where appropriate enhances local character. CS policies CSP.1, CSP.5 and CSP.16 and AP policy AP1 are referred to in the Council's refusal reason but these contain no provisions relevant to this issue.

Conservation Area and listed buildings.

16. The CA covers the heart of Alvington and it seemingly gains its significance from the age and architectural interest of its buildings as well as how its streets reflect the historic form of the village. The appeal site is a significant distance from the southern edge of the CA with intervening vegetation and properties. Consequently, there would be no intervisibility between the proposed dwelling and the CA. As such, the proposal would not affect the setting or the significance of the CA.
17. The Council's refusal reason does not specify the listed buildings it considers would be affected by the development. However, the Council officer's report on the proposal refers to 1 and 2 Tudor Cottages, which are Grade II listed buildings. From the information provided in the HIA, it would seem these properties gain their significance from their age and architectural interest. The cottages lie next to the A48 on land well below the level of the appeal site. The topography as well as intervening trees and hedges would mean the proposed dwelling would not be seen with these listed buildings. As such, the scheme would cause no harm to their setting or heritage interest.
18. The HIA refers to other listed buildings in the wider area but it concludes the development would not affect their settings due to separation distances and a lack of intervisibility. I find no reason to disagree with the views set out in the HIA.

19. Therefore, I conclude the development would preserve or enhance the setting and significance of the CA and listed buildings in the locality. In these respects, it would accord with AP policies AP4 and AP5 and the aim of these policies to protect the historic character of the district.

Considerations in support of the proposal and planning balance.

20. The proposal would be contrary to development plan policies for the reasons as set out under the first 2 main issues. Therefore, I need to consider whether other factors justify granting planning permission contrary to the development plan.
21. The submitted extract from the Council's Housing Delivery Note 2023/2024 indicates 3.32 years' worth of deliverable housing land can be demonstrated. This figure lies below the minimum 5 year requirement as set out in the Framework. The circumstances in footnote 8 of the Framework exist and so paragraph 11(d) of the Framework is relevant. In light of my conclusion on the third main issue, there is no strong reason to refuse permission due to conflict with policies that protect areas or assets of particular importance. Even so, under sub-paragraph 11(d)(ii), I am required to assess the adverse impacts of allowing the appeal against the benefits of the scheme in light of the policies of the Framework.
22. The proposal would be constructed and occupied as a self-build dwelling. The appellant and the Council consider this could be secured through the imposition of a planning condition. The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publish a register of those seeking to acquire plots for self-build housing. Also, there is a duty for the Council to grant planning permission for enough serviced plots of land to meet the demand for self-build homes. The Council claims it has met its duty in these regards. However, the evidence before me fails to clearly show that the permissions on which the Council rely have resulted in, or would lead to, the delivery of self-build properties. As such, I favour the appellant's claim that there is a significant need for more self-build housing plots.
23. In any event, the Framework at paragraph 73 looks for planning decisions to support small sites coming forward for self-build housing. Therefore, I attribute significant weight to the benefits of the proposal both in terms of helping to address a shortfall in supply of sites for self-build homes as well as adding to the housing stock in general terms.
24. Furthermore, the development would lead to economic benefits in terms of construction employment and through residents supporting local businesses. Also, new planting secured through the reserved matters process would bring biodiversity enhancements. The benefits in these respects attract limited weight given the scale of the development.
25. The location of the dwelling would be contrary to the provisions of the CS but it would accord with the Framework's policy on rural housing and sustainable transport. Given this context, I find the benefits of the scheme would outweigh the harm due to the CS policy conflict as identified under the first main issue.
26. However, under paragraph 187, the Framework requires my decision to recognise the intrinsic character and beauty of the countryside. Also, paragraph 135 of the Framework looks to ensure development is sympathetic to local character. As such, the harm identified under the second main issue is afforded such weight so

as to become the overriding factor. The adverse effects of the proposal on the character and appearance of the area would significantly and demonstrably outweigh its benefits and so the presumption in favour of sustainable development set out in paragraph 11(d) of the Framework does not apply.

27. In arriving my overall view, I have had regard to the appeal decisions referred to by the appellant. However, these relate to larger developments on different sites. The circumstances, adverse effects and benefits relating to these other cases are different to those for the current proposal. Therefore, I am not bound to reach the same conclusion as the Inspectors for these other appeals.

Other Matters

28. The Council's refusal reasons include a concern over potential adverse effects on bats. This is of particular relevance as the appeal site lies within the core sustenance zone for both lesser and greater horseshoe bats associated with the Wye Valley and Forest of Dean Bat Special Area of Conservation. The information provided by the appellant with the appeal concludes the development would not adversely affect light sensitive bat species.
29. Moreover, the Council raises concern the development may harm the integrity of Severn Estuary Special Area of Conservation, Special Protection Area and Ramsar site through increased recreational pressures. The planning obligations included in the UU seek to address any harm to the integrity of these protected sites through a financial contribution towards mitigation measures.
30. However, there is no need to consider the effects of the development on the protected sites as I am minded to dismiss the appeal for other reasons. My overall conclusion on the appeal would not be affected even if I found the development to be acceptable in these regards.

Conclusion

31. The proposal would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR