



Appeal Decision

Site visit made on 12 May 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/P1615/W/25/3360745

Spring Bank, Malswick, Newent, Gloucestershire, GL18 1HF

- 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 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr R Daldry against the decision of Forest of Dean District Council.
 - The application Ref is P0923/24/FUL.
 - The application sought planning permission for Change of use of an office building (Class E) to a single holiday let for tourism purposes, including associated works. (Retrospective) without complying with conditions attached to planning permission Ref P0548/24/FUL, dated 1 July 2024.
 - The conditions in dispute are Nos 2 which state that: The proposed holiday accommodation hereby approved shall be used only for holiday purposes. It shall not be used as any individual's main or sole dwelling. A register of all occupiers - detailing dates, names and usual addresses - shall be maintained by the owner (or owners) and shall be kept up to date and available for inspection at all reasonable hours by officers of the Council; and, No 3 which states that: The holiday let hereby permitted shall remain as an ancillary function of the property known as 'Spring Bank' and shall not be operated independently from the planning unit associated with the property.
 - The reasons given for the conditions are: 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 Core Strategy Policies CSP.4 and CSP.7; and, In the interests of residential amenity and sustainability and to accord with the National Planning Policy Framework, Policies CSP.1 and CSP.7 of the Core Strategy and Policies AP.1 and AP.4 of the Allocations Plan, respectively.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr R Daldry against Forest of Dean District Council. This application is the subject of a separate Decision.

Background and main issue

3. The appeal property has planning conditions allowing its use as a holiday let and preventing its use as a main residence. The appellant wishes to vary the conditions to allow it to be used as ancillary accommodation to Spring Bank during periods when it is not let for holiday use. The main issue is whether varying the conditions would, in effect, lead to a separate dwelling in the countryside and whether that would be acceptable, with particular regard to the settlement strategy for the area and development plan policy.

Reasons

4. The appeal property was formerly an office and has been converted into a holiday let with 2 ensuite bedrooms upstairs, 2 smaller rooms unused at the time of my visit, and a kitchen lounge area. It has a substantial lawned rear garden enclosed by a wooden fence. It has a paved area to the front and side providing space for parking. To the side and rear of the house there is a large gravel yard with buildings and materials stored in association with the appellants other business. According to the council, the appeal building is 50m from the appellant's house, Spring Bank, which has a gated access and parking separate from that of the appeal building and has a fence surrounding its garden.
5. The appellant contends that the council incorrectly assessed the proposal against policies restricting housing in the open countryside. Also, that concerns over the building being outside the curtilage of Spring Bank might be relevant in considering a new build annex but should not apply when considering the use of an existing building.
6. There is no dispute that the building is in the countryside and outside the curtilage of Spring Bank. As noted by the Inspector at a previous appeal,¹ the wider site is separated into a residential component and a business component. The appeal site falls within the latter.
7. The council has referred to the Forest of Dean Residential Design Guide (Alterations and extensions) (2002) Supplementary Planning Guidance (SPG) in its reason for refusing the application. I note that the document supports the policy from a previous plan. Nonetheless, insofar as it provides guidance on good design, it is consistent with the aims of the National Planning Policy Framework (2024) (the Framework) and the Forest of Dean District Council Core Strategy (2012) (CS) and Allocation Plan (2018 (AP) and therefore remains relevant. The SPD requirement for annexes to be linked or accessed from the original building is also consistent with the need to demonstrate a functional or physical relationship between an annex and a main house for it to be considered ancillary accommodation.
8. The distance between the appeal property and Spring Bank, the separate amenity and parking spaces, the lack of physical connection or a pedestrian link between the properties, the boundary treatments separating the curtilages of the buildings, and the facilities for independent living within the holiday let give it the character of an independent dwelling. There would be no need for occupants of the building to share facilities with the main house and there is no indication that they would share meals and domestic tasks or use the main house in a way that would suggest it would be ancillary to, rather than independent of, Spring Bank.
9. Furthermore, the proposed variation to the conditions would not prevent its use as full time residential accommodation rather than a holiday let, despite the appellant's assertion that it would be less viable to do so. Therefore, I conclude that the original conditions are necessary to ensure that the appeal property would not be used as a separate dwelling in the countryside which would conflict with Policies CSP.1, CSP.4 and CSP.15 of the CS, Policies AP.1 and AP.4 of the AP which seek to direct housing development to towns with access to services without reliance on private cars.

¹ Appeal Ref: APP/P1615/W/20/3260287

Other Matters

10. The appellant suggests that there is little distinction or harm from the building being used as residential accommodation as opposed to a holiday let business. However, visitors on holiday are less reliant on local services and allowing residential accommodation in the countryside is not consistent with reducing travel and offering sustainable transport choices, as required by the Framework and encouraged by the Development Plan strategy.
11. The appellant is concerned that the council referred to a lack of need to justify the use of the building as an annex. Need, such as for an element of care provision, can indicate reliance on a main house and its occupants, suggesting a likelihood of some level of dependence on it. However, I acknowledge that it is not always necessary to justify an annex, and, in this case, it was not determinative to my decision.
12. I note the examples provided by the appellant where the council has allowed the use of a building for both ancillary accommodation and holiday purposes. The building at Greencroft Farm was previously used as an agricultural worker dwelling. Therefore, the principal of full time occupancy in the countryside was already established as an acceptable exception to normal policy restricting housing in the countryside, which is not the case with the appeal building. The plans provided by the council for Corse Hill Farm and Greenacre indicate that they are closer to, and within the curtilage of, the main houses and share access and parking and turning areas. This indicates a physical relationship which does not exist at the appeal site which is entirely separate from Spring Bank. As such, I do not consider them to be directly comparable to the appeal proposal.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR