



Appeal Decision

Site visit made on 19 June 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/P1615/W/25/3361371

Lion Row, Parkend, Lydney, Gloucestershire, GL15 4JZ

- 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 Peter Hayes against the decision of The Forest of Dean District Council.
 - The application Ref is P0843/24/FUL.
 - The development is the erection of electric gates and associated walls and piers.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of electric gates and associated walls and piers at Lion Row, Parkend, Lydney, Gloucestershire, GL15 4JZ in accordance with the terms of the application, Ref P0843/24/FUL, subject to the condition that the dropped kerb shown on approved plan Plan Ref T1181.22B shall be fully installed within 6 months of the date of this permission.

Preliminary and Procedural matters

2. Planning permission¹ was granted for the erection of 3 dwellings on the site in November 2020. The development has been implemented, and the three dwellings are occupied. However, the originally approved access arrangements have not been built in accordance with the approved plans in that the cattle grid, pedestrian gate and side walls are in different positions to that approved, and an electrically operated access gate for vehicles has been added.
3. The development subject of the appeal has been completed, and the appellant wishes to retain that built. I shall therefore treat the appeal as if the original application had been made under section 73A of the Town and Country Planning Act 1990 (as amended). A dropped kerb is also applied for to improve pedestrian accessibility.
4. The applicant has made an application for costs against the Council. This is the subject of a separate decision.

Main Issue

5. This is the effect of the development on the character and appearance of its surroundings and on community cohesion and integration.

¹ P0983/20/FUL

Reasons

6. The appeal site is reached from Yorkley Road along Lion Row, which also serves the local Workingman's Club with its car park which stands next to the appeal site. It is said that the site access is a private road.
7. The amended entrance features are readily seen in the public realm from Yorkley Road in front of the 3 permitted dwellings and garages. The side walls are not particularly high, and nor are the pillars supporting the gates. The main vehicular access gate is lower than the pillars, curved at the top and it, and the adjacent pedestrian gate are not wholly solid, being partly trellised, which adds an element of lightness to the design.
8. Similar access gates are seen serving residential properties in close proximity, at Sunnycroft and Sycamore House, and although possibly not electronically operated, both were shut at the time of my visit. Accordingly, the access gates subject of appeal are not uncharacteristic features of the immediate locality. In my opinion, in terms of their appearance and local characteristics they sit acceptably and harmoniously in their visual context matching and complementing the materials and colours of the principal development behind them.
9. The application was originally due to be determined under the scheme of delegation, but was transferred to the Council's Development Management Committee (DMC) on account of a local ward member's concern that the revised access arrangements created a '*de facto gated community*' being uncharacteristic of development generally in the Forest of Dean. This view is shared by the local Parish Council, a few local residents and several councillors attending the DMC.
10. I note too the further representations made by the two ward councillors in support of the Council's refusal of planning permission. They consider the access arrangements to convey an 'aggressive impression' sending a 'forbidding message'. It is a form of arrangement which, in their view, may become attractive for those wishing to live in the countryside but remain apart from country life. They also express concern at the potential precedent effect of upholding the appeal, and that the appellant and the current owners are showing no respect for the planning system, and that an upheld appeal would be an effective green light to others to flout planning rules. These reflect the views of many of those who spoke at the DMC.
11. The permitted scheme envisaged that walls, cattle grid, and a pedestrian gate be built, albeit in a slightly different position. The Committee could not therefore reasonably object to these features. The main difference between the approved and as-built scheme accordingly is the vehicular access gate.
12. The effect of the gate on local consciousness is a matter of perception, but I consider the concerns to be misplaced. Firstly, I would not describe the residents of the 3 dwellings as a community in the normally accepted sense of the term since it is too small. The gates do not necessarily act as an impediment to the residents of the dwellings taking part in village or country life, should they wish to do so. Nor do they prevent access for visitors to the dwellings with legitimate reasons for visiting, since they may be readily opened by those visited. As I saw at my site visit when the postman delivered the mail, the pedestrian gate is open to all, and at all

times according to the appellant, thus anyone can walk in or out. The access arrangements are not so 'forbidding' as to prevent views into the site of the 3 dwellings from the public realm.

13. Precedent is seldom a good reason, in itself, to withhold permission, and the Act² makes provision to make applications for retrospective consent where unauthorised development has taken place. Such applications should be judged on their merits. In this respect I note that the DMC's Chair rightly reminded members that the fact that this was a retrospective application should not influence the Committee. Although the appellant and residents have no policy reason to justify need, their reasons for erecting the access gate are perfectly reasonable in my view, being based on security and safety.
14. I therefore conclude that the revised access arrangements do not harm the character and appearance of their surroundings and that the Council's concerns as to community cohesion and integration are unjustified being insufficient reason to withhold permission. Accordingly, I find no material conflict with the provisions of policy AP4 of the Forest of Dean Allocations Plan (AP) since the development is of an acceptable appearance and its design is inclusive in the sense that all with legitimate business on private land can access the site on foot or by vehicle; nor does the development conflict with the design provisions of policy CSP1 of the Forest of Dean Core Strategy (CS).

Other matters

15. All other matters raised have been considered and taken into account, including the references to the *National Planning Policy Framework*, *The National Design Guide* and *The Forest Edge Neighbourhood Plan*. The latter is not relied upon in the reason for refusal and I find little in the former documents to persuade me that the policy guidance referred to is specifically directed to development of this type and scale.
16. The Council has suggested the imposition of conditions. Since development is virtually complete the first suggested condition is unnecessary. However, I shall impose the second suggested condition in the interests of improved accessibility.

G Powys Jones

INSPECTOR

² The Town and Country Planning Act 1990 (as amended).