



Appeal Decision

Site visit made on 6 August 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/P1615/W/25/3363859

The Old Dairy, Jubilee Road, Mitcheldean, Gloucestershire, GL17 0EE

- 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 Lorraine Robinson against the decision of Forest of Dean District Council.
 - The application Ref is P1272/24/FUL.
 - The development proposed is single storey extension and change of use to create one two bedroomed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is in a suitable location for a new dwelling, having regard to the spatial strategy for the area and the access to services and facilities; and
 - whether the change of use of the tourist accommodation units is justified and whether it would adversely effect the local rural economy.

Reasons

Location

3. The spatial strategy for the area is set out in Policies CSP.4 and CSP.5 of the Core Strategy (Adopted February 2012) (CS). Together, these policies seek to ensure that new housing is concentrated in settlements which have good access to employment, services and facilities. Policy CSP.4 states that development will be expected to take place within existing settlement boundaries with a limited range of exceptions comprising affordable housing, building conversions and (rarely) new buildings for employment uses on the edge of settlements.
4. Policy AP.1 of the Allocations Plan 2006 – 2026 (Adopted June 2018) (AP) states that in assessing planning applications the primary consideration will be whether or not the development proposed is sustainable with the overall aim of improving the economic, social and environmental conditions of the area.
5. Policy H2 of the Mitcheldean Neighbourhood Development Plan 2016 – 2026 (made March 2020) (NDP) states that proposed residential development outside the settlement boundary of Mitcheldean will be supported where it would: be essential for a rural worker; represent the optimal viable use of a heritage asset or

be enabling development; reuse redundant or disused buildings and enhance its immediate setting; or involve the subdivision of an existing residential dwelling.

6. The appeal site is located in a rural area, outside of any settlement boundary. In planning policy terms, the site is within the open countryside. The nearest settlement, Mitcheldean, contains a good range of services and facilities including post office, shops, public houses, schools and bus stops. However, these facilities are located a considerable distance from the appeal site. The route between the village and the appeal site for the most part, comprises a narrow road with minimal street lighting and no footpaths. Therefore, I am not convinced that the village could be accessed safely by foot. As such it is likely that future occupiers would use a private car for the majority of their day-to-day trips.
7. Although there are other existing dwellings in the vicinity whose occupiers will be equally reliant on private transport, this does not justify the provision of an additional dwelling in a location with poor access to services and facilities. I recognise that tourists staying at the two holiday units are likely to access the site by car and may also travel around the area by car during their stay. However, travel associated with holidays differs from day-to-day trips for essential purposes such as employment and shopping which is expected to be conveniently located in respect of a permanent home.
8. Consequently, the proposed development would not have suitable access to services and facilities and would therefore conflict with Policies CSP.4 and CSP.5 of the CS and Policy AP.1 of the AP. Furthermore, the proposal would not fall within the exceptions listed in Policy H2 of the NDP as potentially being acceptable outside of the settlement boundary of Mitcheldean.
9. The appellant contends that paragraph 84 c) of the National Planning Policy Framework (the Framework) is applicable to the proposal. This states that Planning decisions should avoid the development of isolated homes in the countryside unless one or more of the circumstances listed apply. Criterion c) is that the development would re-use redundant or disused buildings and enhance its immediate setting. Even if I were to agree that the appeal site is isolated, there is no evidence before me to suggest that the building is either redundant or disused. Consequently, Paragraph 84c) is not applicable to the proposed development.
10. The Framework states that planning decisions should give substantial weight to the value of using suitable brownfield land for homes but only when it is within a settlement.
11. Overall, I conclude that the site is not in a suitable location for a new dwelling, having regard to the spatial strategy for the area and the access to services and facilities. The proposal would therefore conflict with Policies CSP.4 and CSP.5 of the CS, Policy AP.1 of the AP and Policy H2 of the NDP which together seek to ensure new homes are provided in locations with good access to services and facilities.

Rural economy

12. Policy CSP.7 of the CS seeks to develop the local economy, including tourism, by promoting economic development throughout the district. It states that land presently used for employment will be expected to remain so, unless allocated for another purpose. Where a site is underused and unsuitable for any employment

generating use then a mixed use may be appropriate and failing that an alternative non-employment use. Policy B2 of the NDP seeks to support local business development and tourism in the protection zones.

13. Although not a specific requirement of either policy, the appellant has submitted evidence which seeks to demonstrate that the existing holiday units are unviable and therefore unsuitable. This includes financial information including a Viability Assessment, a letter from an accountant, profit and loss accounts dating back to 2018 and a mortgage valuation.
14. The profit and loss accounts demonstrate a fluctuating position in respect of the profitability of the holiday cottages between 2018 – 2025. There are a number of non-typical years within this period as a result of the Covid-19 outbreak including a Government grant and a short-term rise in the popularity of staycations due to travel restrictions. In 2023 one of the cottages was refurbished which resulted in significantly lower profitability.
15. Based on the most recent years the figures appear to represent an overall decline in profitability, although there have been few stable years upon which to draw conclusions regarding future years. Nevertheless, it is anticipated that the Old Dairy Holiday Cottage Business will shortly achieve little more than the national living wage by way of net return.
16. However, that the net profit (after all costs) from the cottages would not provide a suitable wage is not determinative, nor necessarily a realistic expectation. Furthermore, the expenses themselves demonstrate people are being paid for laundry and cleaning, as well as ad-hoc professional fees. In addition, the evidence indicates that the appellant operates other holiday units adjacent to the appeal site and is therefore not reliant on the appeal site as their only source of income.
17. The appellant has sought to sell the cottages and although one asking price offer was accepted, this fell through. I have had regard to the mortgage valuation report, however the assessment is relatively brief. It concludes that the yield returns based on current occupancy and the purchase price were not sustainable for secured lending by the building society which prepared it. However, it is not clear from the evidence what level of queries and interest were generated by the marketing, whether any other offers were received or whether further lowering the price would have secured a sale.
18. I recognise the financial challenges which face the appellant and the tourism accommodation industry generally and I note that there is competition locally including holiday lets with more facilities than the appeal site. Furthermore, I have no reason to doubt the credentials or management and marketing efforts of the appellant. However, I am unable to conclude on the evidence before me that the use of the site as tourist accommodation is unviable and as a consequence is unsuitable for such a use.
19. It is asserted in the evidence that there is no alternative use, but it is not clear on what basis this conclusion has been reached. There is little evidence that alternative employment generating, or mixed uses have been considered in detail.
20. Having regard to Policy CSP.7 therefore, it has not been adequately demonstrated that the site is underused or unsuitable for an employment generating use. From

my site visit I observed that the accommodation is attractive and is located near to rural vistas and public footpaths. There are several other holiday accommodation uses nearby indicating that the area is popular with tourists. As such the site is well-suited to its holiday accommodation use. Although the cottages do not benefit from extensive outdoor space and facilities, this would not necessarily be an expectation of all holiday makers.

21. The loss of tourism accommodation in the area is likely to result in fewer visitors which would impact upon local businesses and attractions that would otherwise be frequented by the occupants of the cottages. I recognise that the impact on the local economy of the loss of two holiday cottages would be relatively minimal on its own, however it would nevertheless represent a loss which along with any other losses in the area, would result in a significant impact.
22. Overall, I conclude that the change of use of the tourist accommodation units is not justified and that it would adversely effect the local rural economy. As such the proposal would conflict with Policies CSP.7 of the CS and Policy B2 of the NDP which seek to ensure that planning decisions do not result in an adverse effect on the local economy and tourism.

Other Matters

23. The Council acknowledges that it is unable to demonstrate a five-year supply of housing land with supply currently said to stand at 1.92 years which represents a significant shortfall in housing provision. Set against this the proposal would result in one dwelling which would make a small contribution to the Council's housing land supply to which I give modest positive weight.
24. I note that the appellant intends to move into the proposed dwelling, freeing up a unit to be used for holiday accommodation nearby, however no mechanism has been put to me which would secure this, and I therefore give little weight to this matter.
25. The appeal site is within the Zone of Influence of the Wye Valley and Forest of Dean Bat Special Area of Conservation and Severn Estuary European Sites. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.
26. I have been referred to examples where changes of use have been allowed, however I have been provided with limited details in respect of these cases and cannot be certain that there are any parallels with the proposal before me.

Planning Balance

27. The Framework does not change the statutory status of the development plan as the starting point for decision making. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
28. The proposal would conflict with Policies CSP.4, CSP.5 and CSP.7 of the CS, Policy AP.1 of the AP and Policies B2 and H2 of the NDP insofar as it would have poor access to services and facilities and would have an adverse effect on the local economy and tourism. These policies are consistent with the Framework insofar as it seeks to direct development to sustainable locations, prioritise

sustainable modes of transport, actively manage patterns of growth to support the objective of promoting sustainable transport and support the rural economy. Consequently, I attach significant weight to the conflict with these policies.

29. Because the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11d) of the Framework is engaged. Set against the modest weight I attach to the benefits of the scheme in respect of housing land supply, the proposal would result in harm to the local economy and would fail to provide adequate access to services and facilities. I give significant weight to these harms.
30. Therefore, even bearing in mind the significant shortfall in housing supply, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

31. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR