



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: 10 September 2025

Appeal Ref: APP/P1615/W/25/3364339

Land adjacent Hartpury C of E School, Gloucester Road, Hartpury, Gloucester GL19 3BJ

- 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 R Harris against the decision of Forest of Dean District Council.
 - The application Ref is P0376/24/FUL.
 - The development proposed is bungalow, garage and parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised plan has been submitted with the appeal. The changes involve a reduction in the length of the proposed pavement alongside the A417. These works are outside of the appeal site and in the event of the appeal being allowed a detailed scheme would be required by condition. As such no party would be prejudiced by my taking it into account.
3. The appeal submissions refer to the proposed bungalow as a self-build dwelling. The proposal was not described as such within the application documents and the Council did not consider the proposal on this basis. No mechanism has been put to me, such as a planning obligation which would ensure that the development would be self or custom build housing rather than market housing. As such, I have not considered the proposal as a self or custom build dwelling.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises an open area of land within the settlement boundary of the village of Hartpury. The A417 adjoins to the west of the appeal site and the grounds of Hartpury C of E Primary School adjoin to the east and south. A mix of housing and commercial development is located on the opposite site of the A417.
6. The eastern boundary of the site is curved giving the site a roughly semi-circular shape. It is mostly laid to scrub, and the boundaries comprise a mix of open fencing and vegetation. It is proposed to construct a detached dwelling and garage along with associated parking, turning, access, boundary treatment and landscaping.

7. The appeal site, is part of a wider area which also includes the adjacent school grounds, which is identified within the Allocations Plan 2006 – 2026 (Adopted June 2018) (AP) as an Important Open Area (IOA). The Important Open Areas Keynote AP04 (March 2015) (the Keynote) provides background information as to how these areas were considered for their contribution against a number of criteria.
8. The appellant contends that these criteria were incorrectly applied to the appeal site with it being identified as Recreational Space, Amenity Value, Planned Amenity Area and Prominent Local Feature and that the Schedule of Important Open Areas document lists the IOA as School Grounds. The Council states that at the time of designation it may have been hard to distinguish between the school field and other land owing to additional vegetation which has now been removed.
9. However, whilst all the land within the IOA may not meet those criteria listed above, other criteria remain relevant to the site. The Keynote states that all the IOAs were expected to have an amenity value to a group of properties or be visible from publicly accessible land but did not need to be accessible to the public in order to be designated. I noted at my site visit that the appeal site is relatively open with views across to the open space beyond and that it is clearly visible from publicly accessible land, being particularly prominent from vantage points along the A417.
10. As such, despite the issues around the application of the criteria there is no substantive evidence before me that the appeal site was included within the IOA in error. The appellant contends that there were previously two cottages on the site which burned down in the 1960's, however this predates the allocation of the site as part of an IOA and is of limited relevance.
11. The appeal site, along with other land within the IOA and the area to the south of this contributes to the semi-rural character of the area as it transitions from open countryside to the built form of the village. Regardless of the IOA designation the lack of development in this area, provides a visual relief and contributes to the character of the village which comprises relatively dense development punctuated with open spaces.
12. The provision of a dwelling and associated structures in this area would result in the loss of this open space which would erode the contribution it makes to the character and appearance of the area. Whilst most of the land included in the IOA would remain free of development, because of the prominent position of the appeal site adjacent to the A417, the impact of this loss to the open character would be significant. The appeal site has a long frontage in comparison with its depth which means that when viewed from the road, views across the site towards the adjacent open space and the sense of openness would be significantly reduced.
13. This would be exacerbated by the stretch of 1.8m high acoustic screening which is proposed along the frontage of the site. Even with the proposed landscaping in place, the proposed boundary treatment would be a dominant feature when viewed from the street and would limit views across the site eroding the open character of the area. I recognise that the acoustic screening was included in the scheme at the request of the Council, but it nevertheless forms part of the proposed scheme, and I must consider the proposal on the basis of the plans before me. I acknowledge that there is a possibility that the school or the appellant may erect further boundary treatments in the future, however there is no evidence before me that this is proposed, and I have assessed the proposal based on the current circumstances.

14. The appellant has referred me to several sites nearby which have been granted planning permission. The site to the north of the appeal site has planning permission for three new dwellings¹, however the site is already quite enclosed and bound to the east by dwellings and therefore has a different context. The development at land north of Danford Lane, for 6 dwellings was allowed on appeal² and, in common with the appeal site, was designated as an IOA. However, the Inspector identified that the site was “...quite discreet, with trees and hedgerows lining its boundaries”, and that “public views of the site are restricted”. As such the Danford Lane site is materially different from the appeal site which is more open and is clearly visible in public views.
15. Planning permission was granted for a self-build bungalow on land adjacent to Rosemary Cottage³, however, based on the evidence before me this site is set well back from the road and has limited similarities to the appeal scheme. The Bakers Lane scheme⁴ is diagonally opposite the appeal site. I have been provided with limited information in respect of this scheme and cannot be certain that there are any parallels with the appeal scheme. As such, whilst I have had regard to the consented schemes referred to, they are of limited relevance to the appeal before me which I have considered on its own merits.
16. Overall, I conclude that the proposal would have a harmful effect on the character and appearance of the area. As such it would conflict with Policies CSP1 and CSP9 of the Core Strategy (Adopted February 2012) (CS) and Policies AP1 and AP4 of the AP. Together these policies seek to ensure that development is of a high quality design, makes a positive contribution to the area, takes account of important local characteristics, preserves protected amenity land such as IOAs and improves local conditions.

Planning Balance

17. 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.
18. The proposal would conflict with Policies CSP1 and CSP9 of the CS and AP1 and AP4 of the AP insofar as it would have a harmful effect on the character and appearance of the area. These policies are consistent with the Framework which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Consequently, I attach significant weight to the conflict with these policies.
19. As there are no policies in the Local Plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
20. The Council acknowledges that it is unable to demonstrate a five-year supply of housing land with supply currently said to stand at 1.93 years which represents a significant shortfall in housing provision. Because the supply of housing land in the

¹ P0118/24/FUL

² APP/P1615/W/22/3313420

³ P1530/24/FUL

⁴ P2001/18/FUL

area is significantly below Government's expectations paragraph 11d) of the Framework is engaged.

21. The proposal would result in one dwelling which would make a small contribution to the Council's housing land supply and would attract the usual benefits associated with the provision of a dwelling including employment, social and economic contributions to the local area by future occupiers and biodiversity enhancements. Overall, given the small scale of the scheme I give modest positive weight to the benefits of the proposal.
22. Set against the identified benefits the proposal would result in significant harm to the character and appearance of the area, and I give significant negative weight to this harm.
23. I therefore find that the adverse impacts of granting planning permission 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 securing well-designed places. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

24. 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 determined other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR