



Appeal Decision

Site visit made on 2 September 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

Appeal Ref: APP/C1625/W/25/3367439

Land at Fernleigh, Damery Lane, Woodford, Gloucestershire GL13 9JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Ms Roz Gaston against the decision of Stroud District Council.
 - The application Ref is S.25/0808/PIP.
 - The development proposed is permission in principle for the erection of a dwelling.
-

Decision

1. The appeal is allowed, and permission in principle is granted for the erection of a dwelling at Land at Fernleigh, Damery Lane, Woodford, Gloucestershire GL13 9JR in accordance with the terms of the application, Ref S.25/0808/PIP, and the plans submitted with it.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second ('technical details consent' stage) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The appeal is accompanied by a Unilateral Undertaking (the UU) which relates to mitigation for the Severn Estuary Special Area of Conservation. I have addressed this in my reasoning below.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, in relation to its effect on the Severn Estuary Special Area of Conservation (SAC).

Reasons

6. The site lies within the zone of influence for the SAC. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other

plans or projects. This responsibility falls to me as the competent authority in the context of this appeal.

7. The SAC is designated due to its international importance for the range of coastal habitats and wildlife species the estuary supports. As a development for a new house within the zone of influence there is a high likelihood that the future occupants of the proposed development would visit the SAC for recreation purposes. In this regard, it is clear that the proposal, when combined with other development in the area, would have a likely significant effect on the qualifying features of the SAC through increased disturbance as a result of recreational activity. I must, therefore, carry out an AA.
8. The features of the SAC which would be affected would include, amongst others, damage to the vegetation and disturbance to wintering and passage birds. The conservation objectives of the SAC include maintaining favourable conditions for birds and providing enhanced public access while balancing the need to protect the nature conservation interest.
9. The Severn Estuary Recreation Mitigation Strategy 2024-2029 (the Mitigation Strategy) seeks to mitigate impacts upon the SAC. Development would be expected to contribute towards strategic access management and monitoring (SAMM) which include employment of rangers, raising visitor awareness through provision of signage and interpretation, path, and fence improvements, viewing platforms, dedicated areas for dogs to access the water, and parking improvements. Mitigation through the provision or enhancement of other countryside areas, away from the estuary, is also proposed as suitable alternative natural greenspace (SANG).
10. The appellant has submitted an executed UU which would secure £1001.95 for expenditure on environmental and ecological mitigation measures relating to the SAC. This would comply with the requirements of the Stroud District Local Plan: Planning Obligations Supplementary Planning Document, April 2017 and the Stroud District Council Strategy for Avoidance of Likely Significant Adverse Effects on the Severn Estuary SAC, SPA and Ramsar Site, December 2017. I have no evidence to show that this figure is not proportionate to this appeal proposal or that the Council would not be able to use the contribution as per the Mitigation Strategy.
11. I have consulted Natural England, and it has confirmed that it is content that the secured financial contribution would ensure that the proposal is unlikely to have a significant effect on the SAC. There is no evidence before me to suggest I should reach a contrary conclusion.
12. I accept that Planning Practice Guidance states that it is not possible for conditions to be attached to a grant of permission in principle and that planning obligations cannot be secured at this stage. However, there is no legal reason why an obligation cannot be entered into at any time and the appellant has drawn my attention to a similar appeal where a UU was accepted for a permission in principle. In this case the appellant has provided a UU, based on a template provided by the Council, and this would ensure that the required financial contributions towards mitigation would be paid prior to the commencement of development.

13. Subject to the UU, the development would not constitute habitats development as it would not have a significant effect on the SAC. Consequently, permission in principle is not resisted under Part 2A 5B of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.
14. In conclusion, the UU would ensure that there would not be an adverse effect on the integrity of the SAC. As the competent authority for the purpose of the habitat regulations, I am satisfied that permission in principle could be granted, as described in PPG and that the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the effect of the proposal on the SAC.
15. The proposal would, whether by itself or when taken with other plans and projects, harm the integrity of the SAC. However, with the mitigation proposed it would comply with Policy ES6 of the Stroud District Local Plan, November 2015 (the LP), which seeks to ensure that all development conserves and enhances the natural environment, safeguards and protects all sites of European and Global importance, resists significant adverse effects either alone or in combination, and expects development to contribute to appropriate mitigation and management measures.

Other Matters

16. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. Paragraph 11d) of the Framework therefore applies. In this case, given my findings in relation to the SAC, there are no policies in the Framework relevant to footnote 7 which indicate a strong reason to refuse the development.
17. Policies CP3 and CP15 of the LP are the most relevant in considering the proposal. Both policies seek to limit development in the countryside. They are broadly consistent with the Framework as a whole in seeking to ensure that development in rural areas is sustainable. The proposal would conflict with the settlement strategy policies, and I give this substantial weight.
18. However, the appeal site is in a location which has access to services and facilities by foot, bicycle, or bus, albeit that it is outside of any defined settlement and within the countryside. It is not isolated being at the end of a row of houses and I give moderate weight to the suitability of the location.
19. The development would provide one additional house with associated social and economic benefits both during and post construction. These benefits, albeit limited due to the scale of the development, are significant. The scale, layout and appearance of the building, issues relating to living conditions of existing or proposed occupiers, highway, biodiversity, and drainage matters are all for the technical details stage. However, I have no reason to believe that the site would not be capable of being developed in a form appropriate to the area. These matters are, therefore, neutral in the balance.
20. For the above reasons, I find that the harm from the conflict with the development plan would not significantly and demonstrably outweigh the benefits that would arise from the development, when assessed against the policies in the Framework, taken as a whole.

Conditions

21. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, type, and amount of development. Therefore, I have not imposed any conditions.

Conclusion

22. For the reasons given above the appeal should be allowed.

K Townsend

INSPECTOR