



Appeal Decision

Site visit made on 1 December 2025

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/P1615/W/25/3367210

**Land adjacent to Beulah Chapel, Green Bottom, Littledean, Cinderford
Gloucestershire GL14 3LH**

- 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 Tyler Levey against the decision of Forest of Dean District Council.
 - The application Ref is p0316/25/FUL.
 - The development proposed is the change of use from agricultural to residential use and the construction of new detached bungalow and off-road parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Legal Agreement, in the form of a Unilateral Undertaking¹ (UU), has been submitted in support of the proposal. This ensures that the proposal would be completed and occupied as a self-building dwelling and removes the need for the scheme to meet Biodiversity Net Gain (BNG) requirements.
3. The site was subject to a proposal for a log cabin holiday let, resulting in a dismissed appeal² in 2024. The Inspector found that the proposal would cause moderate harm to the significance of the chapel and, due to its design and position, would harm the character and appearance of the area. Although I shall pay regard to this decision, the current proposal is materially different, in location and design, and as such I shall consider this on its own merits.

Main Issues

4. The main issues are:
 - whether the site would be a suitable location for residential development in consideration of local and national policies,
 - the effect of the proposed development on flood related matters,
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on highway safety, with particular regard to the safe use of the means of access, and

¹ Unilateral Undertaking, of Elaine Francis Levey and Tyler Levey, 4 December 2025

² Planning Appeal Reference: APP/P1615/W/24/3343515

- the effect of the proposed dwelling on the Wye Valley and Forest of Dean Bat sites Special Area of Conservation (SAC).

Reasons

Locational issues

5. The Forest of Dean Core Strategy (CS) establishes the Council's approach to the distribution of housing across the district. CS policy CSP.4 relates to development at settlements. This states that most development is expected to take place in towns with other development in villages in accordance with their size and function. New housing will be concentrated where there is already good access to employment.
6. Also, CS policy CSP.5 supports thriving communities and seeks to focus new development towards Cinderford and the Ruspidge urban area, with reduced provision identified towards the smaller towns and villages. The policy also identifies that a small level of housing is directed to 'other' villages and rural areas, that are not specifically listed by the policy. It also states that where the relevant local housing need cannot be met at a settlement with a defined boundary, permission may be granted for small sites within or adjoining a settlement without a boundary, subject to certain listed criteria.
7. The site is within the small settlement of Green Bottom, around 1.4km from the village of Littledean. The appeal site is therefore outside the settlement boundary of Littledean and in the open countryside for policy purposes.
8. Access from the site to Littledean would be via a mostly single width roadway which does not benefit from a footway or streetlights, proving an unattractive route for pedestrians or cyclists. Although the appellant explains that the area is covered by a community bus service, it is clear, due to the site's remote location, that future occupiers would be reliant on the private car to access day to day goods and services. The site would therefore be contrary to local and national spatial housing policies. These seek to establish new housing in locations where it can limit the need to travel and offer a genuine choice of transport modes, as sought by the National Planning Policy Framework (the Framework).
9. As such, the site would not be a suitable location for residential development in consideration of local and national policies and would conflict with the Council's spatial housing policies. Accordingly, the proposal would conflict with CS policies CSP.4 and CSp.5 and Policy AP.1 (regarding locational matters) of the Forest of Dean Allocations Plan [2018](AP).

Flood issues

10. The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The site is within flood zone 1, least likely to flood. However, it is undisputed between parties that the site is susceptible to surface flooding. The appellant's Flood Risk Report³ (FRR) identifies that surface level flooding of 200mm extends onto the site. Although the appellant refutes that the site provides a surface level flow route through the site, the FRR's appended contour plan does not fully exclude scope for water to flow into the site during high rainfall toward the stream.

³ Southwest Environment Limited, 12 May 2025

11. The Framework explains that development should not be permitted in areas of flooding where there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It states that all plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk. Accordingly, a Sequential Test should be applied to the appeal site.
12. The Council asserts that alternative sites exist within the district that have a lesser risk of flooding and that there is no essential functional requirement for a dwelling to be located at the site.
13. The Sequential Test should be applied even when only part of a site is identified to be at risk of flooding, except where a Site Specific Flood Risk Assessment (FRA) demonstrates that no built development within the site would be located on an area that would be at risk of flooding, as set out in paragraph 175 of the Framework. Here it states that an FRA should demonstrate that no development, including access and escape routes, land raising or other vulnerable elements, would be in an area that would be at risk to flooding. The appellant's FRR demonstrates how on-site flooding could be managed, and design features incorporated, but this fails to provide sufficient detail to demonstrate that the scheme would avoid all flood risk. Moreover, where a scheme would require measures to address flood risk it would be subject to the Sequential Test.
14. I note that the issue of flooding was not raised during the Council's consideration of the holiday let proposal and this matter was also not raised by the Lead Local Flood Authority for this proposal. However, the dismissed scheme was different to this proposal for a dwelling, and it is not in evidence that surface level flooding was identified as affecting the site at the time. Also, this matter relates primarily to strategic issues for the preferred location of new housing, rather than the consideration of options to mitigate flood risk. Furthermore, drainage related conditions would not address the suitability of the site from a strategic planning perspective.
15. Consequently, the proposed development has not been shown to be a sequentially preferable site in consideration of its flood risk. As a result, the proposed development would be in a location that is susceptible to flooding, putting future occupiers at risk and has failed to demonstrate that a preferable site is not available in a location least likely to flood. Accordingly, the proposal would cause substantial harm to future occupiers from flooding, in conflict with CS policies CSP.1 and CSP.2 and AP policy AP.1 (with respect to flooding) and the Framework. These seek, among other matters, for the risk of flooding to be considered, taking into account any risk, with a sequential approach, and for any mitigation to ensure that the development is safe and that flood risk is not increased elsewhere.

Character and appearance

16. The hamlet consists of a small group of traditional rural dwellings arranged in a loose nucleated arrangement within a woodland setting. The houses consist of various largely rendered styles, having a visually connected rural vernacular. Most of these are within relatively generous plots where gaps between buildings create a dispersed settlement pattern and where buildings are interspersed by landscaped areas. Beulah Chapel, to the side of the appeal site, is a two-storey

building with tall windows. It is set close to the highway and has a strong presence within the grouping of buildings. The appeal site is occupied by a caravan, container and other equipment, but retains a sense of openness. As such, the site makes a positive contribution to the dispersed settlement pattern of the hamlet.

17. The proposal consists of a dormer bungalow with associated hard standing and an access adjacent to the chapel. Its design would complement local buildings within the hamlet. The proposed dwelling would be close to the outbuildings of Stonar Cottage, presenting an end elevation toward the highway. Although houses within the hamlet directly address the lane, the orientation of the proposal would not be of material harm to the streetscene due to the varied style of development found locally.
18. Housing in the area does not have a traditional, regimented form. Several plots have main garden areas that are adjacent to the lane, such as 'The Arc'. Other housing presents its main external space in front of the building, such as 'Stonar Cottage'. Furthermore, 'The Cottage' opposite the site has a large hardstanding area within its frontage. Accordingly, the proposed garden, dwelling and parking configuration would not be materially at odds with the surrounding pattern of development, and the proposed dwelling would not be especially prominent.
19. Also, whilst the proposal would result in the infilling of a currently open plot, the dwelling would be set alongside the eastern boundary, retaining the main area of the plot as open, and thereby not appreciably eroding the existing sense of openness evident on site. As such, I find that the proposal would be respectful of its setting and whilst giving the site a more developed, residential appearance, this would not be of material detriment to the area. Consequently, the proposed development would complement the existing character and appearance of the hamlet.
20. Beulah Chapel is a non-designated heritage asset (NDHA), due to its age and architectural merit. The Framework requires a balanced judgement when assessing the effect of a proposal on the NDHA, having regard to the scale of any harm and the significance of the asset. The chapel is a stone building of simple form, enclosed by green railings, and is of moderate significance as a heritage asset. The parcel of land to the side, the appeal site, was historically an orchard and provides a gap between buildings, allowing the chapel to be appreciated, especially in approaching views from the east. The appeal site, adjacent to the chapel therefore makes a positive contribution to the significance of the site of the chapel as a heritage asset. Nonetheless, the siting of the proposed dwelling would ensure that these views are largely retained and thus the proposal would result in a negligible effect to the setting of the chapel, causing no harm to its significance.
21. Also, whilst part of the site's boundary wall would be removed to create the access, this would be a small reduction in material. A means of access is a necessary requirement of the proposal and has been sensitively designed to limit the extent of demolition. Consequently, the removal of part of the wall would not materially erode the appearance of the street.
22. Accordingly, the proposal would complement the character and appearance of the area and would not harm the significance of the NDHA. As such, the proposal would comply with CS policies CSP.1 and CSP.4, AP policy AP.4 and the Council's Residential Design Guide, concerning character and appearance. These

seek, *inter alia*, for development to reinforce the existing settlement pattern and make a positive contribution to the quality of an area.

Highway safety

23. Access to the site is via a single-track lane off George Lane. The layout plan shows that access would be gained to the track at the corner of the site, close to Beulah Chapel. This enables visibility splays of 2.4m by 47m to be provided eastbound and 2.4m by 37m westbound (with some encroachment over third party land). The retained front wall and Beulah Chapel would partly limit visibility for vehicles leaving the site.
24. The highway is subject to the national speed limit, 60mph, but is part of a country lane that narrows to only a single track at either end of the hamlet. Therefore, whilst the access appears to provide inadequate visibility splays for an access onto a 60mph highway, a slavish application of Manual for Streets guidance would be inappropriate based on the site's specific highway context. I therefore find that it would be unnecessary for the appellant to provide a speed survey to demonstrate that vehicles would pass the site at substantially slower speeds than 60mph.
25. In terms of the manoeuvring space on site, the layout plan shows parking for three vehicles plus a turning space, which seems an appropriate provision for a four-bedroom dwelling in this rural location. Manual for Streets advises that parking spaces should be 2.4m wide and 4.8m long, but these dimensions appear to relate to roadside parking design and are not directly applicable to private parking within a domestic plot. Although the spaces are not dimensioned, and the plans are not supported by a swept path analysis, the plot is of sufficient size to enable cars to turn and leave in a forward gear. This arrangement would be substantially better than is evident within several neighbouring plots. Moreover, even if vehicles were required to reverse onto the highway this would be unlikely to cause a hazard due to the light traffic levels anticipated to use the highway.
26. Accordingly, the demonstrated visibility splays would allow vehicles to exit the site in a safe manner without causing detriment to the safety of other highway users, despite the minor encroachment over third party land to the west. Consequently, the proposal would accord with the Framework in requiring development to only be refused if it would result in an unacceptable impact on highway safety.

Wye Valley and Forest of Dean Bat sites SAC

27. The site is within 'zone A' for horseshoe bats, of the Wye Valley and Forest of Dean Bat Sites SAC and Severn Estuary, as identified by guidance⁴. As such, the site falls within the core sustenance zone for both lesser and greater horseshoe bats, which have been recorded as being within the area. The appellant's Preliminary Ecological Appraisal [March, 2025] (PEA) assessed the effects of the proposal on local wildlife. This identified baseline ecological conditions including the noted presence of bats within the area. This also noted that the native hedgerow on the site, and adjacent woodland, provided suitable foraging and commuting habitat for bats.

⁴ Wye Valley and Forest of Dean Bat SAC Development Management – Horseshoe Bat Activity Survey and Assessment Guidance' [July 2021]

28. However, whilst a walkover survey was completed, no systematic surveys were undertaken to assess the impact of the proposal on bats. Given the nature, scale, duration and location of the project, I cannot discount the likelihood that the proposal would not affect the European Site or its qualifying features, requiring an Appropriate Assessment to be undertaken.
29. The proposed dwelling would be around 9 metres from the rear boundary and the tree canopy edge, but no details have been submitted to indicate how this space would be retained as a dark corridor. Furthermore, the side elevation facing the rear boundary is shown to include several large windows that would be likely to cause light spill towards the woodland, causing a significant impact and an adverse effect on bat activity in the area. No lighting details have been provided to show the extent of light spill. As identified by the Council, further information would be required including surveys of bat use of the boundaries and to understand the impact of artificial light. Furthermore, whilst the PEA provides some mitigation measures to manage lighting, at 6.2.4, these would not necessarily be adequate to address the harmful effects of lighting without further survey and assessment.
30. As a result, it may be considered, if an AA had been undertaken, that the development would harm the integrity of the Wye Valley and Forest of Dean Bat sites SAC. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further as it could not change the outcome of the appeal.

Planning Balance and Conclusion

31. The Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The countryside is not protected for its own sake but its intrinsic character and beauty is recognised by the Framework which also indicates that remote homes in the countryside, such as the proposal, should be avoided. The Framework also expects development to prioritise pedestrian and cycle movements. It is undisputed between main parties that the appeal site is outside the development boundary of Littledean. Therefore, the conflict between the proposal and spatial housing CS policies CSP.4 and CSP.5 and AP Policy AP.1 should be given significant weight in this appeal. Further, conflict has also been found with CS policies CSP.1 and CSP.2 and AP policy AP.1 with respect to flood related matters, which also attracts significant weight.
32. As there are no policies in the Development 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 conflict with the development plan as a whole.
33. The Council cannot demonstrate a 5-year supply of housing, with a 1.9-year supply, which is a substantial shortfall. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
34. The proposal would deliver some economic benefits during the construction phase when the development would provide jobs and opportunities for local companies and once occupied when future residents would support services in Littledean. The

proposal would also deliver financial benefits, relating to property transactions and council tax funding, although these gains are of limited weight. The proposal would also provide some ecological enhancement, but these measures are limited as the proposal is not required to deliver a 10% BNG.

35. The provision of a self-build dwelling would also be a benefit of the scheme, as the provision of sufficient self-build housing plots is a statutory requirement placed on Council's. However, it is not within evidence that the Council is failing to provide an adequate supply of self-build plots and as such this benefit is of modest weight only in favour of the proposal. As such, the benefits associated with a single dwelling would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position.
36. The Framework highlights the important contribution small sites can make to housing supply, recognising they can be built out relatively quickly. Furthermore, the Framework supports housing that can provide for the needs of various groups including people wishing to commission or build their own homes. Nonetheless, the Framework also gives substantial weight to the value of using suitable brownfield land within settlements for housing rather than land in the countryside and for development to facilitate access to high quality public transport as far as possible. As the proposal would not align with these requirements, I give this harm significant weight.
37. The proposal would also result in substantial harm to flood risk in the area and has failed to demonstrate it is a sequentially preferable site. The Framework identifies that the sequential test should be applied in areas known to be at risk of any form of flooding. I have concluded that the proposal would conflict with the development plan and the Framework in this respect. I also give this harm significant weight. Consequently, the adverse impacts on the housing strategy, of increasing travel by car and to flood risk would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
38. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict.
39. Therefore, the appeal is dismissed.

B Plenty

INSPECTOR