



Appeal Decision

Site visit made on 12 January 2026

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 23 January 2026

Appeal Ref: APP/P1615/C/23/3332782

Land Adjoining Bullo Pill Dock, Bullo Pill, Newnham GL14 1ED

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Darren Larkham against an enforcement notice issued by Forest of Dean District Council.
 - The notice was issued on 3 October 2023.
 - The breach of planning control as alleged in the notice is: Unauthorised engineering works undertaken to level the land adjacent to the River Severn, the siting of a mobile home and the residential use of that mobile home.
 - The requirements of the notice are to:
 1. Permanently cease the use of the land as residential (shown on the attached plan and indicated by a red lined boundary).
 2. Permanently remove the unauthorised mobile home and storage container (as shown in Appendix A of this notice).
 3. Disconnect all services from the mobile home and remove the mobile home and storage container from the site permanently.
 4. Permanently remove the gravel, the wooden sleepers, and all spoil to return the land levels to the levels prior to the commencement of this unauthorised work.
 5. Permanently remove any materials and associated residential paraphernalia from the site remaining as a result of the actions of steps 2, 3 and 4 of this notice.
 - The period for compliance with the requirements is six (6) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended) (the Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is corrected by the deletion of the matters which appear to constitute the breach of planning control at Part 3 and their substitution with:

“Without planning permission, the material change of use of the land for the siting of a mobile home for residential purposes and engineering works to level the land to provide a hard surface on which the mobile home is located.”
2. Subject to the correction, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act as amended.

Matters Concerning the Notice

3. The notice refers to both operational development and a change of use, but omits to properly specify that there has been a material change of use in Part 3 ‘Matters which appear to constitute the breach of planning control’. It is important for me to get the notice right where I can and in this case that means a correction to clarify

what is alleged. This would accord with the requirements which would square up with and follow logically from the allegation regarding what a notice may require under s173 of the Act to remedy the breach of planning control. It is open for me to correct and/or vary the notice in accordance with my powers under section 176(1) of the Act. As such, I consider that the allegation can be corrected, as set out in the formal decision. In doing so, I am satisfied that no injustice will arise to either of the main parties.

Preliminary Matters

4. An appeal¹ against the refusal of planning permission for the erection of a new two-bedroom dwelling on the appeal site was dismissed on 20 August 2024.

Ground (a) and the Deemed Planning Application

Main Issues

5. The main issues are whether the site provides a suitable location for the development, having regard to the settlement strategy for the area and its accessibility by sustainable modes of transport; and the effect of the development on the setting and significance of the Grade II listed buildings, known as Dock Cottage and Dock and Lock Walls at Bullo Pill.

Reasons

6. The appeal relates to an area of land which has been subject to engineering works by the raising of land to form a levelled area upon which a mobile home used for residential purposes has been stationed. The raised section of land is retained by several large wooden sleepers. The ground is covered with loose stones to provide a hard surface for the unit, parking and amenity space for the occupiers.

Location of development

7. Bullo Pill is an area of land sandwiched between the railway and River Severn. Access to the site is from the A48 along a narrow pot-holed track, which passes under a main railway line. The appeal site is situated at the northern edge of the dock, close to the end of the access track. Part of the appeal site falls within Flood Zones 2 and 3.
8. The appeal site is located in an undeveloped coastal zone outside any settlement boundaries defined in local planning policies. Such areas are deemed to be in the countryside for the purposes of planning policy and paragraph 3.41 of the Forest of Dean District Council Core Strategy (adopted 2012) (the CS) highlights the intention not to allow sporadic, unfocussed development in such areas. Of further relevance is paragraph 3.38 which states that Government policy and the principles of sustainable development are based on locating development in the most sustainable places and within the Forest of Dean these are the towns. The closest settlements to the appeal site are the villages of Newnham, approximately 2.6km to the north, and Blakeney, approximately 4km to the west.
9. One of the strategic objectives of Policy CSP.4 of the Forest of Dean District Council Core Strategy (2012) (CS) is to promote thriving sustainable communities. The supporting text sets out the principle that development should be concentrated

¹ APP/P1615/W/24/3336348

at settlements. To this end the policy states that most changes in towns and villages will be expected to take place within the existing settlement boundaries. Policy CSP.4 lists exceptions to this principle, including affordable housing and building conversions, but these are not relevant to the type of development under consideration in this appeal.

10. Policy AP1 of the Allocations Plan 2006 to 2026 (AP) states that the primary consideration when assessing applications for development will be whether the development is sustainable. Its aims to ensure that development that does not meet the requirements in national guidance and in the CS will not be and should not be permitted. In assessing proposals, the key test is whether economic, social and environmental conditions in the area would be improved. The CS sets out that the principles of sustainable development include among other things, accessibility.
11. As previously concluded in the above-mentioned recent appeal for the two-bedroom dwelling for residential development on the land, the site is located to the south of Newnham, its nearest settlement, which contains some services to meet day to day needs. However, the site is more closely aligned with its surrounding rural characteristics than the more built-up area of Newnham. The A48, which links the appeal site to Newnham, has bus stops close by however, users would need to travel along the narrow poorly surfaced track that lacks both a pavement and street lighting to reach the A48 and would have to cross the busy road to access the north bound service.
12. The A48 is a busy road with the national speed limit, a single narrow pavement on one side and an absence of street lighting. These factors would significantly deter occupiers of the mobile home from walking or cycling to reach shops, services, and other facilities. Consequently, I consider it reasonable to conclude that the occupiers would be heavily reliant on the use of a private car for day-to-day needs. This reliance would be particularly heavy during the winter months, when daylight hours are limited, and during periods of inclement weather.
13. In conclusion, while the appeal site is not isolated from other established development, it is not in a suitable location for housing having regard to the settlement strategy for the area and its accessibility to sustainable modes of transport, services and facilities. Therefore, it does not accord with Policy CSP.1, CSP.2 of the CS or Policy AP1 of the AP which, among other things, seek to ensure development is sustainable with the overall aim of improving the economic, social and environmental conditions in the area.
14. There is also conflict with Policy CSP.4 which provides that, among other things, new development, including temporary development as sought by the appellant, must contribute to reinforcing the existing settlement pattern in a manner which emphasises the importance of the towns. It would also not meet the aims of paragraph 8 of the National Planning Policy Framework (the Framework) in terms of ensuring accessible services and facilities and chapter 9 which seeks to promote sustainable transport.

Heritage impact

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, special

regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The appeal site is located close to two Grade II listed structures. Dock Cottage immediately to its west, and Dock and Lock Walls at Bullo Pill to the south.

16. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
17. Dock Cottage is a Grade II listed detached building converted to residential use in the 19th century. It derives its significance from its architectural detailing and historic links with the commercial function of Bullo Pill as a dock. Dock and Lock Walls at Bullo Pill derives its significance from its important historic function as part of trade routes in and across the Severn. While the stone walls are in a state of disrepair this does not detract from the historic importance of the listed structure.
18. The appeal site formed part of the dock complex that included a tramway and mooring posts that terminated at a small wharf. The site therefore has a historic association with both listed buildings in terms of the historic commercial use of the area and forms part of the setting of both listed buildings. The appeal site and surrounding commercial uses therefore contribute to their significance.
19. The mobile home is of a utilitarian generic design, and visually conspicuous in its setting due to its colour, form and prominent position having been elevated on the raised land. It bears no aesthetic relationship to the dock or to maritime operations in general and it is an incongruous feature in this location and the wider landscape. This undermines the contribution which the setting makes to the historic interest of the listed building. It follows that the significance of the listed buildings as a designated heritage asset is harmed by the mobile home within its setting.
20. Having regard to the Framework which advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given that this appeal relates to one mobile home only, which is located adjacent to Dock Cottage and to the north of Dock and Lock Walls, the harm caused to the significance of the Listed Buildings is less than substantial. Nevertheless, this degree of harm is of considerable importance, and the Framework requires such harm to be weighed against the public benefits of the development. In this case, no public benefits have been advanced by the appellant, and none are obvious.
21. I conclude that the development has an unacceptable and harmful effect on the setting and significance of the Grade II listed buildings. It conflicts with Policy CSP.1 of the CS and Policies AP1, AP4 and AP5 of the AP which seek to ensure that, among other things, developments satisfactorily accommodate historic sites and heritage assets and protect the special qualities, historic character and local distinctiveness of the district. The development is also contrary to the heritage protection and design principles of the Framework.

Other Matters

22. The Council, in its appeal statement also refer to the effect of the development on highway safety and whether the site is a suitable location for the development, regarding its vulnerability to flooding.

Highway safety

23. The appeal site is accessed via a single-lane track which connects directly to the A48. The A48 is a fast road subject to a 60-mph speed limit. Previous appeal decisions relating to the site record the advice of the Council's Highway Authority, which has consistently expressed concern regarding the adequacy of the access junction. In particular, the junction between the access track and the A48 provides a restricted northerly visibility splay of approximately 187 metres. For a road of this nature and speed, a visibility splay of 215 metres would ordinarily be required to ensure safe manoeuvring for vehicles entering and leaving the site.
24. Although the appeal proposal relates to a single residential unit and would not be expected to generate a high volume of vehicular movements, the acceptability of an access must be judged on the safety of the junction itself, rather than solely on the level of traffic generated. If the junction gives rise to danger, even modest levels of additional traffic can exacerbate the risk of conflict.
25. I am therefore not persuaded that the limited scale of the development overcomes the underlying highway safety concerns. The shortfall in visibility, when taken in the context of the speed and nature of traffic on the A48, results in an access arrangement that fails to provide an acceptable level of safety for users of both the appeal site and the public highway. For these reasons, I conclude that the development would be detrimental to highway safety. It therefore conflicts with Policies CSP.1 and CSP.2 of the CS and Policy AP1 of the AP, which seek to ensure that development does not give rise to unsafe access arrangements or compromise the safety of the highway network.

Flooding

26. The appeal site lies adjacent to the River Severn. Parts of the land have been raised and retained using railway sleepers, with the levelled area surfaced in loose stone. Evidence before me indicates that the site spans Flood Zones 1, 2 and 3. Although much of the site is within Flood Zone 1, the siting of part of the mobile home is within Flood Zones 2 and 3, within higher-risk areas and this is a significant consideration. Furthermore, the creation of an artificially raised platform to accommodate the unit introduces uncertainty regarding how the site functions during flood events.
27. No flood risk assessment or other technical evidence has been submitted to demonstrate the effects of the land raising works on flood storage capacity, flood behaviour at the site, or flood risk elsewhere. In particular, there is no information to show whether these works displace floodwater or increase flood risk to adjacent land or properties downstream. In the absence of such information, I am unable to conclude that the development would be safe for its occupants for the lifetime of the development or that it would not increase flood risk elsewhere. This lack of justification and mitigation weighs heavily against the proposal, especially given the site's proximity to the River Severn and the presence of Flood Zones 2 and 3.

28. The development fails to demonstrate that it adequately addresses flood risk. It therefore conflicts with national planning policy which seeks to direct development to areas at the lowest risk of flooding and to ensure that development does not exacerbate flood risk elsewhere, as well as with relevant development plan policies aimed at managing flood risk.
29. Notwithstanding this, the Framework identifies caravans and mobile homes intended for residential occupation as “highly vulnerable” development. In such circumstances, national policy requires the application of the sequential approach to steer development to areas at lowest risk of flooding. Where this cannot be achieved, the exception test must be satisfied, requiring the proposal to demonstrate wider sustainability benefits to the community that outweigh flood risk, and to show that the development would be safe for its lifetime without increasing flood risk elsewhere.
30. In this case, no evidence has been submitted with the appeal to demonstrate that either the sequential test or the exception test has been met. In the absence of a Flood Risk Assessment or evidence demonstrating compliance with the sequential approach, the flood risk associated with the site has not been adequately assessed. Consequently, it has not been shown that the development would be safe for its intended lifetime or that the occupants would be adequately protected from flood risk. The development therefore conflicts with Policies CSP.1 and CSP.2 of the Core Strategy, which seek, amongst other objectives, to direct development away from areas at risk of flooding, to ensure that development is safe and resilient, and to avoid increasing flood risk elsewhere.

Conclusion on ground (a) and the Deemed Planning Application

31. For the reasons given above, the use is contrary to the development plan when read as a whole. There are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan. I conclude, therefore, that the appeal on ground (a) cannot succeed, and I refuse to grant planning permission on the deemed application.

Ground (f)

32. This ground of appeal is that the steps required by the enforcement notice exceed what is necessary to achieve its stated purpose, namely, to remedy the breach of planning control (s.173 (4) (a)) or to remedy injury to amenity (s.173 (4)(b)). The notice requires the cessation of the unauthorised use, the disconnection of services, the removal of all structures and paraphernalia associated with that use, and the restoration of land levels to their former condition. It is evident that the primary purpose of the notice is to remedy the breach of planning control.
33. It has been suggested that the mobile home should be allowed to remain on the land pending the outcome of an appeal against planning application reference P0673/23/OUT, dated 18 September 2023. However, that appeal was dismissed. Consequently, any asserted temporary requirement for the mobile home, presumably to facilitate accommodation during construction works, does not arise and is not a consideration in determining this ground of appeal.
34. The appellant also considers that, because services were already present at the appeal site prior to the service of the enforcement notice, there is no necessity for them to be disconnected. However, no substantive evidence has been provided to

support that assertion. In any event, it seems to me that for the mobile home to be removed from the land as required, the associated services would need to be disconnected. Therefore, I see no reason to conclude that this requirement goes beyond what is reasonably necessary to secure the remedying of the breach of planning control.

35. The notice requires the removal of the gravel and wooden sleepers from the appeal site only, rather than from the entirety of the land within the appellant's ownership. It seems that this approach enables the appellant the option of reusing those materials elsewhere, should they wish. There is no dispute from the appellant regarding the restoration of land levels, and no argument has been advanced to justify their retention.
36. Given that the requirements go no further than requiring the appellant to undo what has been done, they cannot exceed what is necessary to fully remedy the breach of planning control. As there are no lesser steps that would achieve the statutory purpose behind the notice, the appeal on ground (f) fails.

Ground (g)

37. An appeal on ground (g) concerns whether the six-month period for compliance specified in the enforcement notice is unreasonable. The appellant contests this is wholly unreasonable owing to difficulties in securing alternative residential accommodation and the need to remain at Bullo Pill in connection with employment and maritime related activities. A compliance period of at least eighteen months is sought.
38. I acknowledge that seeking suitable residential accommodation can present challenges. However, no substantive evidence has been submitted to demonstrate that there are no properties available to buy or rent within a reasonable distance of the appeal site. In the absence of evidence to the contrary, I am not persuaded that alternative accommodation could not be sought within the compliance period.
39. The compliance period must strike a balance between allowing sufficient time and ensuring that the adverse impacts of the breach are not prolonged. Such a lengthy period as sought would significantly delay remedying the breach of planning control and would be excessive in light of the circumstances of the case.
40. I have had regard to the appellant's employment activities at Bullo Pill. However, these considerations do not outweigh the need to address the harm arising from the unauthorised residential use within a reasonable timeframe. Given the acknowledged harm, I conclude that the six-month compliance period represents a proportionate and reasonable response. It provides adequate opportunity for compliance while ensuring that the objectives of planning control are upheld.
41. Accordingly, the appeal on ground (g) fails.

S A Hanson

INSPECTOR