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## Appeal Decision

Hearing held and site visit made on 24 February 2015

**by B S Barnett BA MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

Decision date: 11 March 2015

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### **Appeal Ref: APP/P1615/A/14/2222494**

#### **Land at Treona Garden Nursery, Gloucester Road, Corse, GL19 3RA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bloor Homes against the decision of the Forest of Dean District Council.
  - The application Ref P0085/13/FUL, dated 22 January 2013, was refused by notice dated 22 January 2014.
  - The development proposed is the erection of 18 dwellings with associated access road and formation of a new vehicular and pedestrian access onto the A417<sup>1</sup>.
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#### **Decision**

1. The appeal is dismissed.

#### **Reasons**

2. The Council agreed at the hearing that it was unable to demonstrate an adequate deliverable supply of land for housing as required by the National Planning Policy Framework (the Framework) and that consequently its policies for the supply of housing are out of date. This applies, among other things, to policies which restrict development to within defined village boundaries. Having regard to paragraph 14 of the Framework, the main issues to be considered are:
  - (a) The effect of the development on the setting of the adjacent listed building and Conservation Area;
  - (b) Whether the development would provide satisfactory living conditions for future residents; and
  - (c) Whether any harm arising from the development would significantly and demonstrably outweigh the benefits it would produce.
3. The reasons given for refusing planning permission include references to highway matters, affordable housing and off-site recreational provision. The Council confirmed at the hearing that these matters have since been resolved satisfactorily.

#### *The Conservation Area and Listed Building*

4. The appeal concerns land adjacent to the Snigs End Conservation Area.

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<sup>1</sup> This is the wording on the decision notice. It differs from that in the application but was agreed as appropriate at the hearing.

5. Snigs End was built by the Chartist movement in the 1840s and 1850s as one of five planned settlements. It was based on a strong social and political philosophy which aimed to settle large numbers of people on the land where they would have voting rights and be largely able to feed themselves through agricultural production. About 85 cottages of a more or less uniform design were built. Each was set in a substantial plot of land and the result was a very dispersed form of settlement extending over a large area and lacking the concentration around a focal building or main street which is common in English villages. One notable public building was provided - the schoolhouse<sup>2</sup>. Whereas the cottages are unassuming single storey low structures, the former schoolhouse has two storeys and ornamented tall chimneys which are visible over a wide area.
6. The Chartist movement was short lived and the form of settlement it promoted was not generally repeated. However, this was a significant part of England's history and the physical evidence of it is well preserved here. The Conservation Area covers most of the Chartist settlement and the continued existence of many elements of the settlement is fundamental to its character. Within the Conservation Area many of the original cottages survive. Haffield Lodge, which adjoins the appeal site, is one of them. Its listing describes it as a 'good example of a Chartist cottage: principally listed for historical and social interest; forms group with Oaklands and other Chartist cottages.'
7. In many parts of the village the Chartist cottages still stand in large plots and the dispersed form of the settlement is still evident. Elsewhere plots have been reduced in size to accommodate more recent house building. This is particularly true along Prince Crescent where the cottages have been surrounded by more recent development and left with relatively small curtilages. This has deprived them of their original context and setting. They can no longer be easily read as part of the planned settlement as they are visually dominated by the larger and more recent buildings. Their historical and social significance has been diminished.
8. Haffield Lodge is part of a crescent of five Chartist buildings facing Gloucester Road and centred on the former schoolhouse. It has been extended at the rear but its frontage is largely unaltered. The cottage between it and the former schoolhouse is not listed but its original architectural form is still very evident. Both cottages have lost part of their original plot at the rear where modern housing has been built, but their relationship to each other, to the road and to the former schoolhouse is much as it would have been around 1850.
9. A high hedge and a wall around Haffield Lodge now partly screen it from public view and a hedge near the former schoolhouse restricts views from the north of that building. However, these are relatively recent additions. Without them the original crescent arrangement of the buildings and spacious open character of the land along Gloucester Road, including at the appeal site, would be clearly seen. The continued existence of these factors contributes significantly to the special character of the area and to one's ability to recognise this as part of the Chartist settlement. Although the appeal site was never part of the planned settlement, its openness contributes significantly to the setting of the cottages near it and of this part of the Conservation Area.

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<sup>2</sup> It was later used as a pub but is now unused.

10. The development would erode the open character of the roadside land and make it harder to appreciate the historic significance of Haffield Lodge, the adjoining Chartist cottage, the former schoolhouse and this part of the Conservation Area. Although the bungalows proposed on the frontage would incorporate some design features found in the Chartist cottages, they would be much larger than the original cottages, substantially higher, and closer to the road. Approaching from the north, they would restrict views of Haffield Lodge and of the upper parts of the former schoolhouse. From the south they and other houses would be seen behind and above the roofline of Haffield Lodge.
11. Although not as extreme, the effect of the development would be similar in many respects to the effect of the modern house-building on Prince Crescent. The open rural character of the setting of Haffield Lodge which is so fundamental to its original purpose and surviving character as a Chartist cottage would be diminished. Because of their height and proximity, the new buildings would dominate and partially enclose it. They would make it much harder in future to appreciate the nature and significance of the building which led to it being listed. Rather than being recognised as part of a planned crescent around the largest building in an exceptional rural environment, Haffield Lodge and the adjacent cottage would be seen more as relatively ordinary small old buildings surrounded by modern housing. Their significance as heritage assets would be reduced.
12. I conclude that the development would cause harm to the setting of the listed building. This harm would be very significant, although not substantial, and having regard to S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I attach considerable importance and weight to it. The development would also harm the setting of the Conservation Area and one's ability to appreciate the exceptional character of this Area. In relation to these matters it would be contrary to Core Strategy Policy CSP1 and to guidance on heritage assets in the Framework

#### *Living Conditions*

13. The Council expressed concern that the arrangement of dwellings within the site would not comply with its Residential Design Guide and would create poor living conditions. This Guide does not lay down fixed rules but is advice to be interpreted and applied to individual sites as appropriate.
14. I do not share the Council's concern about situations where hall, utility room and en-suite windows face each other across side passageways. These windows do not serve important living areas and obscure glazing or screen fencing would be sufficient to maintain privacy. The gap between plots 8 and 9 is, however, such that the roofs would almost touch. This would make maintenance very difficult and is poor design which would affect the living conditions of residents.
15. There are instances where the outlook from front windows is less extensive than advised in the Design Guide or where living rooms face north but in my opinion the dwellings would still provide satisfactory living conditions. I am concerned, however, about the relationship between windows facing the road on plot 16 and windows at the front on plots 3 and 4. Because of the limited separation distance here and the orientation, this would lead to residents having limited privacy in habitable rooms. Screen fencing or high hedges at

the front to address this matter would harm the street scene and undesirably restrict the residents' outlook.

16. I conclude that the layout of the development would give rise to poor living conditions for some residents.

*Beneficial effects*

17. The development would add 18 dwellings to the housing stock in a sustainable location with reasonably good access to shops, school, places of employment and other facilities. As there is an acknowledged shortage of land for house building, this is a matter to which I attach substantial weight.
18. I was told that the Council is likely soon to approve for consultation purposes an Allocations Plan which will identify additional sites for housing and ensure that the supply meets the Framework requirements. One of the sites likely to be identified is near the appeal site in Corse and I was told that this has widespread support within the local community and is also supported by the Parish Council. However even if this document is approved, the outcome of the consultation will have to be considered before a final Plan is produced and that will have to be the subject of a formal examination. There can be no certainty that it will become part of the development plan in its present form or that it will resolve the present housing supply problem. Because of this I attach limited significance to it. It marginally reduces the weight I attach to the beneficial effects of the development in adding to the housing stock.
19. The development would include seven units of affordable housing. Although the Council accept that there is no need for such housing in the immediate vicinity, I have no reason to doubt that it would make a useful contribution towards meeting needs in the wider District. This would be a public benefit from the development to which I attach some weight.
20. The building operation would produce some employment for a short time and this weighs slightly in favour of the development.
21. The appellant asserted that benefit would arise due to the additional trade occupants of the proposed dwellings would bring to local businesses and the school. However I attach no weight to this as no evidence was produced to substantiate it and some local residents have expressed concern that local services may become overloaded.
22. The appellant asserted that the development would benefit the area by tidying up a site which is now visually unattractive. This is not a matter to which I attach any weight. Although the site is not now cultivated and has a neglected appearance, this could be remedied without building on it.

*Other matters*

23. Corse was subject to extensive flooding a few years ago and local residents are concerned that the development would increase the risk of flooding affecting their properties in the future. However the Council, on advice from Severn Trent Water, tells me that both surface water and foul drainage could be dealt with satisfactorily. I have no reason to disagree. Conditions on any planning permission could ensure that the development would not start unless and until satisfactory drainage schemes are produced.

24. There are indications that the site is terrestrial habitat for great crested newts. The development would include works to enhance this habitat on a part of the site away from the houses to offset the loss of habitat where building would take place. A condition on any planning permission could ensure that this is properly carried out and I have no reason to doubt that it would be sufficient to avoid harm to the species population.
25. The development would change the outlook from several dwellings next to the site. I am satisfied however, having regard to the distances and orientation involved, that it would not significantly harm the living conditions of neighbouring residents. Appropriate boundary treatment could ensure adequate privacy.

*Conclusion*

26. Drawing these factors together, the contributions which the development would make to the supply of market and affordable housing together would comprise a substantial benefit from the development and the employment produced would add to this slightly. However, the development would adversely affect the ability of visitors to appreciate the character and appearance of the Conservation Area, which counts against the proposal, and the poor living conditions which would be provided for some residents also counts against it. More significantly I attach considerable importance and weight to the fact that it would harm the setting of Haffield Lodge contrary to the general presumption that preservation is desirable. In my judgement these harmful effects together significantly and demonstrably outweigh the benefits which the development would produce. I conclude that planning permission should not be granted.

*B Barnett*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mr C Flanagan BSc MA MRTPI  
Mr C Miele MRTPI MIHBC  
Mr I Rassool  
Mr C Shaw

Origin 3 Ltd  
Montagu Evans  
BWB Consulting  
Bloor Homes Western Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Mr D Haigh BA MA DipCons FSA Scot MIHBC	Forest of Dean District Council
Mr A Chapman MSc CEnv CIRRM MIEMA	Forest of Dean District Council
Mr N Gibbons	Forest of Dean District Council
Mr M J P Hillier DipTP MRTPI MCMi CMS	Forest of Dean District Council
Ms J Mattock MIHE	Gloucestershire CC Highways Dept
Mr O Eden	Gloucestershire CC Highways Dept

### INTERESTED PERSONS:

Ms C Milner	Local resident
Ms F Martin	Local resident
Mr B Allen	Local resident and member of Staunton PC
Mr P Burford	Local resident and member of Corse PC
Ms M Renton	Local resident and member of Corse PC

### DOCUMENTS SUBMITTED AT THE HEARING

- 1 Unilateral Undertaking dated 19 February 2015
- 2 Extract from the Allocations Plan Interim Draft
- 3 List of plans forming part of the application
- 4 Core Strategy Policy CSP3
- 5 Planning permission for 7 dwellings to the rear of Corse Grange
- 6 Bundle of plans considered when permission was refused