



---

## Appeal Decision

Inquiry held between 3 and 6 June 2014

Site visit made on 5 June 2014

by **P N Jarratt BA(Hons) Dip TP MRTPI**

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

Decision date: 23 June 2014

---

**Appeal Ref: APP/P1615/A/13/2204158**

**Land off Reddings Lane, Staunton, (Coleford), Gloucestershire.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Totmoor Ltd against Forest of Dean District Council.
  - The application, Ref P0170/13/OUT, is dated 24 May 2013.
  - The development proposed is an outline application for a mixed residential development comprising 14 residential units (including 6 affordable units) with new vehicular access, public open space and associated landscaping.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The original description of the application was for 'a mixed residential development at land off Reddings Lane, Staunton, to comprise 15 residential units (including 6 affordable units) with new vehicular access, public open space and Pavilion and associated landscaping'. Reference to the pavilion was subsequently deleted by the appellant. The application is in outline with all matters reserved except access. An illustrative layout, perspectives and longitudinal elevations have been submitted as part of the application.
3. Following submission of the appeal, further amendments were proposed by the appellant. In response to ecological surveys a 15m landscape buffer has been incorporated into the illustrative layout and the proposed number of dwellings reduced to 14. The appellant consulted the Council, local residents and interested parties who commented on the application, regarding these changes by way of a letter dated 31 October 2013. Consultees were invited to send any comments to the Planning Inspectorate by 3 December but none were received although I note that one letter was sent direct to the Council. The Council has indicated in the Statement of Common Ground (SoCG) that they have taken into account these amendments in their submissions to this inquiry. No person at the inquiry expressed any reason why I should not deal with the appeal on the basis of the revised proposals. I note that the appellant has followed advice and that the Wheatcroft principle<sup>1</sup> is satisfied. For the reasons that

---

<sup>1</sup> Planning Inspectorate Good Practice Advice Note 09: Accepting Amendments to Schemes at Appeal now replaced by Annexe L Planning Inspectorate Procedure Guide: Planning appeals and called-in planning applications – England; 6 March 2014

these amendments relate to the appellant's response in seeking to overcome issues raised on the application; that the amendments do not materially alter the nature of the proposal; that the application is in outline with all matters reserved except access; and, that persons with an interest in the scheme have had the opportunity to make further representations, I am satisfied that there would be no prejudice to any party by accepting these amendments. I have therefore amended the description of the development to refer to 14 residential units as set out above with the relevant drawings being the site location plan 220/12/0001B and, for illustrative purposes, the site plan 220/12/101G and the landscape masterplan 29579-001-001. The proposal comprises a mixture of 1-4 bedroom dwellings of which 6 would be affordable units. It is on this basis that I have determined the appeal.

4. The appellant has submitted a planning obligation by way of unilateral undertaking under s106 signed and dated 6 May 2014. This provides for open space and affordable housing.
5. The Council indicate that had they determined the application they would have refused it on six grounds and these are set out in the SoCG. Briefly these relate to harm to the AONB; the unsustainable location of the site; the effect on protected species has not been demonstrated; the significance and settings of the heritage assets have not been properly assessed; the setting of the Conservation Area and a Grade I listed building would be harmed; and, any preservation or enhancement of heritage assets compared to the implementation of historic permissions has not been shown.

### **The Appeal Site and Planning History**

6. The development site is about 1.5 hectares in extent and is located in open countryside to the north of Staunton (Coleford). It comprises an open pasture field bounded by hedgerows. There is a small field to the north of the site and woodland to the east and west. It is accessed from the south west corner of the field, which adjoins the village settlement boundary, via tarmacked access roads which also form part of the appeal site. A public footpath crosses the site diagonally from the south west to the north east.
7. It is within the Wye Valley Area of Outstanding Natural Beauty (AONB) and to the north of the Staunton Conservation Area except for part of the proposed access which is within the Conservation Area.
8. There is an extant planning permission from 1971 (outline and reserved matters) for the erection of a hotel, four dwellings and the construction of a pedestrian and vehicular access, and the approval of minor amendments to the permission in 2001. Within the appeal site is a tree covered mound surrounded by trenches, the creation of which is accepted by the Council as having commenced implementation of the 1971 permission. Permission was granted in 1984 for a conference building but this has lapsed and there have been a number of refused applications and dismissed appeals for other development on the site.

### **Main Issues**

9. The main issues in this appeal are as follows:

- i) Whether there is a 5 year housing land supply that meets the requirements set out in the National Planning Policy Framework (the Framework);
- ii) The landscape impact of the proposed development on the Wye Valley AONB, and on local landscape character and the setting of the village;
- iii) The effect of the proposed development on heritage assets including the Conservation Area, a listed building and archaeology;
- iv) The effects of constraints on the possible site layout;
- v) Whether the proposal represents sustainable development to which the Framework's 'presumption in favour' should apply; and
- vi) Whether the 1971 hotel and 4 dwellings outline permission F.6357.B and 1971 reserved matters approval F.6357/B(F6357/B/Ap) represents a fallback position.

## Reasons

### *Five Year Housing Land Supply*

10. In an Addendum to the SoCG the parties agree that the housing land supply currently falls within a range of 3 years (appellant) and 4.8 years (Council)<sup>2</sup> and that this range is based upon an existing Forest of Dean Core Strategy (CS)<sup>3</sup> requirement of 310 units pa. The CS was adopted shortly before the publication of the Framework.
11. Although agreeing to a 3 to 4.8 year range of housing supply, the appellant does not accept that the housing requirement set out in the CS meets the fully objectively assessed housing needs for market and affordable housing. The appellant argues that the undersupply is now worse than when the assessment was undertaken based on indicators such as the affordability ratio and the availability of affordable housing. The appellant also draws attention to the CS Inspector's report that identified the need for review in the short term if housing targets were not being met. However, the Council considers that the situation may be less severe in the light of the recently published sub-national population projections which indicate lower population growth projections than previously estimated.
12. Deliverable sites are defined in Footnote 11 of paragraph 47 but the appellant considers the Council to be over-optimistic in the deliverability of identified sites set out in the SoCG Addendum. The appellant makes reference to an appeal decision at Foley Way, Newent<sup>4</sup> in which the Inspector examined the disputed claims over a number of housing sites forming part of the Council's housing land supply and concluded that a 5 year supply did not exist. The appellant considers that there has been little progress in the deliverability of some of these sites in the intervening 18 month period<sup>5</sup> and, despite the stated views of landowners or agent's responses<sup>6</sup> to the Council's updating information relating to the deliverability of sites, the appellant believes that the

---

<sup>2</sup> Revised to 4.73 years by Mr Gibbon's on behalf of the LPA at the inquiry

<sup>3</sup> CD3/1

<sup>4</sup> CD9/7

<sup>5</sup> The major disputed sites relate to Cinderford Northern Quarter, Lydney A and B, Coleford Poolway Farm and Lydney East MMC

<sup>6</sup> Doc 11

current 5 year supply is well below the revised 4.73 year figure estimated by the Council.

13. There is also lack of agreement between the parties over how the 20% buffer identified in paragraph 47 of the Framework should be applied. Although both parties adopt the Sedgefield approach to the backlog<sup>7</sup>, the Council's approach is to add the 20% buffer to the CS five year requirement and then to add the shortfall. The approach of the appellant on the other hand is to add the 20% buffer to the shortfall and then the CS five year requirements.<sup>8</sup>
14. Notwithstanding these differences between the parties and acknowledging that estimates of the housing land supply is a fluid situation based on many assumptions, none of these arguments change the agreed position that a five year supply of specific deliverable sites does not exist within the District. No doubt the figure lies somewhere in the agreed range but its precise figure does not need to be established in this case to engage paragraph 49 of the Framework. Accordingly, I attach significant weight to the absence of a five year housing land supply and I consider that the relevant policies for the supply of housing cannot be considered up to date, these being CSP.4 regarding the development of settlements and CSP.5 for the supply of housing.

#### *Landscape Impact*

15. The AONB was designated in 1971, the primary purpose of which is to conserve and enhance its natural beauty. A management plan for the period 2009-2014 has been produced<sup>9</sup> and this is currently being reviewed and rolled forward to cover 2014-2019. The Management Plan pre-dates the Framework but its policies are either wholly or substantially in compliance with the Framework. The Management Plan is a material consideration to which I attach considerable weight.
16. The appeal site is within Landscape Management Zone 10 of the AONB<sup>10</sup>. This landscape is characterised by large areas of woodland, hilly landform suited to pasture, fields defined by hedgerows and trees, the small village of Staunton well integrated into its surroundings, remnants of mining activity and medium and long distance views. Staunton is located at the head of a bowl shaped tributary valley defined to the west by the escarpment of Staunton Meend and to the east by a broad wooded ridge. The relationship of the village and the valley is reinforced by the pattern of land use and contributes to local distinctiveness.
17. The village falls within what the character area description refers to as a 'clearing' or natural amphitheatre'. Both the appellant's and Council's landscape advisors have provided detailed assessment of the landscape character together with a series of photographs from various viewpoints<sup>11</sup> which have been helpful. Additionally, modelled views provided by Mr Radmall for the Council illustrate the visual impact of the proposed development<sup>12</sup>. I

---

<sup>7</sup> Which accords with Planning Practice Guidance ID 3-035-20140306

<sup>8</sup> Appellant's calculation (310 x 5 years + 376 shortfall) x 1.2 = 2311 units

LPA calculation (310 x 5 years) x 1.2 + 376 = 2236 units

<sup>9</sup> CD5/1

<sup>10</sup> Based on the 'Limestone Hills Landscape Character Type and High Meadow Woods and Staunton Character Area' as defined in the Council's Landscape Character Assessment CD5/3

<sup>11</sup> P Radmall's PoE and Mr Evers PoE.

<sup>12</sup> These modelled views may slightly overestimate the height of the proposed dwellings in view of the appellant's building heights submitted in Doc 9

- observed on my site inspection that the site is publicly accessible and views are gained from the footpath that crosses the site, from its periphery, from the vicinity of the main road and over longer distances from the higher ground to the south-west. As vegetation was in full leaf at the time of site inspection, a greater filtering of views was experienced than would be likely in winter.
18. Mr Evers, for the appellant, considers that the effects of the proposed development on the AONB would be localised and that the field itself is of no particular landscape value. However, the field and the adjoining one to the north contribute to the setting of the village and to the landscape character by providing an open field transition between the village and the open woodland. Although the site is not prominent and longer distance views would be limited, the introduction of built development would be visible and change the setting of the village and be harmful to it. From closer to the site, the development would be more apparent and for people using the footpath across the site, which forms part of the heritage walk<sup>13</sup>, the experience would be completely different as the transition value of the field would be lost.
19. The proposed development would extend the settlement in an inconsistent manner out into the surrounding open countryside leaving a highly irregular settlement boundary and breaking up the field pattern. The development would appear incongruous and would adversely impact on some of the special qualities of the landscape such as the field pattern, the integration of the village in the landscape and views. This would be harmful to the AONB and to local distinctiveness.
20. There were differences of views at the inquiry on whether the proposal represented a 'major' scheme in the context of paragraph 116 of the Framework and the appellant referred to a number of decisions in support of their argument that it was not major<sup>14</sup>. However, relative to the limited size of Staunton and to the location and extent of development in recent years, I regard the proposal to represent a major scheme for which planning permission should be refused. I do not consider that a shortage of a five year housing land supply represents sufficiently exceptional circumstances to overcome the presumption of refusal as there could be less sensitive potential sites elsewhere in the district where this shortfall could be met.
21. I conclude on this issue that the landscape impact of the proposed development on the Wye Valley AONB, and on local landscape character and the setting of the village would be harmed and I attach substantial weight to this. It would be contrary to CS Policy CSP.1 relating to design and environmental protection. It would also be contrary to the Framework in respect of footnote 9 to paragraph 14 and to paragraph 115. It would also conflict with the strategic objectives (in particular WV-D4) and damage some of the special qualities set out in the Wye Valley AONB Management Plan<sup>15</sup>.

### *Heritage Assets*

22. It is common ground that the Council's concern relates to the impact of the proposed development on the setting of heritage assets and the Council accepts that the harm would be less than substantial in the context of

---

<sup>13</sup> CD6/8

<sup>14</sup> CD9/3, CD9/4 and CD9/14

<sup>15</sup> As described in sections 3 and 5 of A Blake's PoE

paragraph 134 of the Framework. The heritage assets include the Grade I listed All Saints Church, the Staunton Conservation Area and the recently identified archaeological remains within the development site.

23. I attach considerable importance and weight to the desirability of preserving the setting of the listed building. The Council accepts that there are limited views of the listed church from the site. Although the church is a significant building within Staunton, in view of the distance between the site and the church and the existence of intervening vegetation, I do not consider that the proposed development to be within the immediate or intermediate setting of the church or that it would have any adverse impact on its wider setting. Even if some of the trees in the rear gardens of nearby houses were to be cut back or pruned thereby providing clearer views between the site and the church tower, and possibly widening its setting, again I do not consider that the significance of the asset would be harmed through development of the appeal site.
24. The Conservation Area was designated in 1990 following public consultation that resulted in an amended boundary to include the St John the Baptist's well and Brindsey's well, and land to the south east<sup>16</sup>. Unfortunately, no Conservation Area Appraisal has ever been prepared and consequently there is no description of the special architectural or historic interest that contributes to the character and appearance of the Conservation Area, or the contribution that its setting makes to it, that could assist in the assessment of the impact of a development proposal either within the designated area or to its setting. Furthermore the boundary has not been reviewed even though the Victorian County History<sup>17</sup> sheds more light on the historical development of Staunton. Notwithstanding these shortcomings, the Conservation Area<sup>18</sup> remains as designated to which paragraph 132 of the Framework relates regarding to the harm to significance of a heritage asset through development within its setting<sup>19</sup>.
25. English Heritage advises<sup>20</sup> that Conservation Area designation is not generally an appropriate means of protecting the wider landscape (which in the appeal case is achieved through the AONB) but it accepts that it can in some circumstances be an effective way to protect open areas particularly where the character or appearance relates to historic fabric.
26. The appellant's conservation consultant, Mr Morris, is highly critical of the Conservation Area boundary, considering it not fit for purpose. In the absence of an appraisal, he has produced his own in which he considers the most significant part of the Conservation Area to be its historic core and that large areas of open fields and modern residential developments north of the linear core should not have been included.
27. I would agree that the linear historic core is significant but I also consider the open spaces represented by small fields and closes also to be of special interest. Much of the character of Staunton is derived from its intimate relationship with the small fields enclosed by hedgerows and walls that not only surround but permeate the village. Many of these fields are identifiable on an

---

<sup>16</sup> CD6/11 and CD6/12

<sup>17</sup> Appendix 9 of D Haigh's PoE

<sup>18</sup> Doc 2

<sup>19</sup> Defined on P56 of the Framework

<sup>20</sup> CD6/9 Para 1.5

extract from a 1608 map of the Forest of Dean<sup>21</sup>, including the appeal site which is shown to be part of a larger field referred to as Parsons Land. These small fields remain as part of the historic fabric of the village and are significant. Although impacted upon by the mid 19<sup>th</sup> century main road, the open fields to the north and south of the road (A4136) make a distinct contribution to the character and appearance of the Conservation Area.

28. However, the appeal site does not adjoin the Conservation Area (except for the access road) but is to the north of a small intervening field between the site and the boundary of the Conservation Area and which is hedged on its north and south sides. This small intervening field is part of the setting of the Conservation Area and, although the appeal site is more detached from the Conservation Area, it is also significant to its character and appearance as a small historic field which contributes to its setting. The development would be likely to be partially visible from the main road within the Conservation Area (particularly in winter when the screening effects of hedgerows would be reduced), and from viewpoints outside the Conservation Area. The introduction of built development and the activities associated with residential use within the setting of the Conservation Area would cause a degree of harm to its significance but this would be less than substantial.
29. The Archaeology and Heritage Appraisal, Geophysical Survey and Evaluation indicate the presence of Roman remains. The illustrative site plan has been amended to exclude an area containing the most significant archaeology from built development. The Council is satisfied that the archaeological interest of the site could be safeguarded subject to conditions being imposed securing firstly, the preservation of the area of high archaeological interest within an area of public open space, and secondly, for a programme of archaeological mitigation in the area of proposed built development for the recording of any remains.
30. English Heritage advises<sup>22</sup> that buried remains can have a setting and that the contribution would not necessarily be nullified if the asset is not readily visible. Mr Haigh, for the Council, considers that the impact of the proposed development on the setting of the archaeological remains would be substantial suggesting that the long term continuity in the use of land that surrounds the asset is important. However in this case the extent of the Roman remains is unclear and no evidence has been adduced that links them to the existing settlement or field pattern or to the surrounding topography. In my view the significance of the asset would not be adversely affected by the proposed development within its setting and I am satisfied that the suggested conditions would safeguard the archaeological interest of the site.
31. In concluding on this issue, I find that there would be no harm to the significance of the listed church or to the archaeological remains caused by development in their settings but there would be less than substantial harm in the context to paragraph 134 of the Framework to the significance of the Conservation Area through development within its setting. Although there would be some public benefits arising through the provision of affordable housing, this would not outweigh the harm. The proposed development would also conflict with CS Policy CSP.1

---

<sup>21</sup> Appendix 7A of D Haigh's PoE

<sup>22</sup> CD6/2 P8

### *Site Layout*

32. Although the appeal relates to an outline application and the layout is for illustrative purposes only, the physical constraints on the site involving the need to protect the archaeological remains, the provision of a wildlife buffer and the line of the footpath restrict potential options for the layout of any housing development of the site.
33. However, I consider that the crescent-shaped layout overlooking public open space indicated in the illustrative scheme would be an acceptable layout bearing in mind these constraints. Notwithstanding my other concerns in respect of the suitability of the site, the layout would not appear incongruous in the context of other recent residential development in Staunton, nor do I consider that it would be at such odds with the Council's Residential Design Guide<sup>23</sup> to justify dismissing the appeal on this ground. Furthermore, as layout is a reserved matter, there would be opportunity for it to reflect any detailed design considerations that the Council may have at such time as an application for the reserved matters is made.

### *Sustainability*

34. Although I have concluded above that a five year housing land supply does not currently exist, the Council has referred to the Inspector's comments in the Feniton conjoined appeals<sup>24</sup> that the implication for the decision making process of paragraph 49 of the Framework is that it should not be interpreted as permitting a housing development free-for-all but that the 'presumption in favour of sustainable development' is duly applied. The mechanism for applying the presumption is set out in paragraph 14 of the Framework which explains that where relevant policies are out of date, then (unless material considerations indicate otherwise) permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted<sup>25</sup>.
35. The vision for the Forest of Dean in the CS is to create a 'thriving sustainable community'<sup>26</sup> with much of the planned change being in the towns with the quality of the countryside and the built environment being maintained through the careful promotion of the economy, and safeguarding of the landscape.
36. The appellant cites the Taylor report's<sup>27</sup> emphasis that a wider view of sustainability should be taken in rural areas. This has been carried forward into the Framework, which identifies in paragraph 17 that support for thriving rural communities is one of its core principles.
37. Staunton has a number of local services including a bus service and two school bus services which, although limited in extent, contribute towards sustainable rural transport. It also has a public house which incorporates a café and a

---

<sup>23</sup> CD3/4

<sup>24</sup> APP/U1105/A/13/2191905 paras 25 and 26, Appendix 7 to M Hillier's PoE

<sup>25</sup> It should also be noted that in *Davis v SSCLG* [2013] EWHC 3058 (Admin) at paragraph 37 of the judgement, established that the two stage test must be followed in relation to paragraph 14 of the Framework– firstly to determine whether the scheme is sustainable development, and if so, then secondly to apply the presumption in favour of sustainable development in paragraph 14.

<sup>26</sup> CD3/1 para 4.1

<sup>27</sup> CD4/1

shop and there is a village hall. Development of the appeal site would help to support these local facilities. The proposal would have some economic benefits but these would largely be limited to the construction of the scheme. It would have a social dimension in the provision of housing and through the provision of open space and a play area. In terms of affordable housing, it is recognised in the CS<sup>28</sup> that there is a shortage of affordable homes in the Forest of Dean and that the provision of affordable homes is a priority. I attach considerable weight to this. The CS recognises the contribution that private developers can make to the provision of affordable housing and through rural exception schemes (although the appeal proposal does not fall within this category of development).

38. In terms of the contribution that the scheme would make to the environment, the green infrastructure would be a very limited benefit over the existing status of the field as pasture land but the scheme would have a significant adverse impact on the AONB, to local distinctiveness and to the setting of the village.
39. CS Policy CSP.16 relates to settlement policies in which Staunton (Coleford) is identified as a small village with very limited opportunity for additional development and in this context, the encroachment of development into open countryside would be incompatible with the rural character of the area and represent an unsustainable location.
40. In view of the above, although the scheme would satisfy certain aspects of sustainability, I do not consider that it would represent sustainable development in the context of the Framework because of the impact on the AONB, local landscape character, the setting of the village and the significance of the Conservation Area.

#### *Fallback Position*

41. It is common ground that the 1971 planning permission for a hotel and 4 dwellings is extant by virtue of the commencement of work on site. Since then permission has been refused for residential development in 1981; for 6 dwellings, hotel and self catering units in 1986; and, for the relaxation of a condition attached to the 1971 hotel permission tying the occupation of the 4 dwellings to the hotel, which was dismissed on appeal. The Inspector concluded in 1988 that 'there were severe doubts that the approved hotel will be built'.<sup>29</sup>
42. The Gambone decision<sup>30</sup> sets out the approach in considering the fallback position. Firstly, if the potential implementation of the permission is more than a theoretical possibility, then it is material. Secondly, only if it passes the threshold requirement does any assessment of its weight fall to be determined. In the Zurich case<sup>31</sup> the threshold is a low one 'Where the possibility of a fallback position is 'very slight indeed' or merely an 'outside chance', that is sufficient to make the position a material consideration.
43. Some 43 years have elapsed since the permission was granted and as long ago as 1988 the Inspector had doubts over the hotel being built. Since then, an application for minor amendments to the floor plans and elevational treatments

---

<sup>28</sup> CD3/1 para 4.13

<sup>29</sup> APP/P1615/A/88/085453/P5 para 8, Appendix 3 to M Hillier's PoE.

<sup>30</sup> CD9/17: Raffaele Gambone v SSCLG and Wolverhampton CC; [2014] EWHC 952 (Admin); paras 22-28

<sup>31</sup> CD9/18 Zurich Assurance trading as Threadneedle Property Investments v N Lincolnshire Council v Simons Developments [2012] EWHC 3708 (Admin) para 75.

was approved in 2001. The appellant has submitted a recent expression of interest from a developer<sup>32</sup> but this single and brief letter of interest, which does not include any form of commercial assessment but is critical of the proposed design, does not persuade me that the likelihood of the implementation of the hotel permission is much more than a theoretical possibility. However, even if I accept the appellant's argument that the landowner's effort has concentrated on achieving permission for residential development and that an expanding tourist industry in the district provides impetus for a leisure scheme, the implementation of the permission remains very remote.

44. The 1971 hotel scheme would have a greater impact than the appeal proposals through its site coverage and scale, on the area of archaeological interest and it would be less ecological sensitive. Notwithstanding this, and whilst the fallback position is material, I attach only limited weight to it due to its implementation remaining only a remote possibility due to the lapse of time since the 1971 permission and the absence of any convincing evidence that such a proposal would be commercially viable.

#### *Other Matters*

45. The proposals would accord with CS Policy CSP.3 which requires development to provide on-site renewable energy subject to the imposition of appropriate conditions as set out in the SoCG at paragraphs 7.10 and 7.24.
46. The Council indicates that had they determined the application they would have refused it on six grounds, the third of which related to the safeguarding of European Protected species. However, the Council is satisfied with the mitigation measures put forward in the appellant's ecological statement and do not wish to pursue an objection on this ground subject to appropriate safeguarding conditions.
47. The unilateral undertaking meets the tests set out in the Framework at paragraph 204, namely that they are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. The affordable housing provisions relate to CS Policies CSP.5 and open space to CSP.9.

#### **Planning Balance**

48. I have concluded that the proposals would not represent sustainable development and consequently the presumption in favour of sustainable development set out in the Framework does not apply.
49. Although national and local policies do not preclude development within an AONB, I consider that the landscape impact of the proposed development on the Wye Valley AONB, and on local landscape character and the setting of the village would be harmed and I attach substantial weight to this. I also find that less than substantial harm would occur to the significance of the Conservation Area through development in its setting although I attach only modest weight to this.

---

<sup>32</sup> Crossmark Development Ltd, Appendix 6 to P Fong PoE

50. Whilst the CS pre-dates the Framework I am satisfied that the relevant policies are consistent with it, with the exception of those relating to housing supply which cannot be considered up to date. I am therefore able to accord them substantial weight.
51. I attach significant weight to the absence of a five year housing land supply. I also attach considerable weight to the contribution that the scheme would make to the provision of affordable housing. In respect of the fallback position, I attach only limited weight as the implementation of the 1971 permission remains only a remote possibility.
52. Despite finding that the illustrative layout of the scheme is acceptable, this factor and the other matters weighing in favour of the proposed development do not outweigh the harm to the AONB, to local landscape character, or to the setting of the village or Conservation Area.

### **Conclusion**

53. For the reasons given above and having had regard to all relevant matters, including the representations of the Parish Council and local residents, I conclude that the appeal should be dismissed.

*P N Jarratt*

Inspector

Richborough Estates

## APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY: Paul Cairnes of Counsel instructed by the Legal Team Manager, Forest of Dean DC

He called	
Martin Hillier DipTP MRTPI CMS MCMi	Team Leader, Planning Enforcement and Appeals
Andrew Blake MSc	AONB Officer, Wye Valley AONB
David Haigh BA MA IHBC	Conservation Consultant
Peter Radmall MA BPhil CMLi	Consultant Landscape Architect
Nigel Gibbons BSc MRTPI	Forward Plan Manager

FOR THE APPELLANT: Thea Osmund-Smith of Counsel, instructed by Paul Fong, Hunter Page Planning

She called	
Paul Fong BA Hons MRTPI	Managing Director, Hunter Page Planning
Ben Read BA Hons MA MRTPI	Associate Planner, Hunter Page Planning
Nigel Evers DipLA CMLi	Director of Landscape, Peter Brett Associates
Richard Morris MA Hons MSocSc	Historic Building Consultant

INTERESTED PERSONS:

Anthony Brown	Parish Councillor, Staunton (Coleford) PC
---------------	---

## DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Revised appendices to D Haigh's PoE (LPA)
- 2 Revised Appendix 1 of revised appendices to D Haigh's PoE (LPA)
- 3 Inquiry Notification Letter dated 14 May 2014 (LPA)
- 4 Appellant's opening
- 5 LPA's opening
- 6 S71 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990 (Appellant)
- 7 D J Aston and Westcott Meadow Action Group v SSCLG [2013] EWHC 1936 (Admin), Mole Valley DC and Taylor Wimpey UK Ltd (Appellant)
- 8 APP/C3620/A/11/2159362 (Appellant)
- 9 Building heights (Appellant)
- 10 PP 90-96 Forest of Dean Core Strategy 2012 (LPA)
- 11 Bundle re deliverability of sites (LPA)
- 12 PPG Section 34 Rural Housing (Appellant)
- 13 Cllr A Brown's statement on behalf of Staunton Parish Council
- 14 PPG Housing and Economic Development Needs Assessments (Appellant)
- 15 PPG Design (Appellant)
- 16 See Doc 6 (LPA)
- 17 Letter dated 4 June from owners of Holmwood, Reddings Lane.
- 18 LPA's closing
- 19 Appellant's closing

**CORE DOCUMENTS**

	<i>WRITTEN REPRESENTATION APPEAL</i>
CD1/1	Appeal Form & Grounds of Appeal
CD1/2	Officers Committee Report and Late Material
CD1/3	LPA's Conservation Advisor Comments (Nov 2013)
CD1/4	Additional Comments from Conservation Advisor (Dec 2013)
CD1/5	Revised Site Plan (220/12/101G)
CD1/6	Revised Landscape Masterplan (29579-001-001)
CD1/7	Appellant's Statement of Case (Dec 13)
CD1/8	Ecological Assessment (Oct 13)
CD1/9	Ecology Written Statement (Nov 13)
CD1/10	Landscape Written Statement (Dec 13)
CD1/11	Heritage Impact Assessment (Nov 13)
CD1/12	LPA Appeal Statement (Dec 13)
CD1/13	Staunton Coleford Parish Council Representation (Nov 13)
	<i>INQUIRY</i>
CD1/14	Appellant's Statement of Case (March 14)
CD1/15	LPA's Rule 6 Statement
CD1/16	Staunton (Coleford) Parish Council Representation (March 14)
CD1/17	Statement of Common Ground (March 2014)
	<i>APPLICATION DOCUMENTS</i>
CD2/1	Site Location Plan (220/12/001B)
CD2/2	Site Plan (220/12/101F – Superseded)
CD2/3	Sketch Perspectives & Longitudinal Elevations
CD2/4	Affordable Housing Statement (Feb 13)
CD2/5	Archaeology and Heritage Appraisal (Feb 13)
CD2/6	Geophysical Report (April 13)
CD2/7	Archaeological Evaluation Report (July 13)
CD2/8	Ecological Assessment Phase 1 (Feb 13)
CD2/9	Flood Risk Assessment (Feb 13)
CD2/10	Landscape and Visual Appraisal (Feb 13) and Addendum (May 13)
CD2/11	Planning Design and Access Statement (Feb 13)
CD2/12	Sustainability Appraisal
CD2/13	Transport Statement (Feb 13)
CD2/14	Waste Minimisation Statement (Feb 13)
	<i>NATIONAL AND LOCAL POLICY</i>
CD3/1	Forest of Dean Core Strategy (Feb 2012)
CD3/2	National Planning Policy Framework
CD3/3	National Planning Practice Guidance
CD3/4	Residential Design Guide 1998
CD3/5	Town and Country Planning Act (Section 56)
CD3/6	Gloucestershire Waste Core Strategy (November 2012)
CD3/7	District Local Plan Review Play Area Provision SPG (July 2000)
	<i>OTHER DOCUMENTS</i>

CD4/1	Living Working Countryside: The Taylor Review of Rural Economy and Affordable Housing (July 2008) – Extracts
CD4/2	Landscape Institute Advice Note 01/11: Photography and photomontage in landscape and visual impact assessment
	<i>LANDSCAPE DOCUMENTS</i>
CD5/1	Wye Valley Management Plan 2009-2014
CD5/2	Forest of Dean Landscape SPD 2007
CD5/3	Forest of Dean District Landscape Character Assessment 2002
CD5/4	Countryside Character Assessment Volume 8: South West (Countryside Agency 1999)
CD5/5	The Countryside Agency: Countryside Character (NCA) Profile: 105 Forest of Dean
CD5/6	The Countryside Agency: Landscape Character Assessment Guidance for England and Scotland (2002)
	<i>HERITAGE DOCUMENTS</i>
CD6/1	PPS 5 Planning for the Historic Environment – Practice Guidance 2010
CD6/2	The Setting of Heritage Assets: English Heritage Guidance 2011
CD6/3	Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment (English Heritage 2008)
CD6/4	Seeing the History in the View: a Method for Assessing Heritage Significance within Views (English Heritage 2011)
CD6/5	Informed Conservation: Understanding Historic Buildings and their Landscape for Conservation (K. Clark 2001)
CD6/6	Assessing Significance and Harm through the PPG (English Heritage March 2014)
CD6/7	The NPPF, the NPPG Practice Guide and the Good Practice Advice: a short introduction (English Heritage, March 2014)
CD6/8	Staunton Heritage Walk leaflet
CD6/9	Understanding Place, Conservation Area Designation, Appraisal and Management (English Heritage, June 2012)
CD6/10	Extracts from Victoria County History Vol. 5
CD6/11	Planning Committee Report dated 25 <sup>th</sup> January 1990
CD6/12	Planning Committee Report dated 31 <sup>st</sup> January 1990
	<i>HOUSING LAND SUPPLY DOCUMENTS</i>
CD7/1	Inspector's Report on the Examination into the Forest of Dean Core Strategy Development Plan Document (December 2011)
CD7/2	Housing Implementation and Delivery Strategy and Trajectory 2013
CD7/3	Gloucestershire Strategic Housing Market Assessment (March 2014)
CD7/4	Ratio of lower quartile house price to lower quartile earnings by district, from 1997 (Feb 2013)
	<i>OTHER REFERENCES</i>
CD8/1	Bus Timetables and Route Plan (services 35, 115, 327)
CD8/2	Approved Plans Hotel (1971)
CD8/3	Approved Plans for Conference Building (1984)(Not to scale)
CD8/4	Minor Amendment Application Approval (2001)
CD8/5	Extract from Forest of Dean Local Plan Review (2005)

CD8/6	Note from Council's Housing Strategy and Enabling Officer regarding affordable housing (February 2014)
CD8/7	Letter from PINS regarding an EIA (November 2013)
	<i>APPEAL DECISIONS / HIGH COURT JUDGEMENTS</i>
CD9/1	Land at Staunton, Coleford (T/APP/P1615/A/86/045554/P5) – 19 <sup>th</sup> August 1986.
CD9/2	Land at Staunton, Coleford (T/APP/P.1615/A/88/085453/P5) – 16 <sup>th</sup> September 1988.
CD9/3	Land to the South of Berrells Road and the West of Bath Road, Tetbury (APP/F1610/A/12/2173305) – 13 <sup>th</sup> February 2013.
CD9/4	Station Road, Ampleforth (APP/Y2736/A/13/2197184) – 13 <sup>th</sup> November 2013.
CD9/5	Home Farm, Bredon's Norton (APP/H1840/A/13/2202015 and APP/H1840/A/13/2203966) – 5 <sup>th</sup> March 2014
CD9/6	Land at Top Farm, Kemble (APP/F1610/A/12/2173097) – 9 <sup>th</sup> January 2013
CD9/7	Land off Foley Way, Newent (APP/P1615/A/12/2177029) – 31 <sup>st</sup> November 2012.
CD9/8	High Court Judgement between Hunston Properties and Secretary of State for Communities and Local Government 2013 EWHC 2678 (Admin) – 5th September 2013
CD9/9	England and Wales Court of Appeal (Civil Division) Decisions between City and District Council (Appellant) and The Queen (on the application of) Hunston Properties Limited (1st Respondent), Secretary of State for Communities and Local Government (2nd Respondent) – 12 <sup>th</sup> December 2013
CD9/10	Land between Leasowes Road and Laurels Road, Offenham (APP/H1840/A/13/2203924) – 7 <sup>th</sup> February 2014
CD9/11	Land at Broom Hill, Swanley, Kent (APP/G2245/A/13/2197478 and APP/G2245/A/13/2197479) – 23 <sup>rd</sup> January 2014
CD9/12	Land south of Moira Road, Ashby-de-la-Zouch (APP/G2435/A/13/2192131) – 30th May 2013.
CD9/13	Land north of Upper Chapel, Launceston (APP/D0840/A/13/2209757) – 11 <sup>th</sup> April 2014.
CD9/14	Land at Handcross, West Sussex (APP/D3830/A/13/2198213 and 2198214) – 1 <sup>st</sup> May 2014.
CD9/15	High Court Judgement between East Northamptonshire, English Heritage and The National Trust and Secretary of State for Communities and Local Government and Barnwell Manor Wind Energy Ltd – 8 <sup>th</sup> March 2013
CD9/15a	England and Wales Court of Appeal (Civil Decision) between East Northamptonshire, English Heritage and The National Trust and Secretary of State for Communities and Local Government and Barnwell Manor Wind Energy Ltd – 18 February 2014
CD9/16	Land East of Harepath Road, Seaton, Devon (APP/U1105/A/13/2202124) – 20 <sup>th</sup> January 2014
CD9/17	High Court decision between Raffaele Gambone v Secretary of State for Communities and Local Government and Wolverhampton City Council – 25th February 2014
CD9/18	High Court Decision between The Queen on the application of Zurich

	Assurance Limited trading as Threadneedle Property Investments v North Lincolnshire Council v Simons Developments Limited – 20 <sup>th</sup> December 2012.
CD9/19	Pioneer Aggregates (UK) Ltd v Secretary of State for the Environment - 1985

Richborough Estates