



GLADMAN

**Land North of Carisbrook Road,
Mitcheldean**

Planning Proof of Evidence

Planning Application Reference: P0672/25/OUT

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Proof of Evidence by

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Date

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EXECUTIVE SUMMARY

BACKGROUND

1. This Proof of Evidence is submitted on behalf of Gladman Developments Limited (Gladman) in support of an application for outline planning permission for up to 180 homes on Land North of Carisbrook Road, Mitcheldean (the Site).
2. The application was reported to the Council's Development Management Committee on 9 June 2026 with an officer recommendation that permission be granted. However, Members resolved to refuse the application pending a referral to Secretary of State. The application was then called-in for determination by the Secretary of State

A WELL-RELATED AND SUSTAINABLE LOCATION

3. The Site is located to the north of Mitcheldean and is well-related to the settlement. It is inset to the north of the settlement and there is existing residential development located to the west and employment provision to the south-east. Mitcheldean is identified in the Development Plan as a Major Village reflecting the range of services to accommodate the day-to-day needs of new and existing residents including schools, small supermarket/convenience store with Post Office, doctors surgery, pharmacy and public transport services as well as the strong employment provision.
4. Although outside the adopted settlement boundary the Council can demonstrate just a 2 year housing land supply with an agreed deficit of 1,887 dwellings. This proposal responds directly to that evidenced unmet need and as the site is well-related to Mitcheldean, NPPF Policy S5 (j) directs the application should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects.

LANDSCAPE

5. The proposal would inevitably change the character of the Site from agricultural land to residential development and would result in landscape and visual effects. These effects are

acknowledged and given moderate adverse weight in the planning balance. However, the landscape harm is assessed as localised, with no unacceptable wider effects.

6. The scheme incorporates approximately 4.36 hectares of green infrastructure, around 45% of the Site, including public open space, recreational routes, play provision and planting. These measures provide the opportunity to integrate the development appropriately with its surroundings and attract moderate positive weight.

BEST AND MOST VERSATILE AGRICULTURAL LAND

7. The permanent loss of approximately 9.72 hectares of Grade 1 Best and Most Versatile (BMV) agricultural land is accepted as an adverse effect and is given limited adverse weight. However, the evidence does not demonstrate that the loss of this Site would result in a separate material effect on national food security.
8. BMV land is also located around many of the District's most sustainable settlements and the Council's withdrawn Local Plan process recognised that BMV land would be required to accommodate future housing growth. The loss must therefore be weighed against the acute need for housing and the Site's suitability in locational and infrastructure terms.

PLANNING BALANCE

9. The proposal would deliver up to 180 homes, including up to 72 affordable homes, addressing an agreed 1,887-dwelling deficit. Substantial weight is given separately to market and affordable housing, with significant economic benefits and further positive benefits from green infrastructure, biodiversity net gain and sustainable transport.
10. The application conflicts with the Development Plan because it lies outside the settlement boundary. However, the Proof affords this conflict very limited weight, having regard to the acute housing shortfall, the adopted spatial strategy and current national policy.
11. There are no heritage, highway, flood-risk, ecology, arboricultural, mineral or residential-amenity reasons for withholding permission. Applying NPPF Policy S5, the benefits of approving the scheme are not substantially outweighed by the adverse effects.

12. The planning balance is therefore not finely balanced but tips firmly in favour of granting planning permission, subject to appropriate conditions and completion of the Section 106 obligation.

1 PREAMBLE

1.1 QUALIFICATIONS

- 1.1.1 I am a Chartered Town Planner with 20 years experience in a broad range of planning and development matters. I hold a degree in Urban Planning and a Graduate Diploma in Environmental Planning from Liverpool John Moores University and I am a Chartered Member of the Royal Town Planning Institute.
- 1.1.2 I am currently employed as a Planning Manager by Gladman Developments Ltd, where I am responsible for overseeing the promotion of strategic housing development sites through the development plan preparation process and through the planning application process.
- 1.1.3 Prior to initially joining Gladman in October 2019, I gained over 10 years' experience in the planning industry working at a number of Local Planning Authorities. In these roles I was responsible for the preparation of development plan documents and accompanying evidence base studies, as well as responding to planning policy consultations. I also worked in various positions across Development Management and Planning Enforcement.
- 1.1.4 I am familiar with the site, the adopted planning policies of Forest of Dean District Council, as well as their supporting evidence base studies. I confirm that this Proof of Evidence is true and has been prepared in accordance with the guidance of the RTPI, of which I am a member. I further confirm that the opinions expressed in my evidence are my true and professional opinions. I am aware that my duty as a professional planner is to the Inquiry, irrespective of by whom I am employed.

2 INTRODUCTION, PROCEDURAL MATTERS AND SCOPE OF EVIDENCE

2.1 THE APPLICATION PROPOSAL

- 2.1.1 This Proof of Evidence (PoE) is submitted on behalf of Gladman Developments Limited in support of outline planning application P0672/25/OUT at Land North of Carisbrook Road, Mitcheldean ('the Site'), which has been called-in for determination by the Secretary of State. The application seeks:

"Outline planning permission for the erection of up to 180 residential dwellings (including affordable housing) with public open space, landscaping and vehicular access points. All matters reserved except for means of access."

- 2.1.2 The application seeks outline consent, with access the only detailed matter for determination at this stage. Layout, scale, appearance and landscaping are reserved. The Development Framework Plan (CD1.3) is illustrative and demonstrates one way in which the development could be accommodated on the site.
- 2.1.3 The proposal provides for up to 180 dwellings, including 40% affordable housing (up to 72 affordable homes), vehicular and active travel connections, approximately 4.36 hectares of green infrastructure (around 45% of the Site), public open space, recreational routes, play facilities, retained landscape features, new planting, an attenuation basin and sustainable drainage.

2.2 COMMITTEE RESOLUTION AND CALL-IN

- 2.2.1 The application was reported to the Council's Development Management Committee on 9 June 2026 with an officer recommendation that permission be granted, subject to conditions and the completion of a S106 legal agreement. The Committee resolved that it was minded to refuse permission for four reasons.
- 2.2.2 The four putative reasons were:

(i) The proposal is considered to represent unsustainable development in the countryside owing to its location outside a settlement boundary where new residential development is restricted by local and national policy and would therefore be contrary to policies CSP.1, CSP.4 and CSP.5 of the Core Strategy and policy AP1 of the Allocations Plan, policy H2 of the Mitcheldean Neighbourhood Development Plan and the advice in the National Planning Policy Framework.

(ii) The proposal would be contrary to policies CSP.1, CSP.4 and CSP.5 of the Core Strategy, policy AP1 of the Allocations Plan and the advice in the National Planning Policy Framework in that it would create a suburban form of development in this rural location on the best and most versatile agricultural land and this would mitigate against the food security of the nation as advised by the government in the Government Food Strategy for England, considering the wider UK Food System (2025) which would be out of character with the surroundings and would therefore represent an unacceptable adverse impact on the character and appearance of the area.

(iii) The proposed development fails to take proper account of and, causes unacceptable harm to the significance of the affected designated heritage asset the Grade I Listed St Michael and All Angels Church which on balance is considered to be greater than the benefits of allowing the application. As a consequence it fails to preserve the special architectural and historic interest of the affected listed building and its setting, as required under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the national guidance set out in the National Planning Policy Framework.

(iv) The proposal fails to make provision for affordable housing, serviced plots for sale to self and custom builders, provision, laying out, management and maintenance of all open space on the site outside private gardens and including the attenuation pond should it not be adopted by a statutory body e.g. Severn Trent, the laying out, equipping of the trim trail and combined LEAP and LAP

and contributions to deliver additional capacity at Mitcheldean surgery, primary education, libraries, travel plan, home to school transport, bus stop improvements, monitoring Biodiversity Net Gain via a Section 106 Legal Agreement where there are recognised shortfalls which would place an unacceptable burden on existing local services and infrastructure. As such, the proposal would be contrary to Policies CSP.1, CSP.4, CSP.5 and CSP.9 of the Core Strategy, policies AP1 and AP7 of the Allocations Plan and the advice in the National Planning Policy Framework.

2.2.3 The application was then referred to Secretary of State on 11 June 2026 (CD.4.3) and the application was subsequently called-in on 1 July 2026 (CD.4.4). The Council subsequently confirmed on 28 July 2026 that it formally withdrew Reason for Refusal 3 relating to heritage (CD.4.5). Reason for Refusal 4 relating to the Section 106 obligation is subject to ongoing discussion between the parties and a final draft S106 obligation will be provided to the Inspector 10 days in advance of the Inquiry, in accordance with the Inquiry timetable.

2.2.4 The withdrawal of Reason for Refusal 3 in conjunction with the collaborative ongoing work on the S106 agreement means that the issues between the parties are now narrower than the Committee resolution.

2.3 MAIN ISSUES

2.3.1 The Post Case Management Conference note identified the following likely main issues:

1. Whether the site is a suitable location for residential development having regard to local and national policies for the provision of housing including access to services and facilities;
2. The effect of the development on the supply of best and most versatile agricultural land;
3. The effect of the proposed development on the character and appearance of the area, including on landscape;
4. Whether the proposed development would preserve the setting of the Grade I listed building known as St Michael and All Angels Church and the effect to

the development on any other designated heritage assets (retained in accordance with the duties under s62(1) and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990);

5. The effect of the proposed development on European Sites (Wye Valley and Forest of Dean Bat Sites SAC and Wye Valley Woodlands SAC)
6. Whether the proposal would make appropriate provision for infrastructure; and
7. The overall planning balance, having regard to the development plan and any proposed benefits.

2.3.2 In this PoE I will address each of these main issues concentrating on those matters which remain in dispute, rather than repeating those areas of agreement recorded in the SoCG.

2.4 SCOPE OF THIS PROOF OF EVIDENCE

2.4.1 In this PoE, I address planning policy, housing need and supply, the principle and sustainability of development, the planning implications of the natural environment evidence, the weight to be attached to Development Plan conflict, and the overall planning balance.

2.4.2 Landscape and visual matters are addressed in a separate Proof of Evidence produced by Ms. Silke Gruner (Director – Landscape) of Icen Projects. I rely upon her professional conclusions and explain their planning policy and planning balance consequences.

2.4.3 As discussed at the Case Management Conference this PoE is also supported by two written addendums on Heritage and Ecology both prepared by CSA Environmental.

2.5 STATEMENT OF COMMON GROUND

2.5.1 A Statement of Common Ground ('SoCG') between the Council and Appellant was submitted to the Planning Inspectorate on 26 August 2026.

2.5.2 The SoCG records extensive agreement between the parties. In particular, Mitcheldean is agreed to be a sustainable settlement, in principle, for the scale of residential development proposed and that the Site is accessibly located. It is also

agreed that the Council cannot demonstrate a 5 year housing land supply, that market and affordable housing should each attract positive weight and that there are no heritage, highways, flood risk, ecology, mineral or residential amenity grounds for withholding permission.

2.5.3 The outstanding matters that are not agreed between the parties are the weight to be given to the loss of Grade 1 agricultural land, the principle of development and the overall planning balance. Those are the matters on which this PoE is principally directed.

2.5.4 The SoCG should be read alongside this PoE and my evidence will cross refer to the SoCG as necessary.

2.6 STATEMENT STRUCTURE

2.6.1 The remainder of this PoE is structured as follows:

- Chapter 3 sets out the relevant background and policy context;
- Chapter 4 covers Consistency with the Development Plan;
- Chapters 5 to 11 address the Main Issues; and
- Chapter 12 provides my planning balance and conclusions.

3 BACKGROUND TO THE CALLED-IN APPLICATION

3.1 SITE AND SURROUNDINGS

- 3.1.1 The Application Site extends to approximately 9.72 hectares on the northern edge of Mitcheldean. It comprises agricultural land and lies outside, but immediately adjacent to, the defined settlement boundary and existing built form of the village.
- 3.1.2 The relationship with the existing built form of Mitcheldean is important. The Site is not an isolated parcel in the wider countryside but is inset into the north of the settlement. Existing residential development and other urbanising influences lie to its south, east and west.
- 3.1.3 The Core Strategy identifies Mitcheldean as a second-tier Major Village. Major Villages are settlements with employment opportunities and/or services important to a wider area and with some scope for additional development. The Core Strategy itself records the significant employment provision at Vantage Point and the continued presence of a range of services including a library and health centre.

3.2 THE DEVELOPMENT PLAN

- 3.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides the statutory starting point: the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.2.2 The relevant Development Plan comprises:
- Forest of Dean Core Strategy (adopted February 2012),
 - Forest of Dean Allocations Plan (adopted June 2018),
 - Mitcheldean Neighbourhood Development Plan (made March 2020),
 - Gloucestershire Waste Core Strategy (adopted November 2012); and
 - Gloucestershire Minerals Local Plan (adopted March 2020).
- 3.2.3 The Core Strategy planned for 6,200 dwellings between 2006 and 2026 equivalent to 310 dwellings per annum. The Allocations Plan subsequently used 330 dwellings per annum to 2026. The parties agree that the current local housing need figure is 598

dwelling per annum which is 81% higher than the requirement for which the Allocations Plan and its settlement boundaries were prepared.

- 3.2.4 The Site lies outside the adopted settlement boundary and I accept that the proposal conflicts in principle with the relevant restrictive policies identified in the SoCG. Importantly, the NPPF gives very limited weight to policies which are materially inconsistent with national decision-making policies in the Framework. The Council also cannot demonstrate a five-year housing land supply, and as a result that conflict should attract reduced weight and should not be determinative.

3.3 FORMER EMERGING LOCAL PLAN

- 3.3.1 The Council commenced preparation of a replacement Local Plan in 2019. Six Regulation 18 consultation stages were undertaken between 2019 and 2026. The Application Site was identified for about 180 dwellings in the 2024 Draft Local Plan and remained identified for about 180 dwellings in the 2026 Revised Draft Local Plan.
- 3.3.2 On 30 June 2026 the Council resolved to withdraw the emerging Local Plan and formal notice followed on 6 July 2026.
- 3.3.3 The withdrawal of the emerging Local Plan means that I attach no policy weight to its proposed allocations. However the underlying technical work or the planning judgements made during plan preparation do not simply cease to exist as pertinent facts regarding the site. Where individual evidence-base documents remain current and robust they can still assist us as factual context.

3.4 PLAN-MAKING HISTORY AND THE WITHDRAWN LOCAL PLAN

- 3.4.1 The age of the adopted spatial strategy is especially important. The Core Strategy was adopted in 2012 and the plan period runs until 2026 as does that of the Allocations Plan. Those documents were prepared against housing requirements materially below the level of need which now applies.
- 3.4.2 The significant work of successive consultation undertaken by the Council to replace the adopted strategy are relevant because they show an ongoing acknowledgement of the need to address a substantial housing requirement that the current development plan does not meet.

- 3.4.3 There has also been an important change in the housing requirement since the plan was adopted. Whilst the Allocations Plan sought to provide for 330 dwellings per annum the current local housing need is now 598 dwellings per annum as agreed in the SoCG. In fact, the 2025 Local Plan Consultation was required because the earlier versions of spatial strategy could no longer meet the revised higher levels of need. The Revised Strategy paper 2025 (CD.5.8) made clear that the new standard method of calculating housing need introduced in December 2024 meant:

‘the previously agreed Local Plan strategy is not capable of delivering a housing requirement to meet this local need. It was therefore agreed, to review the Draft Local Plan's development strategy and explore what other potential strategic options exists to meet its housing need in the District.’

- 3.4.4 The change in housing requirement is directly relevant when considering the weight to give to settlement boundaries that were drawn to implement a materially lower housing requirement.
- 3.4.5 The Application Site was identified for about 180 dwellings in both the 2024 and 2026 draft plans, latterly as RLP.85. I do not rely upon those withdrawn allocations as carrying policy weight. However they show a direction of travel for the Local Plan area. Members, including those present at the Development Management Committee on the 9 June 2026, had already voted several times to consult on versions of the emerging Local plan that included the application site as a draft allocation without raising concerns with the site.
- 3.4.6 The Council resolved to withdraw the emerging Local Plan on 30 June 2026 and formal notice followed on 6 July 2026. The continued identification of this site for 180 homes is consistent with the Case Officer's recommendation for approval and the SoCG agreement that the Site is in an accessible location for residential development and that the Site can accommodate the proposed quantum.
- 3.4.7 The Council must now prepare a Local Plan under the new plan-making system. The Local Plan Timetable published alongside the Notice of Intention to commence preparation of the Local Plan 2046 aims for the plan to be adopted in May 2029. There

is therefore no replacement strategy capable of remedying the present significant housing shortfall in the short term. The application must therefore be determined against the adopted Development Plan and National Policy.

3.5 NATIONAL PLANNING POLICY FRAMEWORK - AUGUST 2026

- 3.5.1 The current National Planning Policy Framework was published in August 2026 and is an important material consideration. It introduced a revised and permanent presumption in favour of sustainable development, with the principle of development addressed according to whether proposals lie within or outside settlements.
- 3.5.2 Policy S5 concerns sustainable development outside settlements. S5(J) is the pertinent part of the policy for this application as it addresses development responding to evidenced unmet need, including housing where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, provided the development is physically well-related to an existing settlement.
- 3.5.3 Where S5 applies, the specified forms of development should be approved unless the benefits are substantially outweighed by adverse effects when assessed against the national decision-making policies (my emphasis). That is the national policy test I apply in this Proof at section 12.2.
- 3.5.4 In my opinion the proposal meets the relevant S5 (j) criteria. There is substantial unmet housing need and the Site is physically well-related to Mitcheldean. Mitcheldean is a sustainable settlement for the scale of development proposed and there is no evidence that the development cannot be accommodated with the infrastructure secured through condition and obligation.
- 3.5.5 Policy HO7: Meeting the need for homes states that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence:
- 3.5.6 The NPPF 2026 therefore gives stronger support to proposals that provide homes in areas experiencing housing shortages than previous versions and the weight

attributable to the affordable housing benefits has increased materially under the new Framework.

3.5.7 This policy introduces a direct instruction to decision-makers on the weight to be given to housing benefits. HO7 now expressly directs decision-makers to give substantial weight to homes meeting evidenced need

3.5.8 Annex A of the 2026 NPPF sets out the weight to be afforded to the development plan in this called-in application. Paragraph 2 states:

Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework

3.5.9 The consequence of Annex A Paragraph 2 is that whilst the statutory starting point remains the development plan, the weight attributable to any policy relied upon must now be considered in light of the national decision-making policies introduced by the 2026 NPPF.

3.5.10 Where an adopted policy would restrict development in circumstances where the NPPF (particularly Policy S5) support its approval, that is a material inconsistency that substantially limits the weight to be attached to the development plan policy.

3.5.11 It is also agreed at 3.3.2 of the SoCG that the weight to be attached to relevant adopted policies should be informed by the degree of consistency of those policies with the Framework, in accordance with paragraph 2 of Annex A to the National Planning Policy Framework 2026.

3.6 FIVE-YEAR HOUSING LAND SUPPLY

3.6.1 It is common ground that the Council cannot demonstrate a five-year supply of deliverable housing sites. I do not therefore present my own assessment of housing land supply. The latest agreed position is only 2 years for the period 1 April 2024 to

31 March 2029, based on a claimed deliverable supply of 1,253 dwellings, a local housing need figure of 598 dwellings per annum and a 5% buffer.

- 3.6.2 The agreed deficit is some 1,887 dwellings. A supply of only 2 years is not a marginal shortfall but is less than half of the five-year housing land supply required by national policy.
- 3.6.3 That context is central to my assessment of both the weight to be given to the housing benefits and also the weight to be given to restrictive spatial policies which were prepared for a materially lower housing requirement.

3.7 HOUSING AFFORDABILITY AND AFFORDABLE HOUSING

BUILDING THE HOMES WE NEED (30 JULY 2024)

- 3.7.1 On 30 July 2024 the Written Ministerial Statement (WMS) was published entitled 'Building the Homes we Need' (CD.5.9). This is a material consideration and the WMS emphasises the country is in:

"the most acute housing crisis in living memory"

- 3.7.2 The Government wants to markedly improve affordability and has made a policy commitment to drive the delivery of 1.5 million homes over the next five years.
- 3.7.3 Allied to this, the Government's position (in the WMS and many other public statements) is that a boost in housebuilding is a key element of the new Government's parallel strategy for securing economic growth.
- 3.7.4 In respect of affordable housing, the WMS highlights a trend of much needed social and affordable rented housing being lost, principally through the Right to Buy regime:

"Although increasing supply will be an essential part of improving affordability, we must also go further in building a greater share of genuinely affordable homes. That is why the Government are committed to the biggest growth in social and affordable housebuilding in a generation. As of 2023, there were 3.8 million

social rent homes, 200,000 fewer than the 4 million that existed in 2013...”

BUILDING THE HOMES WE NEED (12 DECEMBER 2024)

- 3.7.5 The WMS, entitled “Building the Homes we Need”, accompanied the launch of the December 2024 NPPF (CD5.10). Here the Secretary of State (SoS) for Housing and Planning, Matthew Pennycook, reiterated the commitment to the ‘Plan for Change’ WMS of 31 July 2024, and the 1.5 million new home target for this parliament. To this end, the policies of the new NPPF:

“...Taken together, they reflect our commitment not to duck the hard choices that must be confronted in order to tackle the housing crisis – because the alternative is a future in which a decent, safe, secure and affordable home is a privilege enjoyed only by some rather than being the right of all working people.”

- 3.7.6 In the first paragraph of the same WMS, Matthew Pennycook highlights one of the symptoms of the “acute and entrenched” housing crisis:

“...the number of children in temporary accommodation now stands at a historic high of nearly 160,000.”

WRITTEN REVISED NATIONAL PLANNING POLICY FRAMEWORK AND FURTHER PLANNING REFORM MEASURES (1 SEPTEMBER 2026)

- 3.7.7 The WMS (CD.5.11) followed publication of the NPPF 2026 and stated that Government:

‘...has acted with ambition and urgency to tackle the acute and entrenched housing crisis in England’

- 3.7.8 This reaffirms the importance the Government attaches to the housing crisis.

AFFORDABILITY IN FOREST OF DEAN

- 3.7.9 The SoCG records an affordability ratio of 8.22 between median house prices and median income in the Forest of Dean District. The parties also agree that this is above the national average and is an indicator that housing in the District is unaffordable.
- 3.7.10 The proposal would provide 40% affordable housing, equivalent to up to 72 affordable homes if 180 dwellings are delivered. This is policy-compliant with Core Strategy Policy CSP.5. The parties agree that there is a shortfall in affordable housing provision and that the affordable housing benefit should attract positive weight.
- 3.7.11 I consider that the affordable housing is a distinct social benefit and should not be subsumed within the weight attributed to market housing. It provides homes for households whose needs are not being met by the market and does so at a policy compliant level.

3.8 ECONOMIC BENEFITS

- 3.8.1 The submitted Socio-Economic Benefits Statement identifies, for a 180 dwelling scheme, an estimated construction spend of £31.8 million; 145 direct full-time equivalent construction jobs, including 10 apprenticeships, and 197 indirect full-time equivalent jobs in associated industries per annum over the build-out period; and approximately £6.5 million per annum of new resident expenditure, a proportion of which would support local services and facilities. The parties agree that the economic benefits are significant and should attract positive weight in the planning balance.

4 CONSISTENCY WITH THE DEVELOPMENT PLAN

4.1 DEVELOPMENT PLAN CONFLICT

- 4.1.1 I accept that the Site is not allocated for residential development in the adopted Development Plan and is treated as open countryside in policy terms. The proposal therefore conflicts in principle with the restrictive policies identified in the SoCG, including Policies CSP.4, CSP.5 and CSP.16 and Policy H2 of the Mitcheldean Neighbourhood Development Plan insofar as they restrict this form of housing beyond the settlement boundary.
- 4.1.2 That conflict engages the statutory starting point in section 38(6). The correct approach is to identify the conflict, assess the weight that should be attributed in present circumstances and then consider whether material considerations indicate a decision other than in accordance with the Development Plan.

4.2 WEIGHT TO THE HOUSING POLICIES

- 4.2.1 The parties agree in the SoCG that the weight to be attributed to specific housing policies within the Development Plan is dependent upon their consistency with the NPPF (2026) having regard to Annex A.
- 4.2.2 Policy S5 is an important part of that assessment. It expressly provides support for housing development beyond existing settlement boundaries where the specified circumstances are met. As I explain elsewhere in my evidence, the appeal proposal falls within those circumstances, including because it is physically well-related to Mitcheldean, would help to address an evidenced unmet housing need and can be satisfactorily accommodated with the necessary infrastructure.
- 4.2.3 There are also particular circumstances which, in my view, justify reduced weight being given to the restrictive effect of the relevant housing policies. The Core Strategy plan period ends in 2026. The settlement boundaries contained within the Allocations Plan were established in the context of a housing requirement of 330 dwellings per annum. Current local housing need is 598 dwellings per annum which is 81% higher. A settlement boundary drawn to implement a strategy based upon that materially

lower level of housing provision cannot answer the present question of where the substantially greater housing needs of the district can sustainably be accommodated.

- 4.2.4 The settlement boundaries remain part of the adopted Development Plan and conflict with them must be taken into account. The issue is the weight to give to the conflict in the current circumstances. The Council can demonstrate just a 2 year housing land supply and national policy expressly supports development outside settlement boundaries where there is unmet need. I do not consider the restrictive policies determinative.

4.3 MITCHELDEAN NEIGHBOURHOOD DEVELOPMENT PLAN

- 4.3.1 The Mitcheldean Neighbourhood Development Plan was made in March 2020.
- 4.3.2 The Mitcheldean NDP was prepared within the context of the housing requirement and spatial strategy set out within policy CSP.5 of the Forest of Dean Core Strategy 2012. That strategy sought to meet a materially lower level of housing provision than the current housing need.
- 4.3.3 As it has been over five years since the Mitcheldean NDP became part of the development plan and the plan does not include any housing allocations to meet its identified housing requirement, the protections offered by Policy S6 of the NPPF do not apply.
- 4.3.4 Policy H.2 of the Mitcheldean NDP is relevant only so far as it establishes the neighbourhood level approach to the location of new residential development. However, it must be applied in the context of the current development plan position, the acknowledged housing land supply shortfall and the recent NPPF, in particular Policy S5.
- 4.3.5 The draft SoCG records agreement that the special neighbourhood-plan protection under Policy S6 does not apply.

4.4 OTHER DEVELOPMENT PLAN OBJECTIVES

- 4.4.1 The proposal also advances a number of Development Plan objectives. It provides a policy-compliant 40% affordable housing contribution. The technical evidence

demonstrates that highways, ecology, drainage, residential amenity, arboriculture and minerals can be made acceptable. The proposal provides substantial green infrastructure and public open space. The planning assessment is therefore not one of wholesale conflict with the Development Plan with the principal conflict being just locational.

4.5 FORMER EMERGING LOCAL PLAN EVIDENCE

4.5.1 I attach no policy weight to the withdrawn Local Plan. I nevertheless consider it relevant factual context that this Site was repeatedly assessed throughout the former emerging Local Plan preparation and was identified as suitable for development and draft allocated for approximately 180 dwellings in both the 2024 and 2026 draft plans. That history is consistent with the applicant's case that the Site is capable of accommodating residential development of the scale proposed and particularly the location of the site and the ability of Mitcheldean to accommodate this level of growth.

4.6 HOUSING NEED, SUPPLY AND THE BENEFITS OF DELIVERY

- 4.6.1 The starting point is the scale of the existing shortfall outlined in section 3.6.
- 4.6.2 The SoCG states positive weight should be attributed to the delivery of 108 market homes and I agree with that agreed position. In my view the scale of the benefit is reinforced by the level of the supply shortfall.
- 4.6.3 The scheme would also provide up to 72 affordable homes. Again, the parties agree in the SoCG that this should attract positive weight. I regard that as a separate benefit as the proposal responds simultaneously to the general shortage of deliverable housing land and to the acknowledged shortfall in affordable housing provision.
- 4.6.4 The location of those homes is also important. Mitcheldean is a Major Village and as set out in paragraph 3.1.3 has all the services and amenities expected of a 2nd tier settlement including the significant employment opportunities of Vantage Point Business Park.
- 4.6.5 The Council's Case Officer reached the same broad conclusion when recommending permission. The Officer considered the number of dwellings proposed in the context

of the lack of housing land supply together with the policy-compliant 40% affordable housing, to be substantial benefits.

- 4.6.6 The housing land supply position is not a marginal failure. Using the Council's latest claimed deliverable supply of 1,253 dwellings, the May 2026 local housing need figure of 598 dwellings per annum and a 5% buffer, the parties agree that the Council can demonstrate only **2 years** housing land supply representing an agreed deficit of 1,887 dwellings.
- 4.6.7 That means that the Council has considerably less than half the deliverable housing land supply national policy requires. The 180 dwellings in this application would make a meaningful contribution to that acute shortfall.
- 4.6.8 The shortfall should also be viewed against the age of the current spatial strategy. The settlement boundaries were not designed to meet 598 dwellings per annum and the current figure is approximately 81% above the 330 dwellings per annum used in the Allocations Plan.

4.7 AFFORDABLE HOUSING

- 4.7.1 Subject to the Section 106 Agreement, 40% of the homes would be affordable in accordance with Core Strategy Policy CSP.5. At 180 dwellings this is up to 72 affordable homes. The parties agree there is a shortfall in affordable housing and that this benefit should receive positive weight.
- 4.7.2 The agreed affordability evidence provides further context. The median house-price to median-income ratio in the District is 8.22 which is far above the national average. The affordable homes would therefore meet an identified need and have direct social value.

4.8 MARKET HOUSING AND DELIVERY

- 4.8.1 The parties separately agree that delivery of market housing should receive substantial weight. The proposal is a residential scheme on the edge of an established settlement, identified in the Adopted Core Strategy as a Major Village, and there are no unresolved technical constraints identified by the Council which would prevent the proposed quantum being accommodated.

- 4.8.2 The illustrative Development Framework Plan (CD1.13) demonstrates one way in which the scheme can be delivered while detailed layout, scale, appearance and landscaping would be controlled at reserved matters stage.

4.9 APPLICATION OF NPPF POLICY S5(1)(J)

- 4.9.1 Policy S5 is particularly relevant because it deals directly with the principle of development outside settlements. S5 sets out the forms of development that should be approved subject to the respective criteria.
- 4.9.2 Each individual aspect of Policy S5 (j) is satisfied in this application. There is an evidenced unmet housing need. The parties agree in the SoCG that the Council cannot demonstrate a five-year supply. The precise extent of any competing assessment of supply would not alter the engagement of S5(1)(j) with all relevant positions remaining materially below five years. The agreed deficit of 1,887 dwellings demonstrates that the failure is substantial rather than technical or marginal.
- 4.9.3 The Site is physically well-related to an existing settlement. It directly adjoins Mitcheldean, is bounded by existing residential development to the south and is experienced in the context of the settlement. The parties agree that the Site is accessibly located. It is the applicant's case that the Site is well-related to the settlement and would form a logical extension to it though the Council disagree. It is however agreed that Mitcheldean is identified in the Development Plan as a Major Village. The Case Officer's Report (CD4.1) concludes that "the site's location can be considered to be within a sustainable location".
- 4.9.4 It is an agreed matter that a development of 180 units can be physically accommodated on the site taking account of infrastructure. Statutory consultees who were consulted on the application have not identified any infrastructure constraint that would prevent the quantum of development being accommodated on site subject to conditions and other contributions capable of being secured through the Section 106 Agreement. Detailed matters can be controlled by condition and through a reserved matters application in due course.

- 4.9.5 This application falls within precisely the type of development expressly supported by NPPF Policy S5. The fact that the application is outside a settlement boundary is not by itself a reason for refusal.
- 4.9.6 I accordingly regard S5(1)(j) as positive and directly applicable national policy support for the principle of the proposed development. Once its criteria are met, the relevant S5 balance is whether the benefits of approval are substantially outweighed by the adverse effects assessed against the national decision-making policies. For the reasons I set out throughout this PoE the benefits are not substantially outweighed by adverse effects.
- 4.9.7 The proposal is strongly consistent with Government policy for delivering a sufficient supply of homes. Up to 180 dwellings, including up to 72 affordable homes, would make a meaningful contribution to an acute and agreed supply shortfall in a sustainable location. I afford substantial weight to market housing and substantial weight, separately, to affordable housing.

4.10 POLICY CSP.1 - DESIGN AND ENVIRONMENTAL PROTECTION

- 4.10.1 Policy CSP.1 is a broad design and environmental policy. The Council's professional officers concluded that an acceptable detailed scheme can be achieved, subject to reserved matters and conditions. There are no unresolved objections on highways, drainage, ecology, arboriculture, residential amenity or minerals; heritage Reason for Refusal 3 has been withdrawn; and landscape effects are agreed not to be unacceptable.
- 4.10.2 To the extent CSP.1 engages landscape matters, I rely on the separate Proof of Evidence of Silke Gruner of Iceni and the agreed technical position. I do not consider CSP.1 provides an independent reason to refuse.

4.11 POLICIES CSP.4, CSP.5 AND CSP.16

- 4.11.1 Policies CSP.4, CSP.5 and CSP.16 are central to the locational conflict. Read together they seek to direct housing to established settlements, reinforce the existing settlement pattern and ensure that development is proportionate to the settlement. I accept that development beyond the settlement boundary conflicts with their

restrictive elements however the application complies with the underlying spatial objectives of directing growth towards established settlements and ensuring the scale of development is appropriate to the settlement. Those policies were prepared to implement a strategy that only looked to 2026 and was based on housing requirements far below the current need. The Council cannot currently demonstrate a 5 year housing land supply. The parties agree very limited weight should be attributed to any inconsistent policies in accordance with Annex A of the NPPF 2026.

- 4.11.2 Policy CSP.5 is also relevant in the fact that the scheme complies with the policy by providing the full 40% affordable housing requirement. Policy CSP.16 identifies Mitcheldean as a Major Village with employment and services and some scope for additional development.

4.12 ALLOCATIONS PLAN AND NEIGHBOURHOOD PLAN

- 4.12.1 The principal AP1 issue is the relationship with the adopted spatial strategy rather than unresolved technical harms. The environmental and design matters are capable of acceptable resolution.
- 4.12.2 Policies E3, E4 and E5 are relevant to landscape and biodiversity. The Officer Report concluded that the proposal could accord with those policies subject to mitigation and detailed design. I rely upon Ms Gruner for the detailed landscape evidence.

4.13 DEVELOPMENT PLAN AS A WHOLE

- 4.13.1 I find conflict with the Development Plan as a whole because the proposal is located outside the settlement boundary for Mitcheldean. That conflict is principally locational. In other respects the scheme would deliver policy-complaint affordable housing and can provide acceptable design, transport, biodiversity, green infrastructure and infrastructure mitigation.
- 4.13.2 The section 38(6) exercise is not completed by identifying locational conflict. The weight of that conflict must be assessed before considering whether material considerations indicate a different outcome. The local plan policies that are inconsistent with the updated NPPF, acute housing shortfall and current Policy S5 are strong material considerations.

4.14 THE RELATIONSHIP BETWEEN SETTLEMENT-BOUNDARY CONFLICT AND POLICY S5

- 4.14.1 The Development Plan conflict must also be considered alongside the changed national policy position. CSP.4, CSP.5, CSP.16, AP1 and NDP Policy H2 were not drafted against the current framework. Their settlement-boundary restrictions remain part of the statutory Development Plan, but the weight to the resulting conflict is a matter for planning judgement in the circumstances existing at the date of decision. Annex A paragraph 2 of the framework is clear on the very limited weight given to inconsistent policies.
- 4.14.2 I find the policies to be inconsistent in this case due to a 2 year housing land supply, a housing requirement approximately 81% above that underpinning the Allocations Plan, the imminent end of the adopted plan period, and the absence of an adopted replacement plan. Most importantly, national Policy S5(1)(j) now positively identifies well-related housing outside settlements as a form of development which should be approved where it addresses evidenced unmet need and can be accommodated by infrastructure, unless the S5 balance indicates otherwise.
- 4.14.3 I give Policy S5 substantial weight as a material consideration in its own right. It provides national policy support for development of this nature when well located to a settlement and where the relevant criteria are met.

4.15 CONCLUSION ON CONSISTENCY WITH THE DEVELOPMENT PLAN

- 4.15.1 My overall conclusion is that the proposal conflicts with the Development Plan taken as a whole because of its location beyond the adopted settlement boundary. However, the relevant restrictive policies are inconsistent with the NPPF and should be afforded very limited weight. The conflict does not equate to an equivalent degree of actual planning harm, because the Site is agreed to be accessibly located and the technical effects of development are largely acceptable or capable of mitigation.
- 4.15.2 I therefore give the Development Plan conflict very limited weight in the overall balance. I then consider whether the material considerations, including Policy S5 and

the substantial housing shortfall indicate that permission should nevertheless be granted. In my view they clearly demonstrate it should.

5 MAIN ISSUE 1 – SUITABLE LOCATION

5.1 INTRODUCTION

- 5.1.1 Main Issue 1 concerns the extent to which the proposal is a suitable location for development. This overlaps directly with the Council's first putative Reason for Refusal and with the application of NPPF Policy S5.

5.2 THE SETTLEMENT BOUNDARY

- 5.2.1 The Site lies outside the existing Mitcheldean settlement boundary and I accept the resulting Core Strategy policy conflict. The question, however, is whether the fact of being beyond that boundary establishes that the development itself is unsustainable. In my view that is not the case.
- 5.2.2 The settlement boundary was reviewed through the Allocations Plan adopted in 2018 to meet a housing requirement of 330 dwellings per annum to 2026. The current local housing need is 598 dwellings per annum. The parties agree that the current requirement is 81% higher and that the restrictive policies are inconsistent with the NPPF and should attract reduced weight.
- 5.2.3 Conflict with a settlement boundary policy does not necessarily mean that a site is unsustainable in locational terms. In this case the application site adjoins Mitcheldean and the parties agree it is an accessible location. Policy S5 is therefore directly applicable to this application.

5.3 LOCATIONAL SUSTAINABILITY

- 5.3.1 Much of the evidence on location is agreed between the applicant and the Council.
- 5.3.2 Mitcheldean is identified in the Core Strategy as a second tier 'Major Village'. The parties agree the Site is accessibly located and offers future residents the ability to use various modes of transport to access services, facilities and employment opportunities in Mitcheldean and the wider area.
- 5.3.3 As part of the site's emerging allocation status under Policy LP.93 in the Draft Local Plan, FDDC consider Mitcheldean to have a:

‘good range of services and a great deal of employment. There is a local secondary and a primary school along with a range of community facilities.’

- 5.3.4 The development site is ideally located to access these services, employment opportunities, schools and community facilities via sustainable transport as presented below, and as commented by the LHA Officer with the original application (as seen in Appendix A):

‘The site benefits from an appropriate level of accessibility to walking, cycling, bus and rail modes for its location.’

- 5.3.5 The major village of Mitcheldean has an extensive network of pedestrian infrastructure in the form of well-established footways linking many of the local amenities, with street lighting provided throughout. Multiple traffic free footpaths are also provided through the Hollywell Road and Old Dean Road residential estates.
- 5.3.6 In order to highlight the site’s accessibility on foot, an indicative walking isochrone was included within the Transport Assessment (CD1.15) as Appendix B. Distance and walking time taken from the site to Local amenities is then set out in Table 5.2 of the TA. The results in Table 5.2 show that many of the local amenities in Mitcheldean are within the preferred maximum walking distance of 1200m for local services trips and 2000m for commuting/education trips. The amenities within the 1200m walking distance include the community centre, playing fields, a public house, GP surgery, pharmacy, library, local shops, playground, Co-op convenience store with Post Office, Parish church and a children’s day nursery.
- 5.3.7 The TA concludes at paragraph 5.2.12 that walking can be ‘considered a realistic and viable method of travel indicating that the site’s location is accessible via this sustainable mode. It is my opinion that the existing facilities provide ample opportunity for education, employment, top-up shopping and dining’
- 5.3.8 The same is true for trips made by cycle or bus. Figure 3 within Appendix B of the TA and Table 5.3 suggest that cycling will be a viable mode of travel for access to a range of local amenities and places of employment and education, whilst Figure 4 in

Appendix B demonstrates that the bus services provide convenient connections to several destination.

- 5.3.9 Active Travel England (CD.3.1) and Gloucestershire County Council (CD.3.39), as local highway authority, did not object to the application. The Case Officer concluded in her report to planning committee that the Site's location could be considered sustainable and that, subject to mitigation, the development would not result in an unacceptable impact on highway safety or severe residual cumulative impacts on the road network.
- 5.3.10 The proposal includes a new access, pedestrian and cycle provision and off-site highway and public transport improvements. It is not necessary to demonstrate that every trip will be made other than by private car. The relevant point is that future residents would have realistic opportunities to access day-to-day needs and to choose sustainable modes.
- 5.3.11 It is agreed within the SoCG that that the site is accessibly located and offers future residents the ability to use various modes of transport to access services, facilities and employment opportunities in Mitcheldean, settlements in the immediate surrounding area and across the wider district.

5.4 APPLICATION OF NPPF POLICY S5

- 5.4.1 In my view the requirements of NPPF Policy S5(J) are met. First, there is an evidenced unmet housing need due to the absence of a five-year housing land supply. The Site is physically well-related to Mitcheldean being inset into the north of the settlement and well related to the existing built form. It is agreed within the SoCG that the quantum of up to 180 dwellings can be accommodated on site having regard to infrastructure, subject to the conditions and obligations being progressed.
- 5.4.2 The policy consequence is important. Development described in the bullet points of NPPF Policy S5 should be approved unless its benefits are substantially outweighed by adverse effects assessed against the national decision-making policies. The wording of that test is a high bar in that the benefits must be substantially outweighed by any adverse impacts. The policy does not remove the need to assess harm but

rather it establishes the balance to be applied once the specified circumstances are present.

5.5 CONNECTIVITY TOOL

5.5.1 I have also had regard to the Government's Connectivity Tool, to which the NPPF now refers as a means of assessing the connectivity of locations proposed for development.

5.5.2 I recognise that the Connectivity Tool does not itself determine whether a location is sustainable or suitable for development but is rather a relative measure that shows how a specific location compares to other locations.

I have considered the application Site in that context and compared the site with edge of settlement sites around the Market Towns or other Large Villages within Forest of Dean. The Sites score is not materially out of step with the levels of connectivity found in the land around those settlements. The broad pattern shown by the Connectivity Tool is one of comparable levels of connectivity across those edge of settlement sites particularly within the 2nd Tier Large Villages. I do not rely upon the Connectivity Tool as a substitute for the more detailed evidence on the accessibility of the site set out in the application documents or as summarised in paragraph 5.3 of this PoE. However, the Connectivity Tool provides a useful nationally consistent cross check against comparable locations within the Forest of Dean many of which will be required to meet future housing needs.

5.6 SOCIAL, ECONOMIC AND ENVIRONMENTAL DIMENSIONS

5.6.1 The social benefits are substantial with the site delivering market housing, a policy-compliant level of affordable housing, public open space, recreational routes and play provision. The economic benefits include construction investment, employment and increased resident expenditure. Environmentally, the scheme incorporates green infrastructure, sustainable drainage, landscape planting and biodiversity enhancement.

5.6.2 There are also environmental harms most notably the permanent loss of Grade 1 agricultural land and the inevitable change in the character of the Site from

agricultural land to residential development. I address those matters in Main Issue 2. Sustainable development is not synonymous with development causing no harm but rather it requires the competing effects to be assessed through the policy framework.

5.7 ECONOMIC ROLE

- 5.7.1 The parties agree that the scheme would generate positive economic benefits. At 180 dwellings the Socio-Economic Benefits Statement estimates approximately £31.8 million of construction expenditure; 145 direct full time equivalent construction jobs, including 10 apprenticeships, and 197 indirect FTE jobs per annum over build-out; and approximately £6.5 million per annum in expenditure by new residents.
- 5.7.2 Those benefits would support construction and associated industries whilst being built and following occupation would support local services and facilities. I consider the economic benefits should attract significant positive weight.

5.8 SOCIAL AND ENVIRONMENTAL ROLE

- 5.8.1 The social benefits extend beyond the numerical housing contribution. The scheme would provide market and affordable homes, substantial public open space, children's play provision and recreational routes. The SoCG agrees positive weight should be attributed to green infrastructure and open space.
- 5.8.2 Environmentally, the Site is in Flood Zone 1; drainage can be controlled; adverse effects on the integrity of the Wye Valley and Forest of Dean Bat Sites SAC can be avoided subject to safeguards; biodiversity net gain would exceed the statutory minimum; and landscape effects are agreed not to be unacceptable. Against that sit the acknowledged greenfield, landscape and agricultural land effects.

5.9 SUSTAINABILITY AND THE S5 PRINCIPLE

- 5.9.1 The sustainability of the site also demonstrates why the proposal fits the tests of NPPF Policy S5(1)(j). The policy does not support housing anywhere in the countryside simply because an authority lacks a five-year supply. It requires a site to be well located to an existing settlement and an appropriate relationship between scale and infrastructure. Those requirements effectively direct unmet housing need towards

locations that are capable of functioning as sustainable extensions to existing communities.

- 5.9.2 The application site satisfies that policy requirement in that the site adjoins a Major Village with levels of amenities services and employment as expected of a settlement of that scale. The site can connect directly into the existing walking and cycling network and is capable of being served by the infrastructure and mitigation secured through conditions and obligations.
- 5.9.3 In my judgement, the Council's characterisation of the principle as 'unsustainable development in the countryside' gives insufficient effect to the current National Planning Policy Framework. The location beyond an adopted settlement boundary is relevant to Development Plan conflict, but S5(1)(j) expressly addresses the circumstances in which development outside settlements should nevertheless be approved. On the agreed facts, this Site falls within those circumstances.

5.10 CONCLUSION ON MAIN ISSUE 1

- 5.10.1 I conclude that the proposal is sustainable development in a suitable location. The Site is sustainably located and is physically well-related to a Major Village and is capable of accommodating the proposed scale of development with the necessary infrastructure. Policy S5(J) is directly applicable and provides a strong presumption in favour of development of the nature of this application subject to the planning balance addressed in Chapter 12.

6 MAIN ISSUE 2 - BEST AND MOST VERSATILE AGRICULTURAL LAND

6.1.1 The Agricultural Land Quality Report (CD.2.11) identifies the entire Site as Grade 1 agricultural land. I therefore accept that the development would result in the permanent loss of approximately 9.72 hectares of the highest grade of Best and Most Versatile agricultural land. That is an adverse effect and I do not seek to minimise the quality of the agricultural resource.

6.1.2 The parties however disagree about the weight which should be given to that loss.

6.2 NPPF

6.2.1 The absence of Best and Most Versatile Land text in Policy S5 indicates that the Government do not consider BMV as a specific limb within that particular policy test. BMV agricultural land does however remain a separate material policy consideration elsewhere in the NPPF to be weighed in the overall planning balance.

6.3 BMV LAND WITHIN THE FOREST OF DEAN

6.3.1 The available Agricultural Land Classification evidence establishes the location and extent of BMV agricultural land where land has previously been subject to an appropriate detailed Agricultural Land Classification (ALC) survey.

6.3.2 However, detailed ALC survey coverage is not comprehensive across the Forest of Dean. Rather detailed surveys have been undertaken for particular sites and areas, often in response to development proposals or Local Plan work. They do not represent a detailed classification of all agricultural land within the district.

6.3.3 For areas without that detailed survey evidence, the Provisional ALC mapping provides strategic information on agricultural land quality. Consequently, the provisional mapping cannot provide a definitive total of BMV agricultural land within the Forest of Dean.

6.3.4 Natural England's Likelihood of BMV mapping can however provide additional evidence about the probability of unsurveyed land being BMV but as the name suggests this is predictive mapping rather than an accurate ALC classification. Natural

England states that the mapping is not suitable for definitive classification of a local area or individual site. It should therefore be used to indicate potential BMV, rather than treated as evidence that particular land is BMV.

- 6.3.5 Accordingly, the available evidence can support a calculation of the minimum quantity of BMV positively identified by existing detailed surveys, subject to checking whether that land remains agricultural. It can also identify the extent of agricultural land where BMV status remains unresolved and provide an indication of the likelihood that some of that land is BMV.
- 6.3.6 It cannot, without further detailed survey evidence, establish a definitive figure for the total amount of BMV agricultural land currently present throughout the Forest of Dean.
- 6.3.7 Whilst in itself an incomplete picture, the Post 1988 ALC data shows that land adjoining the top tier settlements in the settlement hierarchy are bordered by BMV. Cinderford, Coleford and Lydney as the three Tier 1 settlements have Post 1988 ALC data that shows BMV will be required to expand those settlements.
- 6.3.8 The withdrawn Emerging Plan recognised this fact and sought to allocate sites on the edges of settlements in sustainable locations on Best and Most Versatile Agricultural land.
- 6.3.9 Potential draft allocation sites were assessed through the Sustainability Appraisal which used a two-stage assessment process in which land quality was one of its assessment criteria in the site appraisal section.
- 6.3.10 It is recognised in the scoring for 'MITCHELDEAN 3 – North of Carisbrook Rd' that the site constitutes BMV but the overall conclusion is that the site could meet the SA criteria. The site was then subsequently taken forward as a draft allocation.

Site Reference (see Appendix to view each site)	Existing Use	Potential capacity (at 30 per ha)	Relationship to DSB	Filter 1: Potential conflicts with international/national policy		Filter 2: Distance to services rating				Filter 3: Sustainability Appraisal and Qualitative Assessment of Deliverability										Site taken forward to Draft Local Plan?		
				SAC? (Y – Red, N – Green)	SSSI (Y – Red, N – Green)	Town centre by road	Primary school by road	GP by road	Public Transport	Employment Area (direct line)	Vehicular Access & Connectivity	Active Travel	Flood Risk	Climate Audit	Landscape – significant physical features	Land Quality	Biodiversity – existing	GI potential	Character – natural and built		Heritage	Officer Conclusion
LYDNEY 14 – South side of A48		recreation		N	N						+	++	-	TBC	-	-	-	+	-	-	+	Y (recreation)
LYDNEY 15 – Mead Lane Ind. Estate		employment		N	N						+	++	-	TBC	0	+	-	0	++	++	+	Y (employment)
LYDNEY 16 – Between Mead Lane and A48		employment		N	N						++	++	-	TBC	-	++	-	0	0	++	+	Y (employment)
LYDNEY 17 – Pine End Works		mixed		Adjacent	Adjacent						+	++	0	TBC	++	++	-	0	++	-	+	Y (mixed use)
LYDNEY 18 – Lydney Ind.Estate		employment		Adjacent	Adjacent						+	++	0	TBC	++	++	-	0	++	-	+	Y (employment)
LYDNEY 19 – Railway Station		railway		N	N						+	++	-	TBC	++	++	-	0	++	+	+	Y (mixed use)
LYDNEY 20- Hurst Farm (larger site)		mixed		N	N						++	-	0	TBC	0	-	-	+	0	0	+	
LYDNEY 21 – Hurst Farm (smaller site to south)		mixed		N	N						++	-	+	TBC	0	-	-	+	0	+	+	
LYDNEY 22 – Plummers Farm, Naas Lane		66		N	N						+++	-	-	TBC	0	-	-	0	0	+	+	
LYDNEY 23- Land south of Highfield Road		69		N	N						++	+	++	TBC	0	-	0	0	+	+	+	Y
LYDNEY 24- Lydney West Expansion (smaller site)		mixed		N	N						+	+	++	TBC	-	-	-	0	0	0	+	Y
LYDNEY 25 – Land at Driffild Road (opposite Tree Tops), Lydney		17		N	N						0	0	+	TBC	-	-	0	0	-	+	+	Y
LYDNEY 26- Lydney East (as allocated in AP)		Mixed		N	N						0	+	0	TBC	-	-	-	0	0	-	+	Y
MITCHELDEAN 1 – Land off Gloucester Rd		107		N	N						++	++	+	TBC	-	-	-	0	-	-	+	
MITCHELDEAN 2 – North of Abenhall Rd		37		N	N						-	++	+	TBC	-	-	-	0	-	-	+	
MITCHELDEAN 3 – North of Carisbrook Rd		162		N	N						++	++	+	TBC	-	-	-	+	-	+	+	Y

Figure 1: Excerpt from Regulation 18 Local Plan Sustainability Appraisal 2026

6.3.11 Other sites within the Sustainability Appraisal were also assessed within the land quality criteria as being BMV land but the respective assessments reached the same conclusion that they were capable of meeting the SA criteria could subsequently be taken forward to be draft allocations. As outlined in section 3.3 of this PoE multiple Regulation 18 consultations that included the application site and other sites comprising BMV land (eg Lydney 24 also shown in Figure 1 comprises Grade 2 and Grade 3 BMV) were voted on by members and permission was given to proceed to public consultation. It stands to reason that both officers and members therefore acknowledged BMV land adjacent to sustainable settlement would be required for future housing growth.

6.3.12 That is now directly at odds with the conclusion reached by the Development Management Committee members on 9 June 2026 with regards to the importance of BMV in the planning balance, the putative Reasons for Refusal offered by committee members and the position of Forest of Dean District Council during this called-in planning application.

6.3.13 Natural England Likelihood of Best and Most Versatile (BMV) Agricultural Land - Strategic scale map South West Region (ALC018) predicts the likelihood of best and most versatile (BMV) agricultural land across the Forest of Dean.

- 6.3.14 Taken together the post 1988 ALC surveys and the Natural England Likelihood mapping indicate that BMV land is located around many of the districts most sustainable settlements. It therefore stands to reason that the Council will be required to allocate housing sites on BMV in the next iteration of the emerging Local Plan.
- 6.3.15 Throughout planning application P0672/25/OUT the Council's Case Officer treated the loss of BMV as a harm but nevertheless recommended permission be granted when undertaking the overall planning balance. That is relevant context, although the appropriate weight is ultimately a matter for the decision-maker on the evidence at the Inquiry.
- 6.3.16 As discussed elsewhere in this PoE, NPPF Policy S5 sets a high bar that relevant development should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects.
- 6.3.17 My professional view is that the loss of BMV is a harm to be considered in the balance but that it is a geographically limited harm. It must be weighed against the acute need for housing and the suitability of the Site in locational and infrastructure terms. I attribute limited adverse weight to the loss of Best and Most Versatile Agricultural Land.

6.4 FOOD SECURITY AND THE WEIGHT TO AGRICULTURAL LAND LOSS

- 6.4.1 As stated above, I accept that the whole 9.72 hectare Site should be treated as Grade 1 BMV agricultural land. Its permanent loss is an adverse effect as discussed in paragraph 7.1.20. The disagreement concerns the weight to that loss and whether it establishes the wider national food security harm alleged in putative Reason for Refusal 2.
- 6.4.2 I do however distinguish the loss of Grade 1 land from the separate identified issue of harm to national food security and consider it is important not to conflate the two separate issues. The former is an acknowledged planning harm but in my view the evidence before the inquiry does not show that the loss of this 9.72ha site would have a material effect on national food security. I am not aware of any evidence that shows

the application sites performs a particular function in the maintaining of national food supply or indeed a critical local food supply function. Nor am I aware of any planning requirement for a Local Authority Planning area to be self sufficient in food.

- 6.4.3 I can only conclude that the loss of a single 9.72ha site does not have any material effect on the food security or resilience of national food supply.

6.5 CONCLUSION ON MAIN ISSUE 2

- 6.5.1 The Case Officer gave the loss of BMV modest adverse weight in her report to the Development Management Committee. As discussed in Section 7.1 I consider limited adverse weight to be given to the loss of BMV in the planning balance. However I do not consider elevating that loss into a separate national food-security objection.

7 MAIN ISSUE 3 - EFFECT OF THE PROPOSED DEVELOPMENT ON THE CHARACTER AND APPEARANCE OF THE AREA, INCLUDING ON LANDSCAPE

7.1 INTRODUCTION

- 7.1.1 Main Issue 3 concerns the effect of the proposed development on the character and appearance of the area, including on landscape. The Committee's second putative Reason for Refusal raises landscape character along with Best and Most Versatile agricultural land and national food security which have been covered in Section 6 of this PoE.

7.2 LANDSCAPE AND VISUAL EFFECTS

- 7.2.1 As set out earlier, Landscape and visual matters are the subject of a separate Proof of Evidence prepared by Ms Silke Gruner (Director- Landscape) of Icen Projects. I rely on Ms Gruner's evidence for the detailed professional assessment of landscape character, visual effects, the representative viewpoints and the effectiveness of the proposed landscape mitigation. The Landscape and Visual Impact Assessment (LVIA) (CD1.13) submitted with the application should be read alongside her evidence. I do not seek to duplicate that specialist evidence in my PoE.
- 7.2.2 My purpose in this section is therefore narrower. I identify the principal landscape matters which are relevant to my planning assessment, record the extent to which those matters are agreed with the Council, and explain how I take the landscape and visual effects identified by Ms Gruner into account in reaching my conclusions on policy compliance and the overall planning balance.
- 7.2.3 The Applicant does not contend that development of the Site would be without landscape or visual effect. The Site is presently a greenfield agricultural field and its development for housing would materially change its character at Site level. Some views would also change. Those effects are acknowledged in the Statement of Case and are addressed in detail in Ms Gruner's evidence.

- 7.2.4 There is, however, a substantial measure of agreement which narrows the landscape issue. The Site is outside but immediately adjacent to the existing built form of Mitcheldean. It is not subject to any statutory or non-statutory landscape designation and is not part of a designated or protected landscape.
- 7.2.5 The proposed development would be contained by the rising land further to the north and new planting in the northern part of the Site would establish a robust northern boundary providing a definitive boundary to the wider countryside. The development would also be seen in the context of the existing development of Mitcheldean.
- 7.2.6 That relationship with the settlement is important to my planning judgement. The proposal would not create a detached residential enclave in the wider countryside. As the site is inset into the north of the settlement it would rather extend the existing northern edge of Mitcheldean with the built form contained by the substantial landscape and green infrastructure framework.
- 7.2.7 The Council's Landscape Character Assessment places the Site within the '10 Ridges and Valleys' Character Area and, more specifically, within 10d 'Breakheart Hill'. As the Council's Case Officer recognised, the receiving landscape includes not only farmland, hedgerows and woodland but also the existing urban influence of Mitcheldean, including post-war housing and the industrial estate extending up the western slopes. Ms Gruner addresses the implications of that landscape context in her specialist evidence.
- 7.2.8 Ms Gruner has found no evidence within the landscape character assessments that the Site is of higher landscape value or sensitivity than other land around Mitcheldean. The Site's existing character is also influenced by adjoining development to the west along Ross Road and the south along Carisbrook Road.
- 7.2.9 The outline proposals retain the existing hedgerows and trees around the Site and provide substantial ecological and landscape buffers together with new planting. Approximately 4.36 hectares, or around 45% of the Site, is proposed as green infrastructure. Layout, scale, appearance and landscaping remain reserved matters, while the proposed conditions include a maximum building height of two storeys,

detailed landscaping and a landscape implementation plan. Those matters provide important controls over the detailed form of development.

- 7.2.10 Policy E3 of the Mitcheldean Neighbourhood Development Plan requires development to respect identified significant views. The policy does not require those views to remain unchanged though. Ms Gruner has assessed the 24 views identified in the Neighbourhood Plan. The Proposal would be visible in just 3 of those and her PoE states that the application will not have a significant effect on the identified views, and the proposed development will be seen within the context of the existing settlement which it adjoins and experienced as part of the valley bound by steep valley sides.
- 7.2.11 I also note the Council's own assessment of visual effects. The Case Officer considered views from Breakheart Hill and Laggars Barn, from existing residential development, from Carisbrook Road and from Wysis Way. The Officer accepted that the development would be visible and that some views would change but concluded that in medium and longer-distance views it would be seen against existing development or the wider landscape and would not become the dominant feature. In closer views, the effects would be moderated by retained vegetation, buffers and proposed landscaping.
- 7.2.12 The Council's assessment of Policy E3 of the Mitcheldean Neighbourhood Development Plan is also relevant. The policy requires development to respect identified significant views; it does not require those views to remain wholly unchanged. The detailed question of the proposal's effect upon those views is addressed by Ms Gruner. For my planning assessment, I take into account the Council Officer's conclusion that the effect on views weighs against the development but was not considered significant.
- 7.2.13 Whilst the proposal would result in the loss of an open agricultural field and lead to a substantial change in the character of the site itself, Ms. Gruner concludes that notwithstanding the acknowledged conflict with Core Strategy Policies CSP.4 and CSP.5 arising from development beyond the settlement boundary the resulting landscape effects would be highly localised. The site is already influenced by the

adjoining built form of Mitcheldean and the proposed development would be perceived within that existing settlement context. Ms Gruner's evidence is that the wider landscape effects beyond the immediate setting of the Site would be negligible and not material. I accept and rely upon that conclusion.

- 7.2.14 As a matter of planning judgement I do not consider that the character and appearance limb of the Reason for Refusal has merit and that there would be no unacceptable landscape or visual effects.
- 7.2.15 The Case Officer also reached the same broad planning conclusion in her report to the Development Management committee. Landscape character and visual effects were recognised as adverse considerations, with the greatest visual effects occurring during construction and in the earlier years before the proposed landscape structure matures. Nevertheless, each was afforded only modest adverse weight in the Officer's overall planning balance.
- 7.2.16 For the purposes of my planning balance I rely on Ms Gruner's detailed conclusions and give the acknowledged landscape and visual harm moderate adverse weight. This does not treat the effects as neutral, nor does it understate the change that would occur at Site level. It reflects the specialist landscape evidence, the Site's close relationship with Mitcheldean and the proposed mitigation. That evidence demonstrates that those material effects are geographically limited and that the development would be experienced in the context of the existing settlement.
- 7.2.17 Accordingly, landscape and visual effects are an adverse consideration in the overall balance, but they do not provide a landscape basis for withholding planning permission.

8 MAIN ISSUE 4 - HERITAGE

- 8.1.1 This section also relies upon the Heritage Addendum Proof prepared by Rosey Meara (Associate Director - Archaeology & Heritage) CSA Environmental.
- 8.1.2 The Council formally withdrew putative Reason for Refusal 3 on 28 July 2026. Heritage is therefore no longer relied upon by the Council as a reason for withholding permission. I nevertheless address the matter because it was originally advanced as a reason for refusal, is included as a main issue and because the heritage evidence provides useful context to the overall planning assessment.
- 8.1.3 The relevant designated heritage assets considered through the application include the Grade I listed Church of St Michael and All Angels, Mitcheldean Conservation Area and the Grade II listed Laggars Barn. The Applicant submitted an Archaeology and Heritage Assessment (CD1.20), which considered the significance of those assets, the contribution made by their settings and the effect of the proposed development.
- 8.1.4 The Applicant's heritage assessment adopts a cautious position. It concludes that the development would be likely to result in some reduction in, or loss of, non-key views towards the Church of St Michael and All Angels from within and across the Site. Any resulting harm to the significance of the Grade I Church and Mitcheldean Conservation Area is assessed as negligible at most: less than substantial harm at the very lowermost end of that spectrum. The assessment concludes that the proposal would not harm the significance of the Grade II listed Laggars Barn.
- 8.1.5 That cautious assessment should be distinguished from the conclusions reached by the Council's own professional officers. The Council's Conservation Officer raised no objection to the application (CD.X). In relation to Mitcheldean Conservation Area, the Conservation Officer concluded that the proposal would have no impact on its setting because the development would be read in the context of the late twentieth century housing nearby and Vantage Point Business Park.
- 8.1.6 In relation to the Grade I of St Michael and All Angels Church, the Conservation Officer recognised that there are some views of the spire but identified those views as limited to Old Dean Road and southbound views on Bradley Court Road. The development

parameters provide substantial green buffers at the upper eastern part of the Site. The Officer's Report records buffers of approximately 24m to 30m in that location, with residential gardens or roads capable of further pulling built development back from the Site boundary.

- 8.1.7 The Council's assessment was therefore that even where views of the church spire might be affected, the proposed development would have limited or no impact on those views. The Case Officer concluded that the proposal would cause '*no discernible level of harm or loss of significance*' to St Michael's Church.
- 8.1.8 The Case Officer also concluded that the development would not harm the significance of Lagers Barn and recorded the Conservation Officer's conclusion of no impact upon the setting of the Conservation Area. The Officer's overall conclusion was that the proposal would not result in harm to the identified heritage assets and would therefore accord with the relevant heritage policies of the Development Plan and national policy.
- 8.1.9 The heritage position is supported by the Council's own professional evidence with its Conservation Officer raising no objection and the fact that Reason for Refusal 3 was subsequently withdrawn on 28 July 2026. The SoCG records that it is agreed between the parties that there are no archaeology or heritage grounds to withhold permission.
- 8.1.10 The Statement of Common Ground does however record the slight difference between the Applicant's cautious heritage assessment and the Council officer's conclusion of no harm. Even if the Secretary of State were to adopt the Applicant's more cautious assessment and identify negligible/less than substantial harm at the very lowermost end of the spectrum, the parties agree that such harm would be outweighed by the public benefits of the proposal.
- 8.1.11 In that conclusion, I recognise the statutory duty to give considerable importance and weight to the desirability of preserving the setting of a listed building and the great weight which national policy requires to be given to the conservation of designated heritage assets. It is not disputed that the Grade I status of St Michael and All Angels is important. However, the significance of the asset does not alter the factual

assessment of the degree of effect arising from this proposal. On the evidence prepared for the planning application the effect is either no harm, as concluded by the Council's officers or at most the negligible/less than substantial harm as assessed by the Applicants heritage consultant.

- 8.1.12 The application was also supported by extensive archaeological investigation. In their initial consultation response the County Archaeologist identified the potential for buried archaeological remains and requested further field evaluation. An agreed work programme of trial trenching was completed in October 2026. The majority of trenches contained no archaeological remains but evidence of medieval iron-working waste, broadly dated to the thirteenth to fifteenth centuries, was identified in the western part of the Site and was recognised as a potentially significant survival capable of contributing to understanding of medieval iron production in the Forest of Dean.
- 8.1.13 However, the County Archaeologist in their revised consultation response did not object to the development on that basis. The recommended approach is to secure an appropriate programme of further investigation and, where necessary, excavation and recording before development takes place. The parties agree at paragraph 4.5.3 of the SoCG that archaeological interest can be satisfactorily addressed by planning condition.
- 8.1.14 I therefore conclude that heritage and archaeology do not provide a reason to withhold planning permission. On the Council's own assessment there is no harm to the designated heritage assets. On the Applicant's deliberately cautious assessment, any heritage harm is negligible and at the very lowermost end of less than substantial harm and is outweighed by the public benefits. Archaeological interests can be appropriately investigated, recorded and mitigated by condition.

9 MAIN ISSUE 5 – ECOLOGY, HABITATS AND BIODIVERSITY NET GAIN

- 9.1.1 This section also relies upon the Ecology Addendum Proof prepared by Kate Kibble (Principal Ecologist) CSA Environmental.
- 9.1.2 The Site is not itself subject to a statutory or non-statutory nature conservation designation. Gloucestershire Wildlife Trust, Nature Space, Gloucestershire County Council and Natural England did not object on ecology grounds.
- 9.1.3 The Council's Case Officer concluded that, subject to conditions, adverse effects on the integrity of the Wye Valley and Forest of Dean Bat Sites SAC and European Protected Species could be avoided and that opportunities for biodiversity enhancement would be delivered. The parties agree that protected species and designated site effects can be addressed through appropriate mitigation.
- 9.1.4 The proposal will secure in excess of a 10% biodiversity net gain, with additional tree planting and reinforcement of hedgerows and boundary features. The parties agree that the ecological benefits should attract positive weight. I give this benefit moderate positive weighting.

9.2 ECOLOGY, HABITATS AND BIODIVERSITY NET GAIN

- 9.2.1 The Site is not itself designated for nature conservation. The relationship with the Wye Valley and Forest of Dean Bat Sites SAC has though been considered through the Habitats Regulations process.
- 9.2.2 The Council's Appropriate Assessment concluded that, subject to safeguards, the development would avoid adverse effects on the integrity of the SAC. Natural England did not object to the application. Gloucestershire County Council likewise did not maintain ecology objections following the submission of additional evidence. The SoCG records that protected species and designated site effects can be addressed through mitigation.

- 9.2.3 The mitigation and enhancement package includes additional tree planting, reinforcement of hedgerows and boundary features, habitat connectivity measures, lighting controls and long-term habitat management.
- 9.2.4 The site can deliver biodiversity gains of approximately 27.12% in habitat units, 26.8% in hedgerow units and 19.02% in watercourse units. The detailed metric and management are matters for ecological controls, but the planning significance is that the scheme is capable of a measurable net gain materially above the 10% minimum.
- 9.2.5 The SoCG acknowledges that it should carry positive weight and it is my view that the ecological benefits should be given moderate positive weight.

10 MAIN ISSUE 6 – EFFECT OF THE DEVELOPMENT ON LOCAL INFRASTRUCTURE

10.1 INTRODUCTION

- 10.1.1 The effect of the development on local infrastructure is a main issue in this called-in application. In this section I consider the effect of development on the local infrastructure and whether these can be accommodated, either with the existing provision or through the mitigation secured by condition and the Section 106 Agreement.
- 10.1.2 All new development will inevitably place additional demand on local services. That is not unusual and is not a reason by itself to refuse development. The key point is the scale of that additional demand on services, whether there is existing capacity to accommodate that demand and if not then whether appropriate mitigation can be delivered. The issue is therefore whether the additional demands arising specifically from the application would cause unacceptable harm on local infrastructure.

10.2 INFRASTRUCTURE PROVISION

- 10.2.1 The site is well-related to Mitcheldean and future residents of the application site will be able to use the existing services and facilities already available within the settlement. Section 5.3 of this PoE summarises the Locational sustainability of the site.
- 10.2.2 This is also relevant to Policy S5 of the NPPF. I deal with the policy in more detail elsewhere in my evidence at section 3.5 but it is worth noting here that the policy expressly refers to development which is well-related to an existing settlement and which can be satisfactorily accommodated by the necessary infrastructure.
- 10.2.3 I consider that the application site meets that criteria set out in policy S5 (j). The site is physically well-related to Mitcheldean and the infrastructure requirements arising from the development can be addressed through the scheme itself, planning conditions and the obligations secured through the Section 106 Agreement. Throughout the planning application I have not seen evidence from the Council or from the relevant statutory consultees that demonstrates there is an infrastructure

constraint that cannot be successfully mitigated. Rather, statutory consultee responses outlined that subject to conditions and financial obligations there were no objections to the application.

10.3 HIGHWAYS AND TRANSPORT

- 10.3.1 The development will result in additional traffic. The question, however, is whether that additional traffic can be safely accommodated on the local highway network. This has been considered through the Transport Assessment (CD.X). The TA concluded that the proposed development would not result in an 'unacceptable impact on highway safety' nor have a 'severe' impact on the operation of the highway network in terms of capacity. The impact is best described as negligible. An assessment was also undertaken of the site's level of accessibility by sustainable modes of transportation, from which it can be concluded that realistic options exist for access to local amenities, education, and employment opportunities on foot, by cycle, and by public transport.
- 10.3.2 Gloucestershire County Council as the Highway Authority did not object to the application subject to conditions and mitigation.

10.4 EDUCATION

- 10.4.1 The development will generate additional children of school age and therefore some additional demand for school places. The likely pupil yield and its implications for local education provision have been considered by the relevant education authority.
- 10.4.2 In relation to education, the County Council in their consultation response (CD.X) has requested a contribution of £276,574.78 for primary education. The response notes that the closest primary school in Mitcheldean is unable to expand. For school planning purposes, areas are identified which include a number of primary schools; in this case, the relevant school planning area is Mitcheldean Longhope which, the consultation response identifies, includes three schools. In this case there is a shortfall of places as a result of the development, but there would be the ability to deliver the spaces at a school or schools within the school planning area.

- 10.4.3 Further details on this will be set out in the draft S106 agreement that will be before the Inspector. An update on the S106 agreement is outlined in section 11.5 of this PoE. The scheme would therefore contribute towards meeting the additional demand it creates.
- 10.4.4 The issue for this called-in application, though is the additional pressure created by this development. If the education authority is satisfied that this can be addressed through the contribution sought then I see no basis for reaching a different conclusion in planning terms.

10.5 HEALTHCARE

- 10.5.1 Local residents have raised concerns about the ability to extend Mitcheldean GP surgery. I recognise that these are important services for existing and future residents and that existing difficulties in obtaining appointments will understandably be a concern to the local community.
- 10.5.2 The planning assessment nevertheless needs to focus on the additional demand generated by the application proposal.
- 10.5.3 NHS Gloucestershire in their consultation response (CD.X) has requested a contribution of £182,166 towards capital costs of delivering additional capacity at Mitcheldean surgery.
- 10.5.4 NHS Gloucestershire has identified that there is not sufficient existing healthcare capacity locally to accommodate the new residents that would be generated by the application. NHS Gloucestershire further confirmed (CD.X) that they have commissioned work which provides four different options as to how the Mitcheldean Surgery could be reconfigured and that they are confident there is a deliverable solution.
- 10.5.5 The requested healthcare contribution would be secured through the Section 106 Agreement and would provide the relevant healthcare body with funding to address the additional demand attributable to the development. If NHS Gloucestershire are satisfied that this can be addressed through the contribution sought then I see no basis for reaching a different conclusion in planning terms.

10.6 OVERALL CONCLUSION ON INFRASTRUCTURE

- 10.6.1 I do not suggest that the development will have no effect on local infrastructure. There will be the impact during the normal consequences of providing new homes and they therefore need to be properly addressed.
- 10.6.2 In this case, however, I have not identified an infrastructure issue which would prevent the development from proceeding. The additional demands have either been found capable of being accommodated or that they can be successfully mitigated through the measures secured by condition and the Section 106 Agreement.
- 10.6.3 I therefore conclude that the development can be satisfactorily accommodated by the necessary infrastructure. This supports my conclusion that the proposal meets the infrastructure element of NPPF Policy S5 and that local infrastructure does not provide a reason for withholding planning permission.

11 MAIN ISSUE 7 - OTHER MATTERS AND S.106 OBLIGATIONS

11.1 DESIGN, LAYOUT AND RESIDENTIAL AMENITY

- 11.1.1 The application is outline with only access fixed. Layout, scale, appearance and landscaping are reserved. The parties agree the Development Framework Plan demonstrates one way in which the proposed quantum of development can be accommodated on site.
- 11.1.2 Whilst the finer details will be discussed as part of a reserved matters application, the suggested conditions will provide appropriate control and answer the suggestion that outline permission would inevitably produce an unacceptable suburban form.
- 11.1.3 The Council considers a detailed scheme can provide acceptable relationships with neighbouring properties and satisfactory living conditions. Environmental Protection (CD.X) did not object subject to conditions for a revised Noise Impact Assessment at Reserved Matters stage.

11.2 FLOOD RISK AND DRAINAGE

- 11.2.1 The whole Site lies in Flood Zone 1. The Flood Risk Assessment and Outline Drainage Strategy demonstrate that development can operate without unacceptable flood risk and without increasing risk elsewhere. Gloucestershire County Council as the Lead Local Flood Authority did not object subject to conditions and the parties agree there is no flood risk reason to withhold permission.

11.3 ARBORICULTURE AND GREEN INFRASTRUCTURE

- 11.3.1 No trees or hedgerows need to be removed to implement the vehicular access or shared footway/cycleway connection. Limited crown lifting is required and there is a minor root protection incursion, but the agreed assessment is that there is no unacceptable arboricultural impact.

- 11.3.2 The Development Framework Plan provides buffers to boundary trees, including protected trees, and indicates potential for increased tree canopy, species diversity and habitat connectivity. The Council's Arboricultural Officer did not object.
- 11.3.3 The 4.36 hectares of green infrastructure, approximately 45% of the Site, is relevant to landscape mitigation, ecology, drainage, public open space, recreation and play. The parties agree this benefits new and existing residents and attracts positive moderate weight.

11.4 MINERAL SAFEGUARDING

- 11.4.1 The Site lies within a Mineral Safeguarding and Consultation Area for sandstone and limestone. The Mineral Resource Assessment (CD.X) concluded that the resource is not economically viable for extraction given the limited Site area and nearby sensitive receptors. Gloucestershire County Council (CD.X), as Mineral Planning Authority, were satisfied that the minerals underneath the application site cannot be extracted in a viable way. The parties agree there is no mineral reason to withhold permission.

11.5 SECTION 106 OBLIGATIONS

- 11.5.1 Reason for Refusal 4 concerns the absence of a completed planning obligation. The Applicant and Council are working collaboratively on the Section 106 Agreement. The SoCG records agreement that, subject to the necessary contributions satisfying the statutory tests, the development would not have an unacceptable impact on infrastructure, services or facilities.
- 11.5.2 The obligation is expected to secure, among other matters, 40% affordable housing and its tenure split, public open space and play provision, relevant health, education, library and transport contributions, self/custom build provision and biodiversity monitoring as required. The Applicant and the Council are working collaboratively to draft a Section 106 Agreement. The final draft Section 106 Agreement will be provided to the Inspector in advance of the Inquiry.

11.6 CONDITIONS

- 11.6.1 The parties are collating a list of suggested planning conditions and this will be provided in advance of the Inquiry opening. They should be considered alongside the

Section 106 obligation at the appropriate conditions and obligations session of the Inquiry.

12 PLANNING BALANCE AND CONCLUSIONS

12.1 DEVELOPMENT PLAN

12.1.1 Section 38(6) requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. I have acknowledged that the proposal conflicts with the Development Plan taken as a whole because it proposes housing outside the Mitcheldean settlement boundary.

12.1.2 I give that conflict very limited weight due to being materially inconsistent with the NPPF, the very substantial five-year housing land supply shortfall, the age and end date of the adopted spatial strategy, and the fact that the current local housing need is materially higher than the adopted requirement which informed the Allocations Plan settlement boundaries.

12.2 POLICY S5 BALANCE

12.2.1 I consider NPPF Policy S5(J) applies. The application proposal addresses evidenced unmet housing need; the Site is physically well-related to an existing sustainable settlement; and the scale of development can be accommodated with the infrastructure proposed and secured. The proposal should therefore be approved unless its benefits are substantially outweighed by adverse effects when assessed against the national decision-making policies in the NPPF.

12.3 BENEFITS

12.3.1 The principal benefits, and my present weighting, are as follows:

Benefit	Evidence / effect	Weight
Market housing	Up to 180 dwellings contributing to an agreed 1,887 dwelling deficit and 2 year supply.	Substantial
Affordable housing	40% provision, up to 72 affordable homes, responding to an agreed shortfall.	Substantial

Economic benefits	£31.8m estimated construction spend; direct/indirect employment; £6.5m annual resident expenditure.	Significant
Green infrastructure / open space	4.36 ha, around 45% of Site, with public open space, routes, play and planting.	Moderate positive
Ecology / BNG	At least 10% biodiversity net gain and habitat connectivity enhancements.	Moderate positive
Sustainable transport / accessibility	Access and active-travel measures; sustainable location agreed.	Moderate positive
Self-build and custom build plots.	4% of the total dwellings as serviced plots for sale.	Moderate positive

12.4 HARMS

12.4.1 The principal adverse effects are:

Harm	Evidence / effect	Weight
Development Plan conflict	Housing beyond the adopted settlement boundary.	Very limited weight
Landscape and visual change	Significant change to Site character and effects on some views, but harm agreed to be localised and no unacceptable wider effects.	Moderate weight
Loss of Grade 1 BMV	Permanent loss of approximately 9.72 ha of Grade 1 agricultural land.	Limited weight
National food security	No separate material consequence demonstrated on evidence presently available.	No additional weight at present
Construction effects	Temporary and capable of mitigation through a construction management condition. They attract	Limited adverse weight.

12.5 AGREED AND NEUTRAL TECHNICAL MATTERS

- 12.5.1 A key feature of the called-in application is the extent to which technical matters have been resolved. The Case Officer originally recommended approval to Planning Committee on 9 June 2026. Highways, flood risk, ecology, arboriculture, minerals and residential amenity do not provide reasons for refusal. Heritage Reason for Refusal 3 has been withdrawn. The Section 106 reason is capable of resolution through completion of the obligation and a draft copy will be provided in advance of the Inquiry opening.
- 12.5.2 I treat the absence of technical objections as neutral unless the scheme provides a separate enhancement.

12.6 WEIGHT TO BENEFITS

- 12.6.1 I give **substantial weight** to the provision of up to 180 market homes in the context of a 2 year housing land supply and an agreed deficit of 1,887 dwellings. I separately give **substantial weight** to the provision of up to 72 affordable homes, reflecting the agreed affordable housing shortfall and full 40% policy contribution.
- 12.6.2 I give **significant weight** to the economic benefits: approximately £31.8 million construction expenditure, substantial direct and indirect employment and approximately £6.5 million per annum of expenditure by new residents.
- 12.6.3 I give **positive moderate weight** to 4.36 hectares of green infrastructure and public open space and positive moderate weight to ecological benefits, including biodiversity net gains materially above the statutory minimum.
- 12.6.4 The active travel and public transport improvements are also positive considerations because they integrate the Site with the settlement and improve opportunities for sustainable movement. As such, I afford them **positive moderate weight**.

12.7 WEIGHT TO HARMS

- 12.7.1 I give **very limited weight** to Development Plan conflict. It is principally locational, and the relevant restrictive policies are inconsistent with the NPPF and should not be

determinative. The age of the strategy, 2026 end date, 81% increase in annual housing need and 2 year housing land supply reinforce that conclusion.

- 12.7.2 I give **moderate adverse weight** to landscape and visual effects, relying on the conclusions of Ms Gruner's separate Proof of Evidence. That reflects the change at Site level while recognising the agreed conclusions that harm is localised and that the development would be viewed in the context of the existing settlement. Wider landscape effects beyond the immediate setting would be negligible.
- 12.7.3 I give **limited adverse weight** to the permanent loss of approximately 9.72 hectares of Grade 1 agricultural land. I do not identify a separate evidenced national food security harm.
- 12.7.4 Construction effects are temporary and capable of mitigation through a construction management condition. They attract **limited adverse weight**.

12.8 POLICY S5 BALANCE

- 12.8.1 The final national policy exercise is the balance required by S5. The proposal satisfies the test in S5(1)(j) as set out in Section 5.4 of this PoE. The scheme addresses an evidenced unmet housing need in an authority with no five-year supply; it is physically well-related to Mitcheldean; and its scale can be accommodated taking account of existing and proposed infrastructure.
- 12.8.2 The benefits are substantial. Up to 180 market homes and up to 72 affordable homes each attract substantial weight. The economic benefits attract significant weight; and green infrastructure, open space and ecological enhancement attract positive moderate weight. Sustainable movement measures provide further positive considerations which attract moderate weight.
- 12.8.3 Against those benefits I weigh the very limited weight Development Plan conflict, moderate landscape and visual harm, limited harm from the permanent loss of Grade 1 agricultural land and limited temporary construction effects. Heritage does not provide a reason for refusal; ecological, highway, drainage, arboricultural, mineral and residential amenity matters are acceptable subject to the identified controls.

- 12.8.4 In my judgement, those benefits are not substantially outweighed by the adverse impacts. In fact they fall materially short of doing so. The proposal therefore satisfies the decision making test in Policy S5 and should be approved in accordance with that current expression of national planning policy, notwithstanding the acknowledged conflict with the adopted settlement boundary.

12.9 OVERALL BALANCE

- 12.9.1 There are no heritage, highway, flood-risk, ecology, arboricultural, mineral or residential amenity reasons for withholding permission on the agreed evidence. The remaining harms are therefore relatively focused: Development Plan conflict, landscape/visual change and the loss of Grade 1 agricultural land.
- 12.9.2 Those harms do not, in my view, substantially outweigh the benefits. The current housing position is acute. The proposal provides up to 180 homes including 72 affordable homes in a sustainable location. It also delivers significant economic benefits, substantial green infrastructure and positive biodiversity outcomes.
- 12.9.3 The Development Plan conflict is important but its weight is reduced for agreed and compelling reasons. The landscape harm is localised and not unacceptable. The BMV loss is a material adverse effect but it concerns approximately 9.72 hectares and does not establish a separate national food security harm.
- 12.9.4 As outlined above, when applying Policy S5 (j) the benefits of the scheme are not substantially outweighed by the adverse effects. Applying section 38(6), I consider the material considerations particularly the acute housing land supply shortfall, the substantial market and affordable housing benefits, the sustainable relationship with Mitcheldean and current national policy.
- 12.9.5 Turning to the overall planning balancing exercise the Inspector is invited to determine the application by virtue of the presumption in favour of sustainable development outlined in NPPF Policy S5.
- 12.9.6 I therefore do not consider the planning balancing exercise to be 'finely balanced'. I conclude that the planning balance tips firmly in favour of a grant of planning permission.

12.10 CONCLUSION

- 12.10.1 I therefore respectfully invite the Secretary of State to grant outline planning permission for the proposed development, subject to the agreed or otherwise appropriate planning conditions and completion of a Section 106 obligation which satisfies the relevant statutory tests.