



TOWN & COUNTRY PLANNING ACT,

1990.

SECTION 77

**TOWN COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015. TOWN COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000**

**FOREST OF DEAN DISTRICT COUNCIL REFERENCE:
P0672/25/OUT**

**PLANNING INSPECTORATE REFERENCE:
APP/P1615/V/26/3378822**

APPEAL by: Gladman Homes Ltd.

SITE: Land north of Carisbrook Road, Mitcheldean.

Grid Reference: E 366417 / N 219303

**DEVELOPMENT: for up to 180 residential dwellings (including affordable housing) with
public open space, landscaping and vehicle access points (all matters reserved except
for means of access).**

STATEMENT OF CASE OF THE LOCAL PLANNING AUTHORITY

UNDER RULE 6.

1.0 BACKGROUND.

- 1.1 The site consists of 9.72 hectares of wholly Grade 1 agricultural farmland, in arable use, to the north of the settlement boundary of Mitcheldean. To the south and west of the site is residential development, within the settlement boundary of Mitcheldean, separated by the public highway (B4224 / Ross Rd) that traverses along the southern and western boundaries of the site in a northerly direction. To the east of the proposed site is industrial land, also within the settlement boundary of Mitcheldean that is separated by the public highway (C33 / Bradley Court Road) which runs along the eastern boundary of the site in a north/south direction. There are a number of public rights of way (PROWs) that traverse the open countryside to the north, east and west from which views of the site can be gained.
- 1.2 It will be agreed that the settlement of Mitcheldean occupies a position situated between Heartbreak Hill to the east and Windman Hill to the west, with rising ground to the south commencing from the site's southernmost boundary and proceeding into the settlement of Mitcheldean, whilst to the north the site rises into the wider open countryside.
- 1.3 The site itself is recognised as rising steeply from its western, southern and eastern sides to a point towards the northern boundary which reflects a prominent dome shape within the landscape. Open views are provided from the most elevated sections to the north. Along the northern boundary, there are a number of protected by tree preservation orders in place safeguarding Ash and Oak trees, which are visible from the surrounding landscape and public realm.
- 1.4 Sitting approximately 285 metres to the west of the site, in an elevated position, is the Grade II Listed Building known as Lagers Barn. The Mitcheldean Conservation Area is located approximately 240 metres to the south of the site within the settlement boundary. Thereafter the Grade I listed building of the Church of St Michaels and All

Angels is located approximately 505 metres to the south of the site, central to the settlement of Mitcheldean and on rising ground.

1.5 Prior to receiving the current application the Council considered a major application for housing development from the same applicant at the site. This was made through application reference P1994/18/OUT on the 20th December 2018 and sought outline permission for *"the erection of up to 125 dwellings with public open space, landscaping and sustainable drainage system and vehicular access point from Carisbrook Road and associated ancillary works. All matters to be reserved except for means of access."*

1.6 Application P1994/18/OUT was refused on the 19th March 2019 in accordance with the following eight reasons for refusal, and no appeal was made by the applicant:

01. 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 and the advice in the National Planning Policy Framework.

02. 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 which would be out of character with the surroundings and would therefore result in an unacceptable adverse impact on the character and appearance of the area.

03. 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. 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.

04. Insufficient information has been submitted to demonstrate that the proposed development would not have an unacceptable impact on the character, extent and significance of archaeological remains on the site contrary to the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.

05. Insufficient information has been provided to assess the highway impacts of the development particularly the impact on the Gloucester Road/Hawker Hill/New Road mini-roundabout and the Abenhall Road/Gloucester Road junctions. As a consequence, there is insufficient evidence to demonstrate that the proposal would not result in a severe impact on the highway network and it is considered contrary to the advice in the National Planning Policy Framework.

06. Insufficient information has been provided to enable the Council to have certainty regarding the impacts of the proposal and to be able to rule out likely significant effects on Wye Valley and Forest of Dean Bat SAC. As a consequence, the proposal is contrary to policy CSP.1 of the Core Strategy, policy AP7 of the Allocations Plan and the advice in the National Planning Policy Framework and National Planning Policy Guidance.

07. Insufficient information has been submitted to demonstrate that acceptable and improved drainage facilities can be achieved and that the proposed development would not exacerbate surface water flooding contrary to the aims and objectives of the National Planning Policy Framework and Policy CSP.1 of the Core Strategy.

08. The proposal fails to make provision for management of open space and

play space, provision of a Local Area of Play and youth/adult recreation 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.

- 1.7 The Applicant subsequently submitted this current outline application P0672/25/OUT on the 16th December 2025 for up to 180 residential dwellings (including affordable housing) with public open space, landscaping and vehicle access points (all matters reserved except for means of access), without the benefit of seeking pre-application advice from the Council in the knowledge of the previous refusal.
- 1.8 At the 9th June 2026 planning committee meeting, the Local Planning Authority determined to refuse outline planning application P0672/25/OUT with the following four reasons for refusal:

01. 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.

02. 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.

03. 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.

04. The proposal fails to make provision for affordable housing, serviced flats 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."

- 1.9 Following notification to the Secretary of State on 11 June 2026 in accordance with The Town and Country Planning (Consultation) (England) Direction 2026, it was determined on the 1st July 2026 that the decision should be called-in and the matter considered by way of Public Inquiry led by the Planning Inspectorate.

- 1.10 As part of the initial discussions with the Applicant, following the SoS call-in, the Council has confirmed that reason for refusal 3 has been withdrawn and will no longer form a separate standalone refusal reason. Accordingly, the Council does not intend to call a separate heritage witness. Nevertheless, the harm to the significance of the Church of St Michael and All Angels and the Mitcheldean Conservation Area, which is identified in the Applicant's Heritage Assessment, remain material considerations that must be taken into account in the overall planning balance. For the avoidance of any doubt, and following the withdrawal of reason for refusal 3, the Council accepts that the identified harm to these assets is outweighed by the public benefits of the scheme, so that the heritage balance in NPPF 2026, Section 20, Policy HE6(4) is passed.
- 1.11 In addition, and as part of the initial discussions with the Applicant following the SoS' call-in, the Council anticipates that a planning obligation may be capable of addressing reason for refusal 04. The Council's final position will be confirmed through the Statement of Common Ground or, due to time constraints, prior to the sitting days for the public inquiry.
- 1.12 The focus of the inquiry is envisaged therefore to be on refusal reasons 1 and 2.
- 1.13 Reference will be made to all relevant planning policies currently in force, including those in relation to sustainable development and housing provision, impacts on best and most versatile agricultural land, landscape character and appearance, heritage, and sustainable development.
- 1.14 Reference to the lack of a signed s106 legal agreement/obligation relating to affordable housing provision and onsite and offsite recreation provision and improvements and other community matters will be made, if not otherwise resolved through the Statement of Common Ground and completed planning obligation.

2.0 CONSULTATIONS/ REPRESENTATIONS

2.1 The Council notes, and will refer to, the large number of public representations (304) received in relation to the planning application and consultee responses, including those from: Mitcheldean Parish Council, Gloucestershire County Council (Archaeology), Gloucestershire County Council (Community Infrastructure), Gloucestershire County Council (Lead Local Flood Authority), Gloucestershire County Council (Highways), Gloucestershire County Council (Minerals and Waste), Active Travel England, Campaign to Protect Rural England (CPRE), Gloucestershire Wildlife Trust, Nature Space Partnership, NHS Gloucestershire, Conservation Adviser, Contaminated Land Officer, Environmental Health Officer, Environmental Health Officer, Flood Risk Management Officer, Housing Strategy and Enabling Officer and Sustainability Team (Ecology, BNG and Trees), where relevant.

3.0 POLICIES/GUIDANCE/RELATED DOCUMENTS.

3.1 The Council will refer to the Development Plan, including the Council's adopted Core Strategy, the Allocation Plan, the Mitcheldean Neighbourhood Development Plan and, where relevant, supplementary guidance.

3.2 Policies to be referred to will comprise the District Council's Core Strategy Policies CSP.1, CSP.4, CSP.5, CSP.9 and CSP.16, Policies AP.1 and AP.7 of the Allocation Plan and Policies E2, E3, E5 and H2 of the Mitcheldean Neighbourhood Development Plan.

3.3 Reference will be made, so far as relevant, to the Affordable Housing SPD, Forest of Dean District Council Landscape Character Assessment, Forest of Dean District Council Landscape Supplementary Planning Document, Forest of Dean District Council Play Area Supplementary Planning Document.

- 3.4 Consideration will be given to national policy within the new National Planning Policy Framework, published on the 17th August 2026, as well as the National Planning Practice Guidance, and the National Design Guide, when relevant.
- 3.5 Reference will also be made to the Council's emerging Local Plan, its current position and the weight that can be applied to this. It is envisaged that the Applicant and the Council will agree in the statement of common ground that neither the 2024 nor 2026 versions of the former emerging Local Plan should be afforded any weight, it having recently been withdrawn by the Council.
- 3.6 The Screening Direction from the Secretary of State dated 6th August 2026 will also be noted.
- 3.7 The Council will also refer to the other documents listed in Section 5, including related appeal decisions and court judgments.

4. THE LOCAL PLANNING AUTHORITY'S CASE

- 4.1 In defending the reasons for refusal, the Council will provide evidence from Mr Stephen Colegate (Principal Planning Officer) as their witness on planning matters for the reasons for refusal and will focus on the main issues which are considered to be:

- Loss of Best and Most Versatile Agricultural Land
- Principle of Development
- Planning Balance
- Harm to character and appearance of the area (including both landscape and visual effects)
- Heritage harm

4.2 In considering these matters the Applicant's Statement of Case will be considered and any salient matters fully addressed. Notwithstanding the assertions made, the Council will argue that:

- The site lies outside of any settlement boundary and conflicts with the spatial strategy of the Development Plan and associated Policies. The Applicant accepts in their planning statement at paragraph 4.15.2, that the proposal does not accord with the Development Plan when read as a whole, due to the conflict that arises with Policy. This is therefore expected to be a matter of agreement between both parties in the SoCG.
- The development would cause unacceptable harm to the character and appearance of the area and is therefore contrary to the Development Plan and the National Planning Policy Framework. The site presently forms part of an open and visually prominent field that contributes positively to the established landscape character and setting of Mitcheldean. The introduction of built development in this location would erode those characteristics and conflict with the landscape strategy for the relevant Landscape Character Area, which seeks to avoid development on prominent slopes and protect the settlement's landscape setting. The Council will also address the visibility of the development from public viewpoints, including its relationship with the protected trees along the site's northern boundary, and the limitations of mitigation measures given the site's elevated and exposed position. This aspect of the Council's case will be supported by written landscape evidence addressing the areas of agreement and disagreement with the Appellant's Landscape and Visual Impact Assessment, appended to the evidence of Mr Colegate. Owing to the expedited timetable for the appeal, however, the Council

has been unable to secure a landscape witness to attend the Inquiry and does not intend to call separate expert evidence on this issue.

- The development will result in the permanent loss of 9.72 hectares of the nationally important resource of Grade 1 agricultural land, contrary to advice in the National Planning Policy Framework and the Development Plan Policies. Evidence will demonstrate that Grade 1 land is a finite and irreplaceable resource within the District and, in particular, within the Mitcheldean area.
- The Council's evidence will explain why the Council no longer alleges heritage harm sufficient to justify refusal in its own right, but considers that the identified harm remains a material adverse consideration within the overall planning balance that must still be given considerable importance and weight pursuant to Policy HE6(3) of the NPPF.
- The Council's evidence will explain why the above matters conflict with the Development Plan, in particular Policies CSP.1 and CSP.4 of the Core Strategy, Policy AP.1 of the Allocations Plan and Policy H2 of the Mitcheldean Neighbourhood Development Plan, and that these policies are materially consistent with the advice and guidance held within the National Planning Policy Framework.
- The Council accepts that it cannot currently demonstrate a five-year housing land supply and the current position will be agreed within the statement of common ground with the applicant. Nevertheless, the Council's evidence will explain why the proposed development is not well-related to the existing settlement and why the benefits of the proposal do not substantially outweigh the adverse effects when assessed as a whole against the framework.

- Notwithstanding the above the Council will provide justification in accordance with Regulation 122 of the Community and Infrastructure Regulations 2010 (as amended) for matters to be included within the S106 Agreement.
- Appeal decisions of relevance will be referred to in support of the Council's position. These are included in Section 5, related to the previous development proposals elsewhere in the District which consider edge of settlements locations and the consistency of the Development Plan Policies with the Framework. The Council's evidence will explain the weight that should be applied to the relevant Policies, notwithstanding the current lack of a five year housing land supply, and matters that arise as benefits and/or harms of the development and also consider the deliverability of the proposed development and what realistic contribution this would provide to the current lack of a five year housing supply.
- The emerging Local Plan, having been withdrawn without reaching Regulation 19 stage of the former process, is now commencing under the new plan making process and is at the very start of this, with only the initial scoping process expected to commence on the 21st September 2026 and lasting until 12th October 2026. Therefore, no weight can be provided to the former (July 2024) or emerging (August 2026) plan. This matter is envisaged to be agreed with the applicant in the statement of common ground.

4.3 Having regard to the above the SoS will be urged to refuse planning permission. However, and without prejudice to the above position, the Council would recommend appropriate safeguarding conditions to be outlined in the SoCG in the event of the appeal being successful, and will expect to see an enforceable signed and dated planning obligation to be submitted to address long-term provision of affordable, suitable and self-build housing, and suitable provision and maintenance of onsite and offsite recreation facilities and their necessary maintenance and management, including provisions for LEAP, LAP

and trim trail equipment, delivery maintenance and management of an attenuation pond, BNG and S106 monitoring fees and associated Highways, Education, Library and NHS contributions.

5. DOCUMENTS TO BE PRODUCED OR REFERRED TO.

1. Site location plan and supporting photographs.
2. Applicants Development Framework Plan.
3. Planning Committee report, late material and minutes of the meeting of 9th June 2026 the subsequent refusal reasons, notification to the SoS on the 11th June 2026 and the SoS decision to call-in the application on the 1st July 2026.
4. National Planning Policy Framework 2026, National Planning Practice Guidance and the National Design Guide.
5. Forest of Dean District Council Core Strategy.
6. Forest of Dean District Council Allocations Plan.
7. Mitcheldean Neighbourhood Development Plan.
8. Forest of Dean District Council's emerging Local Plan.
9. Forest of Dean District Council Landscape Character Assessment.
10. Forest of Dean District Council Landscaping Supplementary Planning Document 2007.

11. Listing for the Church of St Michaels and All Angels, Lagers Barn and the Conservation Area Map.
12. Appeal decisions
 - APP/P1615/W/23/3324477 - Land off Foley Rise, Hartpury, Gloucestershire GL19 3DW.
 - APP/P1615/W/22/3303430 – Former 59 Tuftthorn Avenue, Coleford.
 - APP/P1615/W/23/3329458 Land South of Murells End Farm, Murrells End, Hartpury, Gloucester, GL19 3 DF.
 - APP/P1615/W/21/3281882 - Highbank Barn, Monmouth Road, Longhope GL17 0PD.
13. Secretary of State's Screening Direction P0672/25/OUT dated 6th August 2026.
14. Any other documents considered pertinent to the Inquiry and/or referred to by the Applicants.

NOTE

Relevant documents can be inspected and copies taken if practicable at the Forest of Dean District Council Offices, High St, Coleford, during normal office hours. Some documents can also be viewed on the internet via a search engine.