



Called in Application P0672/25/OUT

Section 77 of the Town and Country Planning Act 1990

APPLICATION BY: Gladman Developments Ltd.

Outline application 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)

AT: Land North Of Carisbrook Road, Mitcheldean, Gloucestershire .

PROOF OF EVIDENCE OF: Mr Stephen Colegate

M.R.T.P.I, MPLAN, BA (HONS),

Principal Planning Officer,

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1.0 INTRODUCTION

- 1.1 I am a Principal Planning Officer and Team Leader responsible for the Planning Enforcement and Appeals Team in the Council's Planning Department, having previously worked for Gloucestershire County Council Mineral and Waste Planning Team, prior to joining the Forest of Dean District Council in 2013.
- 1.2 I am a member of the Royal Town Planning Institute and have a degree in Town and Country Planning and Masters in Spatial Planning from the University of the West of England. The evidence which I have prepared and provided for this called in application in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.
- 1.3 I have wide experience of planning having worked in Development Management and the Appeals and Enforcement Teams, together with Section 106 Agreement monitoring.
- 1.4 I am very familiar with the planning issues in the Forest of Dean including the Parish of Mitcheldean as well as the site covered by the application in general.

2.0 SITE DESCRIPTION

- 2.1. A description of the site and its surroundings is provided within the council's rule 6 statement and is not duplicated here, other than to highlight that the site lies in the open countryside outside of any settlement boundary in a visually prominent position, with its distinctive domed appearance contributing towards the setting of the settlement and the character and appearance of the area. The surrounding road network, public rights of way and the elevated topography of the site provide opportunities for public views into the site from the surrounding landscape. The entire 9.72-hectare site is used for arable production of crops, having a Grade 1 best and most versatile (BMV) agricultural land value. The relationship between the site and the wider countryside is a defining characteristic of this location.
- 2.2 The Consultations and Consultee Responses received as part of the application process have been submitted as part of the core documents, as previously requested by the Inspector and therefore are not duplicated other than to highlight that there is a strong community objection to the proposal.

3.0 BACKGROUND AND PLANNING HISTORY

- 3.1 The application was made by Gladman Developments Ltd, a strategic land promotion company that specialises in securing planning permissions for residential-led development on behalf of landowners and subsequently disposing of consented sites to housebuilders. The applicant made the application for outline permission without the benefit of pre-application discussion on the 3rd June 2025. Previously, the same applicant made an outline application on the site for up to 125 dwelling and associated works that was refused on the 13th March 2019. No appeal was lodged against the refusal of that application.
- 3.2 The current proposal seeks outline permission for up to 180 residential dwellings (including 40% affordable housing) with public open space, landscaping and vehicle access points (all matters reserved except for means

of access) and was refused for the following 4 reasons at the 9th June 2026 planning committee by the Local Planning Authority:

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 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.”

- 3.7 Taking this into consideration and, as already confirmed, the Council does not seek to maintain RfR 03 as a standalone reason for refusal. RfR 03 is therefore withdrawn, although heritage harm will continue to be considered within the planning balance.
- 3.8 In relation to RfR 04, it is noted that subject to the signing of the S106 agreement by both parties this will also be removed. The Council will provide a separate CIL compliance statement to justify the contributions included within the s106 agreement for the SoS' attention and consideration prior to the inquiry.
- 3.9 In order to clarify the RfRs it is therefore necessary to note that RfR 01 (sustainability) remains as does RfR 02 (landscape character and appearance/agricultural land loss), and the conflict of both matters with the Spatial Strategy.
- 3.10 The points of agreement and dispute are provided within the Statement of Common Ground (SoCG), a copy of which has been provided separately for consideration.

4.0 THE RELEVANT POLICY CONTEXT

- 4.1 The Council's Rule 6 statement (section 3) provides details of the relevant Policy content, which highlights that the statutory development plan comprises of the Forest of Dean District Council Core Strategy,

Allocations Plan and Mitcheldean Neighbourhood Development Plan, along with the supplementary guidance, material to the consideration of this application. This proof of evidence will refer to the relevant policies as and when required.

- 4.2 Having regard to this it is noted that Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires planning decisions to be taken in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3 The Development Plan Policies CSP.1, CSP.4, CSP.5 and AP1 seek to direct development to sustainable locations, protect environmental qualities and manage growth through a plan-led approach. Policy H2 of the Neighbourhood Development Plan similarly supports a defined settlement strategy. The proposal conflicts with these policies for the reasons set out below.
- 4.4 The National Planning Policy Framework (the Framework) was revised in August 2026 and has been reviewed carefully. Whilst the Framework contains substantial restructuring and introduces a clearer separation between plan-making and decision-making policies, it continues to confirm the central importance of the Development Plan and the purpose of the planning system delivering appropriate development in the right location.
- 4.5 The 2026 Framework continues to promote sustainable growth, rather than growth at any cost, and it is noted that protective policies still exist in relation to environmental protection, landscape character, good design, infrastructure delivery and stewardship of natural resources, to which the 2026 Framework requires considerable weight to be given to each of these matters.
- 4.6 When reading the revised Framework (2026) as a whole it does not materially alter the outcome of this application from the objectives of the 2024 NPPF. Fundamentally, the 2026 Framework does not provide support for releasing countryside sites merely because they adjoin an existing settlement or because

there is a shortfall in housing land supply. The Development Plan remains the starting point when determining applications, with the harms arising from development remaining relevant considerations.

4.7 Having regard to this it is noted that whilst certain elements of a specific housing policy within the Development Plan are out of date and attract either no or reduced weight, there are a number of Policies that are not solely housing related that can be afforded their full weight dependent on their consistency with the 2026 Framework.

4.8 I consider that Policies CSP.1, CSP.4, CSP.5 and AP1 remain materially consistent with 2026 Framework and therefore continue to attract, besides that of Policy CSP.5 which is afforded reduced weight solely on housing numbers. pursuant to paragraph 2 of Annex A to the NPPF. Although the Council cannot currently demonstrate a five-year housing land supply, that factor does not remove the need to assess site-specific harm. The 2026 Framework still requires decision makers to consider the environmental thread of sustainable development and to ensure that development accords with local character and the protection of natural resources.

5.0 EVIDENCE AND POSITION

5.1 In light of the resolved position on RfR 03 and likely resolution of RfR 04, this proof of evidence focuses on RfRs 01 and 02 having regard to the following matters of dispute as set out in section 5 of the SoCG:

- Principle of Development
- Physically well-related to existing settlement
- Well related to existing built form
- Harm to character and appearance of the area (including both landscape and visual effects)
- Loss of Best and Most Versatile Agricultural Land
- Heritage harm

- Planning Balance

Principle of Development

- 5.2 Mitcheldean is a Major Village within the hierarchy of settlements within the Forest of Dean District, containing a good range of services, employment opportunities, schools, shops and public transport links and therefore the site occupies a generally sustainable location in terms of access to services and facilities.
- 5.3 The existence of nearby services and facilities is only one element of sustainability and does not in itself determine if the proposal constitutes sustainable development or is physically well-related to the sustainable settlement of Mitcheldean and the built form within the settlement.
- 5.4 Having regard to this it is submitted that the proposal strikes at the heart of the adopted spatial strategy (which is set out in section 5 of the Core Strategy). Settlement boundaries are not illogical but represent detailed and considered judgments as to where development should occur and where countryside protection should apply.
- 5.5 It is noted that in considering the spatial strategy the application is not objectionable merely because it lies outside a settlement boundary. It is objectionable because it conflicts with a coherent, plan-led spatial strategy, which remains broadly consistent with the 2026 Framework, which seeks to protect the countryside surrounding Mitcheldean from unjustified greenfield development.
- 5.6 The following considerations assist in determining how the proposals conflict with the strategic objectives of the Development Plan.
- 5.7 Strategic Objective 1 of the Core Strategy (pages 23 and 24 of the Core Strategy Appendix 1), seeks to provide quality environments for the benefit of

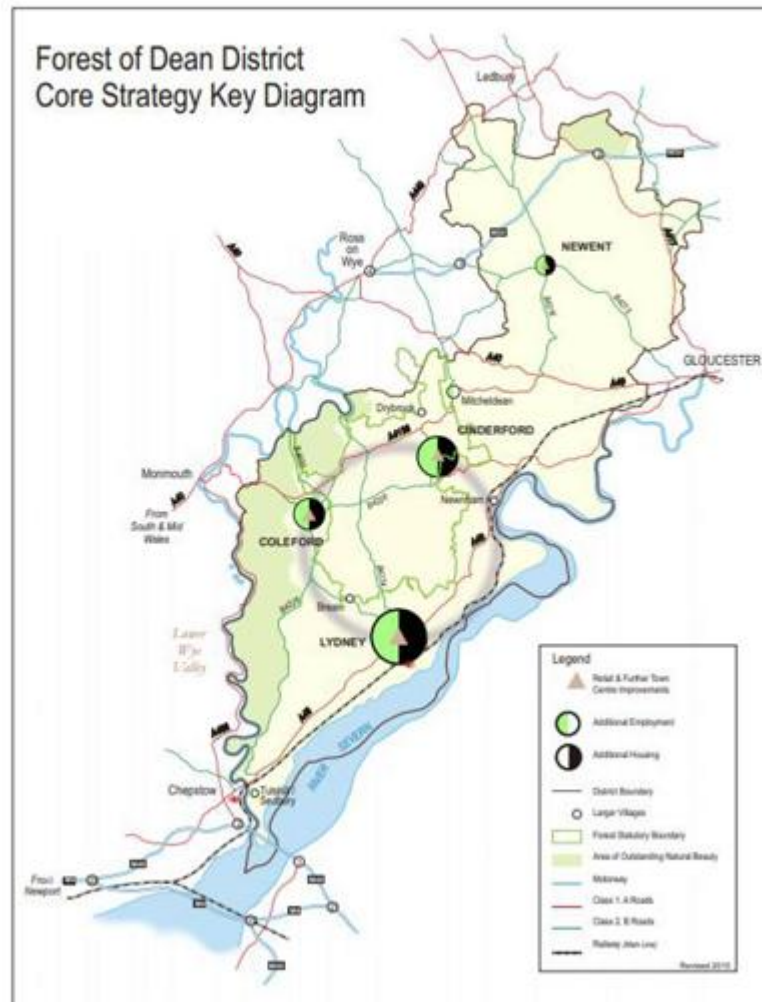
the community, in this instance not just the local community but the wider community that enjoys the intrinsic qualities of the open countryside, by indicating that *“The Core Strategy will protect the environment by guiding the location of development and by requiring high standards of design.”* Paragraph 4.5 on page 23 thereafter highlights that respecting landscape and built forms is central to protecting and enhancing the environment.

- 5.8 Policy CSP.1 of the Core Strategy (page 38 -39 sent with the appeal questionnaire) emphasises that: *“The design and construction of new development must take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment.”* Bullet points one and two specifically seek to safeguard the landscape and ensure that natural and historic sites are protected from the effects of development.
- 5.9 Policy CSP.1 concludes at the bottom of page 38 of the CS that, *“Development that is not able to be satisfactorily accommodated in respect of the above will not be permitted.”*
- 5.10 It is important to note that, Policy CSP.1 is not a housing related Policy, it is an environmental protection Policy which seeks to secure high-quality design and safeguard valued landscape characteristics. These objectives were considered by Inspector Kirby (Appendix 2) through appeal decision dated 10th July 2024 APP/P1615/W/23/3329458 to be consistent with the December 2023 updated Framework which sought to contribute to and enhance the natural and local environment and recognising the intrinsic character and beauty of the countryside (paragraphs 11 to 16). These objectives within the Framework continued to be embedded through the 2024 update and are retained within the 2026 Framework and therefore Policy CSP.1 remains entirely consistent with the objectives of the 2026 Framework (Policy S2), which continues to recognise the environmental objective of sustainable development and the importance of protecting and enhancing the natural, built and historic environment. Policy CSP.1 therefore remains materially consistent with the 2026 Framework and should be afforded its full weight in the determination of this application.

- 5.11 An extract of the Core Strategy Key Diagram is provided in Figure 1 below, and it is noted that the application site is not identified in the Key Diagram. Policy CSP.4 of the Core Strategy states that *“Areas outside settlement boundaries unless otherwise shown in the Key Diagram will be treated as part of the open countryside.”*
- 5.12 It cannot therefore not be disputed that the site lies in the open countryside, which in this instance is defined in the Council’s Landscape Character Assessment 2002 as being within Landscape Character Type ‘10. Ridges and Valleys’, and Landscape Character Area 10d (Breakheart Hill) pages 127 to 136 (Appendix 3).
- 5.13 Key characteristics of the landscape character type are the distinctive rounded ridge profiles, mosaic of mixed farmland and woodland cloaks to the ridges with extensive views over the surrounding lowlands from exposed ridge top locations.
- 5.14 Policy CSP.4 of the Core Strategy states that areas outside defined settlement boundaries will be treated as part of the open countryside. The site is in the open countryside for the purposes of this appeal. The Policy goes on to state that most development will be expected to take place within existing defined settlement boundaries with limited exceptions for some other specific forms of development, including affordable housing for local persons and building conversions and (rarely) new buildings for employment uses on the edge of settlements.
- 5.15 Having regard to this, it is acknowledged that the concept of sustainable development is long established and is widely understood to have social, economic and environmental components. Whilst the authority may be unable to demonstrate a five-year housing land supply, significant weight may nevertheless be afforded to development plan policies and national policy objectives concerned with the protection and enhancement of the natural environment. The balancing exercise required by the Framework is not

confined to housing delivery alone but encompasses all three objectives of sustainable development, including environmental considerations such as landscape character and quality.

Figure 1: Core Strategy Key Diagram



5.16 Policy CSP.4, amongst other matters, seeks to safeguard the open countryside from inappropriate development, and is consistent with the 2026 Framework. The Framework distinguishes between development within settlements (Policy S4) and development outside settlements (Policy S5). Both Policies seek to direct development towards sustainable locations whilst safeguarding the character and appearance of the countryside. Although the 2026 Framework identifies certain categories of development that may be appropriate outside settlements, it does not establish a general presumption in favour of greenfield

residential development within the open countryside. Policy CSP.4 therefore remains consistent with 2026 Frameworks objectives and should be afforded substantial weight in decision making.

5.17 Policy CSP.5 is predominately a housing related Policy and whilst it is acknowledged that the Council has a lack of a five-year land supply the principles of prioritising allocated/previously development land over greenfield sites remains, where it has not been proven that there is no other available land, as does the delivery of affordable housing rates.

5.18 The objective of Policy CSP.5 of directing development to appropriate locations and avoiding unnecessary encroachment onto undeveloped greenfield land therefore remains consistent with the sustainable development and environmental objectives of the 2026 Framework. Given its housing distribution role, whilst the housing numbers in the Policy CSP.5 are inconsistent with the 2026 NPPF, its objective of protecting undeveloped greenfield land and directing development to appropriate locations remains consistent with the environmental objectives of the 2026 Framework and therefore the Policy is afforded reduced weight in the consideration of this application.

5.19 The proposal would result in the development of a visually prominent greenfield site notwithstanding the existence of allocated and previously developed land opportunities identified within the Development Plan, within the settlement of Mitcheldean that remain available.

5.20 It is therefore important when looking at the spatial strategy to note that, Policy CSP.16 of the Core Strategy relates to the settlement hierarchy for the District and that the settlement of Mitcheldean is referred to as a major village with employment and/or services important to a wider area (Appendix 4), with some scope for additional development.

5.21 Paragraph 7.70 of the Core Strategy thereafter sets out the strategic planning approach indicating that a review of settlement boundaries is unlikely to make major changes and as a result the village is likely to experience steady

development, including some intensification within the existing built-up area and realisation of existing commitments over the next few years.

- 5.22 The subsequent Allocation Plan at Chapter 29 (Appendix 5), recognises the constraints of the landscape at Mitcheldean noting that a defining characteristic is the rising ground that surrounds it which limits development opportunities. Thereafter, Chapter 29 (Appendix 5) recognises these sites within the settlement boundary as providing for up to 70 dwellings (AP.94, AP.95 and AP.96), without the need for greenfield sites to be developed.
- 5.23 The significance of the conflict is increased by the fact that the Development Plan specifically anticipated that housing growth within Mitcheldean would be delivered through existing commitments, allocated sites and opportunities within the built-up area. The application proposal would instead introduce unplanned development onto a greenfield site beyond the settlement boundary, thereby undermining the planned distribution of growth and the carefully considered balance struck through the Development Plan process. These overarching strategic objectives are considered to outweigh the lack of a 5-year supply when applying weight to the relevant Development Plan Policies and their protection that they seek to provide to the wider environment of the District.
- 5.24 Having regard to this, Policy AP.1 of the AP (page 20) states that, *“In assessing planning applications the primary consideration will be whether or not the development proposed is sustainable with the overall aims of improving the economic, social and environmental conditions of the area.”* [And on page 21 that], *“This Policy is intended to set out the basic principle that development proposals and allocations should be suitable... [And]...Development that does not meet the requirements set out in national guidance and in the CS will not be and should not therefore be permitted.”* The primary consideration is therefore about the sustainability of the particular proposed development, and not whether the settlement is a sustainable location for development generally.

5.25 Policy AP.1 is considered to be consistent with the objectives of the 2026 Framework by requiring consideration of the economic, social and environmental effects of development proposals. Policy AP.1 should continue to be afforded its full weight in decision making.

5.26 The Mitcheldean Neighbourhood Plan Policies (Section 6), paragraph 6.1.8, demonstrates that the local community would like proposals to relate well to the local character of the surrounding area, and where possible, that housing be delivered on level plots with the provision of two parking spaces per unit plus visitor parking provision, and that building on green field sites should only be considered where no appropriate brown field land is available. It also highlights that with the many brownfield sites and vacant deteriorating properties identified within the village envelope there can be no acceptable justification for building outside the envelope/settlement boundary.

5.27 Thereafter, Policy H2 of the Mitcheldean Neighbourhood Plan sets out the criteria for accepting residential development outside of the settlement boundary:

- there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- the development would re-use redundant or disused buildings and enhance its immediate setting; or
- the development would involve the subdivision of an existing residential dwelling.

5.28 It is noted that no assessment of alternative sites has been provided in support of the application and that the proposal meets none of the criteria set out in the Neighbourhood Plan due to its location outside of the settlement boundary on a prominent domed greenfield site.

5.29 Having regard to Policy H2 further it is noted that it reflects the approach taken within Policy S5 of the 2026 Framework by identifying specific circumstances where residential development outside the settlement boundary may be acceptable. Those circumstances include the re-use of rural buildings, support for rural enterprise, proposals associated with heritage assets and enhance its immediate setting. The Policy is therefore closely aligned with the 2026 Framework's approach to development in the countryside which seeks to ensure that development proposals are physically well-related to the existing settlement and remains an important component of the Development Plan.

5.30 In considering the above Policies within the Development Plan whilst it is noted that the relevant documents referred to above were adopted prior to the current version of the NPPF (2026) being published, the age of a Development Plan is not in itself a reason for reducing the weight to be attached to its Policies in itself and they should be afforded their full weight expect where materially inconsistent with the 2026 Framework.

5.31 The 2026 Framework recognises this through Annex A (Implementation) paragraph 2:

“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.”

5.32 It has not been demonstrated that Policy H2 is materially inconsistent with the 2026 Framework and therefore Annex A provides no basis for reducing the weight attached to this neighbourhood Plan Policy. Policy H2 therefore remains part of the Development Plan, is consistent with the 2026 Framework with its alignment with Policy S5 and attracts full weight notwithstanding it was made in 2020 and the Council's housing land supply position.

5.33 In relation to Policies CSP.1, CSP.4, CSP.5 and AP.1 the same principles apply to the consistency they have with the 2026 Framework and the delivery of the Council's spatial strategy for the District.

5.34 Accordingly, whilst the Council presently cannot demonstrate a five-year housing land supply, and this is a matter that clearly weighs in favour of the proposal, it does not diminish the importance of the Development Plan and its Policies, which seek to protect landscape character, environmental quality, heritage assets and the intrinsic character and beauty of the countryside, when these are materially consistent with the 2026 Framework. Such objectives continue to form an important part of the environmental limb of sustainable development, recognised by paragraph 17 of the Introduction to the 2026 Framework.

5.35 The Development Plan is therefore not silent regarding the protection of the countryside, landscape character, environmental quality or the appropriate spatial distribution of development. Policies CSP.1, CSP.4, CSP.5, AP.1 and Policy H2 of the Mitcheldean Neighbourhood Plan remain materially consistent with the 2026 NPPF insofar as they seek to safeguard the intrinsic character and beauty of the countryside, protect environmental assets, secure high-quality design and direct development to sustainable locations.

5.36 This is a significant point as the proposed development raises a conflict that extends beyond the mere crossing of a settlement boundary. The Core Strategy, Allocations Plan and Neighbourhood Plan collectively establish a coherent spatial strategy for Mitcheldean whereby growth is directed towards sites within the settlement boundary and through the redevelopment of previously developed land. The application proposal would bypass that strategy and deliver greenfield expansion into the surrounding countryside contrary to the planned pattern of growth established through the Development Plan and conflict with the spatial strategy both in principle and in location. That conflict should attract substantial weight in the overall planning balance against the proposal.

5.37 In principle, the proposed development fails to meet the strategic objectives of the Development Plan that are consistent with the objectives of the 2026 Framework.

Physically well-related to existing settlement

5.38 It is agreed that the proposed site lies adjacent to Mitcheldean and that the settlement benefits from a range of services and facilities capable of supporting sustainable patterns of development.

5.39 Having regard to this, Policies CSP.1, CSP.4, CSP.5, AP.1 and H2, require development proposals to respond positively to the local character and surrounding landscape, and in doing so to achieve well-designed places. The existence of nearby services and facilities is only one element of sustainability and does not in itself determine if a site is physically well-related to the existing settlement pattern. Policies CSP.1, CSP.4 and AP.1 are consistent with the 2026 Framework on this matter, in particular Policy S5.

5.40 The issue in dispute is not therefore whether the site is physically *proximate* to the settlement, but whether it can reasonably be regarded as being physically well *related* to the existing built form of Mitcheldean in spatial, visual and landscape terms. Matters that the 2026 Framework places emphasis on by recognising that development should be sympathetic to local character, both built form and landscape setting.

5.41 It is submitted that the existing settlement pattern exhibits a clearly defined and contained form. Development at this part of Mitcheldean is principally contained by the surrounding highway network which forms a strong identifiable edge to the settlement and establishes a defensible boundary between the built environment and the open countryside beyond.

- 5.42. The 2026 Framework supports development that reinforces local distinctiveness and maintains coherent settlement patterns rather than undermining established and recognisable settlement boundaries (Policies DP1 and DP2).
- 5.43 It is noted that beyond the defined edge of the highway(s) (settlement boundary), the character changes markedly from urbanising influences associated with the settlement to that of open pastoral countryside, with the application site forming part of that wider rolling landscape form that contributes positively towards the setting of the settlement by providing a visual and physical break between the built form and the wider rural landscape which opens to the north.
- 5.44 Therefore whilst the site adjoins existing development, adjacency alone does not necessarily mean that it is physically well related to the built form. Particular in this instance where the site is separated from the core settlement pattern which sits within the bowl of the existing green landscape character (Policy E5 of the Mitcheldean Neighbourhood Plan (Appendix 6) recognises this as an important characteristic of the landscape of Mitcheldean), established by the hard edge created by the highway corridors and occupies land which currently rises as an edge to the landscape bowl and is read as part of the open countryside rather than as a logical component of the urban area.
- 5.45 The proposed development does not represent a rounding-off of the settlement or the infilling of a contained gap. Rather, it would extend the built form in an elevated position, beyond a recognised and robust settlement boundary, into land that currently performs an important role within the landscape character of the area through its rising domed appearance and containment of the urban form of Mitcheldean from the surrounding countryside. Development here would permanently erode the clear distinction between settlement and countryside that currently exists and result in a less coherent settlement edge.
- 5.46 Therefore, notwithstanding the site's accessibility to services and facilities and the positive weight that could be afforded to this, it is not considered that the proposal would be physically well-related to the existing built form of Mitcheldean; it conflicts with the spatial strategy identified in the Development

Plan which is consistent with the 2026 Framework, in its protection of the countryside and would result in the total loss of the key landscape feature (elevated site that has a domed appearance) which contains the urban form of the settlement setting, which sits in a natural bowl of the surrounding countryside.

- 5.47 There is clear Policy conflict with Policy CSP.1 of the Core Strategy which states that the design and construction of new development must take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment, including their wider context, and that Development that is not able to be satisfactorily accommodated in respect of the above will not be permitted. The development proposal fails in this regard and therefore is not considered to be physically well-related to the settlement of Mitcheldean.

Harm to character and appearance of the area (including both landscape and visual effects)

- 5.48 The site forms part of a prominent agricultural field that contributes positively to local landscape character. The existing openness and its raised domed form of the site are an important characteristic of Mitcheldean. The proposed development would introduce a substantial urban extension comprising housing, roads, parking, drainage infrastructure, lighting and associated domestic paraphernalia that would permanently erode the existing topography of the landscape through cut and fill.
- 5.49 The proposal would fundamentally alter the existing character of the site that is removed from the settlement boundary by public highways. Those public highways present a hard edge to Mitcheldean which, when approached from a northern direction, the site and its current use soften. Landscape mitigation as proposed cannot maintain this characteristic of the site. Whilst planting may soften views over time, it cannot recreate the openness which would be lost, or mitigate the visual impacts, due to the sites rising topography and elevated viewpoints from the landscape around it. That planting, even when mature, would fail to screen the urbanisation of this field. The development would change

the perception of the site from countryside to suburbia, which is currently contained by the highways of Ross and Carisbrook Roads and is considered to would result in significant adverse landscape and visual effects, which the submitted CSA LVIA has underestimated (See Appendix 7 – Council Landscape Consultant Statement).

5.50 It is submitted that the proposal conflicts with the landscape strategy of the relevant character area which seeks to avoid development on visually prominent slopes and protect settlement setting. It is clear by the nature of the development that significant cut and fill of the field would be required to be undertaken resulting in a total loss of the site's domed appearance which is identified as a key characteristic of the site contributing towards the setting of Mitcheldean that would be lost. Harm would therefore arise both in landscape character terms and in visual terms. The identified harm should attract substantial weight.

5.51 It is noted that the application was accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by CSA Environmental (report no CSA/4057/12 Rev B dated 07/03/2025).

5.52 This document is material in the consideration of character and appearance harm, and whilst I do not seek to provide detailed evidence on the validity of the LVIA as I am not a landscape expert, the Council has commissioned a landscape consultant to provide a written submission to support their position on landscape, which I provide in Appendix 7 and make reference to. It is noteworthy that due to the accelerated timeframe associated with this called in application process that Council were unable to secure the landscape consultant for the inquiry sitting days.

5.53 It is submitted having regard to the Council's Landscape consultant (Appendix 7) that the submitted LVIA is considered incomplete having:

- No Zone of Theoretical Visibility (ZTV).

- No winter (leaf-off) photography.
- No evidenced cumulative assessment.
- Incomplete construction-phase and lighting assessment.
- No clear significance threshold.
- Failure to fully report substantial adverse effects

Therefore, failing to meet fully with the expectations for an assessment prepared in accordance with GLVIA3 guidance.

5.54 In considering the Council's Landscape consultant Statement further it is noteworthy that the elevated position of the site and its domed appearance of the site with its connection to the field network to the north makes it both perceptually and physically separate from the settlement and that it makes a positive contribution towards the landscape setting of Mitcheldean in which it is read and forms part of the surrounding countryside and not simply a parcel of land that is simply an extension of the settlement edge.

5.55 On the contrary the Council's Landscape consultant consider that the proposal would visually extend residential development onto elevated land (approximately up to 160 AOD) and erode the distinction between settlement and countryside, conflicting with objectives in the Forest of Dean Landscape Strategy which seek to avoid prominent development on ridge sides and protect settlement settings. (Appendix 8 - Landscape Strategy). The reliance of planting would take a substantial period to mature and then fail to mitigate the adverse impacts created by the loss of this site due to the surrounding topography.

5.56 In conclusion the Council's Landscape Consultant notes that the majority of affected receptors are of users of higher ground to the east, west and south of the site. These experiencing panoramic and downward views across the valley in which the proposed development would become a dominant and sometimes

focal feature within those views, with Significant adverse effects remaining even after mitigation planting matures.

5.57 Having regard to the Council's Landscape Consultants Statement (Appendix 7) it is noted that there would be significant adverse landscape and visual effects. Therefore, the harm arising to the character and appearance of the area is afforded substantial weight against the proposal.

Loss of Best and Most Versatile Agricultural Land

5.58 Grade 1 BMV land is a finite and irreplaceable resource that is sought to be considered in the decision making process and used only where lower grades of land are not available (Policy N2(1)(b) of the 2026 Framework).

5.59 The total percentage of Grade 1 BMV land within the Forest of Dean District is approximately 4.02% of the total agricultural land available. The locations of Grade 1 BMV land are shown in Appendix 9. This includes the area of Mitcheldean, and the Grade 1 BMV land identified by the Applicant's assessment (9.72 hectares), report dated 2nd February 2026, prepared by Land Research Associates.

5.60 The 2026 Framework makes it clear (paragraphs 15 to 17 of the Introduction) that fundamental to the strategic objectives of decision-making being met is achieving long-term public interests through managing the use and development of land, so that future generations can meet their own needs, having regards to three 'golden threads' that are interdependent and pursued in mutually supportive ways.

5.61 The parties agree that the entirety of the site comprises Grade 1 BMV land (SoCG, para 4.14.1).

5.62 There is no dispute that Grade 1 land represents the highest quality of land classification and forms part of the Nation's BMV agricultural resource. Such land

is finite and irreplaceable. Annex B of the Framework identifies that Agricultural land classification ranges between 1-5 and that grades 1-3a are the BMV. Grade 1 being the best.

5.63 Having undertaken a spatial analysis of the Council's Agricultural Land Classification mapping (Appendix 9), it is evident that there is no Grade 1 BMV land existing within the wider Mitcheldean area, other than the application site. The proposal therefore results in a total loss of Grade 1 BMV land resource in Mitcheldean.

5.64 Once developed, the opportunity for agricultural production on the site, which it has historically and is currently being put to, would be permanently lost. The loss amounts to approximately 9.72 hectares. Whilst no absolute policy restriction exists, the 2026 Framework recognises this is an important resource for future generations. It is also recognised that whilst the consideration of alternative sites is not generally relevant, unless there is planning harm (Policy conflict) identified, such that an alternative site would avoid those harms and becomes in the opinion of the LPA a relevant planning consideration.

5.65 It is important therefore to consider the 2026 NPPF Policy N2(1)(b) on this matter, which states development proposals should *“Take into account the quality of agricultural land (including that classified as best and most versatile agricultural land, and its grade), and if **significant development of agricultural land is necessary, use areas of poorer quality land where possible.**”* In this case, there is planning harm in two main ways: landscape harm, and loss of BMV land. The latter is particularly relevant to the issue of alternative sites.

5.66 Notwithstanding the site itself is not as large as some other housing developments, and it is below the 20ha threshold for consulting Natural England about the loss of BMV land, which weighs in the considerations of ‘significant’ development of agricultural land, or that the NE guidance states that you must consult NE for development proposals that are inter alia *“likely to cause the loss (or likely cumulative loss) of 20ha or more of BMV land.”* It is recognised that whether this proposal results in significant development of

agricultural land is a matter of planning judgement, and is dependant in part on whether the development proposed in this case constitutes “significant” development of agricultural land.

5.67 Considering this it is noted that this is a major planning application of a significant scale for the Forest of Dean District Council (i.e. not just an application for 5 homes). That the site constitutes a large proportion of, its entirety, Grade 1 BMV land in Mitcheldean and the wider district in general. It is not just any Grade but the absolute top grade, that would be lost forever through residential development. When considering this against the potential development of other sites the Applicant says will be necessary for housing then it is envisaged that an even larger cumulative loss of BMV land would occur.

5.68 Taking these matters into consideration it is noted that in achieving sustainable development the 2026 Framework is clear that when considering the three interdependent objectives, the environmental objective of mitigating climate change, protecting and enhancing the natural environment, including making effective use of land whilst using natural resources prudently are fundamental to the delivery of a sustainable development. Chapters 7 and 19 of the 2026 Framework recognises the economic and other benefits of such land and encourages the use of poorer quality land where significant development of agricultural land is necessary.

5.69 When considering this in the context of the scarcity in the Grade 1 BMV land in Mitcheldean, the percentage of loss within the District, then the weight attached can be reasonably placed at substantial and contrary to the objective of the 2026 Framework, Policies CSP.1 and CSP.4 of the Core Strategy and Policy AP.1 of the Allocation Plan, all of which seek to deliver a positive enhancement to the local character of the area and to maintain its key characteristics and resources for future generations.

5.70 Taking these matters into consideration, the scarcity of Grade 1 BMV land in Mitcheldean and the wider District, it is considered that the proposal represents ***significant development of agricultural land*** that weighs substantially against

the proposal contrary to the development plan policies which seek to protect the natural environment.

Heritage Harm

5.71 It is recognised that Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose statutory heritage duties on decision-makers when determining planning applications. They are intended to ensure that the protection of heritage assets is given special importance and weight in the planning balance.

5.72 Policy HE4 of the 2026 Framework recognises that heritage assets, are an irreplaceable resource, and should be conserved in a manner appropriate to their significance and that any harm to the significance of the heritage assets (including its setting) should have clear and convincing justification.

5.73 Thereafter, this Policy stipulates that development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance.

5.74 It is noted that irrespective of the potential effects that substantial weight is given to an assets conservation through Policy HE6 of the 2026 Framework and that the greater the significance of the assets the greater the weight should be applied.

5.75 The application was accompanied by an Archaeology and Heritage Assessment ref CSA/4057/03 dated 05/03/2025, prepared by CSA Environmental that recognises that Mitcheldean Conservation Area, including the Grade I listed Church of St Michael and All Angels, located to the south of the site are assets to which harm arises albeit at the very lowest end of the less than substantial harm spectrum.

- 5.76 This position is agreed by the parties and reflected within the Statement of Common Ground.
- 5.77 However, whilst the magnitude of harm is limited, the significance of the affected heritage assets is not. In particular, the Church of St Michael and All Angels is a Grade I listed building, a designation reserved for buildings of exceptional interest. The 2026 Framework requires decision-makers to have regard to the significance of the asset affected and the contribution made by its setting.
- 5.78 In considering the Grade I listed Church of St Michael and All Angels there is no dispute with the assessment's findings in that the designation of this asset is of the highest significance (paragraphs 5.7 and 5.8) and that the church spire is visible from much of the wider area, including the site. Thereafter it is agreed that (paragraph 5.9) church spires are designed to be prominent and views to them may be considered to contribute to their significance.
- 5.79 The Archaeology and Heritage Assessment (paragraph 5.14) also confirms that the Conservation Area would also be harmed because of its loss of views.
- 5.80 The identified harm arises principally from the erosion of the rural and undeveloped setting, of which the site forms part, and from which the church spire can presently be experienced from and across, in combination with the character and appearance of the Conservation Area. The submitted evidence confirms that the church spire is a prominent landmark within the wider landscape and that the loss of openness would diminish, albeit to a limited degree, the contribution made by the application site to the significance of those heritage assets.
- 5.81 It is accepted that the degree of harm falls at the very lowest end of the less than substantial harm spectrum. Nevertheless, case law (Appendix 10 and 11 – Barnwell Manor and Forge Field) is clear that any harm to the significance of a designated heritage asset attracts considerable importance and weight in the planning balance, which is now reflected in the wording of Policy HE6(3) of the

NPPF. Whilst the quantum of harm may be limited, the weight attributable to the objective of heritage conservation remains substantial (2026 NPPF).

5.82 It is submitted therefore that moderate (low end of spectrum) harm should be attached to the harm on the significance of the setting of the Conservation Area and a greater moderate (higher end of the spectrum) should be attached to the conservation of the Grade 1 listed church due to this being considered of higher significance within the wider landscape. However, whilst noting that conservation objectives attract considerable importance and weight the agreed position that harm sits at the bottom of the spectrum is recognised and therefore the weight to be afforded to that harm itself is correspondingly moderate negative weight in the overall planning balance.

Planning Balance and Overall Weight

5.83 A planning balance is required to be undertaken having regard to the Development Plan taken as a whole, the provisions of the 2026 Framework and all other material considerations.

5.84 It is accepted that the Council is currently unable to demonstrate a five-year housing land supply and that this is a matter weighing in favour of the proposal. However, the 2026 Framework does not require housing delivery to be considered in isolation and recognises that sustainable development comprises economic, social and environmental objectives which are mutually supportive and interdependent.

5.85 Having regard to this, the benefits and harms of the proposal are therefore considered below, together with the weight that should reasonably be attributed to each matter.

5.86 It is noted having regard to Policy S5 (4) of the 2026 Framework (developments outside of settlements) that development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh

the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.

5.87 This means:

- “h. Residential and mixed use development which would:*
 - i. Be within reasonable walking distance of a well-connected station (applying the definitions in the glossary at Annex B);*
 - ii. Be physically well-related to the station or the settlement within which the station is located;*
 - iii. Be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; and*
 - iv. Not prejudice any proposals for long-term comprehensive development in the same location.*
- i. The development of land allocated for that purpose in the development plan (where this lies outside settlements); and*
- j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:*
 - i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or*
 - ii. Comprise major development for freight and logistics purposes which accords with policy E3.”*

Development Benefits

- 5.88 In considering the weight to be applied the Inspector will note that in accordance with the typical sliding weighted scale of limited, moderate, significant, substantial, substantial being the highest, I provide the following in my opinion for consideration.
- 5.89 **THE DELIVERY OF MARKET HOUSING.** The proposal would clearly contribute towards the supply of market housing within the District at a time when the Council cannot demonstrate a five-year housing land supply. The provision of new housing is a matter to which the 2026 Framework attaches importance.
- 5.90 The proposed development could provide up to 108 market dwellings. This represents only a modest contribution to the District's overall housing requirement and therefore the benefit, whilst important, does not attract decisive weight.
- 5.91 In considering this matter further there is several important considerations to weigh in, having regard to Policy HO13 of the 2026 Framework. This is an outline application, the applicant is a land agent, not a developer, meaning that a developer will need to be obtained the reserved matters application(s) approval before any commencement of any development, should the application be approved. Thereafter, based on recognised national average of house building rates (Lichfields, third edition March 2024 – Appendix 12), a site of this scale could deliver somewhere between 35-60 dwellings per year. Total build out time therefore taking between 3 and 5.1 years to deliver the full housing benefit and only after the reserve matters application(s) have been approved and a developer is onboard.
- 5.92 More importantly Lichfields recognises that when combining the planning approval period and planning to delivery period only sites comprising 99 dwellings or less will – on average – deliver anything within an immediate five-year period. This would mean for the site being considered of up to 180

dwellings there is unlikely to be any meaningful delivery of housing at the site until after 3rd June 2030. This is a matter that Inspector Aqbal outlined (Appendix 13 - paragraph 57 Appeal Decision APP/P1615/W/25/3362659 dated 14th January 2026) as material when considering the level of delivery arising at a site in such cases).

5.93 Taking these matters into consideration the weight applied to market houses arising from the application, whilst not decisive, is provided **substantial positive weight in accordance with the 2026 Framework** and due to the acute housing land supply shortfall rather than the scale of delivery itself.

5.94 **THE DELIVERY OF AFFORDABLE HOUSING.** The scheme could provide up to 72 affordable housing units which would assist in meeting identified housing needs within the District.

5.95 It is recognised that affordable housing is a public benefit because of the acute and persistent need for such accommodation in the District and Nationally.

5.96 The fact that this is an outline application and the nature of the applicant means that similar delivery restrictions as that considered for market housing would also apply. It is however recognised that the application seeks to provide the full 40% provision as part of this proposal in accordance with the Council's strategic objectives (Policy CSP.5).

5.97 In light of this the delivery of affordable housing is provided a similar weight to that of market housing and is attributed **substantial positive weight** in favour of the proposal, again due to the acute affordable housing shortfall rather than the scale of delivery itself.

5.98 **THE DELIVERY OF ECONOMIC BENEFITS.** There is no dispute that the proposal would generate temporary employment during the construction phase and thereafter that future occupiers would support local businesses and services within Mitcheldean.

- 5.99 It is also recognised however that these benefits arise from almost all residential developments and are neither unique nor exceptional to the proposal being considered. On the contrary they are part and parcel of the weight attributed to housing delivery and are therefore already captured in the weight afforded to the delivery of housing.
- 5.100 Should the Inspector not agree with this position then it is reasonable to have regard to Policy E2(1) of the 2026 Farmwork, which requires substantial weight to be given to certain economic benefits / development, but does not refer to housing here. The proposal is therefore afforded **moderate positive weight** in favour of the application in this instance.
- 5.101 **THE SITE'S ABILITY TO ACCESS SERVICES AND FACILITIES.** The site lies adjacent to a Major Village where a range of day-to-day services and facilities are available.
- 5.102 The site benefits from a good degree of accessibility. However, consideration to the weight that can reasonably be applied has regard to the site's peripheral location, topographical constraints (not encouraging for persons with mobility concerns or young children) and the absence of a transport stations or reasonable connection to those in the district/wider county due to the distances and locations from the site is not considered to be a public benefit
- 5.103 Having regard to these matters the weight attributed to proposal is considered to reasonably applied as **neutral weight** and is not a significant or decisive factor as the accessibility of a site merely facilitates the housing instead of providing any actual public benefits.
- 5.104 **BIODIVERSITY BENEFITS.** The site lies adjacent to the settlement boundary, but wholly within the open countryside and whilst the proposal suggests that benefits would arise it is noteworthy that this is based on an illustrative development framework plan, which the applicant has confirmed is only one option that could be delivered at the site. It is clear therefore that whilst the proposal has some potential to provide positively towards biodiversity that there

is a degree of uncertainty as to the weight that can be reasonably applied to any perceived benefit. It is therefore considered that **limited weight** could be applied in favour of the proposal and the illustrative scheme that is presented.

5.105 It is important that when looking at the benefits that any harms are also considered as the following section submits these harms as follows.

Development Harm

5.106 In relation to the **SPATIAL STRATEGY AND DEVELOPMENT PLAN** the proposal would introduce unplanned residential development on an unallocated greenfield site outside the settlement boundary and within the open countryside.

5.107 The conflict is not merely technical. It is agreed that the emerging local plan has no weight in the consideration of this application and that Policies within the existing local plan are attributed weight according to their consistency with the 2026 Framework.

5.108 Having regard to this the Development Plan specifically anticipated that future growth within Mitcheldean would be accommodated through committed sites, allocations and opportunities within the settlement boundary. These allocated sites remain at the time of this application to be developed and could deliver up to 70 dwellings. The proposal would bypass that planned approach and undermine the spatial strategy established through the Core Strategy, Allocations Plan and Neighbourhood Plan for Mitcheldean.

5.109 Policies CSP.1, CSP.4, AP.1 and Policy H2 of the Mitcheldean Neighbourhood Plan remain materially consistent with the environmental and locational objectives of the 2026 Framework and continue therefore to attract **substantial negative weight**, regardless of the shortfall in housing land supply, against the proposal.

5.110 These matters will be weighed within the following landscape character consideration to avoid double counting Taking these matters into consideration it is reasonable to attribute **Substantial Negative Weight** against the proposal.

5.111 **HARM TO LANDSCAPE CHARACTER AND SETTLEMENT SETTING.** It is important to note that although adjacent to Mitcheldean, the **development is not physically well related to the existing built form.** The site is separated from the established settlement by a clear and defensible edge created by the highway network. The land presently forms part of the countryside setting of the village and provides an important part of the wider rural environment.

5.112 The proposal would not represent infilling or rounding-off but instead would extend development beyond an established settlement edge and beyond a physical boundary, into the open countryside contrary to the settlement pattern presently experienced and in doing so erode a key characteristic to the settlements setting which sits within a bowl having rising landscapes around its edges which contribute positively to the settlement setting and frame the urban form.

5.113 The application site forms part of a visually prominent agricultural field whose domed landform and openness contribute positively to local landscape character and the setting of Mitcheldean.

5.114 The development would permanently replace this parcel of open countryside with a suburban form of development that includes roads, buildings, domestic infrastructure and engineered landform changes. The loss of openness and the urbanisation of the site cannot easily be mitigated by landscaping or retain its key characteristics.

5.115 This harm would affect both the intrinsic landscape character of the area and visual receptors experiencing the settlement from the surrounding landscape and approaches into and out of the settlement.

5.116 It is therefore submitted that this is one of the principal adverse impacts arising from the proposal is the significant adverse landscape and visual effects which are afforded **Substantial Negative Weight** against the proposal on this matter.

5.117 **THE LOSS OF GRADE 1 BMV LAND.** The proposal would result in the irreversible loss of 9.72 hectares of Grade 1 BMV land.

5.118 Grade 1 BMV land comprises the highest quality agricultural resource and forms part of a finite national asset. The evidence demonstrates that such land is particularly scarce within the District and appears unique within the Mitcheldean locality.

5.119 Whilst the 2026 Framework does not prohibit the loss of BMV land, it recognises the importance of safeguarding the best and most versatile agricultural land and directs decision-makers towards poorer quality land where agricultural land loss is necessary.

5.120 Given the scarcity of Grade 1 BMV land in the locality, and the wider district area, its clear historic and continued use for agriculture, the harm attracts greater weight than would ordinarily arise from the loss of agricultural land of lower quality. It is therefore submitted that the proposal represents significant development of agricultural land that is considered to raise **substantial negative weight** against the proposal.

5.121 In relation to **HERITAGE HARM** it is agreed that the proposal would result in very lowest end of the less than substantial harm spectrum to the significance of both the Grade I listed Church of St Michael and All Angels and the Mitcheldean Conservation Area through changes to their setting.

5.122 Notwithstanding this, the affected assets are of considerable importance, and moderate harm (low end of spectrum) on the significance of the setting of the Conservation Area and a greater moderate (higher end of the spectrum) harm to the significance of the Grade 1 listed church is considered appropriate having regard to both statute and the 2026 NPPF requiring substantial weight

to be given to their conservation dependent on their significance. Both are considered significant in the setting of the settlement of Mitcheldean.

5.123 On these bases the proposed heritage harm remains a matter weighing against the proposal and it attracts **moderate negative weight** in the planning balance against the proposal.

6.0 CONCLUSION

6.1. The proposal falls to be considered under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 I have considered the proposal, having regard to the guidance within the 2026 Framework and against the Development Plan Policies, which are consistent with the objectives of the 2026 Framework on the fundamental matters.

6.3 Having regard to the above matters, it is not disputed that the proposal would deliver clear benefits through the provision of market and affordable housing together with associated economic benefits. These matters weigh in favour of the proposal and attract moderate to substantial positive weight.

6.4 It is also however clear that the adverse impacts extend beyond a simple breach of a settlement boundary in this instance due to the fundamental conflict with the Development Plan's spatial strategy for Mitcheldean and environmental harm.

6.5 The proposal seeks to introduce unplanned development into the open countryside that fails to be appropriately related to the existing built form of the settlement and results in significant harm to landscape character and settlement setting. In addition, the proposal represents significant development of agricultural land that results in the permanent loss of a scarce Grade 1 BMV land (agricultural resource); and would result in very low-end harm to

designated heritage assets, which is attributed moderate weight due the assets' significance.

6.6 Figure 1 below sets out the relative benefits, harms and weights for ease of reference:

FIG 1:

Matter	Weight
Housing Delivery	Substantial Positive
Affordable Housing	Substantial Positive
Economic Benefits	Moderate Positive
Accessible Location	Neutral
Biodiversity	Limited Positive
Conflict with Spatial Strategy	Substantial Negative
Landscape Character and Settlement Setting Harm	Substantial Negative
Loss of Grade 1 BMV Land	Substantial Negative
Heritage Harm (Very Low-End)	Moderate Negative

6.7 The housing benefits are acknowledged to attract meaningful weight, but this alone is not considered to override all other considerations, and it is submitted that the environmental harms arising from the proposal, taken cumulatively, outweigh the public benefits. Weight is afforded to the conflict with the spatial strategy, the erosion of landscape character and settlement setting, and the loss of open countryside which forms an important component of Mitcheldean's

relationship with the wider landscape and the total loss of the entirety of Grade 1 BMV land at Mitcheldean.

- 6.8 When assessed against section 38(6) of the Planning and Compulsory Purchase Act 2004, the overall balance weighs against the proposal. The development conflicts with the development plan when read as a whole, which the Appellant accepts non-compliance with as a whole (paragraph 4.17.2 of the SOCG), and the material considerations advanced in support of the scheme do not outweigh that conflict or justify the grant of planning permission.
- 6.9 Having regard to the objectives of the 2026 Framework, it is recognised through Policy S5 that only certain forms of development should be approved outside of settlement boundaries unless the benefits of doing so would be substantially outweighed by any adverse effects, including those to the character of the countryside. Taking this into consideration it is considered that the proposal is not physically well related to Mitcheldean or that it represents sustainable development, regardless of the Council's lack of a five year housing land supply and planning permission should be refused as the adverse effects, including those on the character of the countryside substantially outweighed the benefits of the development.
- 6.10 Without prejudice to the overall determination of the application, the Council has suggested the conditions if favourable consideration is felt to be justified and I provide a copy of these within in Appendix 14.

APPENDICES

Appendix 1 – Pages 23 & 24 of Council Core Strategy.

Appendix 2 – Inspector Kirby Appeal Decision.

Appendix 3 – Landscape Character Assessment.

Appendix 4 – Council Core Strategy Policy 16.

Appendix 5 – Council Allocations Plan Chapter 29.

Appendix 6 – Mitcheldean Neighbourhood Development Plan Policy E5.

Appendix 7 – Councils Landscape Consultant Statement & Statement Appendices.

Appendix 8 – Landscape Strategy.

Appendix 9 – Agricultural Land Classification Across the Forest of Dean District.

Appendix 10 – Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors.

Appendix 11 – The Forge Field Society & Ors, R (On the Application Of) v Sevenoaks District Council.

Appendix 12 – Lichfield's Start to Finish 3rd Edition Mar 2024.

Appendix 13 – Inspector Aqbal Appeal Decision

Appendix 14 – Schedule of Conditions