

Appeal Decision

Site visit made on 24 May 2016

by Andrew Owen MA MRTPI

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

Decision date: 6 July 2016

Appeal Ref: APP/P0240/W/16/3146576

Chalkcroft Nursery, The Ridgeway, Moggerhanger, Central Bedfordshire MK44 3PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Eva Aldridge against the decision of Central Bedfordshire Council.
 - The application Ref CB/15/03228/OUT, dated 26 August 2015, was refused by notice dated 12 November 2015.
 - The development proposed is the change of use from nursery to residential and the demolition of the existing nursery buildings and the construction of 9 dwellings, car parking and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline with matters of access and layout to be determined at this stage and matters of scale, appearance and landscaping reserved for later consideration.

Main Issues

3. The main issues are whether the occupants of the proposed development would have acceptable access to goods and services and the effect of the proposal on the character and appearance of the area.

Reasons

Access to goods and services

4. The appeal site accommodates a former nursery. The site is located behind a bungalow which fronts The Ridgeway and is owned by the appellant. This bungalow, and the site, are surrounded on all sides by fields and hence appear isolated from all other development. Paragraph 55 of the National Planning Policy Framework ('the Framework') guards against the development of isolated homes in the countryside unless there are special circumstances. The proposal would not accord with any of the circumstances identified in this paragraph, though I accept this list is not necessarily exhaustive and that the Framework needs to be considered as a whole.
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5. In the wider context there are a small number of dwellings to the north and northwest of the site and a small business park to the south east. The main village of Moggerhanger is around a third of a mile to the south west, and there is an informal path that runs from the site, along a field boundary, and to the edge of the village. Moggerhanger is a small village with a limited range of services including a primary school, pub, village hall and car repair garage. It is located on the A603 along which public transport services run connecting the village to Bedford and other large towns. Blunham is a slightly larger village approximately half a mile north of the site and provides a pub, school, convenience shop and hot food takeaway, and is also served by public transport.
6. Although clearly some local goods and services are present in the wider area, none are proximate to the site, reflective of its isolated position. Near the site The Ridgeway does not have pavements, is not lit and it would be unlikely that occupiers of the development would walk along this road to access Blunham or Moggerhanger. The development includes a proposal to formalise the existing path from the site to Moggerhanger, which would make the goods and services in the village more accessible to future occupiers. However even with a formalised path, the village would remain to be a considerable distance from the site and, furthermore, in light of the limited services available there, the daily needs of future occupiers would most likely be met by travelling to larger settlements. As such I do not consider that the proposed path would materially increase the accessibility of the development. Also the national cycle path to the north of the site has little effect on the accessibility of the site in terms of its access to local goods and services.
7. Accordingly it is considered that the site is isolated and that the future occupiers of the development would have limited access to goods, services and public transport links. Consequently the development would not accord with paragraph 7 of the Framework which supports sustainable development with accessible local services, and paragraph 55 of the Framework as set out above.

Character and appearance

8. The site has a rural setting. Its south boundary is reasonably open, but rows of tall mature conifer trees form the north and west boundaries of the site, appearing prominently in the area and completely screen the site. These would be pruned considerably to reduce their prominence and, in addition, those on the west boundary would be supplemented with additional planting.
9. I note that indicative elevations were provided showing a largely two storey development, and it is considered that such a development would be visible from viewpoints to the south. Nonetheless, as appearance is a reserved matter, I need not reach a conclusion on the appearance of the development in its context, and I have had little regard to these indicative elevations.
10. Aside from the villages of Moggerhanger and Blunham, there are small clusters of dwellings in the area such as the groups of dwellings in Chalton. However unlike the generally linear development in Chalton, the proposal would provide an insular, courtyard style development detached from the road. Additionally, whilst the existing development on site, in combination with the retained adjacent bungalow, also represents a small cluster of development, the proposal would be more substantial and would have a greater urbanising effect than the existing modest greenhouses and polytunnels which are more in

keeping with the rural character of the area. As such the development would contrast with the prevailing character of the area.

11. Also, whilst I acknowledge the support for the proposed permissive all weather footpath from the local community, the provision of a hard surface, and possibly with lighting, for over a quarter of a mile along a field edge would not be congruent with the rural nature of the area.
12. Consequently I conclude the development would harm the rural character of the area and would be contrary to Policy DM3 of the Core Strategy and Development Management Policies document which requires development to, among other things, be appropriate to its setting.

Planning balance

13. It is not disputed by the parties that the Council do not have a 5 year supply of housing and therefore the development should be assessed in light of the presumption in favour of sustainable development set out in paragraph 14 of the Framework. In particular, paragraph 14 says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
14. I have set out above the harm I have found to the character and appearance of the area. Furthermore, paragraph 7 of the Framework states that planning needs to perform economic, social and environmental roles and in this respect I have found that the site's poor accessibility to goods and services means it would fail to provide material support to the vitality of the nearby villages and therefore would not perform a social role. In addition, there are few employers local to the site and in this respect it is unlikely that future occupiers of the dwelling would provide significant support to the local economy and so the proposal would fail to accomplish an economic role. Also, the whole scale demolition of the existing buildings on site would not represent the protection of the built environment or the minimisation of waste which are both key to fulfilling the environmental role.
15. I note the support given by the Framework to the re-use of previously developed land. It also supports alternative uses of employment sites where there is no reasonable prospect of the site being re-used for employment purposes, although in this case no evidence has been provided to show that the site could not be reasonably reused for other employment purposes.
16. It is considered that the existing structures on site have limited visual appeal. However they have limited visibility in the wider landscape and their removal would contribute little aesthetic benefit to the area.
17. Also I acknowledge the development would provide a contribution, albeit relatively limited, to the Council's housing target.
18. On balance it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits and therefore the proposal would not constitute permitted development. Consequently, the development would fail to accord with the fundamental sustainable principles of the Framework.

Other matters

19. The unilateral obligation provided by the appellant includes for the provision of £50,000 to the cost of improvements to the car park for the Moggerhanger village hall and for three of the dwellings to be affordable. In respect of the village hall car park, whilst I accept future occupiers may use the car park, it has not been satisfactorily demonstrated that the undertaking is necessary to make the development acceptable. Furthermore there is no evidence that the level of contribution is reasonably related in scale to the development. As such the whole obligation does not meet all three tests as set out in paragraph 204 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations, and I am therefore unable to take the undertaking into account.
20. I have considered the other examples of development suggested as precedents for the proposal, including that to the rear of The Guinea pub in Moggerhanger, which is currently under construction. However from the evidence provided, none are comparable to the proposal.
21. The provisions of Section 150 of the Housing and Planning Act 2016 relating to 'permission in principle' are yet to come into force. Therefore I can give no weight to this matter.

Conclusion

22. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR