
Appeal Decision

Site visit made on 28 June 2016

by Emma Tinsley-Evans BSoc.Sc MA MRTPI

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

Decision date: 5 October 2016

Appeal Ref: APP/P0240/W/16/3148080

Land to rear of 16-18 Hitchin Lane, Clifton, Bedfordshire SG17 5RS

- 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 Mr Dean Eldridge against the decision of Central Bedfordshire Council.
 - The application Ref CB/15/04529/OUT, dated 23 November 2015, was refused by notice dated 27 January 2016.
 - The development proposed is the erection of 3 dwellings to include vehicle turning and access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 dwellings to include vehicle turning and access on land to rear of 16-18 Hitchin Lane, Clifton, Bedfordshire SG17 5RS in accordance with the terms of the application, Ref CB/15/04529/OUT, dated 23 November 2015, subject to the conditions set out in the schedule attached to this decision.

Application for costs

2. An application for costs was made by Mr Dean Eldridge against Central Bedfordshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application is in outline with all matters reserved for future consideration except for the means of access. I have dealt with the appeal on that basis treating the site layout plan, floor plans and elevations of the proposed dwellings as indicative.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located on the western side of Hitchin Lane, a residential road in the settlement of Clifton. It is characterised by a mix of semi-detached 2 storey dwellings and bungalows forming a ribbon of development off the main road through the village.
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6. Hitchin Lane has a regular pattern of development with the properties fronting both sides of the road, set back from the highway behind grass verges and front gardens. Whilst Hitchin Lane has a fairly built-up appearance, the character of the road becomes progressively more rural towards the far end, where there are unrestricted views of the open countryside where the road comes to a dead-end.
7. The appeal site is located about half way along Hitchin Lane on land to the rear of a pair of semi-detached bungalows. Access is gained via an existing driveway to the side of No 16. At present the site is largely undeveloped and overgrown. It is bounded to the west and south by open/arable land and to the north by the residential garden of No 14, beyond which there are buildings associated with a plant nursery. To the east are the rear gardens and properties along Hitchin Lane.
8. The site lies partly within and partly outside the Settlement Envelope of Clifton. The access route is within the Settlement Envelope and the larger part of the site that would accommodate the dwellings lies outside. In planning terms, this part of the site would therefore be within open countryside.
9. Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies 2009 (CSDMP) seeks to resist new residential development outside Settlement Envelopes apart from limited extensions to gardens. The appeal proposal would therefore be contrary to Policy DM4.
10. However, the Council accepts that it cannot demonstrate a five year housing land supply in accordance with paragraph 47 of the National Planning Policy Framework (the Framework). Paragraph 49 of the Framework states that relevant policies for the supply of housing cannot be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable sites. Policy DM4, in so far as it relates to the supply of housing, should not therefore be considered up to date.
11. In such cases paragraph 14 of the Framework sets out a presumption in favour of sustainable development. For decision making this means that where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate that development should be restricted.
12. The Council considers that the proposed development will harm the rural character of the locality. However, the site is screened somewhat by mature trees and hedgerows, and along the southern boundary, this landscaping clearly demarcates the appeal site from the more open / arable land to the south. The appellant states that the appeal site is unused garden space associated with Nos 16 and 18 and it appears that this is the case given that the neighbouring garden at No 14 is of similar length. Visually, the appeal site appears more closely linked with the settlement than the open countryside.
13. At my site visit I noted that other built development could be seen just beyond the appeal site to the north. This includes the residential development at Fairground Way and buildings to the rear of 10 Hitchin Lane. Therefore, whilst the site currently has an open character and appearance, from the south the appeal proposal would be viewed against a background of other built

development. I consider that the relatively small scale nature of the proposal would not be significantly out of context with its immediate setting to the north and east.

14. Moreover, whilst the access road would allow some views into the site from the street, the presence of built development behind the existing houses on this side of Hitchin Lane is not uncommon. The houses at Fairground Way can be seen between the dwellings, as can built development to the rear of 10 Hitchin Lane. Although I acknowledge that the development would result in an extension of the settlement into the open countryside, it would be relatively minor. I consider that the presence of 3 dwellings to the rear of Nos 16 and 18 would not be incompatible with the surrounding development and would not therefore cause harm to the intrinsic character and beauty of the countryside.
15. The appeal site is clearly on the edge of the settlement with the access to the site being within the Settlement Envelope. It is within walking distance of the services and facilities of Clifton, which is defined as a large village in Policy CS1 of the Council's CSDMP. The dwellings would not therefore be isolated homes in the countryside, which according to paragraph 55 of the Framework, are to be avoided.
16. Given the relatively small scale nature of the proposal, I acknowledge that the contribution it would make to the local economy in terms of construction jobs would be limited. Nevertheless, it is a benefit of the proposal which weighs in its favour. Similarly, the future residents of 3 additional dwellings would help to secure more long term benefits with regard to supporting rural services and facilities. This would help to enhance and maintain the vitality of this rural community as required by paragraph 55 of the Framework.
17. Moreover, whilst I acknowledge that the provision of 3 houses would make a modest contribution to the Council's housing supply, it would provide some contribution nonetheless and is a benefit of the proposal.
18. The appeal site has a close physical and visual relationship with the settlement of Clifton and for the reasons set out above, I do not consider that the proposed development would have a harmful effect on the character and appearance of the area.
19. The proposal would be in accordance with paragraph 17 of the Framework which seeks to ensure that development recognises the intrinsic character and beauty of the countryside and supports thriving rural communities within it. I find no conflict with paragraph 55 of the Framework which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that isolated new homes in the countryside should be avoided.
20. In accordance with paragraph 14 of the Framework, I have not found any adverse impacts of the development that would significantly and demonstrably outweigh the benefits. In such cases, the Framework is clear that planning permission should be granted.

Other Matters

21. I am aware of local residents' concerns regard overlooking and whether the proposed development would be out of proportion on the site. Although the appeal proposal seeks outline planning permission, plans highlighting how the

development might look have been submitted. Whilst these plans are purely indicative, I share the Council's view that the site is large enough to accommodate 3 dwellings without compromising the living conditions of the occupants of neighbouring properties. Further information will be submitted and carefully considered at reserved matters stage.

22. Interested parties have suggested that parking, passing and turning space and space for bin storage would be inadequate. However, the proposal has been the subject of a pre-application submission and the concerns of the highway authority have been addressed by the proposal. The highway authority has raised no objection and I have no reason to take an alternative view. Further details will also be provided as part of the reserved matters application for layout.
23. Flooding and drainage concerns have also been raised by neighbouring residents. The planning application form indicates how foul and surface water will be disposed of. There has been no objection from the Environment Agency and the Bedfordshire and River Ivel Internal Drainage Board had no comments to make.
24. The appellant has drawn my attention to the fact that the site is included as a submission for residential use in response to the Council's 'Call for Sites' in 2014 and 2016. Along with a number of other sites, the appeal site is identified on a plan which clearly states that the sites are those that have been submitted by developers, landowners and agents. The Council has not assessed the sites and they have not been identified as suitable for residential development. The inclusion of the appeal site as a submission through the 'Call for Sites' has had no bearing on my decision.

Conditions

25. I have had regard to the planning conditions that have been suggested by the Council. Having considered them against the tests in the Framework and advice in the Planning Practice Guidance, I have made amendments as necessary.
26. In addition to conditions limiting the life of the planning permission and setting out the timescale for the submission of reserved matters, it is necessary to impose a condition specifying the relevant drawings in order to provide certainty.
27. The Council has suggested a condition relating to the implementation of a landscaping scheme. However, as landscaping is a matter reserved for subsequent approval, I do not consider it necessary to impose such a condition at this stage. Similarly, a condition relating to the use of external materials is unnecessary as appearance is also a matter to be reserved for subsequent approval.
28. The Council has suggested a condition requiring the details of existing and final ground and slab levels of the buildings to be submitted. Given the location of the appeal site to the rear of existing residential properties, it would be important to ensure that the dwellings were not given any undue prominence through the raising of land levels. I consider that such a condition is reasonable in this case.

29. The Council has proposed a condition requiring full engineering details of the access arrangements to be provided. However, the access arrangements were not shown for indicative purposes as the Council suggest. As access has been included as part of the outline planning application and has been considered acceptable, I do not consider that such a condition is necessary. Notwithstanding this, in the interests of highway safety, it is reasonable for the access to be completed to the required standard before the dwellings are occupied.
30. Further, to ensure that the development provides adequate and appropriate highway arrangements, it is reasonable to specify the details that should be included with a reserved matters application for layout. Whilst the Council does not specifically refer to cycle parking and storage as part of this condition, the highway authority has suggested that these details are provided. In order to promote sustainable transport, as required by the Framework, I agree that details of cycle parking and storage should be included.
31. Given that the appeal site is accessed off a residential street, it is reasonable to require the submission of a Construction Traffic Management Plan.

Conclusion

32. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Emma Tinsley-Evans

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: PL.001; PL.002; PL.101; PL.102; PL.103; PL.201; PL.202; PL.203 but only in respect of those matters not reserved for later approval.
- 5) No development shall commence until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and adjoining properties. Thereafter, the site shall be developed in full accordance with the approved details.
- 6) Notwithstanding the detail shown on the submitted indicative layout plan (PL.002), any reserved matters application shall include the following:
 - i) An access road constructed to a durable bound material drained within the site;
 - ii) A turning head of suitable dimension to accommodate a fire appliance;
 - iii) Vehicle parking and garaging in accordance with the Council's standards;
 - iv) Cycle parking and storage in accordance with the Council's standards;
 - v) Provision for refuse bin storage and standing area on collection day.
- 7) No dwelling approved under any subsequent reserved matters application shall be occupied until such time as the access has been implemented and completed in full accordance with the approved details.
- 8) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan will provide details of:
 - i) On-site parking and loading and unloading areas for construction vehicles;
 - ii) Materials storage areas;
 - iii) Wheel cleaning arrangements.

The measures within the Construction Traffic Management Plan shall be implemented in full accordance with the approved details for the full duration of the construction period of the development hereby approved.