The Planning Inspectorate

Appeal Decision

Site visit made on 3 November 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 16th November 2016

Appeal Ref: APP/P0240/W/16/3156282
The Coach Yard, Streatley Road, Upper Sundon, Luton, Bedfordshire LU3 3PQ

- 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 Ruben Moore against the decision of Central Bedfordshire Council.
- The application Ref CB/16/00116/OUT, dated 9 January 2016, was refused by notice dated 15 August 2016.
- The development proposed is described as the deconstructed garage to be restored, and a proposed 119 square metre L shaped bungalow to be constructed.

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline with access being considered at the outline stage. An indicative layout and bungalow plan together with front elevations of the two buildings have also been provided.

Main Issues

3. The main issues are:

   (i) whether the proposal would be inappropriate development in the Green Belt including the effect on the openness of the Green Belt;

   (ii) the effect on the character and appearance of the area;

   (iii) if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. Paragraph 79 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

5. The Framework, at paragraph 89, sets out the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling or the partial or complete re-development of previously developed sites (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development. Given the location of the site, at the edge of the village, the proposed dwelling could not be considered to be limited infilling.

6. The remains of a former garage building is located in the south-western corner of the site, although what remains is little more than a concrete floor, and parts of the side and rear walls. To my mind, this cannot be considered to be an existing building for the purposes of paragraphs 89 or 90 of the Framework.

7. The site is highly visible from the road with little landscape screening with views into the site possible through the palisade fencing and entrance gates. There were two metal containers on site, several vehicles, as well as vehicles associated with the appellants' construction and landscape business. However, it is not clear whether any of these containers or activities has the benefit of planning permission.

8. The construction of a new dwelling would result in a built development where there is not presently any substantive buildings. The proposal is in outline form with only illustrative drawings provided, and therefore the size and type of dwelling is not known at this stage. However, the development of a new permanent building (and associated paraphernalia) would inevitably lead to the loss of openness.

9. Given that the development would have a greater impact on the openness of the Green Belt than the existing situation it follows that in accordance with paragraph 89 of the Framework that the proposal would be inappropriate development.

10. The Council have referred to Policy H14 of the South Bedfordshire Local Plan Review 2004 (LP). However, this policy is concerned with replacement dwellings in the Green Belt and as no dwelling exists on the site it is of limited relevance.

11. For the above reasons, given that the proposal would be inappropriate development in the Green Belt and lead to a significant loss of Green Belt openness, it would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework and Policies GB3 and H12 of the LP.

Character and appearance

12. The Council, in considering the parameters of the development from the illustrative plans, have also referred to Policy BE8 of the LP and that the development would have a detrimental impact on the character and appearance of the area owing to its bulkier appearance.

13. Given the current open nature of the site, the development would have an significant urbanising effect on the area, particularly in relation to the scale of the replacement garage should the development shown in the illustrative plans be built.

14. Whilst I acknowledge that, historically, a garage building was present on site this is no longer the case. The proposed replacement garage, together with the proposed bungalow would, to my mind, adversely affect the open character of the site and would therefore conflict with Policy BE8 of the LP which amongst other matters seeks to ensure that development does not have an adverse effect on the character and appearance of the area.

Other considerations

15. The development would also assist in providing much needed housing and I therefore consider that it would make a positive contribution to rural housing provision and the viability of local services.

16. I have also had regard to the historical use of the site and that there could be some benefits from the removal of possible noise and disruption from the previous use of the site should it resume.

Green Belt balance

17. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have found that there is an adverse impact on the openness of the Green Belt and to the character and appearance of the area. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

18. The provision of much need housing is a benefit as is the removal of a historical use which may have some noise and disruption to the occupiers of nearby residential properties.

19. However, I consider that the substantial weight given to Green Belt harm is not clearly outweighed by these considerations. Therefore there are no very special circumstances to justify the new dwelling and the development would conflict with Policies GB3, H12 and BE8 of the LP and the Framework.

Conclusion

20. Taking all matters into consideration, including some support from the Parish Council, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR