The Planning Inspectorate

Appeal Decision

Site visit made on 21 November 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 12th December 2016

Appeal Ref: APP/P0240/D/16/3155978
Rose Cottage, The Yard, South End, Milton Bryan, Bedfordshire, MK17 9HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Peter Langford against the decision of Central Bedfordshire Council.
- The application Ref CB/16/00525/FUL, dated 1 February 2016, was refused by notice dated 16 May 2016.
- The proposed development is to retain new walls erected on front boundary.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The walls have already been constructed and as such I have treated the application as one made under section 73A of the Act.

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. The Framework, at paragraphs 89 and 90, sets out the categories of development which may be regarded as not inappropriate in the Green Belt.

5. The Council have referred to the construction of a wall as being an engineering operation. However, according to s336 of the 1990 Act, the term 'building'

refers to any structure or erection. Therefore, this would apply to a boundary wall and therefore the not inappropriate development exemption for engineering operations (at paragraph 90 of the Framework) does not apply.

6. The Framework, at paragraph 89, states that new buildings within the Green Belt are inappropriate unless, amongst other things, they represent 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.

7. Owing to their size and siting, the walls are prominent in the streetscene. The introduction of the walls has inevitably had some impact on the openness of the Green Belt by introducing a structure which has a 'hard' enclosing effect on the area. Whilst I acknowledge that this loss of openness to the Green Belt is not significant, it nevertheless has a negative perceptible impact.

8. Although I noted some young planting in front of the walls this does not screen the wall from public view nor would it change the fundamental impact on the openness of the Green Belt.

9. For the above reasons, given the loss of openness to the Green Belt, it follows that in accordance with paragraph 89 of the Framework the proposal would be inappropriate development and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework.

Character and appearance

10. The site is located within the Milton Bryan Conservation Area and is located on the north east side of the pond. The properties located in the Conservation Area generally have hedgerows on the frontages to their properties which give the overall 'green' character to the area.

11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

12. The Milton Bryan Conservation Area appraisal identifies Rose Cottage as having a picturesque setting, and that the area around the pond is circled by grass and trees with a sense of enclosure created by buildings and high hedges.

13. From the evidence before me, the hedgerow to the front of Rose Cottage was in poor condition. However, the walls which have been erected are a prominent feature in the streetscene and are in stark contrast to the soft landscape boundary treatments on the properties surrounding the pond. The walls therefore harm the character of the Conservation Area.

14. The recent hedgerow planting does, at present, provide very limited screening of the wall. Whilst the level of screening would increase should the hedgerows be allowed to grow, the location of the wall in relation to the planting would prevent the hedgerow growing into a dense screen. To my mind, the replacement hedgerow would not mitigate the overall harm to the character of the Conservation Area.

15. Paragraph 134 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

16. In this case, there has not been any public benefit advanced. However, the removal and replacement of the hedgerow, which was in poor condition, could be seen as a public benefit. Notwithstanding that, the benefits of the replacement hedge do not justify the erection of the walls.

17. Therefore, whilst the harm to the significance of the heritage asset would be less than substantial, the public benefits are not sufficient to outweigh this harm.

18. For the above reasons, I conclude that the walls fail to preserve or enhance the character of the Milton Bryan Conservation Area. Therefore the development would conflict with Policies CS14, CS15, CS16, DM3, DM13 and DM14 of the Central Bedfordshire Core Strategy and Development Management Policies 2009 (CS) which amongst other things seek to preserve the character of the Conservation Area. The development would also be at odds with the conservation aims of the Framework.

Green Belt balance

19. 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 of the Conservation 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.

20. The replacement of the hedgerow would give rise to some limited benefit to the area. 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 CS14, CS15, CS16, DM3, DM13 and DM14 of the CS and the Framework.

Conclusion

21. For the reasons given above, including some support for the proposal, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR