
Appeal Decision

Site visit made on 20 December 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 13 January 2017

Appeal Ref: APP/P0240/W/16/3157429

Tudor House, 100 New Road, Clifton, Bedfordshire SG17 5JJ

- 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 Pargan Singh against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/02368/FULL, dated 25 May 2016, was refused by notice dated 1 August 2016.
 - The development proposed is erection of detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. I have taken the description of the proposed development from the Council's decision notice as this provides a clearer and more concise description than that provided on the application form.

Main issue

3. The main issues are: the effect of the proposal on the character and appearance of the area; and whether the countryside location of the proposed development would be justified having regard to local and national planning policies.

Reasons

Character and appearance

4. New Road runs in a northward direction from the A507 towards the settlement of Clifton. It is largely bound by agricultural fields which gives it a strong rural character. The appeal site, located at the southern end of the road, comprises a large, detached dwelling set within grounds of a substantial size. It adjoins the curtilage of 98 New Road, also a large, detached dwelling set within grounds of a substantial size. Due to the considerable separation distance between these two dwellings and the presence of vegetation along their shared boundary, they are seen in relative isolation from each other. Whilst they introduce a residential character along this part of New Road, which is otherwise largely defined by its agricultural setting, the spacing between these two dwellings provides a strong sense of space and openness which assists with maintaining the rural qualities of this road.
-

5. The proposal would introduce a new detached dwelling onto the appeal site. I acknowledge that it has been designed to reflect the style and appearance of 100 New Road and that it would utilise the same vehicular access. However, given its close proximity to No 100, it would substantially erode the spatial qualities of the area and would appear at considerable odds with the existing pattern of development along this part of New Road which is of large dwellings which stand alone within an open setting. This would be noticeable in views from along New Road through the wide vehicular access point to the appeal site. Consequently, the proposal would have a detrimental effect on the rural qualities of New Road and would result in significant harm to the character and appearance of the area.
6. I have considered the Council's argument that the proposal would set a precedent for similar development within the grounds of No 98. Whilst each application and appeal must be treated on its own individual merits, I can appreciate the Council's concerns that approval of this proposal could be used in support of such similar schemes. I consider that this is not a generalised fear of precedent but a realistic and specific concern, given the substantial size of the grounds of No 98 that could accommodate development in a similar uncharacteristic pattern. Allowing this appeal would make it more difficult to resist further planning applications for similar developments and I consider that their cumulative effect would exacerbate the harm that I have identified above.
7. The appellant makes reference to a number of houses that have recently been built along New Road. However, no further details or precise locations of these houses have been provided that would allow me to make any informed comparisons between any such development and the proposal I am to consider. Moreover, I did not observe any recently constructed housing in the immediate vicinity of Nos 98 and 100. This matter does not therefore persuade me to alter my view in respect of this main issue.
8. The proposal would therefore be contrary to policy DM3- High Quality Development, of the Central Bedfordshire Core Strategy and Development Management Policies 2009 (Core Strategy). This policy requires, amongst other things, development to be appropriate to its setting, to contribute positively to creating a sense of place and to respect local distinctiveness. This policy is consistent with the aims and objectives of the National Planning Policy Framework (the Framework) which require planning to take account of the different roles and character of different areas.

Countryside location

9. The appeal site lies outside of any settlement envelope and therefore lies within the countryside for planning policy purposes. Policy DM4: Development Within and Beyond Settlement Envelopes of the Core Strategy seeks to restrict development outside of settlement envelopes. As such, the proposal would conflict with this policy. The Council accepts that it cannot demonstrate a five year supply of housing land. Paragraph 49 of the Framework states that in this situation, relevant policies for the supply of housing should not be considered up to date. Policy DM4 relates to the supply of housing and should therefore not be considered up to date.

10. The Council has drawn my attention to a recent appeal decision¹ in the area, where the Inspector in that case considered a recent Court of Appeal Judgement² in respect of the weight to be given to out-of-date policies. The Judgement found that the weight to be applied to policies which affect the supply of housing will vary according to circumstances including, for example, the extent to which relevant policies fall short of providing for the five year supply of housing land and the action being taken by the local planning authority to address it. The Council states that it can demonstrate a 4.89 year supply of housing land. This figure, which the appellant does not dispute, is just short of its requirement. I therefore find that Policy DM4 of the Core Strategy should be afforded some weight in my Decision. This is consistent with the approach taken by the abovementioned Inspector.
11. The Council also raises a concern in respect of the location of the proposal with regard to access to local services and facilities. Paragraph 55 of the Framework seeks to avoid new isolated homes in the countryside. The nearest shops would be a substantial distance away. There are no footpaths or street lighting along New Road in the vicinity of the appeal site and the national speed limit applies to this section of the road. These factors would discourage any future occupiers from accessing services and facilities in the wider area on foot or by bicycle. I have also not been pointed to any bus stops in the vicinity of the appeal site that might offer links to surrounding services and facilities.
12. Consequently, the proposal would, in this context, occupy an isolated location in the countryside and would be contrary to Paragraph 55 of the Framework. Moreover, it would not add to the movement to a low carbon economy by virtue of the additional car usage that would be required by any future occupiers.
13. In light of the above, I therefore conclude that the countryside location of the proposed development would not be justified having regard to local and national planning policies.

Other matters

14. Any future occupiers would increase spending in the local area, albeit to a modest amount. In addition, the proposal would make a contribution to housing supply in the area. This would assist the Council in reducing its five year housing supply shortfall. Nevertheless, such a contribution, in the wider scheme of things, would be limited. It is therefore my judgement that the harm I have identified to the character and appearance of the area in combination with the isolated location of the proposal would significantly and demonstrably outweigh these benefits.

Conclusion

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

Alex Hutson

INSPECTOR

¹ Ref APP/P0240/W/16/3150607

² Referred to as 'the Secretary of State for Communities and Local Government v Hopkins Homes Ltd [2016] EWCA Civ 168'