

Appeal Decision

Site visit made on 4 January 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 26th January 2017

Appeal Ref: APP/P0240/W/16/3159860

Rawlings Court, Bedford Street, Woburn MK17 9QZ

- 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 M Jones against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/02907/FULL, dated 5 July 2016, was refused by notice dated 30 August 2016.
 - The development proposed is erection of 1 dwelling and alteration to existing wall.
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Decision

1. The appeal is dismissed.

Application for costs

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

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - The effect of the proposal on the character and appearance of Woburn Conservation Area;
 - The effect of the proposal on access and parking; and
 - If the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Whether the proposal is inappropriate development in the Green Belt

4. The appeal site and the surrounding area are situated within the South Bedfordshire Green Belt. The appeal site consists of the access from Bedford Street through Rawlings Court, and an area of overgrown garden and open space behind a brick wall at the eastern end of Rawlings Court in which the proposed dwelling would be sited.
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5. The access from Bedford Street through Rawlings Court is within the Green Belt Infill Boundary as shown on the Proposals Map extract for Woburn published April 2011, while the area behind the brick wall is beyond the infill boundary. There is no settlement envelope for the village of Woburn.
6. Paragraph 89 of the NPPF establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves limited infilling in villages. Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies 2009 ('the Core Strategy') restricts development beyond settlement envelopes. Policy DM6 considers infill development acceptable in principle within the Green Belt Infill Boundaries, with particular attention paid to assessing the quality of development proposed and the likely impact on the character of the settlement and its surroundings. I have no clear evidence that either policy is greatly inconsistent with the NPPF, and so can afford both policies reasonable weight in my assessment.
7. I am conscious that a recent court judgement ¹ has confirmed that settlement boundary lines in the development plan are material considerations, but are not necessarily determinative in terms of whether a site is within a village or not. It remains for the decision-maker to determine based on the circumstances before them on the ground.
8. The part of the appeal site that comprises the access through Rawlings Court is clearly part of the village, as one of the many courtyards and/or mews to the rear of Bedford Street and the High Street. The remainder of the site behind the brick wall has the character and appearance of a garden, rather than open countryside. Therefore, I consider the whole appeal site to lie within the village of Woburn, notwithstanding the infill boundary.
9. As a single dwelling, the proposal is also limited in number. However, there is still the question as to whether it represents infill. The NPPF does not provide any definition of the term and it is something that should be considered based on the particular circumstances of the appeal and the site context.
10. The proposed dwelling would effectively continue the developed frontage of 5 and 6 Park Street to the south, but there would be no built development to the north. While there is built development to the west and east of the proposed dwelling, the church to the east is set back considerably from the boundary of the appeal site by landscaping. Thus, the proposed dwelling would be more akin to back land development on a garden plot to the rear of existing built development rather than filling a gap between buildings. Based on my site visit observations, I do not accept that such form of back land development is prevalent in this part of Woburn. The courtyards and mews are physically part of the main buildings along the High Street and Bedford Street with detached outbuildings rather than entirely separate dwellings to the rear.
11. Based on the site specific circumstances, the proposed development does not constitute limited infilling in a village and therefore represents inappropriate development in the Green Belt which, by definition, is harmful.

Effect on the openness of the Green Belt

12. Paragraph 79 of the NPPF states that openness is an essential characteristic of the Green Belt. Paragraph 86 states that if it is necessary to prevent

¹ *Julian Wood v SSCLG and Gravesham Borough Council* [2015] EWCA Civ 195

development within a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included within the Green Belt.

13. The proposed dwelling would be sited within an existing garden that forms part of a large area of open space to the rear of Bedford Street and the High Street. This space forms part of the open and rural character and setting of Woburn. The dwelling would be a substantial structure in terms of height and footprint and would greatly reduce the undeveloped nature of the existing garden. Thus, there would be significant harm to the openness of the Green Belt through the encroachment of built development into an area of open space.

Effect on the character and appearance of Woburn Conservation Area

14. The appeal site lies wholly within the boundary of Woburn Conservation Area. The significance of the conservation area is derived from the historic village of Woburn with many buildings of architectural and historic interest surrounded by countryside and the estate of Woburn Abbey. The part of the conservation area within and surrounding the appeal site is characterised by the built form of the High Street and Bedford Street, with courtyard development and open space to the rear giving way to countryside and the grounds of the Grade II* listed Church of St Mary.
15. The garden and open space in which the proposed dwelling would be situated makes a positive contribution to the significance of the conservation area and its character and appearance as part of the backdrop to the High Street and Bedford Street to the west and the church to the east. The brick wall that forms the boundary between Rawlings Court and the rest of the appeal site helps to provide a sense of enclosure to one of many courtyards behind the High Street and Bedford Street. As such, it makes a positive contribution to the significance of the conservation area and its character and appearance.
16. The proposed dwelling would be of a design and scale comparable to residential development to the south at 5 and 6 Park Street. The information submitted with the application in terms of the Design Statement is sufficient to understand the impact of the development in terms of materials and detailing and it would be reasonable to request samples of materials via a planning condition for a new building in a conservation area.
17. However, the dwelling would result in the erosion of open space to the rear of the High Street and Bedford Street and encroach on views towards the church from within Rawlings Court, notwithstanding limited views from the main street. There would remain a boundary treatment along the eastern edge of Rawlings Court through the provision of a gate in the middle of the existing wall, but it would be more permeable and lessen the sense of enclosure.
18. Concluding on this main issue, the proposed development would result in harm to the character and appearance of the conservation area and harm to its significance. Therefore, it would be contrary to Policies CS15 and DM13 of the Core Strategy which seek to protect, conserve and enhance the district's conservation area and ensure the conservation of important features. The harm to significance would be less than substantial as the open space to the rear of the High Street and Bedford Street would largely endure, and would only be moderate. However, there is still a need to weigh that harm against

the public benefits of the proposal in line with paragraph 134 of the NPPF. This will be addressed as part of my conclusions below.

Access and Parking

19. Rawlings Court is accessed via a carriage arch off Bedford Street which restricts the size of vehicles in terms of height and width. A number of other courtyards have a similar setup reflecting the historic built form of Bedford Street and the High Street. Like existing properties and businesses in these locations, the proposed development could wheel refuse bins for collection to the main road. Emergency service personnel could access the property on foot, and it would appear possible for the access to 5 and 6 Park Street to be used by a fire engine to deploy a hose if required. Thus, there would be no material harm in terms of access for refuse and emergency services.
20. At the point of my mid-morning site visit, Rawlings Court was not heavily parked, but there is space for a reasonable number of cars for residents and businesses. The creation of access gates in the brick wall at the end of the courtyard would reduce the amount of space for parking, but space for more than four vehicles would remain and would not necessarily block doorways into existing properties and businesses. The access gates to the dwelling would not remove manoeuvring space in this part of the courtyard, and would in fact increase such space as no cars could be parked there. Thus, the restrictions that currently exist within the courtyard in terms of vehicles turning and leaving in a forward gear would not get any worse as a result of the proposed development.
21. Concluding on this main issue, the proposed development would have an acceptable effect on access and parking. Therefore, it would accord with Policy DM3 of the Core Strategy which, amongst other things, requires development to provide appropriate access and adequate areas for parking and serving. It would also follow paragraph 32 of the NPPF in terms of providing safe and suitable access to the site.

Other Considerations

22. The provision of an additional dwelling in a village location would have some social and economic benefits, mindful of paragraph 55 of the NPPF and the desire to enhance or maintain the vitality of rural communities, and paragraph 47 of the NPPF and the need to boost significantly the supply of housing. However, a single dwelling would not amount to considerable social and economic benefits, and so I can only afford these considerations modest weight.

Conclusion

23. Paragraph 87 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the proposed development would result in significant harm to the openness of the Green Belt. Paragraph 88 of the NPPF makes clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. In terms of other harm, I have found moderate harm to the character and appearance and significance of Woburn Conservation Area. This

harm would not be outweighed by the public benefits of providing an additional dwelling which only carries modest weight.

24. As explained above, I give modest weight to the social and economic benefits of development, and so they do not clearly outweigh the harm that I have identified. Consequently, very special circumstances do not exist to justify the proposed development and it would not accord with Policies DM4 and DM6 of the Core Strategy or meet the aims of the NPPF in Section 9. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR