
Appeal Decision

Site visit made on 25 January 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 21st February 2017

Appeal Ref: APP/P0240/W/16/3160783

84a Hanscombe End Road, Shillington SG5 3HH

- 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 D Binks & J Sims against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/03007/FULL, dated 8 July 2016, was refused by notice dated 19 September 2016.
 - The development proposed is the erection of a dwelling-house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have acknowledged that they do not have a five year supply of deliverable housing sites as required by the National Planning Policy Framework (the Framework)¹. In these circumstances, the Framework states that relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the Framework states that where relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - (a) Whether the location would provide acceptable access to everyday local facilities, by a range of modes of transport;
 - (b) The effect of the development on the character and appearance of the area; and
 - (c) Highway safety in the vicinity of the appeal site, with particular regard to visibility.

Reasons

4. The appeal site is a rectangular plot of predominantly open land between two detached dwellings. It contains a detached garage building that was ostensibly

¹ See paragraph 47

used in connection with the site's former use as a temporary site for a mobile home. This ceased in 1997. It currently has an overgrown and unmaintained appearance, although there were some signs of recent activity taking place in terms of clearing vegetation. A ditch runs down one side of the site and the boundaries are a mixture of trees, hedgerow and close-board fencing. The site is not within a defined settlement boundary. The nearest defined settlement is Shillington. There are sporadically located dwellings and agricultural buildings in the vicinity of the site, but these do not form a coherent settlement. For the purposes of considering the appeal against local and national policy, the site is in the open countryside.

5. The site was subject to a dismissed planning appeal in 1998 for a bungalow and garage (appeal reference T/APP/J0215/A/97/288980/P2).

Access to facilities

6. The nearest settlement of any size is Shillington, which is identified as a 'large village' by policy CS1 of the Core Strategy² (CS). The village contains a range of facilities including a village store, a lower school, two churches, two petrol stations and a village hall. I have also been provided with information relating to public transport services running from the village. The services are not particularly frequent to Luton, running no better than roughly every two hours between Monday and Saturday. The frequency of services between the village and Hitchin and Henlow are more variable, running at between 2 and 3 hours in the main. There are no Sunday services. Nevertheless, while there are some deficiencies in the frequency and coverage of the services, these would represent a more frequent service than some rural areas have access to.
7. The site is an approximate 10-15 minute walk from the edge of the built up part of the village of Shillington. Accessing the facilities would involve a longer walk. However, there are no pavements on either side of the road into the village and the road is unlit. Whilst the distance to the edge of the village may not be completely prohibitive in itself, the nature of the route is unlikely to facilitate walking into the village. There is no evidence of any public transport services passing by the site or bus stops in the immediate vicinity of the site. Notwithstanding the frequency of the service, the walking route to the bus stops in the main village means that it is unlikely public transport would be considered a realistic alternative to the car for the majority of day-to-day trips.
8. I find therefore, that future occupants of the development would be reliant on the car to meet their day-to-day needs. Whilst the development would not give rise to a significant number of vehicle movements, they are likely to be made by private motor vehicles, which is the least sustainable mode of transport.
9. Saved policy DM4 does not permit new residential development in locations outside defined settlements such as this. The policy of directing development into locations which have good access to services and facilities, and protecting the intrinsic beauty of the countryside, are broadly consistent with the policies of the Framework. However, the wording and operation of the policy effectively creates a blanket restriction outside settlements for which there is no provision within the Framework and which would be contrary to its aims to boost significantly the supply of housing.

² Central Bedfordshire Core Strategy and Development Management Policies – November 2009

10. The policies of the Framework are, therefore, a significant material consideration in this appeal. Paragraph 55 is particularly important as it provides specific guidance on housing in rural areas. This states that to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities. This fits into the core planning principle of supporting thriving rural communities. The example given is where there are groups of smaller settlements, development in one village may support services in a village nearby. This paragraph also states that isolated homes in the countryside should be avoided unless one of a list of 'special circumstances' applies to the development.
11. There is no definition of 'isolated' within the Framework. The appellant has drawn my attention to an appeal where the Inspector concluded that as the development was near to other dwellings it would not be isolated. I do not have all of the details of this case and thus cannot conclude with any certainty that the two developments are directly comparable, particularly in terms of access to facilities or the scale and nature of the settlement within which the appeal site was located. Nonetheless, I consider that in the context of the guidance, the assessment of isolation cannot only be a consideration of whether there are other properties near to the appeal site but rather how well it relates to settlements, the level, proximity and accessibility of services and facilities and such things as whether the site has good access to public transport or is in a generally accessible location.
12. The proposal would be between two existing dwellings and in this respect would not stand by itself. Nonetheless, these are not part of a village or defined settlement and there are only a small number of other dwellings in the vicinity of the site. The development would also relate poorly to existing services and facilities, is not well served by public transport and is unlikely to encourage trips by walking or cycling. Notwithstanding the facilities that exist in Shillington, the relationship between the site the settlement would effectively render it isolated from the most important day-to-day services and facilities.
13. The proposal would consequently conflict with one of the core planning principles of the Framework as set out in paragraph 17 in terms of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling. In coming to this conclusion, I have had regard to paragraph 29 and 34, which recognise that measures to maximise sustainable transport may vary between urban and rural areas. However, this development would provide little realistic choice in modes of travel and this would not meet the requirements of the Framework.
14. The delivery of one additional dwelling in this isolated rural location would not maintain or enhance the vitality of the nearby village to any material degree. This is not a case of development in one settlement supporting services in another. This would essentially constitute a marginal increase in sporadically located dwellings between settlements for which there is no provision within the Framework. The location and accessibility of this site in relation to defined settlements does not suggest a strong functional relationship that would be key to maintaining or enhancing their vitality.
15. For these reasons, the site would not provide adequate access to everyday facilities by a range of means of transport. The underlying principle of managing growth toward accessible locations and accords with national policy.

For this reason, while I have given it limited weight, the development would still conflict with saved policy DM4, which seeks to resist development outside defined settlements. I have also assessed the proposal against the policies in the Framework, which are material considerations of considerable importance. In this regard, I also find conflict with paragraphs 7, 17, 29 and 55 of the Framework, which seek to support thriving rural communities and sustainable transport options.

Character and appearance

16. The site forms a gap between two existing detached dwellings. This sporadic pattern of development is characteristic of the area. Whilst I do not have the full details of the previous appeal on this site, and I recognise it was considered some time ago, the Inspector in that case concluded that development of the site would unacceptably harm the rural character of the area.
17. The dwelling would be set well back from the roadside. There would also be a reasonable amount of screening on either side and to the front of the site. Nevertheless, the dwelling would still be seen from the roadside and the significant increase in the built form on the site, and associated domestic paraphernalia, would have a clear urbanising effect. The filling of what is currently an open and verdant gap would have a detrimental effect on the existing loose knit rural character of the area. The development would effectively create something of a ribbon of development which, while not particularly long, would be uncharacteristic of the more irregular nature of housing in the area.
18. There would be nothing objectionable about the design of the dwelling. However, the house would take up much of the width of what is a relatively narrow site, with only a limited amount of space to either side of the widest part of the building. I consider this would create something of a cramped form of development. While there would be considerable space to the front of the site, this would mostly be made up of access drive and parking areas. This would also serve to emphasise and exacerbate the inappropriate consolidation of the built form in the area and harm to its rural character.
19. Whilst the site currently has an overgrown and unkempt appearance, it is not out-of-keeping with the more rural character of the area. The presence of the small garage and existing access does not alter my view on this. The appellant has argued the development would result in a significant improvement to the site and its setting adjacent to existing dwellings. However, the effects of a long term lack of maintenance should not be seen as a legitimate reason for allowing an otherwise harmful development.
20. I find, therefore, that the development would have a materially harmful impact on the rural character and appearance of the area. Accordingly, there would be conflict with policy DM3 which seeks, amongst other things, development to be appropriate to their setting. It would also conflict with the objectives of the Framework in terms of recognising the intrinsic beauty of the countryside.

Highway safety

21. There is a bend just before the site when approaching from the south west, which would limit visibility in that direction to a distance well short of that suggested by the Council as being necessary to ensure sufficient levels of

visibility. The situation to the other side of the access would be better, though there is still a bend in the road a relatively short distance from the site which curtails visibility to an extent. The verge between the access and edge of the road would provide some opportunity to see to the bends without entering the carriageway and I recognise that the proposal includes the widening of the access. However, the road is a national speed limit road. Without any empirical evidence before me relating to the speed or volume of traffic passing by the site, I must assume vehicles will be travelling at some speed. I am not convinced, therefore, that there would be sufficient visibility to exit the site safely, particularly when turning right.

22. The site has an existing access previously used to serve a mobile home. This use ended around 20 years ago, however, and it is unclear if there has been any intervening use of the access for other purposes on a regular basis. I have had regard to the fact this is an existing access, but I must also have regard here to the intensification of the use of the access and that it would not provide the required levels of visibility. I am also mindful of existing accesses on the same stretch of road and that the Council has not provided any evidence of problems associated with the access when it was previously in use. Nonetheless, I am not persuaded by the evidence before me that increasing the number of functional access points in this location without the necessary visibility splays would be in the best interests of highway safety in the area.
23. I consider, therefore, the reduced level of visibility and intensification of the use of the access would have a detrimental effect on highway safety in the vicinity of the site. Accordingly, there would be conflict with policy DM3 which seeks, amongst other things, development to provide appropriate access.

Planning balance

24. Paragraph 7 of the Framework identifies the three dimensions of sustainability as economic, social and environmental. The development would have limited social and economic benefits in terms of providing one additional dwelling to the supply. Although the Council cannot identify a five year supply, one dwelling would not carry significant weight in this regard, whatever level of shortfall exists. Investment in construction and related employment during construction would be an associated short term benefit that carries little weight. The Council have accepted that, by virtue of the garage block on the site, the site as a whole should be considered previously developed land. I see no reason to disagree with their conclusions on this, but the environmental benefits in relation to this would be limited.
25. The development would provide a small amount of additional expenditure to support services, but the poor relationship and lack of accessibility to day-to-day facilities weighs against the development in terms of the social dimension of sustainable development. The resulting reliance on the private motor vehicle, the least sustainable mode of transport, conflicts with the environmental objectives of the Framework. In particular, the aim of moving toward a low carbon economy and using natural resources prudently. The location of the site also relates poorly to the economic role of ensuring development takes place in the right locations.
26. I have also concluded that the development would have a harmful effect on the character and appearance of the area in conflict with the environmental dimension of sustainability.

Conclusion

27. In this case, the adverse impacts I have identified would significantly and demonstrably outweigh the limited benefits of one dwelling when assessed against the policies of the Framework when taken as a whole. The proposal would not, therefore, represent sustainable development.
28. While policy DM4 is out-of-date, the proposal would nevertheless be contrary to this and other development plan policies noted above. This conflict would not be outweighed by other material considerations, including the provisions of the Framework and paragraph 14 in particular. As a result of this, I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR