
Appeal Decision

Site visit made on 30 January 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 27th February 2017

Appeal Ref: APP/P0240/W/16/3162526

Land adjacent 4 Haynes Turn, Haynes, Bedfordshire MK45 3PA

- 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 Ashley Cooper and LSF Properties Limited against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/01088/OUT, dated 3 March 2016, was refused by notice dated 6 May 2016.
 - The development proposed is for the erection of three no detached dwellinghouses.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of three no detached dwellinghouses at land adjacent 4 Haynes Turn, Haynes, Bedfordshire MK45 3PA in accordance with the terms of the application, Ref CB/16/01088/OUT, dated 3 March 2016, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: CBC/001 location plan.

Procedural Matter

2. The application was made in outline with all detailed matters reserved. An indicative 1:500 scale block plan was submitted showing the layout and built footprint of three dwellings served off a private vehicular access onto the A600 High Road, which currently serves four houses. I have dealt with the appeal on this basis.
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Main Issues

3. The main issues in this case are the effects three new dwellings would have on
a) the character and appearance of the area and b) the safety and convenience of existing and future users of the adjacent highway.

Reasons

Policy Framework

4. The Council's development plan comprises the Core Strategy and Development Management Policies – North, adopted in 2009 (CSDMP). Paragraph 215 of the National Planning Policy Framework (the Framework) requires that due weight be given to relevant policies in this existing plan, according to their degree of consistency with it. Those policies considered relevant to the supply of housing are also deemed to be not up-to-date through paragraph 49 of the Framework, as the Council cannot demonstrate the five-year supply of deliverable housing sites this requires.
5. Whilst not up-to-date, the weight given to these policies rests with this decision and should take account of the degree of the five-year housing supply shortfall. However, as the Council acknowledges that relevant housing policies are out-of-date, the appeal has to be decided in the context of a presumption in favour of sustainable development, as set out in paragraph 14 of the Framework.

Character and appearance

6. The site comprises a triangular area of rough grassland, contained within the boundaries of the existing housing at Haynes Turn to the south-west, arable farmland to the south-east and the A600 to the north. It is located immediately beyond the northern extent of the built-up part of Haynes village, just outside the defined settlement envelope.
7. Three dwellings, as indicated, would continue the established grain of housing towards the road and round-off development in a clearly defined piece of land, without this extending the straight south-eastern edge of development into the open farmland beyond. Although the topography is flat, the views of the proposed development would mainly be against the backdrop of existing housing. Three houses here would not therefore be an incongruous incursion of housing into the open countryside, but a modest addition to the village that would be in keeping with its present form and built pattern. The A600 and adjacent open farmland would provide a clearly defined limit to further development extending beyond this site.
8. The settlement envelopes defined in the CSDMP enable the clear, unambiguous and consistent application of its policies for the control of development. Although the Framework makes no reference to settlement envelopes these would, in principle, be consistent with its overall aim, set out in paragraph 55, to promote sustainable development in rural areas, to locate housing where it will enhance or maintain the vitality of rural communities and to avoid new isolated homes in the countryside.
9. Haynes is designated as a large village where CSDMP Policy DM4 limits new housing to small-scale infill development within the settlement envelope. Consequently, this proposal would clearly conflict with this policy. This policy is

not referred to in the decision but covered in the Council's statement and so I am treating its omission as an oversight.

10. CSDMP Policies CS14 and DM3 require high quality development that respects local distinctiveness and which would be appropriate in scale and design to the setting. These policies are consistent with the aims of the Framework, in particular as set out in section 7 requiring good design. However, subject to a well-designed scheme, which might be secured at the reserved matters stage, three dwellings on this site would not be out of keeping with the pattern of development in this location. The finally approved designs could be appropriate in scale, design and materials, contributing positively to a sense of place, and so there would be no material conflict with these policies. The dwellings proposed would be close to the existing built-up area of the village and cause no material harm to the open character of the countryside such as to conflict with CSDMP Policy CS16.

Safety and convenience of existing and future users of the adjacent highway

11. CSDMP Policy DM3 requires that all proposals incorporate appropriate access and adequate areas for parking and servicing. Paragraph 32 of the Framework would require that a safe and suitable access to the site be achieved and that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. Recent case law¹ has established that the latter is in respect of capacity and congestion considerations rather than highway safety.
12. The private access is hard surfaced for a few metres into the site, where it is of an adequate width to permit vehicles to enter and leave at the same time. The proposal would increase the dwellings served from this access from four to seven. No road traffic accident statistics for this location have been drawn to my attention.
13. The A600 is a two-way classified road and there is a lay-by bus stop opposite the site entrance; a few metres to the west of the Silver End Road junction, which leads south to the main village. The site could accommodate vehicle parking and manoeuvring space to adequately serve three dwellings.
14. This section of the A600 is set to the national speed limit for this type of road, which is 60mph. To meet full standards for such a situation the visibility splays at the appeal site junction should be 2.4m by 215m in either direction. Drawings submitted by the appellant indicate that, due to bends in the A600 in either direction, splays might be provided at the site entrance providing visibility along the main road 32m to the west and 128m to the east, without requiring land from a third party or outside highway authority control.
15. Although no speed survey information is provided I accept that vehicle speeds along the A600 here would be mainly below 60mph due to the road alignment, the presence of the Silver End Road junction and the related road signage.
16. In my assessment the site access could accommodate the additional vehicular movements generated by an increase from four to seven dwellings with the visibility that can be achieved and without causing material harm to the safety and convenience of existing road users or that of future occupiers.

¹ *Mayowa-Emmanuel v Royal Borough of Greenwich* [2015] EWHC 4076

Consequently, the proposal would comply with the requirements of CSDMP Policy DM3 and the Framework.

Other Matters

17. Consideration has been given to the further concerns raised by interested parties, in respect of this proposal establishing a precedent for further housing, not meeting local housing needs, exceeding the capacity of existing services and infrastructure, causing adverse effects on the living conditions of existing occupiers due to noise or loss of privacy, resulting in the loss of roadside hedging and harming biodiversity.
18. Whilst appreciating these concerns I have not found there to be evidence that any of these matters would lead to material harm as a consequence of this proposal or might not be suitably addressed by the detailed design and landscaping required at a reserved matters stage.

Planning Balance

19. Although the Council calculates it can currently demonstrate almost a five-year supply of available housing land (4.89 years) I am not aware that this figure has been tested independently. Relevant policies must nevertheless be considered as not up-to-date under paragraph 49 of the Framework. Therefore the presumption in favour of sustainable development set out in paragraph 14 of the Framework is invoked. Where relevant development plan policies are out-of-date this would mean granting permission 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.
20. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraphs 18 to 219, taken as a whole, comprise the Government's view as to what this means in practice. Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the Framework requires to be sought jointly and simultaneously.
21. The three dwellings would provide positive social benefits in contributing to the supply of housing and economic benefits through their construction and servicing, and by generally helping maintain and enhance the vitality of this village. Whilst the policies in the CSDMP referred to are afforded significant weight, as being generally consistent with the Framework, no environmental harm has been found as a result of this proposal which would conflict with any of these. Although the proposal would conflict with CSDMP Policy DM4, in respect of being development beyond the village envelope, in this case no adverse impacts would arise as a consequence which would significantly and demonstrably outweigh the benefits identified above.

Conditions

22. I have considered the Council's suggested conditions in the light of paragraph 206 Framework and included only those necessary. In addition to the standard outline conditions requiring the submission of reserved matters and the timescale for commencement of the development it is necessary, in the interests of certainty, that a condition covers the location of the site to which

the permission applies. The layout plan is indicative and so not included in this condition.

23. As the approval is in outline, with all matters reserved, details of site levels, waste and recycling provision, landscaping and access improvements may all be adequately addressed at a later stage. There is no evidence that the site contains significant or protected biodiversity or that the three dwellings would leave adequate space for any wildlife enhancement measures and so the condition to this effect suggested by the Council is not considered justified.

Conclusion

24. For the reasons set out, having taken into account all other matters raised, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR