The Planning Inspectorate

Appeal Decision

Site visit made on 14 February 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 27th February 2017

Appeal Ref: APP/P0240/W/16/3161318
Land rear of 31A Mount Pleasant, Aspley Guise, Milton Keynes, MK17 8JZ

- 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 J Gill against the decision of Central Bedfordshire Council.
- The application Ref CB/16/02500/OUT, dated 10 June 2016, was refused by notice dated 19 August 2016.
- The development proposed is erection of 1.5 storey dwelling with garage.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address given above is taken from the appeal form. The application form describes the site address as '31A Mount Pleasant, Aspley Guise, Milton Keynes, MK17 8JZ'. However, the proposal does not relate to that property.

3. The application is in outline with all matters reserved for future consideration except for the means of access. A drawing showing an indicative layout was submitted with the application, and I have had regard to this in determining this appeal.

Main Issues

4. The main issues are:
   (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ("the Framework") and development plan policy;
   (b) The effect of the proposal on the openness of the Green Belt;
   (c) Whether the development would prejudice highway safety; and
   (d) If the proposal is inappropriate development, 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

Inappropriate development in Green Belt

5. The appeal site is part of a paddock located to the rear of properties fronting Mount Pleasant and San Remo Road. It is separated from open land to the north west by a wooden fence that is lined with trees and bushes. The north eastern boundary of the site also abuts open land and but is not defined by any physical feature.

6. Paragraph 89 of the National Planning Policy Framework ('the Framework') states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception is limited infilling in villages.

7. Policy DM6 of the Central Bedfordshire Local Development Framework Core Strategy and Development Management Policies (2009) identifies Green Belt Infill Boundaries around Aspley Guise and other settlements in the Borough. Within these boundaries, the policy states that infill development will be acceptable in principle. In this case, the appeal site is located outside of the Green Belt Infill Boundary. However, recent case law[1] is clear that the decision-maker is required to consider whether, as a matter of fact on the ground, the development would constitute limited infilling in a village.

8. The term infill is usually taken to mean a development situated in a gap in an otherwise developed frontage. The appeal dwelling would not have a direct frontage onto a road, and would be located behind properties fronting Mount Pleasant and San Remo Road. In this regard, the development would have a backland quality that would poorly relate to the surrounding pattern of development. Whilst the site's south western and south eastern boundaries abut residential gardens, most of its north eastern and north western boundaries border open land. The north western boundary comprises a fence supplemented with trees and bushes; however, this is not a particularly strong boundary. The north eastern boundary of the site is not demarcated by any physical feature, and is simply a line drawn through the paddock. The dwelling would not be situated in a gap in the built up part of the village, and it would be poorly contained. In my view, it would not constitute infilling in a village, and would therefore not comply with the 5th bullet point to paragraph 89 of the Framework.

9. I conclude that the proposal would be inappropriate development in the Green Belt, which paragraph 87 of the Framework states is harmful by definition and should not be approved except in very special circumstances. The proposal would also be contrary to Policy DM6 of the Central Bedfordshire Local Development Framework Core Strategy and Development Management Policies (2009).

Openness

10. The extension would be located on land that is currently a paddock and does not contain any buildings. The introduction of a new dwelling with a significant built footprint and volume, and associated domestic paraphernalia, would reduce the openness of this part of the Green Belt. Whilst it would be 1.5 storeys in height, it would still be of a significant size. The Framework advises

[1] Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin).

at paragraph 79 that openness is an essential characteristic of Green Belts, and the appeal proposal would therefore cause harm in this regard.

11. Whilst the development would be partially screened from view by existing trees and bushes along the north western boundary of the site, it would still be visible from the land beyond. In any event, this consideration would not alter the loss of openness associated with the proposal. In view of these points, I conclude that the appeal proposal would fail to preserve the openness of the Green Belt. This would further harm the objectives of the Green Belt to which the Government attaches significant importance.

Highway Safety

12. The development would utilise an existing access to the side of No 31a Mount Pleasant. An area of land adjacent to this access is currently used by the occupants of No 31a for parking, part of which is included within the appeal site boundary.

13. The access to the paddock is generous in width. It is a minimum of 5 metres wide according to the submitted plans, excluding the land currently used for parking by the occupants of No 31a. The proposal would retain 3 parking bays to serve No 31a, which is adequate for a family dwelling. The proposed dwelling would also be capable of being served by adequate parking within the site. In these circumstances, I am satisfied that the development would not lead to increases in on-street parking, and would not therefore increase danger and inconvenience to users of the highway.

14. The development of a single dwelling would not lead to a material increase in traffic in the area, or have a significant effect on highway safety. Whilst the visibility at the junction onto Mount Pleasant is restricted by an outbuilding, it is still possible to view up and down the street from the entrance. In this regard, I note that Highway Authority did not object to the proposed access.

15. For the above reasons, I conclude that the development would not prejudice highway safety.

Other considerations

16. The Council is currently unable to demonstrate a 5 year supply of housing land, as required by the Framework. In these circumstances, paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date. I return to this matter in my conclusion, below.

17. As set out above, the dwelling would relate poorly to the surrounding pattern of development, and would not be well contained. Accordingly, I do not consider that it would be a natural continuation of the residential development of the area.

18. Whilst the trees and bushes along the north western boundary partially restrict views into the site, the development would still be visible from the open land beyond. Additional landscaping and screening could be provided at reserved matters stage. However, as set out above, this would not alter the loss of openness associated with the proposal.

19. Whilst the height, size, scale, and position of the dwelling could be controlled at reserved matters stage to ensure it was in keeping with the area, this would be an ordinary requirement for new development rather than a significant benefit.

Other Matter

20. The distance between the proposed dwelling and the properties fronting Mount Pleasant and San Remo Road would be sufficient to protect the privacy of adjacent occupiers.

Conclusion

21. The proposal would constitute inappropriate development in Green Belt and would reduce openness in this location. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It further advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

22. The provision of additional housing carries moderate weight. However, even taken with the other suggested benefits, this does not clearly outweigh the harm to the Green Belt in this case. Consequently, very special circumstances do not exist. In reaching that conclusion, I have taken into account the Government's Planning Practice Guidance which states that, 'Unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt' (ref ID 3-034-20141006).

23. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date if the Council is unable to demonstrate a five-year supply of deliverable housing sites. Policy DM6 states that, within Green Belt Infill Boundaries, infill development will be considered acceptable in principle. Insofar as this policy seeks to restrict the location of new housing development, it can be considered a policy for a supply of housing in terms of paragraph 49 of the Framework. However, the Government attaches great importance to Green Belts, and as I consider that this policy is consistent with the Framework, I give it significant weight.

24. Where relevant policies are out-of-date, the Framework indicates that permission should be granted, unless there are specific policies in the Framework (such as land designated as Green Belt), which indicate that development should be restricted. Given that there are no very special circumstances, Green Belt policy is determinative in this case. Overall, therefore, the proposal does not represent sustainable development.

25. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR