
Appeal Decision

Site visit made on 28 March 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 11 April 2017

Appeal Ref: APP/P0240/W/16/3165336

Jubilee Cottages, Station Road, Marston Moretaine, MK43 0PN

- 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 Cartwright (Carbury Investments Ltd) against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/02612/FULL, dated 13 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is a two storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development upon (i) the character and appearance of the area; and (ii) whether the dwelling would provide satisfactory living conditions for future occupiers with particular regard to noise and disturbance.

Reasons

Policy Background

3. The site is outside of any Settlement Envelope as defined by the Central Bedfordshire Core Strategy and Development Management Policies, 2009 (CS). CS Policy DM4 supports development within Settlement Envelopes. The explanation to the policy says that outside settlements, where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted in accordance with national guidance. The current National Guidance is the National Planning Policy Framework.
 4. Paragraph 49 of the Framework requires housing applications to be considered in the context of the presumption in favour of sustainable development. This is set out at paragraph 14 of the Framework and indicates that where relevant housing supply policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against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 as a whole. Paragraph 7 of the Framework establishes the three dimensions to sustainable development; economic, social and environmental.
 5. The Council has confirmed that it cannot demonstrate a 5 year housing land supply (HLS); the currently supply being 4.88 years. Therefore, Policy DM4 is
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out of date. That said, whilst I cannot give this policy the full weight of the development plan, this does not mean that it is irrelevant or should be disregarded.

Character and Appearance

6. The site is the side garden of a dwelling. This dwelling sits at the end of a long ribbon of residential development which is slightly detached from the main body of the village by a short stretch of open land. To the other side of the site is Church Farm which accommodates industrial uses within a large range of converted farm buildings.
7. Given this setting, amongst other buildings within a well-defined frontage of development, the site has a semi-rural, edge of settlement character rather than that of being within the open countryside. Within this context, I do not consider that the proposed dwelling would look out of place or would be harmful to the landscape character of the wider countryside surrounding the village.
8. Having regard to the surrounding development, and the proximity of the site to the village, I do not consider that a dwelling in this location would be isolated. Therefore, there would be no conflict with paragraph 55 of the Framework.
9. The Council has not expressed any objection to the overall design of the proposed house. It has been designed to be slightly lower in height than the adjoining dwelling so that it would appear subservient in scale. Materials and elevational details would match the existing dwelling. Therefore, I consider that its design would look appropriate within its surroundings.
10. I conclude that the proposed dwelling would not harm the character and appearance of the area. Consequently, I find no conflict with CS Policy DM3 which seeks to ensure a high standard of development that contributes positively to creating a sense of place and that respects local distinctiveness. Furthermore, as I find that the site is not within the open countryside, and is not isolated in terms of paragraph 55 of the Framework, I find no direct conflict with the aims and objectives CS Policy DM4 which seeks to protect the countryside from inappropriate development.

Noise and Disturbance

11. The site is immediately adjacent to commercial units at Church Farm which is also a working farm. The units were granted permission in 1995 for office, carpentry and storage uses and one of the current uses is a motorcycle repair facility. The occupier of Church Farm has indicated that grain lorries are loaded, at night and in the early morning, on a concrete pad adjacent to the appeal site. The Council's Pollution Officer has raised concerns about noise coming from the adjacent uses.
12. The appellant has not provided any technical evidence to demonstrate that these potentially noisy activities would not cause unacceptable disturbance to the occupiers of the proposed dwelling.
13. I appreciate that the existing dwelling is close to these uses but the proposed dwelling would be even closer, and therefore, future residents would be even more susceptible, than the existing occupiers, to noise and disturbance. Disturbance could affect both the inside of the dwelling and the enjoyment of

its garden. I note the appellant's suggestion that noise impact could be mitigated by the use of a planning condition, but unless I know the exact nature of the noise, I cannot judge whether or not a condition would be appropriate.

14. I therefore conclude that there would be an unacceptable risk that the dwelling would not provide satisfactory living conditions for future occupiers. This would conflict with CS Policy DM3, the aims and objectives of which include the protection of the amenity of occupiers of property.

Planning Balance

15. The dwelling would be socially sustainable by making a small contribution to the supply of housing in the area and this would be a benefit of the scheme. There would be some economic benefit in terms of the construction of the dwelling. However, there is a significant and demonstrable risk that the dwelling would not provide satisfactory living conditions for its future occupiers. It would therefore not be environmentally sustainable and consequently, the development would not represent sustainable development as established by the Framework.

Conclusion

16. I have taken all other matters into consideration, including representations from interested parties, but none outweigh the conclusions I have reached and the appeal is dismissed.

Siobhan Watson

INSPECTOR