
Appeal Decision

Site visit made on 4 April 2017

by Phillip J G Ware BSc(Hons) DipTP MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/P0240/W/17/3166420

Westmead Farm, Sheep Tick End, Lidlington MK43 0SF

- 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 Raymond Mole against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/03757, dated 15 August 2016, was refused by notice dated 12 October 2016.
 - The development proposed is the erection of three dwelling houses.
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Procedural matter

1. The appeal is in outline, with all details aside from the principle of the development reserved for further treatment. I have dealt with the appeal accordingly.

Decision

2. The appeal is dismissed.

Main issue

3. There is one main issue in this case. That is the effect of the proposal on the character and appearance of the site and the area.

Reasons

4. The appeal site is located to the rear of houses fronting Sheep Tick End¹, outside the village of Lidlington. It is accessed by a driveway which serves the appellant's property which has a side elevation onto the main road, and also leads to a separate dwelling and holiday accommodation further to the rear, and
5. The site itself is a grassed area which is occasionally used as part of a car boot sales area which extends away from the road and runs at right angles behind other frontage properties. This apparently takes place on 14 days each calendar year.
6. The immediate area is part of a small cluster of properties set away from the village of Lidlington. Between this cluster and the village itself is a large area of allotments, with the road running around the edge of the allotments and into the settlement. The area around the appeal site is set some distance from the

¹ Also known as Sheep Tick Road

village, with open countryside and allotments intervening, and is quite visually distinct.

7. The character of the cluster of properties is of a generally linear development along the road with houses of varying ages set within wider countryside. The proposed development would stretch back from the line of houses along the main road, and therefore be at odds with the prevailing form of development in the area. I appreciate that the eastern and western boundaries of the site are reasonably well vegetated, and that further planting on the site could be required by a condition. However the presence of a residential development running away from the road would nevertheless be visible from the surrounding area and, in particular, from the road when looking down the access drive.
8. In coming to that view I am conscious that there are two other properties beyond the appeal site, in the same ownership. These are a replacement dwelling (approved on appeal in 2014) and the terrace of three dwellings for holiday accommodation. Both of these are further to the rear of the site and both are nearing completion.
9. Whatever the merits of these developments, the proposal would have the effect of linking the frontage properties to the buildings to the rear, thereby creating a line of development stretching into the countryside. This would be alien to the prevalent form of development in the immediate area and be contrary to the Council's Core Strategy and Development Management Policies (2009) (CSDM), particularly policies DM3 and CS14, dealing with high quality development.
10. Overall, the proposal would harm the character and appearance of the site and the area.

Other matters, planning balance and conclusion

11. The limited evidence before me indicates that the occasional car boot sales which take place on the appeal site cause problems in the area, especially in highway terms. The appellant has submitted a Unilateral Planning Obligation (20 December 2016) which provides for the cessation of the car boot sales on the land owned by the appellant. I consider this would be a benefit to the area and meets the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. I have therefore taken it into account, but only give it limited weight in view of the lack of detailed evidence of problems which the use causes and the fact that it only takes place irregularly.
12. Lidlington is defined as a small village in CSDM policy CS1, and includes a number of facilities as identified by the appellant. However the appeal site is outside the defined Settlement Envelope and the proposal is therefore contrary to CSDM policy DM4.
13. Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy DM4 is a clearly restrictive policy which seeks to limit housing development in the countryside outside settlement envelopes. As such, it has the effect of constraining the supply of housing land

and so, for the purposes of this appeal, should be regarded as a relevant policy for the supply of housing.

14. It is agreed by the parties that that a five year supply of deliverable housing sites does not exist, and paragraph 49 of the Framework means that policy DM4 is therefore out of date – but this does not mean that it no longer has any weight. The supply of housing is stated by the Council to be just below five years, whilst another appeal decision² (where it appears that more detailed evidence was available) suggests that the shortfall is greater. However as the only evidence before me is of a limited shortfall and as the Framework recognises the intrinsic beauty and character of the countryside as a core planning principle, the policy should be accorded some weight. However, it clearly carries less weight than it would if there were a five year supply of deliverable housing sites.
15. Although Lidlington includes a number of facilities, the appeal site is some distance from the village, and there is no footpath along the road. The likelihood is that most trips from the proposed housing would be by car and there is nothing to suggest that these would support services in Lidlington.
16. I have concluded above that the proposal would be contrary to CSDM policies DM3 and CS14 and that it would cause harm to the character and appearance of the site and the surrounding area. Balanced against this is the contribution which the development would make to the supply of housing and the benefit brought about by the cessation of the car boot sales, I give limited weight to both factors.
17. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations set out above do not justify making a decision other than in accordance with the development plan.
18. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector

² APP/P0240/W/16/3154220