
Appeal Decision

Site visit made on 11 April 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 5th May 2017

Appeal Ref: APP/P0240/W/17/3167118

Rear of 50 Flitton Road, Greenfield, MK45 5DJ

- 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/16/02513/OUT, dated 13 June 2016, was refused by notice dated 24 November 2016.
 - The development proposed is demolition of existing brick/tile yard buildings. Land change of use to residential and erection of three 1.5 storey buildings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing brick/tile yard buildings. Land change of use to residential and erection of three 1.5 storey buildings at rear of 50 Flitton Road, Greenfield, MK45 5DJ in accordance with the terms of the application, Ref CB/16/02513/OUT, dated 13 June 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matter

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

Main Issue

3. The main issue is whether the development would be harmful to the character and setting of the village, and the surrounding countryside.

Reasons

4. The appeal site is located on the edge of the village of Greenfield. It is currently occupied by a brick and tile merchant business located to the rear of Nos 50-58 Flitton Road. The site is adjacent to an orchard to the north east, a small field to the south west, and open agricultural land to the south east.
 5. The site contains a cluster of small single storey buildings, but is otherwise mostly used for the open storage of bricks and tiles. It is not in dispute that the appeal site comprises previously developed land. Whilst the site is located outside of the Settlement Envelope, it is well screened by mature hedgerows and planting along Greenfield Road, along the north eastern and south eastern
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edges of the site, and along the south western boundary of the adjacent field. This existing planting, which could be supplemented by additional landscaping, would limit the development's visibility in the surrounding area. It would also serve to visually separate it from the more open agricultural land to the south east. Whilst the development would be linear in nature and would project out from the settlement, it would replicate the shape of the existing brick and tile merchant business. In this regard, the current use is already of a separate character to the surrounding countryside. Given this, and the extent to which the site is screened, the effect of the development on the rural character of the area would be limited. Whilst the development would be of a different density and grain to the adjacent terraced properties at Nos 50-58, it would be comparable to other properties nearby.

6. I conclude that the development would not significantly harm the character and setting of the village or the surrounding countryside. It would therefore accord with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). Whilst the development would be located outside of the Settlement Envelope, and would therefore be contrary to Policy DM4, no significant harm would arise from this conflict. This lack of harm outweighs the failure to comply with the development plan in my view. This would be the case regardless of whether the Council is able to demonstrate a 5 year supply of housing land.
7. Separately, the criteria set out in Paragraph 55 of the National Planning Policy Framework are not directly relevant in this case. The development is on the edge of a village that contains some facilities, and it therefore does not comprise "*isolated homes in the countryside*".

Other Matters

8. The development is not of a scale that would materially increase traffic in the area. Furthermore, I am satisfied that the proposed access is of an appropriate width, and that visibility at the junction is adequate. In this regard, I note that the Highway Authority has not objected to the development. Access to the parking areas at the rear of Nos 50-58 could also be retained when layout is considered at reserved matters stage.
9. The Central Bedfordshire Development Strategy was withdrawn in November 2015. The Central Bedfordshire Local Plan is at an early stage, and I therefore attach only limited weight to it. The emerging Neighbourhood Plan also appears to be an early stage of preparation, and there is no draft version before me. In these circumstances, I do not regard the development as being premature.
10. Noise nuisance or significant levels of light pollution are unlikely to arise from a development of this type and scale. I further note that the Council's Pollution Officer did not raise any objections in this regard.
11. There is no evidence before me that the development is in a flood risk area, or that it would lead to an increase in flood risk elsewhere.
12. The submitted ecological report identified existing buildings on the site as having high suitability for supporting roosting bats. This requires further surveys to be undertaken, but is capable of being dealt with by condition.

Conditions

13. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard outline consent conditions, I have imposed a condition that requires the development to accord with the approved plan, insofar as it relates to access. This is necessary for clarity and to ensure a satisfactory development. A condition requiring the provision of covered cycle parking is necessary to encourage the use of sustainable modes of transport.
14. I have also imposed a condition that requires the submission and approval of a phase 2 investigation report. This is necessary to ensure that any contamination is remediated. A condition requiring the submission of further bat surveys is also necessary to ensure the protection of any bats on the site. Both these conditions are pre-commencement in nature, as any preparatory works could disturb contaminants that may be in the ground, or any bats that are present.
15. I have imposed a condition that requires samples of all external facing materials to be submitted and approved. This condition is necessary to protect the character and appearance of the area. Conditions requiring the upgrading of the access and construction of the parking and turning areas prior to the occupation of the development are necessary to ensure that these facilities are available for future occupiers. A final condition requiring the development to be constructed in accordance with the approved Tree Protection Plan is necessary to protect the trees at the edge of the site during the construction process.
16. The Council suggested a condition that would require a landscaping scheme to be submitted and approved. However, this condition is unnecessary as landscaping is a reserved matter. The Council also suggested a condition that would require a scheme for screen fencing and/or screen walling to be submitted and approved. However, I note that the indicative layout plans show perimeter landscaping rather than fences or walls. Accordingly, I do not consider this condition to be necessary.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of Conditions

- 1) Details of the 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 plan, insofar as it relates to access: 2016/852/01A.
- 5) The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a scheme for the provision of secure and covered cycle parking.
- 6) No development shall take place until a phase 2 investigation report, as recommended by the Listers Geotechnical Consultants Ltd report dated 26th July 2016 (Ref: 16.06.031), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 30 days of the report being completed and approved in writing by the local planning authority.
- 7) No development shall take place until further surveys to establish the species of bats and roost type(s) within buildings B01 and B02, as recommended by the Prime Environment report dated May 2016 (Ref: 0151.0002), have been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by these surveys, a mitigation strategy specifying the measures to be undertaken to protect the bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved mitigation strategy.
- 8) No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in

writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

- 9) No dwelling shall be occupied until the existing access has been modified and upgraded in accordance with the Council's published standards.
- 10) No dwelling shall be occupied until the access driveway, parking and turning areas have been laid out, drained and surfaced in accordance with details previously submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be kept available for these purposes.
- 11) The development shall be constructed in accordance with the approved Tree Protection Plan (Ref 2926.TPP). The temporary tree protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.