
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 May 2017

Appeal Ref: APP/P0240/W/16/3166175
Thriftwood, Silsoe Road, Flitton, MK45 5EE

- 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 Angus and Banks against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/03674/FULL, dated 11 August 2016, was refused by notice dated 2 November 2016.
 - The development proposed is the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dwellings upon the character and appearance of the countryside.

Reasons

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 and where no land is available within the settlement, a site adjacent to a settlement may be granted planning permission. 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. I consider that Policy DM4 is consistent with Paragraph 17 of the National Planning Policy Framework which says that planning should recognise the intrinsic character and beauty of the countryside.
 4. Paragraph 49 of the Framework requires housing applications to be considered in the context of the presumption in favour of sustainable development. The presumption in favour of sustainable development is set out at Paragraph 14 of the Framework and indicates that where relevant housing supply policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against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.
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5. At the time of the Council's decision, the Council could not demonstrate an up to date 5-year housing land supply (HLS). Its position was that it had 4.82 years HLS. However, from 1 April 2017 the Council's position is that it can demonstrate 5.88 years supply.
6. The appellants disagree with the Council's position and have questioned the deliverability of some of the sites in the Council's trajectory. In respect of the sites the appellants have questioned, the Council has confirmed that these sites have either planning permission; have interested developers; or are already in the process of being constructed. I note the appellant's comments in respect of the legal agreements necessary to provide infrastructure for the Houghton Regis site, but the Council has explained that not all of that site will require the immediate provision of new infrastructure to make it developable in the short-term. I accept that housing will not be provided immediately and that some sites will take longer to complete than others, but I am unconvinced that the sites in the trajectory cannot be developed over the 5 year period (1/04/17-31/03/22).
7. The appellants have also questioned the inclusion of windfall sites in the trajectory. In accordance with Paragraph 48 of the Framework, the Council's windfall allowance is based on historic windfall delivery rates, expected future trends and does not include garden land. This is explained in the Council's Windfall Topic Paper, and I have no reason to dispute this evidence.
8. Furthermore, as the Council says that it has a 5.88 year supply, there is room for margins in deliverability anyway. Therefore, based on the information before me, I am of the opinion that there is a demonstrable and up to date 5-year HLS.
9. I note the appellants' reference to previous appeals in Ickwell¹ and Flitton² but the Inspectors in those appeals found that the Council did not, at the time, have an up to date 5-year HLS.
10. The site is accessed via a very long track off the main road. It forms a large gap between a bungalow and some barns and there are a couple of dwellings opposite. There are swathes of open countryside beyond. Due to the site's physical disconnection from any defined settlement, and the huge extent of countryside surrounding it, the site itself is clearly within the open countryside.
11. At the time of my visit, the site was in an unkempt condition and contained debris, a storage container, a trailer for an HGV, and other miscellaneous items. However, in spite of this, the land is predominantly open. Even if I were to accept the appellants' stance that the site constitutes previously developed land, closing this gap would create an unbroken area of built development. This would change the open character of the small scattering of built development, making it appear more suburbanised. In turn, this would erode the rural character of the site and its environs. I note the appellants' comments that planning permission has been granted for the adjacent barn to be converted but this factor does not overcome the harm I have identified. I appreciate that the site is well screened by trees and other buildings but a lack of prominence within the landscape does not overcome the loss of open land.

¹ APP/P0240/W/16/3145995

² APP/P0240/W/16/3154220

12. Paragraph 55 of the Framework indicates that planning should avoid new isolated homes in the countryside. There are a small number of dwellings surrounding the site and, therefore, the site is not isolated from other dwellings. However, it is physically disconnected by the wider countryside from a village or settlement and therefore, I consider that the site is isolated.
13. I conclude that the proposed dwellings would harm the character and appearance of the countryside. This would conflict with the aims and objectives of CS Policy DM4. It would also conflict with Paragraphs 17 and 55 of the Framework.

Planning Balance

14. The proposal would result in a small benefit to the local economy in terms of construction; and the occupants might use local businesses in nearby settlements. There would also be a very small social benefit by adding to the housing mix in the area. However, the environmental harm to the character and appearance of the countryside would significantly and demonstrably outweigh these benefits. I have found that the Council does not have a shortfall in HLS but even if I were to accept the appellants' position that the Council cannot demonstrate an up-to-date 5-year HLS, and even if a shortfall were significant, the harm to the countryside would not be outweighed by the small contribution of just 2 dwellings to the local housing supply. Therefore the proposed development does not constitute sustainable development of which there is a presumption in favour.

Conclusion

15. For the above reasons and having regard to all matters raised, the appeal is dismissed.

Siobhan Watson

INSPECTOR