
Appeal Decision

Site visit made on 8 May 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 24th May 2017

Appeal Ref: APP/P0240/W/17/3169146
50 Tebworth Road, Wingfield LU7 9QH

- 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 Hunterhill Estates Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/04674/FULL, dated 10 October 2016, was refused by notice dated 7 December 2016.
 - The development proposed is erection of a detached, one and a half storey dwelling with a detached double garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of the decision on the planning application the Council considered it could not demonstrate five years deliverable supply of housing land. A Five Year Housing Land Supply Statement for the period commencing 1 April 2017 has been published. In this the Council considers it can demonstrate 5.88 years supply of deliverable housing land.
3. I have had regard to the Supreme Court Judgment: *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG*, *Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council* which was published on 11 May 2017¹. However, I find no reason to suppose that the judgement has any direct implications for the basis on which the cases have been put to me in this particular instance.

Main Issues

4. The main issues for this appeal are:
 - (a) whether the proposal would be inappropriate development in the Green Belt;
 - (b) the effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and
 - (c) if the development is inappropriate whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly

¹ [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)

outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

5. Wingfield is a small settlement set in a strongly rural landscape and is washed over by the South Bedfordshire Green Belt. The appeal site is a parcel of land, also within the Green Belt, between Wingfield central core and the neighbouring settlement of Tebworth.
6. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise². The South Bedfordshire Local Plan 2004 (the LP) is the development plan. The National Planning Policy Framework (the Framework) is a material consideration and reiterates that the development plan is the starting point for decision making. The LP predates the Framework by some years.
7. Paragraph 14 of the Framework contains a presumption in favour of sustainable development. This is defined as having economic, social and environmental dimensions. The Framework states that where the development plan is absent, silent, or relevant 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; or where specific policies in the Framework indicate development should be restricted. Footnote 9 includes Green Belt as an example of the restrictive policies referred to. Recent case law has established that development policies which are out of date should not be disregarded³.
8. Policy GB3 of the LP indicates that Wingfield is a Category 1 village washed over by the Green Belt to which Policy GB1 applies. Policy GB1 however has not been saved as it reflects previous national policy. For the purposes of this appeal therefore the Framework takes priority in assessing whether the proposed development is inappropriate in the Green Belt.
9. The Framework states that the construction of new buildings, apart from a number of specified exceptions, should be regarded as inappropriate development in the Green Belt. Paragraph 89 of the Framework, at bullet point 5, provides for limited infilling by new buildings in villages as an exception.
10. Wingfield has a closely knit core around the junction of Tebworth Road and Hill Close. It has no designated settlement envelope. The north side of Tebworth Road, from No 38 westwards to Tebworth, is characterised by open gaps interspersed with sporadic low density houses. The appeal site is part of one of these gaps.
11. Policy GB2 of the LP defines infilling as meaning the filling of a small gap between built developments. There is no formal definition of "infill" in the Framework. A court judgement⁴ has confirmed that settlement boundary lines in the development plan are material considerations, but are not necessarily

² Section 38 of the Planning and Compulsory Purchase Act 2004

³ Crane v SOSCLG (2015) EWHC 425 (Admin, 4 May 2015)

⁴ Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195

- determinative as to whether a site is within a village or not. It remains for the decision-maker to decide this based on the circumstances on the ground.
12. The appeal site is about two thirds of a larger area of undeveloped land between hedges marking the boundaries of Nos 38 and 50 Tebworth Road. It is laid to grass and surrounded by hedges which screen it from the road and from the public footpath. The undeveloped land comprises Public Footpath No 12, Chalgrave, next to the eastern boundary of the appeal site, and a piece of land beyond the western boundary of the appeal site. Together these are a good size gap which is a positive asset in the rural landscape.
 13. Immediately to the rear of the appeal site is a structure/building about a third of the width of the appeal site and well set back and barely visible from the road. Although I did not see the summerhouse from the roadside the evidence appears to show this is not directly behind the appeal site. These structures may be a change in physical circumstances since an earlier appeal on the site⁵ in 2004. To the south of Tebworth Road is a complex of farm and other buildings. However, these are well set back from the road frontage behind an open field. Neither of these circumstances leads me to conclude the site is part of a built up frontage along this part of Tebworth Road.
 14. The evidence indicates the appeal land was an orchard. The appellant asserts that the land is the residential curtilage of No 50, although not in the same ownership as No 50, and that it is leased by the owner of that property who mows the grass and cuts the hedges. However, from what I have seen the site does not display the characteristic signs of domestic garden use and has clearly demarcated boundaries separating it from land closely associated with the house at No 50. On the ground the appeal site does not relate visually or physically to either No 50 or No 38. I consider that the isolated dwelling at No 50 does not create a built up frontage west of No 38. For these reasons I conclude that the appeal site is not within the village of Wingfield.
 15. The proposed development would not fill a small gap between other built developments for the purposes of Policy GB2 of the LP. It would not have buildings to both sides. I conclude the proposal cannot be classed as "limited infilling" as described in the Framework. In this respect I concur with my colleague Inspector's reasoning in the Rainhill appeal⁶.
 16. Based on the specific site circumstances I therefore conclude that the proposed development would not constitute limited infilling or the filling of a small gap between built developments. It would therefore be inappropriate development in the Green Belt. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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

Openness of the Green Belt and the character and appearance of the area

17. At the time of my visit the appeal site was predominantly covered in grass with some trees. There would be two new buildings on a currently undeveloped plot. Therefore there would be harm to the openness of the Green Belt.

⁵ APP/N0220/A/03/1131892

⁶Appeal Ref: APP/H4315/W/16/3158141

18. The proposed dwelling would be a detached four bedroomed house with the first floor accommodation in the roof space. Although the ridgeline would be lower than that for many four bedroomed dwellings it would still be about 8m high. The proposed double garage would be to the side of the house and set back behind it with a ridge height of about 5.6m.
19. Together the buildings would result in a substantial block of built development that would almost fill the width of the site substantially reducing a characteristic distinctive gap which contributes to the rural character of the area. The proposal would consolidate the sporadic built form extending out from Wingfield urbanising the edge of the village and leading to more coalescence with the settlement of Tebworth. This would detract from the rural character and appearance of this part of Tebworth Road notwithstanding the existing and proposed hedging on the boundaries.
20. The proposal would also be likely to lead to pressure for further infill elsewhere, including on the adjacent piece of land, which the Council might find difficult to resist, and which would further reduce openness. Overall I conclude this would be contrary to the purposes of the Green Belt as set out in Paragraph 80 of the Framework which include preventing towns from merging and safeguarding the countryside from encroachment.
21. Even had I concluded that the proposal amounted to limited infilling within a village, the proposal would still conflict with Policies H12(iv) and BE8 of the LP by adversely affecting the character of the area. It would fail to conserve the individual identity of Wingfield contrary to the principles of the Central Bedfordshire Landscape Character Assessment which seeks to protect the strong rural landscape of area 8A Toddington–Hockcliffe Clay Hills. Accordingly it would fail to satisfy in full the environmental dimension of sustainable development.
22. I conclude there would be significant harm to the openness of the Green Belt through the encroachment of built development into an area of open space. The proposal would also have a harmful effect on the character and appearance of the rural countryside and would conflict with those Policies H12(iv) and BE8 of the LP and those principles of the Framework that seek to keep Green Belt land permanently open and to protect the character and appearance of the area.

Other considerations

23. I have found that the proposal would constitute inappropriate development in the Green Belt. The Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. The village has some local facilities and the appeal site would not be as unsustainable a location as others in rural areas. The provision of an additional dwelling in a village location would have some social and economic benefits, including employment during construction whether, or not the Council can demonstrate a five year deliverable supply of housing land. These benefits would accord with those principles of Paragraphs 47 and 55 of the Framework that seek to enhance or maintain the vitality of rural communities and to boost

significantly the supply of housing. However, a single dwelling would provide limited social and economic benefits, and so I can only afford these considerations modest weight.

25. The appellant comments that the 1 April 2017 housing land supply figures have not been tested. Even had I found that a five year supply of deliverable housing land could not be demonstrated, I am mindful of the Planning Practice Guidance that says 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 Belt⁷. Accordingly my conclusions would remain the same.

Other Matters

26. My attention has been drawn to appeal ref APP/D2320/W/16/3154595. From the available evidence this appears to be a clearer example of limited infill given the existing buildings very close to the frontage of Coppull Moor Lane and on the boundary with the site. From the limited evidence I have seen that may also be the situation at Aspley Guise Ref CB/16/00211/FULL. In any case each application and appeal falls to be decided on its own merits and nothing I have seen leads me to any different view regarding the appeal before me.

Conclusion

27. I have found that the proposal would be inappropriate development in the Green Belt and, therefore, harmful to it. The Framework is clear that such harm should be afforded substantial weight. I have also concluded that the proposal would result in significant harm to the openness of the Green Belt and to the rural character of the area, which are factors to which I afford significant weight. I have considered the matters cited in support of the proposal but I conclude that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
28. For the reasons set out above and taking into account all other relevant matters raised I conclude the appeal should not succeed.

S Harley

INSPECTOR

⁷ Paragraph: 034 Reference ID: 3-034-20141006