

Appeal Decision

Site visit made on 24 May 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 02 June 2017

Appeal Ref: APP/K0235/W/17/3169641

Land adjacent 6 Duck End Lane, Wilstead MK45 3HP

- 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 R Maskell against the decision of Bedford Borough Council.
 - The application Ref 16/03584/S73A, dated 9 December 2016, was refused by notice dated 1 February 2017.
 - The development proposed is described as the 'change of use from paddock to garden land. Erection of double garage, BBQ cabin and wing walls to widened vehicular access (Retrospective application).'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development as it appears on the appeal form since it most accurately reflects the development to which the appeal relates. The description is slightly different as it is shown on the Council's decision notice but not fundamentally. I note that the appeal seeks retrospective planning permission and that the majority of the works have taken place save for the double garage which is incomplete. The proposals would therefore be better described seeking part retrospective planning permission. I have proceeded on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the countryside.

Reasons

4. In terms of buildings, the appeal site comprises a single storey timber clad dwelling, a hexagonal timber hut and a partially erected double garage. For the most part it is enclosed by close boarded timber fencing. The ground is covered in areas of turf, gravel and patio style paving slabs. There is a tiered water feature to one corner and a caravan parked in another. Whilst there are other dwellings in the vicinity, the site is outside of any defined settlement and as such, both by definition and in character terms, it is part of the open countryside. Access is directly off Duck End Lane and demarcated by sloping brick walls and a sliding solid timber gate.
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5. It is abundantly clear from the evidence and my observations on site that the development has subsumed a substantial swathe of land. The resulting garden is noticeably larger than both as it was previously and the more modest ones opposite and adjacent. I accept that this may have been unmanaged and fenced off paddock land previously but it would have contributed positively to the undeveloped rurality of the lane and the wider countryside.
6. The extent of the development has had an overly domesticating effect, contrary to the prevailing open and undeveloped character of the area. This effect has been exacerbated by the introduction of extensive areas of cultivated lawn, patio paving slabs, a water feature, close boarded fencing to the majority of the boundaries and a high sided sliding electric gate. Put simply, the development has resulted in a suburbanisation of the countryside.
7. Together, the garage and timber hut would be noticeable structures sited some distance from both their host dwelling and the extent of its original curtilage. The lower front boundary fencing means these buildings would be very visible from the lane. Their prominence, siting and general design would add to the harmful urbanising effect I have described above.
8. The wing walls at the new access point have introduced a brick built boundary. Whilst this would be of a unique design to the area, the use of bricks in front boundary treatment is not uncommon to the lane and thus this element in isolation is not unduly harmful. This does not however lessen the harm the development has caused to the character and appearance of the countryside.
9. As a result of this harm, the development does not comply with saved Policies BE30 of the Local Plan¹ or Policies CP13 and CP21 of the Core Strategy². These policies, amongst other things and along with the Framework³, seek to ensure high quality and contextually appropriate design and appearance to new development and protect the countryside for its own sake, recognising its intrinsic character and beauty.

Other Matters

10. I note the appellant's reference to a recent appeal decision⁴ which granted planning permission for the erection of 70 dwellings. In his findings, the Inspector ascribes limited weight to relevant policies of the Council's Core Strategy and Local Plan since they were both linked to the now revoked East of England Plan and Milton Keynes & South Midlands Sub-Regional Strategy. In referring to this decision, the appellant considers that the development plan is out of date and should attract only limited weight.
11. The weight the Inspector attaches to relevant policies is in the context of the proposal before him. This was a major housing scheme evidently of some strategic importance which bears no direct correlation to the scheme before me. Weight attributed to policies will vary according to the merits of the case under consideration and as such are a matter for the decision maker in each case. Furthermore, the Inspector's findings do not render the development plan as a whole out of date, only those policies relevant to the supply of housing and with regard to the circumstances of the particular case before him.

¹ Bedford Borough Local Plan 2002

² Bedford Development Framework: Core Strategy and Rural Issues Plan Development Plan Document 2008

³ The National Planning Policy Framework 2012

⁴ APP/K2035/W/16/3147287 Whitworth Way Wilstead MK45 3EF

12. The scheme before me is for the change of use of an area of land to part of an existing garden and the erection of ancillary residential buildings. For this and my reasoning above, the Inspector's findings do not have a substantial bearing on the outcome of the case before me, specifically in light of the harm that I have found.
13. With regard to CP13 specifically, the Inspector drew attention to its linkages with the now defunct Planning Policy Statement 7, stating that the core principles of the Framework imply a balance to be sought between the benefits of development and any harm caused. Whilst again the Inspector's comments here are to be taken in the context of his decision to allow a large scale housing development which is fundamentally different to the scheme before me, I have not been appraised of any further benefits to the development beyond the personal. In light of the harm that I have identified therefore, any aforementioned balance weighs clearly against the development before me.
14. The appellant suggests that the development has made a modest contribution to local housing facilities in close proximity to the local employment facilities at the engineering enterprise at Duck End Farm, where the appellant is himself employed, thus reducing the need to travel from other housing areas. Whilst this is positive for the appellant and the improvements that have been made to the dwelling itself, I fail to see how this is directly relevant or indeed supportive of the significant enlargements that have been made to the garden area.

Conclusion

15. I note the support for the development from a local resident but this is not sufficient to override the harm as I have described it. Given this harm and resulting confliction with policy, whilst having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR