
Appeal Decision

Site visit made on 20 June 2017

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

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

Decision date: 14 July 2017

Appeal Ref: APP/K0235/W/17/3172606

Land adjacent the Chimney Corner Public House, Ampthill Road, Kempston Hardwick MK45 3JF

- 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 Paul Tait against the decision of Bedford Borough Council.
 - The application Ref 16/02841/FUL, dated 30 September 2016, was refused by notice dated 13 January 2017.
 - The development proposed is change of use of land from car park and vacant land to car sales with associated office, parking and car/wash/service area.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application form states that the change of use has not commenced. At the time of my site visit, the Chimney Corner Public House (PH) did not appear to be open for business. This accords with the written evidence. On my site visit I also saw that there were many cars parked on the PH car park. There was nothing to confirm that these were for sale.
3. I note that the development would also include land to the west of the public footpath, and also that what is taking place does not accord with the application plans. For the avoidance of doubt, I have determined the appeal on the basis of the application as it has been made rather than what is taking place on site currently.

Main Issues

4. The main issues are the effect on the character and appearance of the area; the effect on highway safety; and whether the development would result in the loss of a community facility, and if so, the effect that would have on the social well-being of the area.

Reasons

Character and appearance

5. The application site includes the main part of the car parking area of the vacant PH, a large two storey property standing by itself outside the main built up area of Kempston Hardwick. The car sales area would be on currently vacant land to the west of the public footpath, whilst there would be customer parking, office, and car wash and service yard on the PH car park.

6. The application site does not include the access to the road or the PH although that is within the applicant's control and access would be across land retained by the PH.
7. Plan SK01 Rev B annotates that there would be 25 car parking spaces on the retained land, adjacent to the PH, although the layout has not been shown, and 36 spaces for customer parking. SK01 Rev C shows 14 spaces retained for the PH and 31 spaces for customer parking. The car sales area layout has not been shown, but it could be intensively packed with cars for sale on a field that is an obvious part of the countryside at a lower level than the existing car park and including a public footpath.
8. The development plan comprises the saved policies of the Bedford Borough Local Plan October 2002 (LP) and the Bedford Borough Council Development Plan Document Core Strategy and Rural issues Plan April 2008(CS).
9. CS policy CP13 specifies that development in the countryside will only be permitted where it complies with national policy. Although it refers to the withdrawn PPS7, it also makes reference to national policy. The National Planning Policy Framework (the Framework) is national policy. It recognises the intrinsic character and beauty of the countryside and supports thriving rural communities within it.
10. CP14 seeks to restrict development to the key service centres. CP21 requires the highest design quality fully respecting its context. BE30 expects the highest design standards.
11. The Framework, whilst being supportive of a strong economy and providing support for business generally, promotes high quality design and recognises the character of the countryside.
12. Whilst the development would undoubtedly support the local business, it would be at the expense of the encroachment of the countryside contrary to the development plan. The use of the land for the sale of motor vehicles and the associated activities would create a commercial intensity to this edge of settlement location harmful to the character and appearance of the area, reducing openness and detracting from the vegetated appearance of much of the site.
13. I acknowledge that the site is located within the site of the former Coronation Brickworks. LP saved policy E9 states that the site shall be developed for Classes B1, B2 and B8 in accordance with the Elstow Storage Depot Development Brief. This area is also covered by saved LP policy H14. Nonetheless, there were no specific proposals for redevelopment of the PH brought to my attention.
14. Furthermore, the later policies map of the Bedford Borough Council Allocations and Designations Local Plan(ADLP) contains a policies inset map 39 giving land use policies and proposals for the new settlement of Wixams which lies to the north east of the site. That detailed policies map shows the application site as within Zone 4 Bedford to Milton Keynes- Marston Vale, rather than the E9 employment sites to the south and northwest.
15. ADLP policy AD24 identifies this as one of 6 green infrastructure opportunity zones. In this area protection, enhancement and or the creation of green infrastructure will be promoted. This fits with one of its principles of mitigating

the negative impacts of the road network. The site also helps to contribute to the linking of County Wildlife site to the lakes to the north.

16. It is not disputed by the appellant that the site lies within the countryside for policy purposes. I acknowledge the extensive local development proposals, but that does not lead me to conclude that the site should be developed in the way envisaged in the application.
17. I also observed that the car sales area would be at a lower level than the PH car park. How that would be dealt with in terms of access has not been addressed in the application, but undoubtedly additional hardstanding would need to be provided. The public footpath would change character from one across a field with natural vegetation, albeit currently rather overgrown, to one close to parked cars for sale, significantly detracting from its enjoyment.
18. Furthermore, the effect of the high metal fencing and gates on the character and appearance of the area would be severe. This, along with the office building and the equipment associated with the car washing activity, and intensive use of the car park area would all create an urbanising effect on the site which currently has a substantially rural character. Nothing within the proposal supports the Marston Vale green infrastructure project.
19. I acknowledge the location of the car auction site nearby but that site is not viewed within the same context. The evidence of the Council is that the site lies within the countryside for policy purposes outside the Settlement Policy Area, and part of a key green infrastructure area.

Highway safety

20. Saved LP policy BE30 contains criteria pertinent to highway safety and traffic movement considerations. The application was not accompanied by a transport statement as requested by the highway authority, although some details were provided in a Transport Note. Although the access to the car sales yard would be using an existing access, used for many years from the C81 Manor Road, details of the flows of traffic on that road and the nearby B530 Amptill Road have not been given. The use could be in addition to the traffic generated by the PH which is not within the application site.
21. The appellant has not provided a detailed analysis of the amount of traffic that would be generated by the use to be able to determine the impact of the use. As the site does not include the PH building, even though that is currently closed, traffic would be in addition to that use. It has not been demonstrated that the traffic generation would not be significant. The site access is substandard because visibility to the west is significantly below 120m in a 40mph zone. No detailed traffic speed evidence has been provided to indicate that a lower visibility standard might be applied.
22. I acknowledge that the accident information indicates that there have been no accidents specifically related to the application site itself. Nonetheless, the access to the site lies close to the junction with the B530 and there have been several slight accidents in the last five years. In such circumstances it is prudent to exercise caution and require a detailed Transport Statement to indicate the impact of the development
23. Whilst I acknowledge the parking spaces retained for the PH, the premises are substantial in size. For the floorspace of the premises the Highway Authority

recommends 25 spaces. No plan has been submitted to demonstrate that is achievable in the retained space. The appellant argues that car sales customer parking area could be used in the evening when the car sales are not taking place. I accept this could take place, but I am concerned about weekend trading when parking could be required during the day. This could lead to uncontrolled parking along the highway nearby, to the detriment of highway safety.

24. I conclude that the development does not address the requirements of saved LP policy BE30 and I am not satisfied that there would be no significant impact on highway safety from the use.

Community facility

25. CS policy CP 18 seeks to sustain the rural economy and restricts the loss of public houses where it would impact on local services and communities.
26. Saved LP policy LR18 identifies that the loss of a community facility will only be allowed if an equivalent is provided or alternatively where there is no clear need or deficiency to require such a replacement.
27. Framework paragraph 70 guards against the unnecessary loss of valued facilities and services and seeks to ensure that established facilities are retained for the benefit of the community.
28. The proposal uses part of the car park of the PH, which is the only PH in Kempston Hardwick. New housing is being developed nearby which the public house would also serve.
29. Nonetheless, the proposal does not include the PH itself. Whatever the trading difficulties have been, as identified by the appellant although not elaborated upon with trading figures, and whatever the disuse recently of the public house, the application use itself does not prevent the PH from trading.
30. It seems to me that there would still be a significant area available around the PH for customer car parking and that the car sales and associated parking and uses need not prevent the PH from trading, even though the owner has shown little inclination to open it for business.
31. There is no stated intention in respect of the PH operation but this is not directly linked to the operation or otherwise of the car sales business. I have no evidence on which to conclude that the development would fundamentally alter the characteristics of the PH to such an extent that it would be the critical factor in determining the viability of the public house. Much would depend on the management of both sites and the target customers for the PH.
32. I acknowledge that the car sales use, including security fencing would not be a particularly attractive neighbour, as identified earlier. Nonetheless, the customer car parking area is currently a hard surfaced car parking area. There is no reason why they should necessarily be incompatible, albeit the character and appearance of the premises would be changed. The PH need not operate with an outside seating area, near the car wash. That is down to the management of the property. There is also no reason why those customers parking at night should not also use the customer parking area of the car sales business.

33. I conclude that the development does not result in the loss of a community facility and would not be contrary to the development plan in that regard.

Other matters

34. The use would create 2 jobs which would be a benefit of the scheme.

Conclusion

35. Notwithstanding my conclusions in respect of community facility provision, and the job creation benefits, and having considered all other matters raised, my conclusions in respect of the character and appearance of the area, and in respect of highway safety outweigh those considerations. For the reasons given above, I conclude that the appeal should be dismissed.

Julia Gregory

Inspector