
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: 20 July 2017

Appeal Ref: APP/K0235/W/17/3173076

65 High Farm, Renhold Road, Wilden, MK44 2PX

- 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 Andrew Green against the decision of Bedford Borough Council.
 - The application Ref 16/03684/FUL, dated 21 December 2016, was refused by notice dated 9 March 2017.
 - The development proposed is the conversion of existing buildings to provide a new one bedroom residential dwelling. This is resubmission of 16/01880/FUL.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the distribution of housing in the area, having regard to the development plan and any other material considerations, including the effect on the character and appearance of its immediate setting.

Reasons

3. The dwelling would be created by the conversion of existing buildings previously used in association with a Butterfly Park business, part of which is now in separate ownership. According to the appellant the business has been closed since 2010. The dwelling would lie directly to the west of a detached dwelling. A garage and another outbuilding are attached to the outbuildings.
4. Saved Bedford Local Plan 2002 (LP) policy H26, and Core Strategy and Rural Issues Plan 2008 (CS) policies CP13 and CP14 all restrict development in the countryside.
5. CS policy CP13 refers to Planning Policy PPS7: Planning and the Countryside which has been withdrawn, and is outdated in that respect. Nonetheless, it specifies that development should only be permitted where it would be consistent with National Policy. As that is now the National Planning Policy Framework (the Framework) it is to that which I shall refer. There is nothing within the policy specifically that is inconsistent with the Framework.
6. CS policy CP14 seeks to address "needed" development in the rural policy area, which is not specifically addressed by the Framework. For this reason it is out of date and I consider that it should attract limited weight.

7. LP policy H26 is not entirely consistent with the thrust of the National Planning Policy Framework (the Framework), because it does not include all the special circumstances that might allow development of new isolated homes in the countryside. It is more restrictive in its reference to the exceptions of policies H27, H28 and H30 and does not use the term isolated.
8. Framework paragraph 55 specifies that isolated homes in the countryside should be avoided except in specified circumstances. One of these special circumstances is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
9. As LP policy H26 does not include this circumstance, it is out of date in that regard. I shall therefore concentrate on National Policy as prescribed by CS policy CP13, and in particular paragraph 55. This is a material consideration to which I attribute substantial weight.
10. Framework paragraph 55 also identifies that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The dwelling would be located in the countryside outside of Wilden Settlement Policy Area Boundary.
11. Although there are other buildings around and so it would not be isolated in those terms, there is little in the way of services and facilities in this location, which is some way from Wilden to the north which has some facilities. It is also well outside Bedford which lies to the south west. Although there is support for the proposal from the Parish Council, the development is not located where it would enhance or maintain the vitality of any rural community.
12. I turn now to whether there are any special circumstances. It is not disputed between the parties that the buildings are disused and redundant as specified in paragraph 55. Furthermore, I acknowledge that paragraph 111 encourages the use of previously developed land. Nonetheless, paragraph 55 requires the development to lead to an enhancement of its immediate setting.
13. The development would remove some small dilapidated buildings, timber fencing and hardstanding. A metal gate would also be removed. Some hardstanding would be replaced with soft landscaping and new banks would be formed, regrading land using gabions. There would be some new tree and hedge planting, although that would not be extensive. That could encourage some wildlife.
14. The buildings themselves would be altered, incorporating voltaic cells on part of the roof and incorporating bat boxes and access for nesting swallows and swifts into the structure. There would be fenestration changes to enclose part of the open barn area and to change the fenestration to the lounge. A bedroom would be incorporated as a gallery at first floor.
15. From the public highway there would be little change to the appearance of the buildings. Nonetheless, the development would introduce a residential use, which would introduce outdoor paraphernalia and change to character that could not be easily controlled. There would be a large curtilage onto which paraphernalia and the trappings of domestic life could spread. There would be a new area of hardstanding for car parking, and the potential for cars to be parked on an extensive area.

16. Having considered all the alterations, taking into account the previous use and the potential to restrict permitted development rights, I consider that there would not be the enhancement of the immediate setting required to comply with the special circumstances of paragraph 55. The development would be contrary to the Framework, LP policy BE30, and CS policy CP21 creating harm to the character and appearance of its immediate setting in the countryside. It would be contrary to CS policy CP13 because it would not comply with the Framework.

Other matters

17. I have paid careful attention to other appeal decisions and court judgements brought to my attention. Nothing within these leads me to a different conclusion.¹

Conclusions

18. For the reasons given above, I conclude that the appeal should be dismissed.

Julia Gregory

Inspector

¹ APP/K0235/W/15/3087254, APP/K0235/W/16/3147287, APP/K0235/W/16/3156635 and Court of Appeal Judgement Dartford Borough Council v The Secretary of State for Communities and Local Government and ORS March 2017