
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/17/3172957
6 Bourne End Lane, Bletsoe, MK44 1QP

- 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 Hayes against the decision of Bedford Borough Council.
 - The application Ref 16/03166/FUL, dated 4 November 2016, was refused by notice dated 29 December 2016.
 - The development proposed is the erection of a single dwelling house and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Hayes against Bedford Borough Council. This application is the subject of a separate Decision.

Main Issue

3. 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 the countryside.

Reasons

4. The dwelling would be located on the side garden of No 6 within a small group of dwellings outside of any significantly sized settlement.
5. It is common ground that the dwelling would be located in the countryside outside of any Settlement Policy Area as defined in the Allocations and Designations Plan 2014. According to the Council, Bletsoe is some 750m to the south east, Sharnbrook is 1.8km to the north-west and Felmersham is some 2.5km to the south-west. There are no obvious facilities or services nearby.
6. According to the appellant, Bletsoe has a church and a public house and restaurant. Also there are some sporadic local businesses in the countryside. Furthermore the dwelling would be close to the Long Hayden employment site. There are other major employment sites in the locality and cycle routes/footpaths provide some connectivity in the locality.

7. The development plan comprises the saved policies of the Bedford Local Plan 2002 (LP), Core Strategy and Rural Issues Plan 2008 (CS), and Bedford Borough Council Allocations and Designations Plan (ADP).
8. ADP policy AD1 reflects the presumption in favour of sustainable development advocated by the Framework. CS policy CP2 seeks sustainable levels, locations and forms of development. CS policy CP21 sets criteria for new development, including, being of the highest quality of design, considering the context of the development; and incorporating measures to promote crime prevention and community safety.
9. LP policy BE29 seeks highest standards of design. LP policy BE30 sets design criteria including the physical characteristics of the development and its relationship to its context.
10. CS policies H26, CP13 and CP14 all restrict development in the countryside. 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 Framework, it is to that which I shall refer. There is nothing within the policy specifically that is inconsistent with the Framework.
11. 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.
12. CS 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 open countryside. It is more restrictive in its reference to the exceptions of policies H27, H28 and H30 and does not use the term isolated as included in the Framework. Nonetheless, the appellant does not argue that there is any special circumstance that might apply here, whether it is in the policy or the Framework. The explanatory text identifies open countryside as all land outside settlement policy area.
13. One of the core principles of the Framework is to recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Paragraph 55 identifies that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
14. I acknowledge that the Planning Practice Guidance identifies that even small settlements can make some provision for housing, but this dwelling would not be located within a defined settlement as such but some way from any village in sporadic housing in a location which amounts to a few dwellings in the countryside on a country lane. According to the appellant there are some 10 houses in the open countryside.
15. Furthermore, the dwellings are all of similar semi-detached design. Whilst the dwelling would be sited to take account the front building line of Nos 5 and 6 somewhat, and would have a hipped roof to respect those nearby, its detached appearance with projecting front garage would not be consistent with the design prevailing in its context. The development would also intensify built

- development in this location. The cumulative effect of development in the open countryside would erode its intrinsic character. The development would be contrary to CS policy CP21, and LP policies BE29 and BE30.
16. Framework paragraph 55 specifies that isolated homes in the countryside should be avoided except in specified circumstances and goes on to list special circumstances. None are argued to exist here. There is dispute between the parties as to whether the land can be considered previously developed. This is a matter of fact and degree. As the land is not within a built up area as referred to in the Framework, albeit that it is within a group of houses, I consider it to be previously developed. Whilst paragraph 111 encourages the use of previously developed land, that has to be considered in the light of its other policies.
 17. Although there are other dwellings around and so it would not be isolated in those terms, there is little in the way of services and facilities in this location. The dwelling would be some way from even the nearest village of Bletsoe, which has some facilities. It would not be located where it would maintain or enhance a rural community.
 18. There is no evidence to suggest that the Council does not have a 5 year supply of deliverable housing sites, and there is nothing to suggest that the Council will seek to allocate this land for housing or will introduce any policy that will support it. A housing site nearby in Sharnbrook is, according to the Council, a rural exception site.¹
 19. The Framework identifies that where relevant policies are out of date that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted. Here, whilst I acknowledge the economic benefits of the development, paragraph 55 identifies that development should be restricted.
 20. I have considered the appeal cases brought to my attention by the appellant² and have drawn on conclusions where relevant in respect of development plan policies and the Framework. I note that the Council disagrees with the appellant's conclusions in respect of the status of various development plan policies, quoting other appeal decisions.³
 21. Whilst I note the decisions referred to by the Council, I do not know the evidence that was put to those inspectors and whether they were asked to consider whether any policies referred to were out of date. There is nothing brought to my attention to indicate that the inspectors in those cases were asked to consider the points that have been brought out in other recent appeals, albeit that I note one inspector refers to CS policy CP13 and the relevance of the Framework. I have determined the appeal on its own individual merits, on the evidence before me, which in any event leads me to conclude that the appeal should be dismissed.

¹ Council reference 15/02382/MAF

² APP/K0235/W/16/3156635 and 16/3147287

³ APP/K0235/W/14/2228132, APP/K0235/C/14/2212099, APP/K0235/W/13/2197874, APP/K0235/W/16/3152962

Conclusions

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

Julia Gregory

Inspector