



Appeal Decision

Site visit made on 5th July 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 24 July 2017

Appeal Ref: APP/P0240/W/17/3172776
67A Church Road, Aspley Heath MK17 8TJ

- 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 C Lister against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/05828/FULL, dated 16 December 2016, was refused by notice dated 13 February 2017.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are four main issues, these are:
 - Whether the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the openness of the Green Belt;
 - If the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposed development; and
 - Whether the proposed development would preserve or enhance the character or appearance of the Aspley Heath Conservation Area (AHCA).

Reasons

Inappropriate Development in the Green Belt

3. The Framework¹ states that the construction of new buildings in the Green Belt should be regarded as inappropriate development. One exception to this presumption is limited infilling in villages. Whilst the appeal site appears to be a legible and functional part of the village and thus within it for the purposes of the Framework, what it means by infilling is not clear.
4. The explanation supporting Policy DM6 of the Local Plan² does however lend some assistance in this regard, stating that infill development can be defined as

¹ The National Planning Policy Framework 2012

² Central Bedfordshire Local Development Framework Core Strategy and Development Management Policies 2009

small scale and utilising a vacant plot which should continue to complement the surrounding pattern of development. This stance is emphasised in the wording of the Policy itself, which states that particular attention will be paid to assessing the quality of development proposed and the likely impact on the character of the settlement and its surroundings.

5. The appeal site is an area of land which is surrounded by built development and the curtilages associated therewith. This would not however be sufficient to consider the development of it as infill, taking into account the above. It is a functioning rear garden, the extended and landscaped grounds to Number 67a Church Road and as such to consider it vacant would, to my mind, be stretching its definition. Further, and notwithstanding the fact that the new dwelling would be accessed from a different road frontage, it would be developed in the rear garden and thus behind an existing dwelling, introducing a type of development which would not reflect the prevailing frontage character of the area, the existing dwelling aside which appears as somewhat of a local anomaly.
6. Taking these factors into account, I can only conclude that the proposed development would not be infilling. As such it would be inappropriate development in the Green Belt which, with regard to paragraph 87 of the Framework, is harmful by definition.

The Openness of the Green Belt and Other Considerations

7. One of the key characteristics of the Green Belt is its openness. Not solely limited to visual matters, there is also a spatial aspect to openness which can be taken to mean the absence of built form.
8. The proposed dwelling would be relatively obscure in the public realm given both the surrounding development and the densely planted associated gardens. That said, the scheme before me is for a single detached dwelling of some considerable size and mass in itself both above and below the existing ground level. It would be erected on an open and undeveloped garden and as such there would be an unavoidable reduction in the spatial aspect of the Green Belt's openness. The built up nature of the surrounding area does not sufficiently mitigate my concerns in this regard.
9. There would be some harm arising out of this loss of openness as I have described it. Harm to which I attribute substantial weight as per paragraph 88 of the Framework and such that would be in addition to the harm caused by the inappropriateness of the proposed development. The appellant has not advanced any other considerations to weigh against these harms. A case for very special circumstances in its light has not therefore been made.

The Character and Appearance of the AHCA

10. There is a distinct leafy and verdant feel to the AHCA where built development tends to be to the front of spacious, open and largely undeveloped rear gardens. As I have alluded to above, the dwelling would be well hidden in the street scene and the existing dwelling does represent an exception to the prevailing character. What this means in reality however is that the proposed dwelling would be in backland form, behind an existing backland development. Whilst examples of two tier development are rare in the AHCA, examples of multi-tier development of the type proposed are even more so.

11. The fact that the proposed dwelling would be accessed via a different road to the existing dwelling would not be sufficient to lessen the harm that would arise out of this piecemeal approach to arranging new housing development in the AHCA. Nor would the fact that the new dwelling would have a similar sized garden overall to surrounding plots.
12. The harm that would be caused to the character of the AHCA in the manner that I have described would be less than substantial. As per paragraph 134 of the Framework, this harm should be weighed against the public benefits of the proposed development. A single dwelling would add to housing choice and mix locally and thus would be socially beneficial. In addition, there would be some investment in the local construction industry through the sustaining of employment for the physical works on site. No further benefits have been advanced. Given the scale of the ones that are apparent in this case, I determine them to be unable to outweigh the harm that would be caused to the AHCA.

Other Matters

13. The appellant suggests that the proposed development should be looked at favourably, in the context of the presumption in favour of sustainable development. In this context a single dwelling can make a limited but positive contribution to housing supply albeit I have not been provided with any detailed evidence that the Council are lacking in this respect. Moreover, given the harm that I have found, and its extent, I would not consider the proposed development to be sustainable.

Conclusion

14. The proposed development would be inappropriate development in the Green Belt. The harm that this would cause to the Green Belt, by definition, would be exacerbated by the loss of openness as I have described it. No considerations have been advanced to weigh against this harm. As such a case for very special circumstances has not been made in its light.
15. The harm that the siting of the new dwelling would cause to the character of the AHCA means that it is not possible for the proposed development to either preserve or enhance its character or appearance.
16. For all of the above reasons, and as a result of the above harms, the proposed development would fail to accord with Policy DM6 of the Local Plan and sections 7, 9 and 12 of the Framework. Amongst other things, these policy stances seek to ensure that new development is of a high quality and contextually appropriate design and appearance, the character and appearance of the historic environment is safeguarded and the essential characteristics of the Green Belt are protected.
17. Whilst having regard to all other matters raised therefore, the appeal is dismissed.

John Morrison

INSPECTOR