



Appeal Decision

Site visit made on 10 July 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/P0240/W/17/3173358

Land adjacent to The Bays, Common Road, Kensworth, Dunstable, Bedfordshire LU6 2PW

- 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 and Mrs French against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/03979/FULL, dated 15 August 2016, was refused by notice dated 16 January 2017.
 - The development proposed is a bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - Whether the proposal constitutes inappropriate development in the Green Belt having regard to national policy and relevant local policies.
 - The effects of the proposal on the AONB and AGLV.

Reasons

Whether the proposal constitutes inappropriate development in the Green Belt having regard to national policy and relevant local policies

3. The appeal site sits within the Green Belt and is formed by an open area of land presently forming a gap between 2 dwellings to one side and a single dwelling to the other. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate and then sets out a number of exceptions. The fifth exception includes "*limited infilling in villages...*", although none of the terms are defined.
4. Policy H12 of the South Bedfordshire Local Plan Review (SBLPR) relates to limited infilling inside village boundaries. It defines limited infilling as being for up to 2 dwellings within a small gap in an otherwise built-up residential frontage infilling. It also states that such a scheme should be within the defined village boundary; however, the Council acknowledges that this criteria is not given weight due to the principle established in the case of *Wood v SoS* wherein it was determined that a judgement of whether a site was within a

village was a matter of judgement on the ground and need not be definitively constrained by a definition within a plan.

5. With regard to this latter point, the appeal site is open and separates 2 dwellings on one side and a single dwelling to the other. These dwellings sit some distance to the west of the main part of the village of Kensworth and outside its defined boundary. Setting aside the defined boundary for the present, the appeal site and the 3 dwellings are separated from other built development to the east on this side of the road by a field; there is open land opposite and open land to the rear. Taking account of the distance to a more consolidated frontage on this side of the road and the presence of open land around them, I consider that this small group of 3 dwellings with open land within and around the group are quite separate from the village of Kensworth. For the purposes of this matter, I judge that the appeal site is not within the village.
6. In addition, I do not consider that the proposal represents 'limited infilling' as defined in Policy H12 as it does not form part of an otherwise built-up frontage. I do not consider that a pair of dwellings with a gap and then a single dwelling constitutes such. Therefore in relation to Policy H12 and in relation to the advice in the Framework, the proposal represents inappropriate development in the Green Belt.
7. The proposal would result in this open site being occupied by a building and its garden area. Notwithstanding any screening that may be provided, I consider that this would inevitably have a detrimental effect on the openness of this part of the Green Belt. The harm by reason of inappropriateness and harm to openness are matters which carry considerable weight in the determination of this appeal.

The effects on the AONB and AGLV

8. The appeal site is within the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). The Framework advises that great weight should be given to conserving landscape and scenic beauty in AONBs. Policies BE8 and NE3 give protection to the landscape of AGLVs. Even though I accept that the site represents just a small part of these much wider designations, the proposed construction of a detached dwelling would fail to conserve the landscape of the area, bringing a more sub-urban character to this open site. Therefore, I conclude that the proposal is contrary to these policies.

Other Matters and Overall Conclusion

9. The appellant states that the Council is unable to demonstrate a suitable supply of housing land and the proposal would contribute to such a shortfall. The Council denies that this is the case but has not presented me with any such evidence for this appeal. Nevertheless I am mindful of the contents of the Written Ministerial Statement of 31 August 2015 which states that unmet need is unlikely to clearly outweigh harm to the Green Belt; no circumstances have been presented to me to depart from that view.
10. The appellant indicates that the proposed dwelling would benefit from access to local services and it would contribute to the vitality of the village. I find that any such benefits would be marginal and insufficient to outweigh the Green

Belt harm. I have also taken account of all other matters but find that there are no considerations which are sufficient to clearly outweigh the harm arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.

11. For the reasons given, the proposal would have an unacceptable effect on the Green Belt and the AONB and AGLV. Consequently, the appeal is dismissed.

S T Wood

INSPECTOR