
Appeal Decision

Site visit made on 7 August 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 18th August 2017

Appeal Ref: APP/K0235/W/17/3173256

Land at 3 Great North Road, Chawston, MK44 3BD

- 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 R Clancy against the decision of Bedford Borough Council.
 - The application Ref 16/03585/FUL, dated 9 December 2016, was refused by notice dated 6 March 2017.
 - The development proposed is the erection of two dwelling-houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the appeal site represents a suitable site for housing, having regard to the location of the site, the character and appearance of the area, and whether the future residents of the proposal would experience acceptable living conditions in terms of noise and disturbance and for the residents of Barn 2, in terms of privacy.

Reasons

Location, character & appearance

3. The appeal site lies on the Great North Road, a minor road which lies just to the east of the A1. The road serves a small number of dwellings, which appear to be largely located on the west side of the road, between the street and the A1 to the rear. On the east side of the road are a range of small business type units with some small warehouses and business units evident to the north, and kennels and glasshouses to the south. In common with this pattern, No 3 is located on the west side of the road, with a range of sheds/barns and container units on the eastern side.
4. To the north of the site, just after the junction of the road with the A1 is a service station housing a garage and shop, as well as two restaurants. Further north there is a bus stop, along with a footbridge over the A1 providing access to bus services travelling to the north. A footpath provides access to the Wyboston Business Park further to the north.
5. The proposal seeks to clear the site and construct 2 detached 3 bedroom houses. Both properties would have an 'L' shaped plan with Barn 1 having a separate double garage, and Barn 2 an integral one.

6. Policy CP1 of the Core Strategy¹ states that sustainable locations and forms of development will be sought in accordance with the objectives and policies of the Plan. The Local Plan² defines settlement policy areas, which define the built up areas of villages. All land outside such areas, such as the appeal site, is defined as countryside by Policy CP13, where development will only be permitted if it would be consistent with national policy. The policy refers to PPS7, Planning and the Countryside in this context. However, this document has now been superseded and no longer forms part of national policy.
7. The National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances. The Framework also states that patterns of growth should be managed to make the fullest possible use of public transport, walking and cycling. Planning Practice Guidance states that rural housing is essential to secure viable use of local facilities, such as schools, local shops, cultural venues, public houses and places of worship.
8. The site could not be considered as isolated, given the proximity and number of nearby properties. However, I am not convinced that the site lies in a sustainable location. Whilst there are services such as the facilities available at the service station, and I note that the appellant's wife walks/cycles to work at the Business park, other services nearby are limited. No evidence of a nearby active pub or school has been advanced. Given the location of the site and its proximity to the busy dual carriageway of the A1, while there are footpaths available, future residents of the proposal, especially those with young children would be highly likely to use private transport to access virtually all of their day to day needs. I also have no evidence that the proposal is required to support what local services there are.
9. I therefore consider that the proposal would be contrary to policies CP1 and CP13 of the Core Strategy. The appellant is of the view that such policies, along with Policy H26 of the Local Plan are out of date and not consistent with national policy. I agree that policy H26 is a restrictive policy for the open countryside and has limited consistency with the Framework; however, while I note the age of policies CP1 and CP13 they are simple in their nature and essentially aim to achieve sustainable development, and, aside from the references to outdated policy within them are therefore broadly consistent with the aims of the Framework. Furthermore, the proposal would also be contrary to the Framework itself.
10. In constructing housing on the east side of the road a new settlement pattern would be created. Whilst there is a wide range of differing development on the east side of the street, they have common features in generally being storage or commercial buildings. The introduction of residential development on the opposite side of the road would be a new feature in the area. I note that the buildings have been designed to have the traditional appearance of barns, but I am not convinced they would fully achieve this aim. The 'L' shaped floorplan and significant areas of glazing would not appear completely

¹ Bedford Borough Council Development Plan Document Core Strategy & Rural Issues Plan April 2008

² Bedford Borough Local Plan October 2002.

agricultural in form and the primary view from the access road would be of the double garage for Plot 1.

11. A barn and separate timber building on the site have confirmed permitted development rights to be converted into residential accommodation. I have not been provided with extensive details of this scheme; however, I note from plans and my own observations on site that the two buildings are substantially smaller than the proposed houses would be, and that consequently would be likely to be inhabited by less people than the proposed large 3 bed houses would be. The conversion of these buildings into residential uses would clearly alter the pattern of development on the east side of the road, and introduce additional residential uses into the area. However, be that as it may, the buildings are in place and have the appearance of barn/workshops as opposed to the more domestic appearance of the proposal in this case. Furthermore, Planning Practice Guidance specifically notes that there is no test in relation to sustainability of location for such permitted development conversions, and the tests are therefore different to those applied for an application for new build development.
12. I therefore conclude that the proposal would not represent a suitable site for housing, having regard to the location of the site and the character and appearance of the area. As well as Core Strategy policies CP1 and CP13, the scheme would also be contrary to Local Plan policy BE30 and Core Strategy policy CP21, which together state that all development must fully consider its visual impact and the context within which it will sit, including the extent to which local distinctiveness is reinforced or created. The proposal would also be contrary to Policy AD44 of the Site Allocations Plan³. The supporting text to this policy notes that the area of smallholdings in the vicinity of the appeal site was created during the 1930s and supported decades of agricultural and horticultural activity, and that the areas distinctive spatial pattern and layout is still evident, stating in the policy that development in such areas will only be permitted where it maintains the distinctive spatial pattern of plots.

Living conditions

13. The design of Barn 1 has a large window in its southern gable. The plans indicate 4 tall panes of glass at ground floor level, providing French doors and adjacent windows for a lounge, with a matching four paned window above providing light to the master bedroom. This elevation is shown on the layout plan to be very close to the boundary between the building and the rear garden of Barn 2. At such proximity the ample upper windows would have a clear and unimpeded view of the garden of Barn 2, affecting the privacy of the future occupiers of this property. Although the end of the garden that the window would be adjacent to would likely not be as heavily utilised as the garden area directly adjacent to the house, angled views would still be possible of much of the garden.
14. The appellant suggests that a condition could be imposed requiring the removal of this window from plans. However, this would cause the southern gable end to appear odd, with the size and extent of the ground floor windows appearing oversized and out of place on their own. Furthermore,

³ Bedford Borough Council Allocations and Designations Local Plan July 2013

this would only leave a small window on the west elevation of the bedroom which would not provide a great deal of light to such a generous room.

15. Such living conditions would be contrary to Local Plan policy BE30, which states that in determining applications for new development, the Council will consider any factors which may give rise to disturbance to neighbours, as well as to the Framework, which states that planning should always seek to secure a good standard of amenity for all future occupants of land and buildings. The proposal would also be contrary to the Residential Extensions design guidance, which states that where a primary window of a habitable room directly overlooks another garden a privacy distance of 9 metres from the relevant boundary is required.
16. As mentioned above, there are kennels located to the south of the site. The Council raise concerns over potential noise nuisance from these operations on the future residents of the proposed houses. The proposed houses are separated by a reasonable distance from the kennels, distance which also contains several thick landscaping features; a line of conifers adjacent to Barn 2 which are noted as being some 16m tall, a substantial belt of Alder trees on the boundary between the sites and also a thick hedge around 4m tall. Conditions could also be imposed to ensure that suitable noise mitigation measures were included in the design of the proposed houses.
17. Given the distances and such landscaping features I do not consider that the future residents of the site would be unduly affected by noise from the kennels, and am of the view that the proposal in this respect would comply with Policy CP21 (vii) of the Core Strategy and policy AD44 (iii) of the Site Allocations Plan, which together state that new development should mitigate against the effects of any noise pollution and protect residential amenity from inappropriate disturbance. In coming to this view I have also noted the reasonably high background noise levels caused by the proximity of the A1 and the noise condition shown in the evidence that is attached to the kennels consent.
18. I therefore consider that, while the future residents of the proposal would experience acceptable living conditions in terms of noise and disturbance, the future residents of Barn 2 would not experience acceptable living conditions in terms of privacy.

Conclusion

19. In conclusion, I consider that the proposal would not be a suitable site for housing, having regard to the location of the site, the character and appearance of the area, and whether the future residents of Barn 2 would experience acceptable living conditions in terms of privacy.
20. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR