



Appeal Decision

Site visit made on 31 July 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 23 August 2017

Appeal Ref: APP/K0235/W/17/3174147
80-82 Keeley Lane, Wootton MK43 9HS

- 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 G Moore against the decision of Bedford Borough Council.
 - The application Ref 17/00231/FUL, dated 27 January 2017, was refused by notice dated 20 March 2017.
 - The development proposed is erection of new infill dwelling following demolition of garage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of new infill dwelling following demolition of garage at 80-82 Keeley Lane, Wootton MK43 9HS in accordance with the terms of the application, Ref 17/00231/FUL, dated 27 January 2017, subject to the conditions set out in the Schedule to this decision.

Main Issue

2. The main issue in this appeal is whether the proposed development would be located to provide adequate access to shops and services having regard to the development plan strategy for the location of housing and any relevant material considerations.

Reasons

3. The appeal site lies between existing dwellings within a ribbon of development to the north west of Wootton and falls outside the Wootton Settlement Policy Area (SPA) defined in the Bedford Borough Local Plan (2002) (LP). It is within the Rural Policy Area (RPA) in the Bedford Borough Council Core Strategy and Rural Issues Plan (2008) (CS).
4. Saved LP policy H26 says that planning permission will not be granted for housing in the open countryside except as provided for under policies H27, H28 and H30. I note that H30 no longer forms part of the development plan. The proposal does not comprise an agricultural or forestry worker's dwelling or a replacement dwelling. Thus, it does not fall within any of the exceptions in policies H27 or H28 and therefore conflicts with policy H26.
5. However, the Council accepts that policy H26 is not wholly consistent with the Framework. Nevertheless, the Council considers that it is consistent when read in conjunction with policies H27 and H28 and with CS policies CP13, CP14 and CP17. The overall collective objective of these policies is to manage patterns of

growth into areas with good access to services and facilities. In so doing, they are broadly consistent with the National Planning Policy Framework (the Framework). However, I cannot ignore what the policies say individually and must assess them for consistency against national policy given that they pre-date the Framework.

6. Framework paragraph 55 says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It does not therefore impose a blanket restriction on development outside defined settlements or require the demonstration of any 'special circumstances' for all development in open countryside. The special circumstances only apply to development that would be isolated. Policy H26 is therefore more restrictive than the Framework and I do not consider it should carry full weight in my determination of the appeal.
7. Policy CP14 sets out that in circumstances where there is a proven need for development to be located in the RPAs, most new development will be focussed in or around the edge of key service centres. However, there is no provision within the Framework to identify a proven need for housing other than in relation to rural workers' dwellings, which shows there to be some inconsistency between policy CP14 and national policy. Again, I do not consider policy CP14 can attract full weight.
8. Policy CP13 states that development outside SPAs will only be permitted where it meets national policy. It refers to Planning Policy Statement 7: Planning and the Countryside, which has been replaced by the Framework. Accordingly, I consider that the Framework provides the relevant national policy. Given that policy CP13 defers to national policy in respect of schemes outside defined SPAs but policy H26 sets out specific criteria, in my view, policy H26 is inconsistent with both the Framework and policy CP13, which further reduces the weight it can be given in my decision. These findings are consistent with those of the Inspector in the appeal¹ relating to Brook Farm.
9. Taking all of this into account, policy CP13 is more consistent with national policy than policies H26 and CP14, thereby attracting the most weight in this appeal. Accordingly, I have considered the other material considerations to be weighed in the planning balance and whether the site would be considered isolated rather than the site's location outside the SPA.
10. The site is located about 1.5km from the convenience store and post office in Wootton and broadly similar distances from Wootton Upper and Lower Schools. Whilst I do not consider such distances to necessarily be prohibitive, the route to the convenience store/post office and the Lower School would be a convoluted one. Moreover, I do not consider the distance to be reasonable for small children to walk to school. Some journeys into Wootton would therefore be likely to be made by car, particularly during the winter months and periods of inclement weather. Nevertheless, travel by bicycle for top-up shopping and to other services and facilities in Wootton would be possible.
11. The most straightforward route to the Upper School would be along Hall End Lane. However, this is a narrow lane with no footpaths, and I do not consider it would provide a satisfactory walking route even for older children. Nevertheless, with appropriate care, travel by bicycle would be a viable option.

¹ APP/K0235/W/16/3156635

12. The Legstraps public house is within a reasonable walking distance of the site as are the bus stops at Keeley Corner. I do not consider the modest footpath width along Keeley Lane to be prohibitive to most people and the regular bus services would provide good access to the higher order services in Kempston and Bedford.
13. The Framework says in paragraph 55 that development in one village may support services in a village nearby. Thus, there is a clear recognition in national policy that some travel will be required in rural areas. The Government also recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
14. Even where trips were made by car into Wootton, they would be of short duration and limited to those associated with the provision of only a single dwelling. I therefore consider that on balance, taking everything into account, the proposed dwelling would occupy a sufficiently sustainable location.
15. I have had regard various appeal decisions that have been brought to my attention by the Council. However, the scheme at Nunswell, Kimbolton Road² involved a different type of development and it is clear that the site at Follyfields, Thurleigh³ has poorer connections to local services and facilities including an infrequent bus service. The appeal decision in relation to Howard Close, Wilstead⁴ related to a development of 36 dwellings which is on a vastly different scale to the proposed single dwelling in the appeal before me. I am not therefore convinced that any of these other decisions provide any useful direct comparisons with the appeal proposal. The linked appeal decisions at Rookery Road, Wyboston relate to enforcement and conditions appeals so it is also unclear what direct relevance these have to the appeal before me.
16. To conclude, the proposal would conflict with LP policy H26 and aspects of CS policy CP14. However, the greatest weight in this appeal should be given to policy CP13 and the Framework. I am therefore satisfied the proposal would comply with the Framework taken as a whole and by extension, policy CP13. As Policy AD1 of the Allocations and Designations Plan (2013) reflects the presumption in favour of sustainable development in national policy, the proposal would also comply with it and with the objective within CS policy CP2 to encourage the use of public transport, walking and cycling and minimise car use.

Other Matter

17. There is a listed building known as 'Deep Thatches' opposite the appeal site and I must have regard to whether the proposal would preserve or enhance its character or appearance. The proposed dwelling would sit within a line of existing houses of similar overall proportions and maintain the general development pattern on the northern side of Keeley Lane. I am satisfied that the proposal would have no adverse effects on the overall character and appearance of the existing residential scene and do not therefore consider that any harm would be caused to the significance of the heritage asset.

² APP/K0235/A/14/2228132

³ APP/K0235/A/13/2197874

⁴ APP/K0235/W/16/3152962

Conditions

18. I have considered the conditions suggested by the Council in light of the Framework and Planning Practice Guidance (PPG). Where necessary, I have amended some of the suggested wordings in the interests of clarity and precision and to more closely reflect the advice in PPG.
19. Although not suggested by the Council, it is necessary to impose a condition specifying the relevant drawings as this provides certainty.
20. I note the suggested landscape scheme condition including reference to existing vegetation and also the related implementation condition. However, there is no existing vegetation on the site that makes a meaningful contribution to the area's character and appearance and moreover, I do not consider it necessary to condition the landscaping of a private garden.
21. The Council has suggested a condition requiring the provision of an energy audit. However, I have not been provided with all of the policies or policy statement referred to in the Council's reasoning and cannot therefore be certain that this condition can pass the tests in PPG. Similarly, I have not imposed the related condition requiring the submission of an energy statement.
22. In the interests of highway safety and to ensure a satisfactory standard of development, I have imposed conditions relating to the access, vehicle and cycle parking. It is not necessary to include the informative relating to surface water as this will be adequately covered by the approved details. It is also not necessary for all to be pre-commencement conditions. A condition relating to boundary treatments is necessary to ensure the standard of development is satisfactory. However, I am not persuaded that details need to be agreed before any works commence. A materials condition is necessary as the particulars are not sufficiently set out in the application documents. However, the requirements of the condition do not need to be agreed prior to any works taking place. Thus a pre-commencement condition is not justified.

Conclusion

23. For the above reasons and having had regard to all other matters raised, the appeal succeeds.

Hayden Baugh-Jones

Inspector

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No 164951 16-01; Existing Site Plan Drawing No 164951 16-02; Proposed Site Plan and Street Scene Drawing No 164951 16-03; Proposed Plans Drawing No 164951 16-04; Proposed Elevations Drawing No 164951 16-05.
- 3) Development shall not take place until details of the junction of the proposed vehicular access with the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 4) Prior to the first occupation of the dwelling hereby permitted, the agreed access shall have been surfaced in a stable and durable manner with a bonded material across the entire width of the access for a distance of 5.0m measured back from the carriageway edge.
- 5) The dwelling hereby permitted shall not be occupied until space has been laid out within the site for cars and bicycles to be parked and that space shall thereafter be kept available at all times for those purposes.
- 6) The development hereby permitted shall not be occupied until details of all boundary treatments, screen walls and fences including a timetable for carrying out the works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and timetable.
- 7) No development above slab floor level shall take place until details of the external materials including walls, roof, doors, windows and external gutters and pipework have been provided on site for inspection and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.