



Appeal Decision

Site visit made on 8 August 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 8th September 2017

Appeal Ref: APP/P0240/W/17/3174483

Woodside Livery Stables, West End, Haynes MK45 3QU

- 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 Brendan Mullan against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/01747/FULL, dated 20 April 2016, was refused by notice dated 19 January 2017.
 - The development proposed is the erection of a 'barn conversion style' dwelling-house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 'barn conversion style' dwelling-house at Woodside Livery Stables, West End, Haynes MK45 3QU in accordance with the terms of the application, Ref CB/16/01747/FULL, dated 20 April 2016, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is whether the proposed development is within an appropriate location for new housing.

Reasons

3. At the time of determining the planning application, the Council could not demonstrate a 5 year housing land supply. The Council issued a statement on 1 April 2017 seeking to clarify their current 5 year housing land supply position and state that they now have 5.88 years of deliverable housing sites. Consequently, Policy CS1 and DM4 of the Core Strategy should be given due weight.
4. The Development Plan for the area is the Central Bedfordshire Core Strategy and Development Management Policies 2009 (the Core Strategy). Policy CS1 of the Core Strategy sets out the settlement hierarchy for the district whereby the appeal site is classified as being within the countryside where development is restricted. Policy DM4 of the Core Strategy sets out what type of development may be acceptable beyond settlement envelopes. The purpose of Policies CS1 and DM4 of the Core Strategy is to concentrate development within settlements and to restrict development outside settlements other than in specific circumstances, none of which apply here. As a result, the development would be in conflict with Policies CS1 and DM4 of the Core Strategy.

5. The proposed dwelling would not be isolated in that there would be other dwellings nearby and there is a commercial building and stables to the rear of the site. The appellant has also detailed where existing facilities within Haynes and its "Ends" could be supported as a result of the development. I recognise that this support would be limited through a single dwelling. It would nevertheless help maintain the vitality of rural communities in accordance with paragraph 55 of the National Planning Policy Framework (the Framework).
6. The appellant makes reference to a bus stop which is some 50 – 80 m from the site and is located on the A6 which links Bedford, Luton and areas beyond. A detailed list of extensive bus times demonstrates that there is a 7 day a week service which includes bank holidays has also been provided. While there isn't a footpath from the site to the A6, it is only a short walk and mostly within a 30mph speed zone. Moreover, I am mindful that the Framework tells us that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Therefore, whilst there would be some reliance on the private car, there is access to public transport and one dwelling would not generate a significant number of car journeys.
7. The Council have also cited that the appearance of the building, by nature of its residential fenestration and paraphernalia, would represent a visual incursion of built development within the countryside. I am conscious that the impact of the development on the character and appearance of the area did not form any part of the Council's reason to refuse planning permission. That said, given the context of the site and its relationship to other buildings in the immediate vicinity, while the proposed dwelling would be residential in its appearance, it would be seen against the backdrop of existing development and would not appear as physically isolated. I do not find the proposed development to represent a visual incursion into the countryside which is reinforced by the presence of other dwellings within the immediate setting of the site.
8. The primary purpose of Policies CS1 and DM4 of the Core Strategy is to safeguard the countryside from inappropriate and unsustainable development. Whilst there would be an 'in principle' conflict with these Policies, I do not find that any substantive harm to their objectives would arise from allowing the development. Moreover, the proposal would be in compliance with paragraph 55 of the Framework in that the development would not be isolated and would assist in enhancing and maintaining the viability of rural communities. I consider this to be sufficient to outweigh the conflict with the development plan.

Other Matters

9. The Council has also drawn my attention to a recent decision ¹ whereby the Inspector found that, despite forming part of a group of other buildings, the whole group was in an isolated position in the countryside. However, in reaching that assessment, the Inspector found that public transport serving the site was limited and the occupiers would rely heavily on the private car to access services. The appeal site before me has very good access to public transport through the existing bus network and has a physical relationship to the buildings that surround the site. Against this background the appeal decision only has limited weight and, in any event, I am required to consider the individual circumstances of this appeal.

¹ APP/P0240/W/16/3159805 dated 11 January 2017

Conditions

10. The Council has suggested a number of conditions if I am minded to allow the appeal. In accordance with the advice contained within the Planning Practice Guidance, where appropriate, I have reworded them where necessary in the interests of precision and enforceability. The approved plans should be specified to provide certainty. To ensure the satisfactory appearance of the development, samples of materials should be submitted to the Council for approval. Given the proximity of the site to commercial units to the rear, it would be prudent to require a scheme to protect the dwelling from noise before development commences. It is also necessary to control parking details in the interest of highway safety. In the interest of sustainability, details of cycle parking should be provided. Refuse bin storage areas should also be provided to ensure that highway safety is not compromised. Finally, to safeguard the appearance of the development, boundary details should also be provided.

Conclusion

11. For the reasons given above, and having regard to the development plan when read as a whole and the other material considers, particularly the Framework, I conclude that the appeal should be allowed.

Graham Wyatt

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: 001 Rev B
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall take place until a scheme for protecting the proposed dwelling from noise from industrial and commercial units adjoining the site have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved scheme before the dwelling is occupied and permanently retained thereafter.
- 5) No development shall take place until details of a scheme showing the provision of two off-street parking spaces to serve the new dwelling have been submitted to, and approved in writing by, the Local Planning Authority. The details to be approved shall include the proposed materials for construction and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to the highway. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.
- 6) Prior to the occupation of the dwelling, details of a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, shall be submitted to, and approved in writing by, the Local Planning Authority and permanently retained thereafter.
- 7) Prior to the occupation of the dwelling, details of a bin storage/refuse collection point located outside the public highway shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved scheme before the dwelling is occupied and permanently retained thereafter.
- 8) The dwelling shall be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of boundary treatments. The scheme shall include the positions, heights, design, materials and type of boundary treatment to be erected. The development shall be carried out in accordance with the approved scheme before the dwelling is occupied and permanently retained thereafter.