
Appeal Decision

Site visit made on 31 October 2017

by R A Exton Dip URP MRTPI

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

Decision date: 8th November 2017

Appeal Ref: APP/P0240/W/17/3180049

Land to the rear of 85 and 89 Clophill Road, Maulden MK45 2AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Kevin Sheridan against the decision of Central Bedfordshire Council.
 - The application Ref CB/17/01363/OUT, dated 17 March 2017, was refused by notice dated 30 May 2017.
 - The development proposed is described as outline planning for serviced plots of up to 4 custom/ self-build eco bungalows and all associated works, including details of access, with all other matters reserved.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) whether the proposal accords in principle with the development plan; and ii) the effect of the proposal on the character and appearance of the area.

Procedural Matter

3. The application was made in outline form with consideration of access, all other matters being reserved. Plans have nevertheless been submitted showing an indicative layout. I shall treat these as being for illustrative purposes and take account of the layout accordingly.

Reasons

Principle

4. The application site lies within a 'small village', as defined by Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies adopted 2009 ('the CSDMP'). Here, Policy DM4 limits residential development to infill. This is defined as small scale development utilising a vacant plot which should continue to complement the surrounding pattern of development.
5. Whilst the addition of three dwellings could be considered small scale, these would not utilise a vacant plot. The vacant plot would only occur through the demolition of No 85 Clophill Road as part of the proposal. The proposal would therefore conflict with Policy DM4 in this respect.

Character and appearance

6. No 85 forms part of a band of frontage development on the northern side of the road. There is similar frontage development on the opposite side of the road. Although there is development that extends back from the road in greater depth further to the west, frontage development is the surrounding pattern in which the appeal site would be viewed.
7. I note the presence of the storage containers for which a certificate of lawful development has been granted. These however are not dwellings which Policy DM4 seeks to control. In common with other outbuildings and ancillary structures evident nearby, they do not significantly alter the surrounding pattern of residential development.
8. Siting three dwellings behind No 85 would introduce a significantly different pattern of development to that which exists. This would contrast harshly with the established pattern of frontage development and as a result appear out of character.
9. The appellant contends that the proposed bungalows would be less visible than the houses previously proposed and as such have a lesser effect on character and appearance. However, the demolition of No 85 to form the proposed access would open up a clear view into the site. Dwellings visible along the access would make the difference in pattern of development apparent when viewed from Clophill Road. As my colleague noted in assessing appeal Ref APP/P2040/A/12/2182437, the proposal would also be likely to be visible from across the valley to the north, albeit the bungalows now proposed to a lesser extent than the houses previously proposed.
10. Overall, I conclude that the proposal would be harmful to the character and appearance of the area and as a result conflict with Policy DM4 of the CSDMP. It would also conflict with Policy DM3 of the CSDMP. This requires developments to be designed appropriately for their settings.

Other matters

11. The appellant questions the existence of a 5 year supply of housing land for the district and refers to appeal Refs APP/P0240/W/16/3154220 and APP/P2040/W/16 3166033 where the inspectors concluded that there was less than a 5 year supply and gave Policy DM4 of the CSDMP reduced weight accordingly.
12. I must assess this appeal on the basis of the policies and evidence before me. I have insufficient evidence to conclude on the existence of a 5 year supply of housing land. If I were to conclude that the district did not have a five year housing land supply the provisions of paragraph 14 of the National Planning Policy Framework ('the Framework') would be triggered. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
13. The proposal would make a contribution to the availability of self-build plots in the district, secured through a legal agreement, and promote high standards of design and environmental sustainability. However, the harm to character and appearance I have identified significantly and demonstrably outweigh these benefits. I consider that the policies I have identified above are consistent with

the framework insofar as they relate to requiring good design and therefore have afforded them full weight.

14. I note the other planning approvals and appeal decisions identified in support of the proposal. From the evidence submitted I do not consider these directly comparable to the appeal proposal and therefore afford them very limited weight. I have, in any case, assessed the proposal on its own merits and the decisions referred to do not lead me to a different conclusion.
15. I also note interested parties comments including concerns relating to highway's issues, privacy and noise. However, given my conclusion, it is not necessary for me to consider these matters further.

Conclusion

16. For the above reasons I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR