



Appeal Decision

Site visit made on 16 May 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/P0240/W/19/3223262

Land adjacent to Meadow View, Flitton Road, Pulloxhill, MK45 5HW

- 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 T Bowers against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/03285/FULL, dated 28 August 2018, was refused by notice dated 2 November 2018.
 - The development proposed is the construction of one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Central Bedfordshire Local Plan has been submitted to the Secretary of State and is now subject to examination in public. It is not clear that the policies are likely to be adopted in their present draft form and I give them limited weight.
3. The National Planning Policy Framework was revised in February 2019 (the Framework). I have also taken this into account as part of the determination of this appeal.

Costs

4. An application for costs was made by the appellant against the council. This application is the subject of a separate Decision.

Reasons

5. The main issue is the effect of the proposal on the character and appearance of the area.
6. The appeal site is a gently sloping area of grassed land (formerly garden land) on the northern edge of the village of Pulloxhill. The site is adjacent to a small number of newly developed houses, one of which (Hillcrest) will share an access with the proposed dwelling. This part of Flitton Road has detached dwellings on generous plots developed in a generally linear fashion. Beyond these dwellings are open fields.
7. The appeal site is set back from the road and is partly bordered to the north by a small copse of trees and a large pond. Beyond this, there is a Public Right of Way (PROW) running to the north, where there are views into the appeal site.

8. The overall character of the area is spacious and open. Although contained within established boundaries, the appeal site contributes to the rural feel of the area in a sensitive marginal position between the settlement and the undeveloped countryside.
9. I consider that the edge of the built form of the village closest to the appeal site has well-defined boundaries associated with the adjacent dwellings and their gardens. The appeal site therefore contributes positively to the open character of its surroundings, and clearly reinforces the transition in character of the built form and that of the open countryside.
10. The overall height of the dwelling would be 7.6m and together with its general massing, would represent a significant addition to this currently open, undeveloped site. The proposed dwelling would be located towards the rear of the site, at a higher point than the entrance, further reinforcing its prominence. The finished floor level of the proposed dwelling would be similar to the adjacent dwelling and would appear more subservient to that building. However, this would not reduce the impact of the additional development that would be very noticeable from the nearby PROW and Flitton Road as well as from nearby dwellings. The proposed development would significantly reduce the gap between the edge of the village and the coppice of trees, consequently reducing the open feel of the area. I acknowledge that the impacts upon the wider landscape may be limited but the local impacts would be substantial.
11. The proposal would not therefore be appropriate in scale to the setting of the settlement and would not contribute positively to creating a sense of place. As such it would not respect the local context. In relation to the main issue, the proposal would have a harmful impact upon the character and appearance of the area. This would not therefore comply with Policies DM3 and CS14 of the of the Central Bedfordshire Core Strategy and Development Management Policies (2009) (CS). This proposal would not complement the surrounding pattern of development and does not fall within the definition of infill development at paragraph 11.1.7 of the CS. In this respect the proposal does not comply with CS Policy DM4. Furthermore, the proposal would not create a high quality place that would help to make the development acceptable and does not therefore comply in this respect with the Framework.

Other Matters and the Planning Balance

12. I note the appellant's case that DM4 in particular, is out of date and not in accordance with the relevant parts of the Framework. Paragraph 213 of the Framework, states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
13. Some appeals have been referred to where the consistency of CS Policy DM4 with the Framework is questioned. I recognise the importance of consistency in decision making and I agree with the view of a number of the Planning Inspectors in those recent decisions that CS Policy DM4 is not consistent with the Framework. Policy DM4 is very restrictive in seeking to protect all countryside areas regardless of its status in terms of landscape attributes. The High Court case that has been referenced¹ also addresses this matter as

¹ Gladman Developments Ltd v SOS and Central Bedfordshire Council, CO/3276/2018. 29/01/2019

recently as January 2019. This issue has not changed due to the more recent changes to the Framework.

14. I give little weight to CS Policy DM4 in terms of how it aims to guide development away from countryside areas. However, I consider that LP Policy DM3 is consistent with the Framework as it is aimed at achieving well designed places.
15. There would be economic and social benefits associated with the construction and future occupation of the proposed dwelling but given the likely small scale of those benefits, I can only afford these limited weight. I consider that within the overall planning balance, the substantial harm to the character and appearance of the area including the resultant non-compliance with CS Policy DM3, is greater than the benefits set out by the appellant in support of the proposal.

Conclusions

16. For the above reasons, and having considered all other matters raised, I conclude that this appeal is dismissed.

Sian Griffiths

INSPECTOR