
Appeal Decision

Site visit made on 24 April 2019

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/K0235/W/18/3217629

65A Renhold Road, Wilden, Bedfordshire, MK44 2PX

- 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 Andrew Green against the decision of Bedford Borough Council.
 - The application Ref 18/01989/FUL, dated 17 July 2018, was refused by notice dated 28 November 2018.
 - The development proposed is described as 'the change of use of an existing redundant building to create a new one-bedroom dwelling.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site would provide a suitable location for the proposed dwelling having regard to the spatial strategy set out in the development plan and the National Planning Policy Framework (the Framework).
 - The effect of the proposal on the character of the area.
 - Whether there are other considerations in favour of the granting of permission.

Procedural Matter

3. The address of the site is stated as 65A Renhold Road, although this address is actually the property to the south of the red lined appeal site. Whilst I do not consider it necessary to change the address, I have made my assessment on the basis of the submitted plans which define the site and its boundaries.

Reasons

Background

4. The appeal proposal seeks to create a small dwelling by converting some empty buildings which were formerly part of a butterfly park tourist attraction business. The building is situated just to the south of Renhold Road in a rural location. The butterfly park development was granted permission in 1997. The park included a reception building with café, shop and toilets, the outbuildings on the appeal site (including a presentation room, workshop area and housing

for some of the creatures) and outdoor open areas. The open areas included a car and coach park, a children's playground and informal recreational areas. The attraction opened in 1999 but ceased operating in 2010, as the business had failed to achieve financial viability.

5. Since the closure of the business, there has been a series of planning applications and appeals for residential developments on sites within the former grounds of the park. The Council approved the conversion of the main reception building to a dwelling under its reference 12/02007/FUL, the application site for that dwelling including about half of the area of the original butterfly park, but excluding the western part of the site, where the former car park is located.
6. Proposals to build houses on the former car park have been the subject of two dismissed appeals in 2014¹ and 2016². An outline proposal for a single dwelling within the approved residential curtilage of the newly created reception building dwelling was allowed on appeal in 2018³ (the 2018 appeal).
7. There have also been proposals concerning the current site. Most notably, the Council refused an application to convert the buildings on the site to a house in 2017 and a subsequent appeal⁴ (the 2017 appeal) was dismissed later that year. The Council has also granted permission to demolish and replace part of the barn complex to the east of the appeal site to provide ancillary accommodation (workshop and store) for High Farm⁵.
8. Whilst each case must be determined on its own merits, I have had regard to these previous decisions, which feature significantly in the submissions made by the appellant and the Council, in the determination of this appeal. I have also taken into account court judgments that have been referred to by the parties.

Location

9. In planning terms, the appeal site is situated outside any defined settlement boundary and falls within the open countryside and within the Council's designated Rural Policy Area (RPA). There are some services and facilities in the locality and in the wider area. There is a farm shop several hundred metres to the south of the site, which sells a limited range of groceries. Wilden is a small village about 1 kilometre to the north of the site, although the distance by the only road connection via Renhold Road is around 1.5 kilometres; it has some limited facilities including a school. Ravensden is another small village, situated about 1.25 kilometres to the west of the site as the crow flies, but the routes to it by road are circuitous and lengthy; it also has some limited facilities, including a primary school.
10. A wider range of services and facilities can be found at the larger village of Great Barford, which is situated about 4 kilometres to the south-east of the site, and within the urban area of Bedford, the town centre of which is some 6.5 kilometres to the south-west. The appellant submits that there are

¹ APP/K0235/A/14/2216532

² APP/K0235/A/16/3150866

³ APP/K0235/W/17/3191070

⁴ APP/K0235/W/17/3173076

⁵ Reference 16/01882/FUL

supermarkets and shops on the edge of Bedford, some 3.6 kilometres from the site.

11. The Bedford Borough Council Core Strategy and Rural Issues Plan 2008 (the CS) seeks to manage growth positively and focuses development principally on the urban area and its extensions to encourage sustainable development. CS Policy CP1 sets out a high level spatial strategy which seeks sustainable levels, locations and forms of development in accordance with the stated objectives and policies of this Plan and the objectives and policies of the East of England Plan and the Milton Keynes & South Midlands Sub-Regional Strategy. However, the referred to East of England plan and sub-regional strategy have been revoked and this limits the weight that can be attached to this policy, although the policy's high level support for sustainable levels, locations and forms of development remains in broad accord with the Framework's purpose.
12. CS Policy CP13 says that development in the countryside will only be permitted if it would be consistent with national policy. As the policy is directly linked to compliance with national policy, it must logically accord with it and carry appropriate weight.
13. CS Policy CP14 says that where there is a proven need for development to be located in the RPA, it should be directed to locations in or around the edge of key service centres. However, this policy is more restrictive than the Framework, which does not require a proven need for housing (other than in relation to rural workers' dwellings). As there is inconsistency between Policy CP14 and national policy, I consider Policy CP14 cannot attract full weight in the context of Paragraph 213 of the Framework.
14. The relevant national policy, to which CS Policy CP13 now directly relates, is today set out in the Framework⁶ in two distinct paragraphs. Paragraph 78 says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 says that planning policies and decisions should avoid the development of isolated homes in the countryside unless it meets certain specified exception tests. The Court⁷ has held that the term "isolated homes" should be given the ordinary objective meaning of "far away from other places, building or people: remote" (the Braintree judgement). In essence, paragraph 78 tells planning authorities where rural housing should be located and paragraph 79 directs where housing should not be located, unless there are exceptional circumstances.
15. The 'isolated' issue has featured in the consideration of earlier appeal cases on the wider site and in the 2017 appeal decision concerning the current site. Whilst I have paid close attention to those decisions, it is important that my assessment is made in the current context, which is informed by the Braintree judgement and the latest publication of the Framework, which now separates these policy considerations into two distinct paragraphs (78 and 79).
16. The issue of 'isolated' in this regard must always be a matter of fact and degree. In this case, it is not simply about a consideration of proximity to services and facilities, but also about whether the proposed home would be physically and functionally far away or remote from other places, buildings or

⁶ Planning Policy Statement 7 referred to in the text of CS Policy CP13 has been replaced by the Framework.

⁷ Braintree District Council v SSLG [2017] EWHC 2743

people. In my judgement, the appeal proposal could not be so described, as there are occupied houses in close proximity, including Nos 65A and 65 Renhold Road (High Farm), and there are other places, such as the villages of Wilden and Ravensden, that are relatively close by and not 'far away'. Accordingly, I do not consider that the appeal proposal would result in a truly 'isolated' home in that sense and there is therefore no need for me to explore any of the special circumstances, set out in paragraph 79, that would justify allowing isolated homes.

17. Establishing that the new dwelling would not be 'isolated' does not mean that it would be 'sustainable development' under the preceding paragraph 78 of the Framework. In practice, the appeal site's open countryside location and characteristics mean that it is likely that future occupants would be highly dependent on the use of private cars rather than the use of sustainable modes of travel for most day to day needs, including accessing centres for shopping, services, education and employment. This is because the bus service is very limited, there are no footways along the roads to encourage walking and cycling routes are not particularly attractive, especially at night and in poor weather conditions. Whilst I recognise that there is a network of off-road footpaths, these are typically across open fields and would be unlikely to be used if the ground was wet, after dark or in poor weather. These factors mean that appropriate opportunities to promote sustainable transport modes cannot be taken up.
18. Moreover, there is no convincing evidence before me to demonstrate that creating a new house in the appeal site buildings would promote sustainable development by enhancing or maintaining the economic or social vitality of rural communities or that it would support local services. The concept of 'community' is not defined in the Framework but, in my view, it must entail a certain scale and a tangible degree of unity, common interest and coherence.
19. Whilst I have no doubt that individuals living in the same part of the open countryside may have some interactions and be generally neighbourly, there is no convincing evidence before me that indicates that the very dispersed and small number of dwellings in the vicinity could be regarded as a 'community' in the context of the Framework's overarching purpose of supporting sustainable development in rural areas. Indeed, given the location of the site and the likely high dependency on car travel, this may actually serve to encourage trips further afield to higher order centres rather than to more local and limited service outlets. Similarly, there is insufficient evidence to suggest that there would be any tangible social benefits arising from locating a dwelling on the appeal site, with its few and dispersed neighbours, which would serve to limit, rather than enhance, social interactions and vitality.
20. On this main issue, I conclude that whilst the appeal proposal would not be an isolated home under the terms of paragraph 79 of the Framework, it would not be a sustainable location for the development proposed and would not be consistent with paragraph 78. By extension, it would conflict with CS Policy CP13, which limits development in the countryside to that which is consistent with national policy. I also find some conflict with the CS spatial strategy as set out in Policy CP1 and with Policy CP14, which restricts development in the RPA, but I attach limited weight to these conflicts, as the policies are out of date and not fully consistent with the Framework.

Character

21. The Council's second reason relates to the alleged harmful impact of the proposal on the rural character of the site and the surrounding area.
22. The proposal would involve some alterations to the buildings, including infilling a currently open fronted area, creating a first floor gallery bedroom, attaching photovoltaic cells on part of the roof and incorporating some new and altered fenestration. These alterations are concentrated on the more private side of the building and will not be visible when viewed from Renhold Road.
23. However, the development would introduce a residential use into an area that is predominantly rural in character. It would inevitably introduce outdoor domestic paraphernalia and vehicle parking, and the plot shape, size and road frontage position mean that this would likely be visible. It would cause some change through added domestication and urbanisation of the prevailing rural character of the area, notwithstanding that I do recognise that Home Farm to the east of the site, and the now established residential use at No 65A to the south, already provide some domestic presence. I also consider that planning conditions could require landscaping and boundary treatments to partially mitigate and control some of these harmful effects, but I consider it unlikely that full mitigation could be achieved.
24. On this main issue, I conclude that the proposal would result in some harm to the rural character of the area, but that harm would be limited. Accordingly, I assess that there would be some limited conflict with saved Policy BE30 of the Bedford Borough Local Plan 2002 and CS Policy CP21 which require proposals to respect local character and distinctiveness. The proposal would also conflict with paragraph 127(c) of the Framework, which similarly requires developments to be sympathetic to local character. However, the harm I have identified to the character of the area would not be so great in itself as to warrant the withholding of planning permission, in the event that the scheme were to be found otherwise acceptable.

Other considerations

25. There is no dispute that these buildings represent previously developed land under the definition set out in the glossary in the Framework. Whilst the Framework and the CS encourage the use of previously developed land, this support does not override the overarching objective of achieving sustainable development and avoiding the harms I have identified above. I am mindful that the Inspector in the 2018 appeal reached a different finding on the adjacent site, within the approved garden area of the converted reception building dwelling. However, this was for a different proposal and the Inspector's reasoning included other considerations which do not directly relate to the current appeal proposal.
26. Some references have been made to housing land supply matters, although they do not feature in detail in the evidence before me. I understand that the Council's position is that, whilst it could demonstrate a 5.8 year housing land supply earlier this year, the application of the Standard Method in line with the revised Framework (February 2019) has increased the requirement. This means that its land supply is currently reduced to about 3.7 years and it says the shortfall will be addressed through its draft Local Plan 2030, which is

currently undergoing its examination. This means that the so called 'tilted balance' is engaged through paragraph 11d) of the Framework.

27. I have had regard to the representations in support of the appeal proposal, but these have not led me to a different conclusion on the main issues.

Planning Balance and Conclusion

28. I conclude that the proposed development in the open countryside would be contrary to national and local policies on the location of new housing. There would also be some harm to the character of the area which would also be contrary to national and local policies. Whilst the proposal would re-use a vacant building, contribute to local housing supply and provide some economic benefits, including through its building works, these benefits are limited. As regards the issue of the five year land supply, the adverse impacts I have identified would significantly and demonstrably outweigh the benefits of the proposal. Accordingly, for the reasons given above, and taking all matters into account, the appeal is dismissed.

P. Staddon

INSPECTOR