



Appeal Decision

Site visit made on 07 May 2019

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2019

Appeal Ref: APP/P0240/W/19/3223086

Highfield House, Bedford Road, Houghton Regis LU5 6JP

- 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 4D Beauty against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/04256/FULL, dated 15 November 2018, was refused by notice dated 11 January 2019
 - The development proposed is a detached beauty salon.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - (i) Whether the proposal constitutes inappropriate development in the green belt,
 - (ii) The effect of the proposal on the openness of the green belt,
 - (iii) The effect of the proposal on the living conditions of neighbouring occupiers and,
 - (iv) The effect of the proposal on highway safety.

Reasons

3. The appeal site is an enclosed area of land to the north of a group of dwellings. Adjacent to the site is an open field. The Houghton Regis Public Footpath crosses the field towards a new housing development, which was under construction during my visit. The site is accessed from a shared driveway which is loosely metalled. The driveway is accessed from the B5120 Bedford Road. The site is within the South Bedfordshire Green Belt. Highfield House is situated a short distance from the site and appears to be a subdivided dwelling. The appeal site is currently used for open storage of shipping containers and various vehicles, including mobile homes.

Green Belt

4. The appeal scheme is to erect a new single storey building within the site, replacing a small timber clad building which is sited on a concrete base. The National Planning Policy Framework (the Framework) sets out that construction

of new buildings within the Green Belt constitutes inappropriate development, subject to certain exceptions. One exception to this is the partial or complete redevelopment of previously developed land (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.

5. The appeal scheme is to replace an existing timber clad building or structure. A planning permission was granted for a garage building on the site in 1995 and the Appellant refers to the building or structure to be replaced as that building. I do not have the details of that planning permission before me and noted that there is another, more substantial timber clad garage type building on the site, which is to be retained. The timber clad building or structure to be demolished is small in scale. The Appellant suggests that the appeal proposal would be of no greater scale than the timber building or structure plus the motorhome situated adjacent to it. The motorhome is a moveable structure of a modest size which does not have any degree of permanence. As such it is not a building and its replacement cannot be regarded to fall within the exception to inappropriate development. For these reasons, the appeal proposal would introduce built development of a more substantial scale than the existing development, which would have a greater impact on the openness of the Green Belt than the existing building
6. In addition, the appeal scheme would be prevalent from the public footpath and open field beyond the site, from which the site appears relatively open, in part due to the boundary fence comprising of open metal palisade. As a result, the visual openness of the Green Belt would also be adversely affected.
7. For the reasons given above, the appeal proposal does not fall within the exception and constitutes inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. In addition, the appeal scheme would also cause harm to the openness of the Green Belt.
8. The Appellant has referred to potential housing development which might surround the scheme in the future. During my visit, I observed housing development under construction across the public footpath, on the other side of the open field. Other than this development, the site and its surroundings were relatively open and rural. Whilst further development may take place in the future, with or without a review of Green Belt boundaries, the site remains within the Green Belt and in its current context, within an open rural Green Belt setting. For these reasons, the potential for future development does not establish that very special circumstances exist to clearly outweigh the harm to the Green Belt which would arise from the scheme.
9. Similarly, the Appellant has highlighted that a large proportion of the existing beauty salon clients are local and as such, that the business provides a local service. The Council contends that the beauty salon is a town centre use which is operating in an out of centre location, with the potential of undermining the viability and vitality of local centres. As such, the appeal scheme would not amount to sustainable development when the social, economic and environmental roles of sustainable development are balanced. As such, the beauty salon use would not establish very special circumstances to clearly outweigh the harm to the Green Belt which would arise from the scheme.

10. The appeal scheme would be inappropriate development and no very special circumstances exist to outweigh the harm caused to the Green Belt. The appeal scheme would conflict with the Framework in respect of Green Belt.

Living conditions

11. The access to the appeal site would be via the existing shared, unmetalled driveway. The driveway passes by several other dwellings, including Highfield House which is occupied by the Appellant. Some of the dwellings are in close proximity to the access driveway, with Highfield House being somewhat set back behind other buildings. The driveway is mostly single track. The appeal site is located to the rear of dwellings fronting Bedford Road.
12. Given the layout of the site and access, the appeal scheme is likely to cause noise and disturbance to the occupants of the dwellings along the driveway and fronting Bedford Road as a result of vehicles passing and the opening and closing of vehicle doors. The scheme also has potential to cause inconvenience and further disturbance to existing residents due to the mostly single-track nature of the driveway resulting in vehicles having to wait or manoeuvre to pass.
13. The Appellant contends that the beauty salon use currently operates within Highfield House and has not resulted in complaints from neighbours to date and there are no plans to expand the business. As a discrete building, the appeal scheme would provide opportunities for incremental expansion of the business over and above that which is able to operate from the dwelling. The potential increased activity could not be controlled by way of a planning condition.
14. For these reasons, the appeal scheme has potential to cause detriment to the living conditions of neighbouring residents, in conflict with the Framework and Policy BE8 of the South Bedfordshire Local Plan (SBLP) which seeks, amongst other things, to ensure that new development does not have an unacceptable adverse effect on living conditions.

Highway safety

15. The existing drive is loosely metalled and its access from Bedford Road is steep and has a relatively short splay. The visibility splay does not meet the necessary standards for ensuring a safe and convenient access to the highway, and the Highways Officer advises that due to the physical constraints surrounding the access, it would not be possible to achieve a safe standard.
16. The scheme does not propose to alter the existing arrangement, other than to ensure a better standard of hardstanding, and the Appellant asserts that there have been no accidents since the business has been operating. However, the appeal scheme has potential to intensify the use of the inadequate access in a way which cannot be mitigated, thus increasing the risk to highway users. For this reason, the appeal scheme would be detrimental to highway safety in conflict with the Framework.

Conclusion

17. For the reasons stated above, I find that the appeal proposal would constitute inappropriate development within the Green Belt and would cause harm to the openness of the Green Belt. The scheme would also have a detrimental impact

on the living conditions of neighbouring occupiers and highway safety. The scheme would therefore conflict with Policy BE8 of the SBLP, as well as the guidance in the Framework. I conclude that the appeal should be dismissed.

Kim Langford Tejrar

INSPECTOR