



Appeal Decision

Site visit made on 22 July 2019

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2019

Appeal Ref: APP/P0240/W/19/3228044

Whitewood Corner, 7 Drove Road, Gamlingay, SG19 2HT

- 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 Raymond Buckingham against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/03122/FULL, dated 26 July 2018, was refused by notice dated 26 February 2019.
 - The development proposed is a new build 3 bed chalet bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a revised plan (EV075/01 Rev A) which includes alterations to increase the size of the double garage and include an electric vehicle charging point in response to the comments from the Highway consultees. The alterations are minor, and I do not feel that acceptance of the revised plan would prejudice any party given the main issue which falls to be considered within this appeal. I shall therefore determine the appeal on the basis of the plans submitted as part of the application, as well as the revised plan submitted as part of this appeal.

Main Issue

3. The main issue to be considered is whether the appeal proposal would constitute an appropriate form of development with particular regard to the provisions of local and national policy in respect of the location of the development to services and facilities.

Reasons

4. The appeal site is located within the residential garden of No. 7 Drove Road (No. 7) within a ribbon of three dwellings with a farm opposite. The site is located beyond settlement envelopes as defined by the Proposals Maps so is classified as being within open countryside. The nearest settlements, which benefit from a settlement envelope, are Potton and Everton which are some distance away. The fact that a site is not isolated, for the purposes of paragraph 79 of the revised National Planning Policy Framework 2019 (the Framework) does not automatically mean that a site is sustainably located just that it is not far away from other places, buildings or people.

5. The appeal site is noted to lie adjacent to the district boundary with South Cambridgeshire District Council (SCDC) with the nearest settlement being Gamlingay, a Minor Rural Centre, a mile and a half away. I have no evidence before me to suggest that the Council have not given sufficient weight to the appeal site's proximity to Gamlingay. The delegated report contains a relatively detailed discussion as to SCDC's classification of the settlement, policy similarities as well as clearly acknowledging that it is the closest settlement to the appeal site.
6. I note that SCDC are stated to have approved a dwelling over the road from the appeal site under application ref: S/1208/01/F, however, no details as to this consent are before me. The application reference indicates the consent was granted many years ago, in a differing policy context, and the appellant refers to it being an agricultural dwelling. This would, therefore, be a dwelling approved in such a location as a result of a business need for someone to live adjacent to their place of work. I have no evidence before me to support that the proposal within this appeal would fall into such a category.
7. At the time of my visit I drove around the appeal site location and noted that the stretch of Drove Road, off which the appeal site is accessed, is subject to a 50-mph limit and there are no footpath connections. A bus stop is stated to be some 400m from the property, however, I did not see any evidence of a bus stop along Drove Road during my site visit. Additionally, the bus service is stated to only serve the school in Gamlingay and would not, therefore, offer any sustainable transport options other than for younger occupants travelling to a specific school.
8. I concur that a more pragmatic approach should often be taken when considering access in rural areas, however, local and national policy generally seeks to direct new development to more sustainable locations. This is generally done by restricting new residential development in the open countryside to within defined exceptions such as those stated within the relevant local policy. The fact that existing development is likely to be largely car dependant carries little weight within this appeal.
9. I note submission of an appeal decision¹ on land to the side of 14-24 Heath Road. That appeal was determined under the National Planning Policy Framework 2012 and also falls within the local planning authority of SCDC. Only the decision notice is before me, however, it is stated that the listed services within Gamlingay are under a mile away and that the site was located in close proximity to a number of residential properties. The site which is the subject of this appeal is located within a ribbon of three dwellings, with a farm opposite, and I find it would be remote from services and facilities given the greater distance than that which was stated in the appeal at Heath Road.
10. The Inspector in the Heath Road decision noted people utilising the road for walking, cycling and horse riding. During my site visit, though I note it is only snapshot in time, I did not see anything other than cars utilising Drove Road and found the verges to appear overgrown suggesting their recent use by pedestrians has been limited. Even if there had been evidence of desire lines the site still lies a mile and a half away from services which future occupants are unlikely to walk to on a regular basis.

¹ APP/W0530/W/18/3194200

11. I do not find that the same conclusion can, or should, be reached for the two sites and each case must be considered on its own merits. I do not find that there would at least be a choice to use accessible modes of transport and do not find that the services and facilities available in Gamlingay are readily accessible. Future occupiers would almost certainly rely on the private car to meet their everyday needs. The appeal site location, over half a mile further away from the services and facilities compared to the Heath Road appeal site, undermines the aim to reduce car dependency regardless of the number of dwellings proposed by proposing new residential development further into the open countryside.
12. The appeal site benefits from consent for the erection of an outbuilding (ref: CB/15/00678/FULL) which has been implemented but the outbuilding has not yet been constructed. Despite this, I do not consider the appeal proposal to be a type of subdivision which falls under the exceptions in paragraph 79 of the Framework which allows subdivision of a residential dwelling. The appeal proposal before me does not involve the re-use or sub-division of an existing building. I find that the presence of such a consent only creates the ability to build the approved, smaller, outbuilding for ancillary use (as a gym and pool).
13. Given that the Council have not raised issue with impact upon character, appearance or similar the presence of the ability to build a smaller building is of little weight within this appeal. If the outbuilding was erected as approved, it still would require planning consent for use as an independent residential dwelling as is sought within this appeal. The main issue within this appeal is whether the principle of a new residential dwelling, as presented before me within this appeal, is acceptable given its location.
14. The proposal would be contrary to Central Bedfordshire Core Strategy 2009 (CS) Policy DM4 which seeks to lead to more sustainable communities and prevent inappropriate development in the open countryside with the exception of affordable schemes, agricultural worker's dwellings and re-use or replacement of an existing building. The proposal would also be contrary to CS Policy CS1 which seeks to focus new development on settlements as outlined in the development strategy. CS Policy DM4 does not have full weight due to its reference to superseded national advice and the fact that the Framework does not seek to protect the countryside for its own sake.
15. Despite this the principle of settlement envelopes is consistent with the objectives of the Framework to direct development into sustainable locations and such an approach is understood to be carried forward to emerging Policy SP7. Whilst the proposal may not cause harm to the character and appearance of the area I still find it to be contrary to Emerging Central Bedfordshire Local Plan Policy SP7 which seeks to new control development in the open countryside in accordance with the types of development listed, however, emerging Policy SP7 is also afforded limited weight given its stage in the plan making process.

Planning Balance

16. The proposal would result in the provision of an additional dwelling. This is in line with the Framework's objective of boosting housing supply despite being a limited contribution. None the less this would represent a limited social and economic benefit. There would be small scale economic benefits through the

construction of the dwelling and payment of Council Tax by future occupiers. Beyond this the economic benefits to the immediate area are limited given the lack of services which would require future occupiers to travel. The maintenance requirements for a new build dwelling, and a garden, would be of little weight.

17. There is a potential, through an ecological enhancement strategy, to provide net environmental benefits as a result of the proposal. These would be in favour of the proposal but, as a scheme for a single dwelling, the benefits would still be limited. The provision of electric vehicle charging points, to contribute towards the sustainability, is of neutral weight given that it serves to offset the impact of traditionally fuelled cars which would be more heavily utilised due to the appeal site location.
18. Given the proposal's location, and the fact that it is for a single dwelling, I place limited weight upon its ability to enhance and maintain the vitality of the rural community. Whilst CS Policy DM4 and emerging Policy SP7 are not attributed full weight, the principle of the proposal is contrary to these policies as well as CS Policy CS1. This carries some weight against the proposal along with my findings that the appeal site is located a notable distance from sustainable transport links and existing services and facilities. This would result in future occupiers being heavily reliant on the private car which weighs heavily against the proposal due to conflict with the environmental and social dimensions of sustainable development.
19. The appeal site would be classed as previously developed land and use of such land is encouraged within paragraph 117 of the Framework. This is, however, except where this would conflict with other policies in the Framework. Conflict with the environmental and social dimensions of sustainability as stated within paragraph 8 b) and c) of the Framework has been identified.
20. Paragraph 11 d) of the Framework states that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date, planning permission should be granted unless, as stated in paragraph 11 d) ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Overall, I find that the adverse impacts of granting consent for the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR