



Appeal Decision

Site visit made on 22 July 2019 by G Sibley MPLAN MRTPI

Decision by A U Ghafoor BA (Hons) Ma MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/P0240/W/19/3226590

Brick Kiln Farm, Chaul End Road, Caddington LU4 1AT

- 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 Gill and Rooney of Gleneden Plant Sales against the decision of Central Bedfordshire Council
 - The application Ref: CB/18/03699/FULL, dated 1 October 2018, was refused by notice dated 18 February 2019
 - The development proposed is demolition of outbuildings and building replacement single storey dwelling and part demolition and conversion of outbuilding into single storey dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Council refer to the Emerging Central Bedfordshire Local Plan, which was submitted to the Secretary of State on 30 April 2019 for examination. Reference is made by the Council in its statement to various policies that relate to design, parking and housing need. It is unclear as to the extent of any unresolved matters and, given that the plan is yet to be found sound, it carries limited weight in the context of this appeal. In its reasons for refusing planning permission, the Council refer to Green Belt policy found in the National Planning Policy Framework 2019 (the Framework). No local plan policy has been cited. I shall proceed on this basis.

Main Issues

4. These are: 1) Whether or not the proposal would be inappropriate development in the Green Belt; 2) The effect on the openness of the Green Belt; and 3) If the proposal amounts to inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation - *Inappropriate development*

5. The proposals are for a single new build dwelling and the conversion of a single storey building. An existing building would be partly demolished. The entire site being

subject to the same proposal. Given the nature of the scheme before me, I will assess the merits of the scheme under paragraph 145 and 146 to the Framework.

6. The Framework, at paragraph 145, states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to several exceptions. Sub-section (g) states that limited infilling and partial or complete redevelopment of previously developed (PDL) sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) would not amount to inappropriate development where it would not have a greater impact on the openness of the Green Belt than the existing development. Paragraph 146 states certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Sub-paragraph (d) relates to the re-use of buildings provided that the buildings are of permanent and substantial construction.
7. The glossary to the Framework defines PDL as land that is occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any other associated fixed surface infrastructure. The glossary identifies several uses which do not constitute PDL. On the appeal site there are several dilapidated single-storey outbuildings that are located behind a group of dwellings fronting Chaul End Road. The building that is proposed to be converted is located to the south east of these buildings and the land around it is more open with no structures within it other than the boundary treatment. The buildings do not appear to be related to any of the uses listed in the glossary that would result in the site not being considered PDL. I concur with the appeal parties that the site constitutes PDL.
8. The site and wider area, especially to the south of the site, has open characteristics. The buildings to the rear of the existing dwellings on Chaul End Road are not overly visible from the public domain. Despite this their removal would increase the openness in both a visual and spatial form. The proposed bungalow would be located in the same general location as the existing group of buildings and would have a smaller footprint, but it would be slightly taller thereby reducing the open aspect of the Green Belt. Having said that, the spatial impact of the existing built form in this part of the Green Belt would be, at least in part, reduced.
9. Nonetheless, in comparison to the existing development, the proposed dwellings would be detached, and their visual impact spaced out. The properties would have their curtilage and the residential use would introduce domesticity in this part. The spread of domestic paraphernalia such as outdoor furniture, washing lines or waste collection containers and cycle store would represent urbanisation in this part of the Green Belt diminishing openness. Additionally, comings and goings associated with residential living as well as the open-air parking of vehicles would significantly reduce openness. In combination, the development would have a greater impact on the openness of the Green Belt than the existing development and it would represent encroachment in to the Green Belt thereby conflicting with at least one of the purposes of included land within it.
10. Turning to the conversion aspect of the proposal, the appellants have not provided a structural survey or detailed building plans denoting the works involved in the conversion of the existing outbuilding. Without evidence to identify that the building is structurally sound it is difficult to determine that it is of substantial construction. The wooden frame of the building appears to be in good condition but several of the walls and the roof have been removed. The works of conversion would involve substantial

rebuilding of walls and roof to convert the building into a dwelling-house. Whilst it is a permanent building, it is not of substantial construction and is therefore unsuitable for conversion. The proposal would be at odds with paragraph 146(d) of the Framework.

11. Pulling all of the above threads together, I find that, contrary to the appellants' arguments, the proposed development would fail to meet with paragraph 145(g) and 146(d) to the Framework. The proposal would constitute inappropriate development in the Green Belt.

Other considerations and the Balance

12. The Framework states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. I have already assessed the argument that the proposal would represent redevelopment of PDL above. Two dwellings would make a limited contribution to the Councils housing delivery, but, on the other hand, there would be environmental harm.
13. The proposed development would constitute inappropriate development in the Green Belt to which substantial weight is given. There is therefore conflict with the Framework. Limited weight is given to the economic and social benefits arising from the supply of two dwellings. The advanced considerations in support of the appeal whether taken individually or cumulatively, do not, on balance clearly outweigh the conflict with planning policies that seek to protect the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

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

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR