
Appeal Decision

Site visit made on 27 August 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/P0240/W/19/3229897

Millfield Farm, Millfield Lane, Caddington LU1 4AR

- 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 Mehra of Farley Chem. Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/04511/FULL, dated 15 November 2018, was refused by notice dated 26 March 2019.
 - The development proposed is the change of use comprising the conversion of an outbuilding to a dwelling and provision of associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In my heading above I have taken the description of development used on the decision notice as it more fully reflects the extent of the development than that used on the planning application form.
3. Although not cited on the decision notice, the Council have referred to several emerging policies¹ in the Central Bedfordshire Pre-submission Local Plan 2015-2035, January 2018. Insofar as is relevant to the circumstances of the appeal proposal, these emerging policies would not significantly change the approach when compared to policies in the adopted development plan, and therefore, do not have a significant bearing on my findings. In any event, given the stage of preparation of the plan, the policies attract only limited weight.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including its effect upon openness, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the site is in a suitable location for housing with regards to access to facilities and services;

¹ Policies HQ1, SP2, SP4, EE4 and DC1

- The effect of the proposal on highway safety, and;
- If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. Development within the Green Belt is inappropriate with the exceptions of the types of development listed in Paragraphs 145 and 146 of the Framework. It is the appellant's view that the proposal is not inappropriate by virtue of the exceptions contained in sub paragraphs b) and d) of paragraph 146. These are the re-use of buildings provided that the buildings are of permanent and substantial construction (146(d)) and engineering operations (146(b)). However, the caveat to paragraph 146 is that the development preserves openness and does not conflict with the purposes of the Green Belt.
6. There is no dispute between the parties that the building is of a permanent and substantial construction² and that the proposal would reuse it, and based on the evidence before me, I have no basis to find otherwise. However, the proposal would also create a new garden, new access, drive and an area of gravel hardstanding for parking and turning. Planning Practice Guidance confirms that openness is capable of having both spatial and visual aspects, and further refers to the degree of activity likely to be generated by the development as a factor that may affect openness.
7. The area around the appeal building comprises natural vegetation with trees and scrubland and, save for the structure that is the subject of the appeal, built form is notably absent. The development would introduce parked cars, boundary treatments and domestic paraphernalia within the garden, as well as the activity and lighting associated with a residential dwelling. The additional objects and lighting would have a physical and visual impact upon the openness of the site. In addition, the increased activity generated by a new dwelling would exacerbate the visual impact of the appeal proposal. Taking these factors together, the proposal would have a greater impact upon, and would not preserve, the openness of the Green Belt.
8. The appellant contends that the proposal would continue in a domestic use as it lies within the grounds of the main house at Millfield Farm. However, I observed that the land associated with Millfield farm is extensive and the appeal building is some distance from the main dwelling with a belt of trees in between which form a natural boundary. The wooded and scrubland character of the part of the site nearest to the appeal building indicates a less intense domestic use and consequently, significant residential activity and domestic paraphernalia is not characteristic of this part of the site. In contrast, the appeal proposal would introduce a principal dwelling and access, with a modest garden area which is likely to be used and cultivated to a much greater degree.
9. Consequently, introducing an additional access and garden area would represent the encroachment of development into the countryside contrary to one of the five purposes of the Green Belt outlined in paragraph 134 of the

² Paragraph 5.25 Council's Written Representations

Framework. Whilst planning conditions might limit the extent of such domestic paraphernalia to an extent, it would be unreasonable to prevent any outbuildings or associated objects in the garden. In any event, this would not prevent the presence of parked vehicles at the appeal site nor the associated activity and lighting.

10. Consequently, the proposal would not fall within any of the exceptions listed in the Framework and would constitute inappropriate development in the Green Belt to which I must attach substantial weight.

Character and appearance

11. The appeal site comprises an informal area of natural vegetation that forms part of the generous grounds to Millfield Farm, which together with the surrounding agricultural land, woodland and hedgerows contributes positively towards a natural verdant landscape resulting in a rural character.
12. The appeal building is a modern, functional structure in corrugated materials that is screened by the presence of nearby trees, which prevents it being easily seen and allows it to blend into the wider rural landscape.
13. It is proposed to convert the existing building into a 3 bedroom dwelling, introduce a long driveway and area of hardstanding, and to create a domestic garden. The creation of the new access would necessitate the loss of a significant length of hedgerow at the most publicly prominent part of the site directly adjacent to Millfield Lane. Furthermore, the length of the driveway and proposed hardstanding would encroach into an area of vegetation that is currently free from built form, which would erode the rural character of the site.
14. In addition, whilst the external physical changes to the existing building would be reasonably limited, and likely to improve the condition of the building, the residential use with its associated enclosures for the garden, parking, lighting, domestic effects and everyday activity would be a discordant intrusion at odds with the rural character.
15. Taking these factors together, the result would be significantly harmful to the rural character and appearance of the appeal site. Whilst additional planting and the use of conditions to control materials, permitted development and detailing might assist in limiting the impact to a degree, they would not entirely surmount the extent of harm identified.
16. I am referred to the existence of other access drives, dwellings, solar parks and business parks in the vicinity, some of which I was able to observe from Millfield Lane at my site visit. However, the presence of these does not lead me to a different view in relation to the impact that the proposal would have on the prevailing rural character of the area, which I have determined on its own merits.
17. Accordingly, I find that the proposal would have a harmful impact upon the rural character and appearance of the area contrary to policies NE12 and BE8 of the South Bedfordshire Local Plan Review, January 2004 (LP) which, amongst other matters, require development to take account of and where possible enhance, the character and local distinctiveness of the area including natural features of the site.

Location of development

18. The appeal site currently forms part of Millfield Farm, situated near a cluster of buildings comprising residential and commercial uses east of Millfield Lane. It is approximately 1 mile from Caddington, which is where the nearest local facilities are located, including a school, local shops, community meeting places and post office.
19. Paragraph 79 of the Framework indicates that decisions should avoid the development of isolated homes in the countryside unless it meets specific exceptions, one of which is the re-use of disused buildings that enhances the immediate setting. I have had regard to the case law³ to which I am referred that considered the interpretation of the term "isolated" in the then paragraph 55 of the Framework. As paragraph 79 of the revised Framework is very similar in other regards to the previous paragraph 55, it follows that the case law on this point remains relevant to its interpretation. This established the term "isolated" should be given its ordinary meaning in the sense of being detached or standing alone, and that this is a matter of fact and planning judgement for the decision maker on the particular circumstances of the case.
20. The location of the appeal building is some distance from the principal dwelling at Millfield Farm on the other side of a belt of trees. Due to this separation distance and natural boundary it would not appear as part of an established settlement pattern, nor as part of the cluster of commercial buildings further to the north. In addition, whilst I accept that the Framework does not define what constitutes a settlement, and that therefore, this might encompass a range of sizes, the evidence does not show that the configuration of the limited number of buildings nearest to the appeal site constitutes a hamlet, as is asserted. As such, given the distance from Caddington, the proposed development would be separate from a settlement and would, due to the intervening space and trees, stand-alone from other development.
21. Furthermore, the proposal is for a three bedroom house which would be likely to have future occupants with a range of travel requirements. The route to Caddington is predominantly along narrow unlit lanes with no pavement and limited surveillance, which consequently, is likely to deter many pedestrians from using it routinely. Similarly, some of these characteristics would discourage less confident cyclists. I have not seen evidence that there would be convenient access to public transport services. Accordingly, future occupants would be likely to rely on the private car as their principal means of accessing work, education and services.
22. Although I am referred to paragraph 78 of the Framework, which states that rural housing should be located where it will enhance or maintain the vitality of rural communities, and supports opportunities for villages to grow and thrive, especially where this will support local services, the evidence provided does not show that this would result as a consequence of the proposal before me.
23. Accordingly, given its distance from other development and relatively poor accessibility, I find that the appeal site would not provide a suitable location for housing. Whilst the proposal would reuse an existing building it would not, for

³ *Braintree District Council v Secretary of State for Communities and Local Government & Ors* [2018] EWCA Civ 610

the reasons already outlined, enhance its immediate setting but rather would be harmful to it and therefore, the proposal would be contrary to paragraph 79 of the Framework which seeks to avoid the development of isolated homes in the countryside.

Highway safety

24. Millfield Lane is a narrow rural lane that is subject to the national speed limit. There is no dispute between the parties that the proposed new access onto Millfield Lane would not achieve the visibility splay⁴ recommended by the Highway Authority.
25. The proposed access would therefore, have limited visibility, which when combined with the width of the lane is likely to result in manoeuvres upon exiting the site that would conflict with approaching vehicles, potentially causing them to brake sharply and presenting a risk to the safety of road users. The appellant asserts that the vegetation and narrowness of the road make high speeds highly unlikely. Be that as it may, this has not been demonstrated by means of a speed survey, and in the absence of specific evidence, it is not shown that the visibility splay that would be provided would be safe.
26. I am referred to other nearby accesses which the appellant considers do not achieve the required visibility splays. However, I am not provided with the circumstances that led to the creation of those accesses, some of which appear to be longstanding, and therefore, I am unable to make a meaningful comparison with the proposal before me. As such, I give them limited weight. Furthermore, the absence of accidents is not sufficient justification to allow an additional substandard access.
27. Therefore, I find that it is likely that the proposal would have an unacceptable impact on highway safety, and would therefore, conflict with paragraph 109 of the Framework. In addition, it would run counter to one of the criteria in policy NE12 of the LP, which seeks to prevent access problems arising from the re-use of buildings for residential purposes.

Other considerations

28. The proposal would provide an additional dwelling using previously developed land. However, whilst paragraph 117 of the Framework generally supports the use of previously developed land, the footnote to it clarifies that this is not the case where the development would conflict with other policies in the Framework. It will be seen above, that I have found the appeal proposal would conflict with paragraphs 146, 79 and 109 of the Framework. Accordingly, I attribute little weight to the reuse of previously developed land in these circumstances. Nevertheless, the contribution to the overall housing supply weighs in favour of the proposal but because this is only a single dwelling, this attracts limited weight.

Green Belt balance and conclusion

29. Paragraph 144 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to allow inappropriate development will not exist unless the harm to the Green

⁴ 2.4m x 215m, Page 17 Appellant's Statement

Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the proposal amounts to inappropriate development, and harm would be caused to the openness of the Green Belt which attracts substantial weight.

30. Furthermore, the appeal site would not provide a suitable location for housing and harm would result to the rural character and appearance of the area, and to highway safety, which attracts significant weight. Therefore, the other considerations in this case, which are of limited weight, do not clearly outweigh the degree of harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.
31. Accordingly, the proposal would be contrary to the Framework and to policy NE12 of the LP which only permits the re-use of buildings for residential purposes in the Green Belt where, amongst other matters, the proposed use of the building and/or its surroundings would not have a materially greater impact than the present use on the openness of the Green Belt, and the purposes of including land within it.
32. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector