



Appeal Decision

Site visit made on 4 April 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/P0240/W/18/3217523

Land rear of 100 to 114 Common Road, Kensworth LU6 3RG

- 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 Gill against the decision of Central Bedfordshire Council.
 - The application Ref CB/17/04831/FULL, dated 17 November 2017, was refused by notice dated 22 August 2018.
 - The development proposed is the conversion of existing stables into 2 bed bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing stables into 2 bed bungalow at Land rear of 100 to 114 Common Road, Kensworth LU6 3RG in accordance with the terms of the application, Ref CB/17/04831/FULL, dated 17 November 2017, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. A revised plan was submitted with the appeal that propose a reduction in the residential curtilage of the proposed dwelling. The Council has had the opportunity to comment on the revised plan through the appeal process and I do not consider that any other party would be prejudiced by my acceptance of them. I have therefore determined the appeal based on the revised plan.

Main Issue

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposed development on the character and appearance of the local area, with particular regard to its location within the Chilterns Area of Outstanding Natural Beauty and an Area of Great Landscape Value; and,

Reasons

Whether inappropriate development

4. The appeal property is a stable situated within a sizable paddock and accessed via a shared drive from Common Road. The site lies to the edge of the

settlement within the Green Belt as well as within the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value.

5. Paragraph 146 of the Framework states that the reuse of buildings, of permanent and substantial construction, in the Green Belt is not inappropriate development, providing they preserve its openness and do not conflict with the purposes of including land within it.
6. That the existing stable is of permanent and substantial construction is not at dispute between the parties and I have no substantive evidence before me that would cause me to conclude otherwise.
7. The proposed dwelling would be created through the conversion of the existing stable building and as such would occupy the same built footprint as the existing building. In addition, the development would lead to some domestication of the site through the creation of a new parking area and the introduction of residential paraphernalia. However, the proposed car parking area would be smaller than at present, and I noted at my site visit that the stable use also involves some equestrian paraphernalia. Furthermore, the amended plan shows that the proposed dwelling would also have a relatively modest residential curtilage.
8. In these circumstances, I consider that the development would not have a greater impact on the openness of the Green Belt than the existing development and would not conflict with the purposes of including land within the Green Belt.
9. For the above reasons, I conclude that the development is not inappropriate development in the Green Belt. It would therefore accord with the guidance in the framework relating to protecting Green Belt land.

Character and Appearance

10. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value. The site is located on the edge of the village in an elevated position overlooking gently undulating countryside.
11. The submitted plans show that the converted stable would retain the existing modest appearance that is sympathetic to the surroundings. The building is located to the side of the appeal site, existing trees and hedges screen the site from views from the East. The amended plans are annotated detailing that the remaining boundaries of the site would be formed by a 1800mm post and rail timber fence along with indigenous hedges.
12. At 1800mm the fence would appear unduly prominent. However, the details of the boundary treatment and landscaping details could be controlled by a condition and I am satisfied that appropriate boundary treatment and landscaping would not appear unduly prominent and would assist in blending the proposed dwelling into the landscape.
13. The siting of the stables proposed to be converted relates well to the existing settlement of Kensworth. The settlement is broadly linear but at my site visit I noted a number of examples of small groups of houses served by a single access road off Common Road, along with a larger estate of more modern houses.

14. With a suitable worded condition controlling hard and soft landscaping, I find that the development would have a neutral impact on the character and appearance of the surrounding area including the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value.

Conditions

15. I have considered the Council's proposed conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary to define the approved plans in the interest of certainty. In the interests of protecting the character and appearance of the area I have attached a condition in respect of landscaping and boundary treatment.
16. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance (PPG) advises that conditions restricting the future use of permitted development rights or changes of use "*will rarely pass the test of necessity and should only be used in exceptional circumstances*".
17. In this instance I consider that it is necessary to remove permitted development rights relating to class A and class E in order to control the effect of the development on the Green Belt, Chilterns Area of Outstanding Natural Beauty and Area of Great Landscape Value and as such a condition restricting the permitted development rights of the dwelling would be in accordance with the Framework and the PPG.
18. I have not included conditions, suggested by the Council referring to a turning area for light goods vehicles because it is not necessary. Furthermore, details of the surfacing of highway areas and gates are required to be submitted within condition 4 and as such separate conditions are not necessary.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Mark Brooker

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LB-0045 Rev E.
- 3) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. LB-0045 Rev E for 3 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear

and that space shall thereafter be kept available at all times for the parking of vehicles.

- 4) Prior to the occupation of the dwelling hereby approved details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include
- i) a statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) boundary treatments;
 - v) vehicle parking layouts;
 - vi) hard surfacing materials;
 - vii) an implementation programme;
 - viii) a scheme of maintenance.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.

- 5) Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwelling hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.
- 6) Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

End of Schedule