



Appeal Decision

Site visit made on 15 October 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2019

Appeal Ref: APP/P0240/W/18/3214705

Land Adjacent 21 Village Road, Meadow View, Cockayne Hatley, Sandy SG19 2EE

- 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 Mrs Carol Ashby against the decision of Central Bedfordshire Council.
 - The application Ref CC/18/01509/FULL, dated 10 April 2018, was refused by notice dated 2 August 2018.
 - The development proposed is described as the change of land use to garden following purchase in 2017.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit the site had been fenced off and an outbuilding erected on the land. This is reflected in the discrepancy between the appellant's description of the development and that used by the Council on their decision notice.
3. The Council submitted its new Local Plan for Examination in April 2018 and hearing sessions have recently been held. The National Planning Policy Framework ('the Framework') indicates that weight can be given to policies in emerging plans depending on the stage of preparation of the plan, the extent of any unresolved objections and the consistency of such emerging policies to the Framework. Whilst the examination is at a relatively advanced stage, I have not been provided with any information on the status of unresolved objections. As such, the emerging policies may still be subject to further change as the examination progresses, and I have therefore afforded them limited weight.
4. The Wrestlingworth and Cockayne Hatley Neighbourhood Plan (2017) ('the WCHNP') has been brought into effect. Although no policies from the Neighbourhood Plan have been cited in the Council's Decision Notice, reference has been made to the plan within both parties' appeal statements. The WCHNP forms part of the Development Plan for the area, and as such, I am required to determine this appeal against the Development Plan as a whole.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site is an area of grassed land adjacent to No 21 Village Road containing a single storey outbuilding, the rear portion of which has open sides creating a veranda. The site is bounded by an approximately 1 metre high fence on all sides. The surrounding area is quiet and rural in character and there are a number of two storey detached and semi-detached properties opposite and adjacent to the site. To the west of the site is an area of undeveloped land and there is a larger area of undeveloped land to the south on the opposite side of Village Road. To the rear of the site there are long views available into the open countryside. This part of the village has a particularly open feel and its rural character is partly derived from the small clusters of residential development with undeveloped areas of land in between.
7. The site is identified in the WCHNP at Policy NE5 as being a Community Green Space. The policy seeks to safeguard these areas due to the contribution they make to the character and tranquil nature of the hamlet. The policy goes on to state that the openness and tranquil nature of these areas shall be retained. The appeal proposal has changed the land to garden and the installation of fencing and an outbuilding has resulted in an enclosure of a previously open area of land, which has significantly reduced its openness. As a result, the development conflicts with Policy NE5. The Council has indicated in its statement that the development would not accord with Policy NE7 of the WCHNP which deals with protected viewpoints. However, due to the intervening cluster of residential properties in this part of Village Road, the development could not be seen from viewpoint 2. As such, I do not consider Policy NE7 to be relevant to this particular circumstance.
8. The appeal site is located in a prominent position in Village Road adjacent to a cluster of properties. No 21 is a large detached property that has been significantly extended, and the site is approximately 0.19 hectares in size. The supporting text to Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies Development Plan Document (2009) (CSDMP) indicates that support will be given to extensions to gardens that are limited in scale and where there would be no harm to the character of the area. It also states that garden extensions would be supported where they are of a limited size or create a natural rounding off.
9. The size of the site is broadly comparable to the plot on which No 21 is sited and is not disproportionate to a dwelling of this scale. However, whilst the site size is not disproportionate to No 21, the fencing and outbuilding has resulted in the domestication of the land, which along with the presence of pot plants and other domestic paraphernalia significantly detract from the rural character of the area. Comments from third parties support the use of the land as a garden in order that the land is not left wild. However, the openness of the area makes a significant contribution to the rural character of the village and as such, a change in the use of land to a garden would result in an intrusion into the open countryside.

10. The outbuilding is approximately 8 metres long and 4 metres wide and is sited towards the western boundary of the site. The flat rear elevation of the building is highly visible in the street scene and appears as a large and bulky structure that is dislocated from No 21. The outbuilding is in a prominent location in the site and not screened from the road or the surrounding area. The outbuilding's appearance has been softened through the use of green finish. However, this is not sufficient to mitigate the effect of its size and prominence. As a result, it is an incongruous feature in relation to the pattern of development in the area.
11. In light of the issues above, I conclude that the development is harmful to the character and appearance of the area. As such, it is contrary to Policy NE5 of the WCHNP which seek to retain the openness of designated Community Green Space. The development also conflicts with Policies DM3, DM4 and CS16 of the CSDMP which requires development proposals to be appropriate in scale and design to their setting, ensure that extensions to gardens are limited in scale and there would be no harm to the character of the area and conserve and enhance the varied countryside character.
12. It is also contrary to sections 12 and 15 of the Framework which seek to achieve well-designed places and recognise the character and beauty of the countryside.

Other Matters

13. My attention has been drawn to a number of matters relating to legal covenants that the appellant was required to comply with when they acquired the land. Covenants on land are a legal matter separate to planning legislation and as such do override the requirement to secure planning permission for the change of use of the land. I have also been made aware of other approved developments in the village for proposals that the appellant considers are comparable to the circumstances of this appeal but I have not been provided with details of the planning decisions that supported the examples given. As such, I cannot be certain that they are sufficiently similar to the scheme before me. For the above reasons, I am not minded to change my conclusions on the main issue.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR