



Appeal Decision

Site visit made on 3 December 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th December 2019

Appeal Ref: APP/P0240/W/19/3235690

Chalkcroft Nursery, Asterby, The Ridgeway, Moggerhanger MK44 3PH

- 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 Eva Aldridge against the decision of Central Bedfordshire Council.
 - The application Ref: CB/19/00036/FULL dated 1 January 2019, was refused by notice dated 19 March 2019.
 - The development proposed is a replacement dwelling house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Eva Aldridge against Central Bedfordshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development from the original planning application form is set out in the banner heading above. At the time of my site visit there was no dwelling on the appeal site, therefore the proposal before me would not constitute a replacement dwelling. However, an existing site building benefits from a consent (Ref: CB/17/05891/PAAD) under Class Q of the Town & Country Planning (General Permitted Development) Order 2015 (As amended) for conversion into a two-bedroom dwelling. I will have regard to the Class Q fall-back position as appropriate.

Main Issues

4. The main issues are:
 - whether the proposed development would be suitably located having regard to the accessibility of services and facilities; and,
 - the effect of the proposed development upon the character and appearance of the area.

Reasons

Access to services and facilities

5. Walking or cycling from the appeal site by public highway would be over 1km from most of the services and facilities in Blunham and Moggerhanger for future occupiers if they were able to physically manage that distance. These villages offer only a limited amount of facilities (including, primary schools, a nursery, village halls, places of worship, a few small shops and public houses).
6. Moreover, using the public highway, the services and facilities at Moggerhanger and Blunham would need to be accessed via The Ridgeway which is an unlit national speed limit road of a relatively narrow width with no footway and few opportunities for pedestrians and cyclists to seek refuge. Use of the appellant's informal pedestrian route would be likely to make the path to Moggerhanger a few hundred metres shorter and more pleasant. However, by reason of the distance and limited facilities available, trips to other service centres would be likely to be frequently required.
7. Many services and facilities are available in Sandy, approximately 2.5km east of the appeal site. By public highway it would be accessed via The Ridgeway and the A603 which are national speed limit roads, mostly without a footway and limited street lighting. I note the appellant's references to the use of routes 12 and 51 of the National Cycle Network (NCN) to Sandy and Bedford, the cycle routes around Bedford, the commentary on appeal Ref: APP/P0240/W/16/3146576, reference to IHT guidelines, the health benefits, and the investment in cycling. However, I have not been provided with the location, routes or accessibility of the NCN in relation to the appeal site. The estimated times and distances suggested would require a considerable level of proficiency, confidence and fitness. There is no certainty that new occupiers would possess this or be willing to make such journeys frequently.
8. I am advised the Ivel Sprinter stops outside the appeal site, and bus stops for the 73 and 188 services are within a distance advised as walkable in the Central Bedfordshire Design Guide (2014). However, I have not been provided with the frequency of services, or the locations of the stops, routes or destinations. Therefore, I do not have reassurance the services represent a desirable or convenient alternative to the private car.
9. Based upon the information before me, the nature of the routes and distances mean journeys to Blunham, Moggerhanger or further away to Sandy would not be attractive or convenient cyclist or pedestrian routes for future occupiers that are physically able and willing. Therefore, occupiers would tend to rely upon a motor vehicle for accessing many routine services and facilities, which would add up to a significant number of vehicular miles per year. While this is not necessarily unusual in rural locations, it would nevertheless be in conflict with a core principle of the Framework which encourages development to take place where the fullest use of walking, cycling and public transport can be made.
10. I note that 3 dwellings were permitted in Park Road (CB/18/01519/OUT). Based upon the distances supplied by the appellant, that scheme is further away from some facilities in Moggerhanger, but closer to others listed. This does not demonstrate the appeal proposal is more sustainable overall. I also note appeal decision Ref: APP/P0240/W/18/3211614 where the Inspector found that development would support a number of local services and facilities,

and thus attached more than moderate weight to this benefit in the overall balance. However, I am not aware of the full details and circumstances of the case and cannot be sure it is directly comparable with this development. Furthermore, each appeal should be considered on the basis of its individual merits.

11. The appellant has also referred to the accessibility of goods, services and employment opportunities for a scheme for 36 dwellings approved under Ref: CB/19/02133/FULL. However, I have not been provided with and am not aware of the full details and circumstances of the development, including all development plan policies and material considerations that led to that development being approved. Therefore, I cannot draw a direct comparison between that proposal and the appeal proposal before me. I have noted the references to appeal decisions APP/P0240/W/19/3228044 and 3212965. Nevertheless, in those appeals the Inspectors appeared to find the limited access to goods and services did not weigh in favour of those appeal proposals, both of which were dismissed anyway.
12. Turning to the matter of the Class Q consent, I have had regard to the Court of Appeal judgement in *Mansell v Tonbridge and Malling BC*, [2017] EWCA Civ 1314; [2018] JPL 176. However, in that case there was a wealth of clear evidence of a firm intention by the landowner to proceed with the Class Q fallback for several houses, if the planning application submitted to the Council had been refused, in order to achieve the greatest possible value from the site. As such, I can understand why the Council in that case was able to attach enough weight to the fall-back position in order to outweigh the conflict with the development plan.
13. In this appeal, the appellant does not appear to have even stated that they intend to carry out the conversion of the existing building thus implementing the Class Q permission for which prior approval was granted nearly two years ago. Such a permission is also subject to the condition requiring the development to be completed within three years. Moreover, given the planning application and subsequent appeal is to have a much larger two-storey purpose-built house on the site instead, this indicates to me that is the real desire of the appellant, and it is not to convert the existing barn. Against this background, I attach only limited weight to the Class Q fall-back.
14. For the reasons set out above, the development would not be suitably located in terms of access to services and facilities as it would not minimise the need to travel, encourage sustainable patterns of transport, and it would result in future additional occupants being likely to have a heavy reliance upon the private motor vehicle. Therefore, it is not supported by paragraphs 8 and 78 of the Framework and it would conflict with Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) (CBCS) which in combination and amongst other things seeks sustainable development through services that are accessible, using natural resources prudently and minimising pollution. I shall come back to the matter of the weight to be attached to policy DM4 in the overall planning balance at the end of my decision.

Character and appearance

15. The appeal site forms part of a plant nursery premises on The Ridgeway, in the countryside around 850m directly south of the village of Blunham. To the north, east and west the site is currently screened by conifer trees, the nursery

- buildings and a dwelling. On the south side of the appeal site is a long gap in the conifers with only limited deciduous vegetation further to the south. This allows views of the appeal site from the open landscape to the south and is particularly notable from The Ridgeway. The wider area comprises an open gently sloping agricultural landscape punctuated by highways, occasional single and small groups of dwellings, industrial premises and buildings, and tree belts.
16. By virtue of a second storey and a detached double garage and shed, the development represents a significant increase in the height, mass, scale and the overall amount of buildings on the appeal site. Being set approximately 3.5m further north into the appeal site, it would reduce the angle from which the substantially larger building would be visible from on The Ridgeway and to the south west, to a small degree.
 17. The appeal site land appears a slightly lower level to the north, reducing the effective height difference slightly. Notwithstanding this there would still be a significant increase in the overall height, scale and visibility of the development, which would be prominently visible from The Ridgeway and from the open landscape to the south of the site. It is highly unlikely any landscaping could be provided that would acceptably mitigate the impacts. I note the appellant's photograph from the south west. However, this appears to have been taken at distance and is only representative of a single location. The photograph shows the screening by existing tall vegetation, although, much of this is outside the appeal site, and its long-term presence cannot therefore be guaranteed.
 18. There is likely to be a limited impact upon character and appearance from the new detached garage and shed building. This is because it would be a smaller building set further within the site, have a closer relationship to existing built development, and be partly screened by the new dwelling. Nevertheless, this does not cause me to find the proposed development acceptable.
 19. The appellant believes Policy DC2 of the Central Bedfordshire Pre-submission Local Plan 2015-2035 (2018) should have been applied to the proposal, which supports the principle of a replacement dwelling subject to (amongst other things) it not being disproportionately larger in height and scale than the original, unless it would result in an improvement to the character of the area. The appellant has provided me with comparisons of the increased floorspace and bedrooms with other schemes approved in the Council area¹. For the reasons given, this scheme is not for a replacement dwelling and so I consider that Policy DC2 is not relevant. Nevertheless, even if it was, the policy requires the development to not be disproportionately larger unless there is an improvement to the character of the area. Given the proposed dwelling would be larger, and my findings in respect of the adverse impact upon character and appearance, the proposal would not accord with this policy anyway.
 20. The appellant has highlighted comparisons with other approved buildings including 1 The Ridgeway (CB/18/00259/FULL), 5 The Ridgeway Business Park (CB/17/05311/FULL), a building of 11.3 x 28.9m x 7.4m at The Ridgeway, new dwellings at 58A Park Road (CB/18/01519/OUT), and a new dwelling at Chalton Stables (APP/P0240/W/18/3211614). I have also been referred to appeal decisions for single dwellings that were not dismissed on the grounds of

¹ MB/00/00086/FULL, CB/10/04452/FULL, CB/12/00241/FULL, CB/12/00357/FULL, CB/13/02804/FULL, CB/15/01312/OUT, CB/16/01085/FULL, CB/17/02351/FULL

character and appearance (APP/P0240/W/19/3228044 and 3212965). I note the appellant's suggestion of inconsistent decision making. However, as I do not have the full details and circumstances of each case/development before me, I cannot be sure they represent a direct parallel to the appeal proposal. In any case, I have considered the appeal proposal on its own merits.

21. I have been provided with dwelling elevations, photographs, and the Council's report related to application Ref: CB/18/02769/FULL, where the Council concluded the larger replacement dwelling acceptable. However, the overall development was significantly different to the proposal before me, which included demolition works to a dwelling, kennels, floodlighting, stables, new stables, an extended manege, new lighting and vehicular access. Furthermore, and notwithstanding the details provided, without the full application documents being before me, I cannot make a fully informed or reasoned comparison between the appeal proposal and that development, if one were possible.
22. I note the appellant's suggestion of inconsistency of the assessment of the impact of Ref: CB/17/05891/PAAD. However, the proposal under consideration is markedly larger and relates to a planning application, not a Class Q conversion. I have considered the observations of the Landscape Officer in reaching this decision, having regard to the evidence before me, including the pattern of surrounding development and the character of the area.
23. By reason of the increased height, mass and scale of the proposed new dwelling and increased amount of built development, the proposed development would have a significant adverse impact on the character and appearance of the area. This is contrary to Policies CS14 and DM3 of the CBCS. These policies amongst other things, expect development to be of the highest quality by respecting the local context, being appropriate in scale and design to their setting and contribute positively to creating a sense of place. It would also be contrary to paragraphs 170 and 127 of National Planning Policy Framework (the Framework) (2019), which requires planning decisions recognise the intrinsic character and beauty of the countryside and add to the overall quality of an area.

Other Matters

24. The development would comply with the nationally described space standard, residential, amenity and garden standards set out in the adopted Central Bedfordshire Design Guide (2014) and appear to provide satisfactory living conditions for future occupiers. There are no objections from the Council's ecologist, the Highway Authority, and it would provide adequate circulation. It is intended the development would be energy efficient, accessible and adaptable, although as I do not have the plans of the Class Q conversion before me, I am unable to ascertain whether this would differ significantly from the approved dwelling. However, in any event, these do not outweigh my findings in respect of character and appearance and accessibility.

Planning balance and conclusion

25. The development would result in a small temporary economic benefit during construction, and a small sustained benefit to the local economy through on-going spend once the dwelling is occupied. As a larger accessible and adaptable dwelling with a further bedroom there would be a small benefit to

social sustainability through supporting strong, vibrant and healthy communities, and local services and facilities. As the development would be energy efficient, comply with policies in respect of amenity, dwelling size, and highway standards, these are neutral factors in the balance.

26. I have been presented with conflicting evidence from both sides about the weight that should be attached to Policy DM4. However, even if I was to find that Policy DM4 is inconsistent with the Framework and therefore should be considered out of date, the harm I have identified in terms of the site's location and to the character and appearance of the area would significantly and demonstrably outweigh what would be very limited benefits when assessed against the policies in the Framework taken as a whole. Consequently, in this circumstance, the Framework would not indicate a decision other than in accordance with the development plan anyway. Therefore, I conclude that the appeal should be dismissed.

Dan Szymanski

INSPECTOR