
Appeal Decision

Site visit made on 5 February 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Appeal Ref: APP/P0240/W/19/3242337

Land at Chalton Stables, Blunham Road, Moggerhanger MK44 3RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr J White against Central Bedfordshire Council.
 - The application Ref CB/19/02564/FULL, is dated 5 August 2019.
 - The development proposed is the erection of a detached 'barn-style conversion' dwelling and detached double garage.
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Decision

1. The appeal is allowed and planning permission granted for the erection of a detached 'barn-style conversion' dwelling and detached double garage at Land at Chalton Stables, Blunham Road, Moggerhanger MK44 3RA in accordance with the terms of the application, Ref CB/19/02564/FULL, dated 5 August 2019, subject to the conditions set out in the Schedule to this Decision.

Application for costs

2. An application for costs was made by Mr J White against Central Bedfordshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council has indicated that it issued a refusal notice for the planning application after the appeal was submitted. However, I have not been provided with the refusal notice. Therefore, I have determined the appeal on the basis on which it was submitted.
4. During the determination period for the planning application the appellant submitted revised plans for the proposed scheme. These plans have been submitted as part of the appeal and they amend elements of the design of the proposed dwelling. Having regard to the Wheatcroft Principle¹, I am satisfied that the amendments would not prejudice interested parties. Consequently, I have accepted the amended plans and decided the appeal on that basis.
5. My attention has been drawn to the emerging local plan, which has progressed since the planning application was determined. However, it has yet to be adopted, and the policies may be subject to change. No details of the unresolved objections have been provided to me, therefore, I can attach little weight to it in the determination of this appeal.

¹ Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

Main Issue

6. Based upon the submitted policies, my site visit and the submitted representations, the main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site is a grassed field adjacent to the junction between Blunham Road and Station Road. The views towards the site from the road are largely obscured due to the mature trees and shrubbery and the large earth bund, which sit to the front of the site. Whilst the proposal is located in a rural setting, the surrounding landscape is not completely open. This is due to the presence of an L-shaped stable building and a small row of terraced houses which the proposal would sit between.
8. The proposal is for the erection of one detached dwelling and a detached double garage. The dwelling would be designed to appear as a barn style conversion dwelling with materials appropriate for its setting. The proposed detached double garage would also incorporate a similar design and appearance to the dwelling.
9. The proposal would be located near existing residential properties and would resemble a barn style conversion. The overall design would sit well within the setting of the site given the existing nearby development. I acknowledge that some of the elements of the proposed design would be domesticated in nature. However, the bulk of these domesticated elements would be located at the rear of the property and would be seen in limited public views. Furthermore, due to the screening to the front of the proposal, views from the road to the dwelling would be largely restricted, although I am mindful that landscaping cannot be considered a permanent feature. The proposal would be in line with the existing stables and would not appear intrusive or incongruous within the street scene.
10. I note that outline planning permission was previously allowed on appeal² at the site, therefore, the principle of development on the site has already been accepted. The previous application was in outline, with all matters except access reserved. Whilst the previous appeal described the proposal as a barn style conversion, specific details of what this should look like were not included in the conditions. The positioning of the proposed dwelling has altered slightly from the previous application, being set slightly further from the road. However, the previous plans were only indicative, and I have considered the appeal before me on its own merits.
11. The Council has highlighted an appeal³ of a proposal in a rural setting that was dismissed on its effect on the character and appearance of the area. However, this was for 8 dwellings, and in any case, the acceptability of the principle of a dwelling on the appeal site has already been established. Furthermore, I do not have full details of the scheme cited by the Council and its design to determine if it is directly comparable in terms of its effect on the character and appearance of the area.
12. I find that the proposal would not harm the character and appearance of the area. It would comply with Policy DM3 of the Core Strategy and Development

² Appeal Ref: APP/P0240/W/18/3211614

³ Appeal Ref: APP/P0240/W/18/3192914

Management Policies (2009) and the Central Bedfordshire Design Guide Supplementary Planning Guidance (2014). These policies and guidance seek development to be appropriate in scale and design to its setting, and contribute positively to creating a sense of place.

Conditions

13. The Council has supplied a list of suggested conditions on which the appellant has had an opportunity to comment and which I have considered in relation to the advice in the Framework and Planning Practice Guidance (PPG). As a result, I have amended some of them for consistency, clarity and omitted others.
14. The standard conditions setting out the time limit for implementation and the approved plans are necessary to provide certainty. I have imposed a condition specifying materials as this is necessary to safeguard the character and appearance of the area, as these are not indicated on the submitted plans.
15. In terms of landscaping, the appellant has shown a hard and soft landscaping scheme in Drawing Nos. 281CS 002 and 281CS 002A. Therefore, it is not necessary for another scheme to be submitted, however, it is necessary to include a condition requiring the implementation of the landscaping shown.
16. Notwithstanding the submitted details, in the interests of highway safety, conditions are attached to secure the approval of details of the design of the vehicular access; the width of the vehicular access; the provision and retention of visibility splays and the turning area for vehicles. In addition, I have imposed a condition for the proposal to follow the Council's Construction Code of Practice for Developers and Contractors, in order to minimise the impact of construction work on the occupiers of nearby residential properties.
17. For the restriction on permitted development rights, the PPG states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. There is no substantive justification to suggest why this would be necessary for this scheme.
18. The Council has requested that no development shall take place until details of the existing and final ground and slab levels of the buildings have been submitted to the Council. However, given the orientation and layout of the proposal to the nearby properties, this is not necessary. A scheme for the charging of electric vehicles has also been requested, whilst reference has been made to the Framework it is not clear why this is necessary for this particular development.

Conclusion

19. For the reasons set out above, I conclude that the appeal is allowed and planning permission granted, subject to the conditions set out in the attached Schedule.

D Peppitt

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: Site Location Plan, 281CS 002 Rev010, 281CS 002A Rev010, 281CS 003 Rev010, 281CS 004 Rev010 and 281CS 005 Rev004.
- 3) The materials to be used in the external surfaces of the development hereby permitted shall match those set out in the submitted Materials List.
- 4) The landscaping works shall be carried out in accordance with the approved details as shown in Drawing Nos. 281CS/002 and 281CS 002A before the development is occupied and retained thereafter.
- 5) The dwelling shall not be occupied until that part of the driveway which provides access to it shall have been constructed in accordance with the approved plans in Condition 2. The service road as constructed shall be retained thereafter.
- 6) Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 167m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.
- 7) The proposed vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) for a distance of 5m into the site, measured from the nearside edge of the carriageway of the adjoining highway, before the dwelling is occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- 8) The turning space illustrated on the approved plans shall be constructed before the development is occupied and thereafter retained free of obstruction for the purpose of vehicle turning.
- 9) Any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway. The gates shall remain free of obstruction to traffic using the site to allow access to the turning area.
- 10) The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors'.

End of Schedule