



Appeal Decision

Site visit made on 10 March 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2020

Appeal Ref: APP/P0240/W/19/3243011

The Old Piggery, Higher Rads End, Eversholt MK17 9ED

- 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 M Jones (Goldcrest Developments (Campbell Park) Ltd) against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/02648/FULL, dated 13 August 2019, was refused by notice dated 14 November 2019.
 - The development proposed is the demolition of piggery building and replacement with single dwelling with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The emerging Central Bedfordshire Local Plan 2035 has reached examination stage and both parties agree that the policies within it should be afforded only limited weight at the present time. Of the policies within the emerging plan that have been identified, only Policy SP4 is directly relevant to the main issues arising from this appeal. This policy however refers back to the guidance on Green Belts that is set out in national planning policy.

Main Issues

3. The main issues are:
 - (i) Whether or not the proposal would be inappropriate development in the Green Belt;
 - (ii) Whether the location of the development is acceptable in respect of access to day to day services and facilities and the need to travel; and
 - (iii) If the development is inappropriate, 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

4. Paragraph 145 of the National Planning Policy Framework (The Framework) states that the construction of new buildings in the Green Belt should be

considered to be inappropriate, unless it falls within one of the exceptions listed within that paragraph.

5. The appellant has drawn attention to an extant prior approval (CB/17/05849/PAAD) which allows the conversion of the existing piggery building into a dwelling. Whilst the Council has questioned whether there is a real prospect of this fallback development coming forward, it has not provided any persuasive reasons as to how it has reached this conclusion. The prior approval represents a viable fallback position that has a reasonable prospect of implementation and I have had regard to it in reaching my decision.
6. The appellant considers that paragraph 145d) of The Framework can be engaged due to the presence of the fallback position established by the prior approval. This is on the basis that the existing building could be converted to a dwelling and, in such a scenario, its subsequent demolition and replacement with a building that was not materially larger and in the same use would fall within the parameters of paragraph 145d). However, this is not the situation as it exists at the present time and therefore as a matter of fact paragraph 145d) is not applicable in relation to the current appeal.
7. As the proposal would be for a new building in the Green Belt which does not fall into any of the exceptions listed in Paragraph 145 it would comprise inappropriate development in the Green Belt.

Location

8. Higher Rads End consists only of a small number of dwellings and associated buildings and it does not benefit from the provision of local services. The nearest services to the appeal site are located some distance away, and there would be a primary reliance on private motor vehicles to access them. For this reason there would be conflict with Policies CS1 and DM4 of the Core Strategy and Development Management Policies 2009 (CS) which seek to direct development to within the confines of existing settlement envelopes.
9. However, both the appeal development and the extant prior approval would result in one dwelling being located on the site. Whilst the appeal proposal is larger in volume than could be achieved by the prior approval development, it is not of such a greater volume that would result in a material difference in terms of the resultant demand to access services that would arise.
10. Therefore, the existence of the fallback position is a material consideration to which I give great weight in respect of this main issue. Because of this, the development would not be in an inappropriate location in respect of access to day to day services and facilities and the need to travel.

Other considerations

11. The result of the prior approval scheme would be to retain the existing modest piggery building which sits well within its surrounding rural landscape. Conversely, the appeal proposal would appear as a purpose built contemporary residential building. Whilst it would not be higher than the highest point of the existing building, it would be bulkier, and it would have a domestic appearance as compared to the agricultural character of the existing piggery. Due to these material differences between the two schemes, I give only some weight to the fallback position in respect of its effect on the Green Belt.

12. The appellant further refers to the design benefits of the scheme and the avoidance of derelict structures in the open countryside. However, the existing piggery building is of a design and appearance that is fitting within a rural location. Furthermore, there is no evidence the building would become derelict should this appeal be unsuccessful, in particular given the fallback position that is in place. I therefore give these considerations only minimal weight.
13. I have had regard to the information that the appellant has provided with respect to previous Council decisions and appeal decisions. These do not however alter my findings on the main issues relating to this case. In any event, I am required to determine the appeal based primarily upon its own merits, and I have therefore proceeded on that basis.

Conclusion

14. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.
15. The proposal would be inappropriate development in the Green Belt. Collectively, the other considerations do not clearly outweigh the harm to the Green Belt to which I must give substantial weight. Consequently, the very special circumstances necessary to justify the development do not exist.
16. Therefore the appeal is dismissed.

Graham Wraight

INSPECTOR