
Appeal Decision

Site visit made on 4 February 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2020

Appeal Ref: APP/K0235/W/19/3241666

Plot B, The Brambles, Water Lane, Renhold, MK41 0JH

- 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 J Gill (JC Gill Developments Ltd) against the decision of Bedford Borough Council.
 - The application Ref 18/03201/S73A, dated 18 December 2018, was refused by notice dated 12 November 2019.
 - The development proposed is change of use from holiday home / recreational chalet to a permanent residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council and appellant have both indicated that the change of use has already occurred. Although it was not possible to view inside the property on my site visit, I have no reason to disagree and therefore I am considering the appeal proposal on this basis.
3. Since the application was determined, the Bedford Borough Local Plan 2030 (LP) has been adopted, and as such I have had regard to it in making my decision. The LP has replaced the Core Strategy and Rural Issues Plan, 2008 (LP-2008). Therefore, although the Council's decision notice refers to policies within that plan, the LP-2008 is no longer a material consideration.
4. In its statement the Council has indicated that it considers policies 3S, 7S, 31 and 65 of the now adopted LP to be relevant to the appeal proposal. The appellant has had the opportunity to comment on these policies. Against this background, no injustice has been caused to either appeal party. I have therefore had regard to the most up to date development plan policies as I determine this appeal.

Main Issue

5. The main issue is whether the site is an appropriate location for housing having regard to its accessibility to services and facilities by sustainable modes of transport.

Reasons

6. The site comprises a detached building which has a long-standing approval¹ for use as a recreational chalet. The use is restricted by planning conditions so that it can only be used for that purpose, and only for certain months of the year. The site forms part of a linear development of a small number of similar chalet style development sited along the top of a high cutting with the river Ouse beyond to the south. The site and adjacent buildings are accessed via a narrow vehicular track from Water Lane which leads to a communal car park area, from there the access to the site is via a pedestrian only track. The proposal is to utilise the building as a permanent residential dwelling.
7. LP Policy 3S sets out the overarching strategic framework for new development to ensure it is in a sustainable location and meets identified needs.
8. The appeal site is not within a Settlement Policy Area or Small Settlement, as identified in the LP, and for planning purposes is situated within open countryside. Accordingly, it falls to be considered against LP Policy 7S which states that development in the countryside will be permitted if it is appropriate in the countryside, in accordance with other specified plan policies, and exceptionally, on a site that relates well to a defined Settlement Policy Area, Small Settlement or the built form of other settlements where it can be demonstrated that a number of criteria are satisfied.
9. The proposal does not meet the exception criteria set out under vi)-x) of LP Policy 7S and so would be contrary to the policy on that basis, though it is acknowledged that the proposal does not conflict with criteria xi)-xiii). With regard to other plan policies, LP Policy 65 is the relevant policy in relation to the appeal scheme.
10. LP Policy 65 allows for the re-use of rural buildings in the countryside provided certain criteria are satisfied. The parties agree that the appeal scheme meets criteria ii)-xi) of this Policy and I see no reason to take an alternative view. However, criteria i) requires proposals for conversion of a building in the countryside to demonstrate that the building is redundant or disused. Within the evidence before me there is little to suggest that the building, as a recreational chalet, was redundant or disused. On that basis the proposal has failed to demonstrate that it would accord with LP Policy 65.
11. The nearest services and facilities to the site would be within Great Barford and Renhold, though occupants would also likely need to travel to the Bedford urban area to meet their day to day needs. As detailed above the access to the site from Water Lane is a narrow-unmade track and there is a lack of a footpath or street lighting from the site to St Neots Road.
12. Whilst there is a footpath on St Neots Road towards the Bedford urban area, there is only grass verge to the roadside to the east towards Great Barford. In addition, there is no footpath from St Neots Road into Renhold. Great Barford is a significant walking distance from the site and St Neots Road, which changes to Bedford Road on the approach to the settlement, is subject

¹ TP/86/1565

to the national speed limit. Attempting to walk alongside the road with fast moving traffic may put anyone attempting to do so at considerable risk.

13. Where there are only grass verges these are uneven and unsuitable for walking, cycling or using wheelchairs. Furthermore, St Neots Road is a busy road which does not provide for a particularly inviting route for either pedestrians or cyclists.
14. There are no bus stops in close proximity to the site and considering the above, occupants would be largely dependent on the private car for access to services and facilities. The development would be physically isolated from settlements with facilities and services both in terms of distance and the absence of suitable routes to them, or anywhere else, by means other than private motor vehicle. As such it would fail to meet the Framework's approach of giving priority to pedestrian and cycle movements, and so far as possible, facilitating access to public transport. Such a lack of accessibility by means of transport other than the private car weighs significantly against the proposals. The proposal would therefore not accord with LP Policy 31 which seeks to ensure developments are well served by public transport and accessible to all members of the community and service and emergency vehicles.
15. For the reasons outlined above, the development would therefore fail to accord with LP Policies 3S, 7S, 31 and 65, which seek to direct housing to key service centres and safeguard the intrinsic character of the countryside, only permitting development in the countryside where it involves the reuse of redundant or disused buildings or is well related to existing settlements, would support local facilities or responds to an identified need.
16. Policies 3S, 7S, 31 and 65 are consistent with the National Planning Policy Framework (the Framework) which states at paragraphs 78 and 79, that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that planning decisions should avoid the development of isolated homes in the countryside unless particular specified circumstances apply.
17. The appellant has referenced a Court of Appeal Judgement² regarding whether a site can be considered to be isolated. Whilst the site may not be physically isolated from other development, as detailed above it is situated within open countryside. It is not within a defined settlement and is still detached from local services, this matter does not, therefore, lead me to a different conclusion.

Other considerations

18. The Council has stated that following the adoption of the LP they are able to demonstrate a 5year housing land supply and there is nothing in the evidence before me to indicate that this is not the case. Therefore paragraph 11 d) of the Framework is not engaged.
19. I note that the LP and the Framework emphasise the need to support the efficient use of land and that the proposal would provide an additional dwelling. Whilst I have taken this into account, I do not consider these

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin);[2018] EWCA Civ 610

benefits would be sufficient to outweigh the harm I have identified. Similarly, future occupants use of local services would only result in modest benefits.

20. The appellant has drawn my attention to a nearby site, Harrison Hill Farm, where planning permission was granted for the conversion of barns to a single dwelling³. Whilst that site is in a similar location to the appeal site, outside any defined settlement boundary, the Officer Report appears to indicate that the buildings were redundant and disused. The proposed conversion was considered to bring the buildings back into use and overall enhance the special interest of the listed buildings. This would not be the case with the appeal scheme and I therefore do not consider the proposals are directly comparable. In any case, the appeal scheme must be considered on its own merits.
21. I have considered the rights of the appellant under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998. Article 1 of the first Protocol states that every person is entitled to the peaceful enjoyment of their home. Article 8 affords the right to respect for private and family life. Dismissal of the appeal would interfere under both Article 1 of the first Protocol and Article 8. However, these are qualified rights and any interference may be justified where it is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality. I am satisfied that the legitimate and well-established planning policy aims to ensure proposed dwellings are in appropriate locations, having regard to their accessibility to services and facilities by sustainable modes of transport, can only be adequately safeguarded by a refusal of permission.
22. The appellant has stated that dismissal of the appeal would jeopardise the occupants' place of home and this could render them homeless. Whilst I acknowledge that the consequence of dismissing the appeal would interfere with the occupants' rights under Articles 1 and 8, there is little in the evidence before me to identify who the occupant is or sufficiently demonstrate that they have no other options and would be rendered homeless.
23. Nevertheless, the harm I have identified in relation to the location of the dwelling and its limited accessibility to services and facilities by sustainable modes of transport, is such that dismissal of the appeal would be a proportionate and necessary response that would not violate the appellant's rights under Article 1 of the first Protocol or Article 8. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

Conclusion

24. For the reasons stated above I therefore conclude that the appeal should be dismissed.

A Denby

INSPECTOR

³ 11/01436/FUL