



Appeal Decision

Site visit made on 10 March 2020

by S Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2020

Appeal Ref: APP/P0240/C/17/3237248

**Alma Farm, Alma Farm Road, Toddington, Dunstable, Bedfordshire
LU5 6BG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
 - The appeal is made by Mr Anthony Courtenay against an enforcement notice issued by Central Bedfordshire Council.
 - The enforcement notice, numbered CB/ENC/18/0231(2019 version), was issued on 27 August 2019.
 - The breach of planning control as alleged in the notice is without planning permission, the change of use of land from allotment to residential use and the siting of an agricultural workers mobile home (log cabin, shown in black) on land shown edged red on the attached plan, ('the land').
 - The requirements of the notice are: 1. Cease the residential use of the mobile home (log cabin) and the land. 2. Remove the mobile home (log cabin) from the land. 3. Demolish the concrete hardstanding area of the rear patio area and all of the concrete rails constructed to support the mobile home (log cabin); remove all of the resultant debris from the land and restore the land to its former condition.
 - The period for compliance with the requirements is 1. Six calendar months. 2. Nine calendar months. 3. Nine calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. My attention has been drawn to the emerging local plan, which has progressed since the planning application was determined. However, the timetable anticipates the adoption of the plan by the end of 2020, and the policies may be subject to change. No details of any unresolved objections have been provided. I therefore attach limited weight to the proposed housing allocation to the south of the appeal site in the determination of this appeal.

The appeal on ground (a) and the deemed planning application

Background information and the Main Issues

3. The enforcement notice attacks the change of use of land to residential use and the siting of an agricultural worker's mobile home (referred to as the log cabin). The site benefits from an extant planning permission for the siting of a

log cabin for an agricultural worker¹ on land elsewhere within the farm complex. This permission established that there were very special circumstances to house an agricultural worker on the site in that location. However, the appellant has placed the log cabin in a different location to that approved under the extant planning permission.

4. It would appear to me that the appeal on ground (a) seeks a fresh planning permission, retrospectively, to retain the log cabin for residential purposes in its current location by the appeal on ground (a) and the application deemed to have been made under s177(5). I consider that the justification for an agricultural worker's dwelling has been established and I have no evidence to undermine that decision. On that basis, the appeal before me centres on the location of the log cabin on land within the Green Belt and that is how I shall proceed with my decision.
5. The site is within the Green Belt. The appeal parties agree that the development subject of the notice constitutes inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies. I have no reason to disagree.
6. Against all of that background, the main issues are:
 1. the effect of the log cabin on the openness of the Green Belt;
 2. the effect of the log cabin on the character and appearance of the area;
 3. 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 necessary to justify the development.

Reasons

Openness of the Green Belt

7. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
8. The log cabin is a significant structure with a high dual-pitched roof and a deck area to one end which further increases its footprint. The appellant contends that the site is not open as there are buildings next to the site. I acknowledge that the site currently hosts a variety of farm buildings and a two storey dwelling. However, the log cabin is located on the periphery of this existing built form. It is on land where previously there was no built development and therefore it inevitably reduces the spatial openness of the site.
9. The development is in a prominent position where there are longer distance unobscured views towards the site from the Leighton Road and Alma Farm Road. Although positioned on lower ground and with a hedgerow along the Leighton Road boundary, due to its significant size, the residential log cabin is clearly visually intrusive, and is of a scale and purpose which has a harmful effect on the openness of the Green Belt.

¹ Planning application reference CB/17/04233/FULL decision date 15 May 2018

10. I find that the visual intrusion of the log cabin and its erosion of three-dimensional space arising from its size would result in the erosion of openness, which would conflict with paragraph 133 of the Framework which identifies openness as an essential characteristic of the Green Belt. Furthermore, it would conflict with the purposes of including land within it, in particular, safeguarding the countryside from encroachment, as set out in paragraph 134 of the Framework.

Character and appearance

11. The siting of the log cabin is outside the main built form of the farm unit in a visually exposed location within the Green Belt. Although the log cabin is single-storey, the structure has a relatively large footprint and by its size, shape and overall form, has an uncharacteristic appearance which neither complements or harmonises with the local surroundings, particularly in terms of adjoining buildings and spaces. The dwelling is located slightly apart from the main complex of agricultural buildings and the detached two-storey house, which are associated with the established farm enterprise on the edge of the settlement.
12. The domestic dwelling, in this location and by virtue of its shape, massing and appearance, has a harmful effect on the character and appearance of the area. Although the site could be landscaped, as suggested by the appellant, any planting would take time to establish before being effective in screening or integrating the development into the landscape. Furthermore, given the location of the log cabin, I cannot see how it would be possible to fully and acceptably mitigate the adverse impacts of the proposal from a countryside encroachment point of view.
13. As reasoned above, I find that the development significantly harms the character and appearance of the area by virtue of its locational context, shape, massing and appearance. The development is contrary to Policy BE8 of the South Bedfordshire Local Plan Review 2004 (the LPR), which requires new development to complement and harmonise with local surroundings particularly in terms of spaces and longer views.

Other considerations

14. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, the erosion of openness, the conflict with the purposes of including land within it and the harm to the character and appearance of the area so as to provide the very special circumstances required to justify a grant of planning permission.
15. The Framework supports economic growth in rural areas in order to create jobs and prosperity. However, it steers that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for an agricultural worker to live permanently at or near their place of work in the countryside. This is reflected in Policy H10 of the LP. The case for a dwelling to house an agricultural worker has previously been justified.

16. The appellant states that he does not wish to implement the extant planning permission. In support of the current location of the log cabin, the appellant cites substantial costs that would be incurred for the re-siting of the unit, including the provision of new services and a new hardstanding. I also acknowledge that finding alternative interim or permanent accommodation elsewhere and re-siting the log cabin to its approved location would incur expense.
17. It is also highlighted that the approved site for the log cabin is within the main farmyard complex next to livestock buildings where there would not be 'good levels of amenity'. In addition, re-siting the log cabin would result in the loss of an agricultural livestock building that would need to be replaced elsewhere within the site. Such a building could be in a more prominent location and have a more negative effect on the openness and character and appearance of the Green Belt.
18. Planning permission has been previously granted on two sites within the farm complex in amongst livestock buildings. One of these permissions remains extant due to time limits. The appellant had considered that both sites were acceptable on amenity grounds for those who would occupy the dwelling and be directly involved in the business at Alma Farm. There is nothing before me which leads me to believe that circumstances have changed within the farm unit and that living conditions would now be compromised. Consequently, I have no reason to doubt why such a location is no longer considered acceptable.
19. Whilst I acknowledge the issues raised by the appellant, the appeal site is considered an inappropriate location for the siting of the log cabin as reasoned above. The approved location for the agricultural worker's dwelling is within the farmyard amongst the existing built form of the site and would be seen against the backdrop of the existing agricultural buildings. Furthermore, the approved proposal would replace existing agricultural buildings within the farmyard rather than occupying open space. Consequently, this proposal would have a lesser impact upon the openness of the Green Belt and upon the character and appearance of the surrounding area.
20. The appellant also argues that any replacement livestock building, that would be required elsewhere within the site, may be in a more exposed location. Permitted development rights applicable to agriculture for the erection of a building reasonably necessary for the purposes of agriculture within an agricultural unit do not extend to buildings which would be used for livestock and which would be within 400 metres of a residential property. Given the proximity of dwellings on Alma Farm Road, any new building for livestock would likely require planning permission.
21. The appellant suggests they will turn to rely on permitted development rights relating to the conversion of buildings to residential use as a fall-back position. However, no detail has been supplied in relation to such a scheme and on the basis of the evidence before me, I am not convinced that a fall-back scheme would represent a realistic option. Even in the event that such a scheme could be implemented, it would relate to conversion, and as such it would be likely to have a lesser impact on the openness of the Green Belt than the proposal before me.

22. I have been referred to the dismissed appeal decision relating to temporary agricultural worker's accommodation at a site within Toddington² and, in particular, the inspector's findings relating to the scale of impact on the openness of the *Green Belt* which were noted as '*some small negative impact on the openness*'. However, the Inspector went on to conclude that '*the temporary agricultural dwelling would be inappropriate development which is by definition harmful. Although the development would result in only a small loss of openness to the Green Belt as a whole, the Framework establishes that substantial weight should be given to any harm to the Green Belt*'. Notwithstanding this, the Council subsequently granted planning permission for agricultural development on the site. However, according to the Council's report, the approved site was at a different location which was considered less prominent and had been identified during the appeal as a site to be considered for such development. Accordingly, that decision does not alter the view I have reached.
23. I have noted that as part of the emerging Central Bedfordshire Local Plan, the land between the farm and Leighton Road is allocated as a potential housing site. The emerging Local Plan carries little weight, as noted above, and furthermore, the appeal site would be retained within the Green Belt. As such there is no material change to the relevant policy considerations.

Planning balance

24. The development constitutes inappropriate development and erodes the openness which causes harm to Green Belt. This is a matter to which substantial weight is given. The development represents encroachment, conflicting with at least one purpose for designating land inside the Green Belt, which is a serious planning objection. Furthermore, the visual intrusion of the log cabin arising from its shape, size and appearance are considered harmful to the character and appearance of the area and substantial weight should be given to that harm.
25. It has been established by the previous extant planning permission that there is a need for an agricultural worker's dwelling at the farm to which I give moderate weight. I also acknowledge and afford moderate weight to the economic benefits of the proposal. However, in my view, the approved alternative location would have significantly less impact upon the openness and character of the Green Belt. The appeal proposal log cabin is differently located and represents an encroachment into the openness of the Green Belt, which conflicts with the purposes of designating land within the Green Belt. In comparison to the approved scheme, the log cabin is not set against a backdrop of agricultural buildings but is visually prominent within the landscape as reasoned above. For these reasons I afford the extant permission limited weight.
26. Overall, I am not persuaded by these arguments that the appeal site would be better than the alternative approved site having regard to openness and character and appearance of the surrounding area. I consider that the harm caused by the inappropriateness of the development carries substantial weight, as does the harm to the openness of the Green Belt. Having carefully taken account of all other considerations, I find that individually and cumulatively, the

² APP/P0240/W/15/3026349

substantial weight given to Green Belt harm is clearly not outweighed to justify allowing the appeal. Consequently, the very special circumstances necessary to justify the development do not exist.

27. As such, the development conflicts with policies H10, NE13, BE8 and H15 of the LPR which, amongst other things, seek to protect the countryside and particularly the Green Belt from inappropriate development. Furthermore, it fails to accord with the Framework which aims to keep land within the Green Belt permanently open and prevent encroachment into the countryside.

Conclusion on ground (a)

28. For the reasons given above I conclude that the appeals on ground (a) should not succeed and I refuse to grant planning permission on the deemed applications.

The appeal on ground (g)

29. An appeal on ground (g) is that the period for compliance with the notices falls short of what is reasonable. The appellant considers that a compliance period of 6 months is insufficient and that it should be extended to at least 12 months due to the time needed to locate the log cabin elsewhere or find alternative accommodation.
30. I consider that the stated compliance period of 6 months is reasonable in the circumstances. Extending the period to at least 12 months would be considered more than that which would be required to ensure compliance with the notice.
31. The appeal on ground (g) therefore fails.

Conclusion

32. For the reasons given above, I conclude that the appeal should not succeed. I have upheld the enforcement notice and refused to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended

S Hanson

INSPECTOR