
Appeal Decision

Site visit made on 19 May 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 29th May 2020

Appeal Ref: APP/P0240/W/20/3246825

Land to the north of Shefford Road, Clophill, Bedfordshire MK45 4BT

- 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 Ian Dodd against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/03287/FULL, dated 25 September 2019, was refused by notice dated 17 December 2019.
 - The development proposed is the removal of existing stables, and erection of a single detached dwelling (Use Class C3); associated private amenity space and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of existing stables, and erection of a single detached dwelling (Use Class C3); associated private amenity space and landscaping on land to the north of Shefford Road, Clophill, Bedfordshire MK45 4BT, in accordance with the terms of the application Ref CB/19/03287/FULL, dated 25 September 2019 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Background and Main Issues

2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise. The Central Bedfordshire Local Plan (the emerging LP) has been submitted for examination but is at too early a stage to carry more than limited weight in this appeal. The Council indicates that in excess of a five year supply of deliverable housing sites to meet identified needs can be demonstrated¹. I have seen no significant evidence to challenge this in the context of this appeal.
3. Planning permission for a detached dwelling was granted on the appeal site in May 2019 planning Ref CB/19/00094/FULL (the 2019 permission) which is a material consideration of significant weight. During consideration of the 2019 permission the proposals were amended, at the Council's request, to include a footway extension in place of the grass verge along the site frontage. This was secured by a condition attached to that permission in the interests of road safety and pedestrian movement. As initially submitted the plans accompanying application CB/19/03287/FULL did not show the extended footway, but subsequently submitted plans did. A further revision Plan Ref PL 102 Rev C submitted with this appeal omits the footway and demonstrates

¹ Five Year Housing Land Supply Statement I January 2020 and appeal decisions provided by the Council

parking/turning areas within the site. No prejudice would arise for interested parties so I have accepted this revised plan for the purposes of the appeal.

4. The main issue is whether the site is an appropriate location for the proposed dwelling taking account of the accessibility of the site by means other than the private vehicle and the effect on the character and appearance of the area.

Reasons

Accessibility

5. Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies 2009 (the CS) sets out a settlement hierarchy and directs most development to the major and minor service centres, with more limited development elsewhere. Clophill is defined as a Large Village in the settlement hierarchy, suitable for small scale development. Clophill also remains a Large Village in the settlement hierarchy identified in Policy SP7 of the emerging Local Plan. The appeal site is in the countryside outside the identified Settlement Envelope of Clophill. The accompanying text explains that outside settlement boundaries, where the countryside needs to be protected, development is restricted to particular types of development, in accordance with national guidance. Accordingly I find there would be conflict with the settlement hierarchy of Policies of CS1 and DM4.
6. There are a number of services, including a school, post office and public houses, and access to bus stops in Clophill. There is a wide, relatively flat, grass verge of some 25m along the front of the appeal site that ends where a hard surfaced footway starts at the south-western corner of the appeal site.
7. The proposal is for a single dwelling which would not generate significant pedestrian movements whether there was a hard surfaced footway across the site frontage or not. I understand the Council's concerns in general, and in relation to those using push chairs and wheelchairs in particular, but no specific evidence has been submitted regarding safety on this stretch of road even though there are dwellings and other uses such as The Clophill Centre in the vicinity. The road is relatively straight with good visibility and the site is within the 30mph speed limit. Moreover, a place of refuge on the verge is available.
8. The continuation of a hard surfaced footway to the site access would improve accessibility on foot to and from Clophill. However, the evidence does not indicate that this site would score so poorly in relation to safety or accessibility by means other than the private vehicle as to justify withholding permission for this reason. Accordingly I conclude a requirement to provide the footway would not meet the test of necessity. Moreover, the cost of such provision would not be reasonable in the context of a single dwelling. I acknowledge that permission has been granted for a scheme requiring a footway on the other side of Shefford Road planning Ref CB/16/05127/OUT, but as there is no certainty of when this would go ahead it attracts little weight in this appeal.

Character and appearance

9. The appeal site is a paddock within a verdant setting and is included in the Mid Greensand Ridge (typology 6B) as defined in the Central Bedfordshire Landscape Character Assessment (LCA). The LCA identifies this area as having a dramatic elevated landscape and aims to conserve and enhance the landscape in this area. The loss of village identity, especially at village ends, is

stated as a possible negative impact on the landscape character of the area, together with any impact on the skyline of any development at the ridge itself.

10. The immediate area is characterised by fields interspersed with buildings, including dwellings, of mixed sizes, styles and uses, scattered to either side and diagonally opposite the site. Single dwellings are mainly set back from the highway in large plots. A little further west begins the more compactly developed village, with terraced, semi-detached and detached houses. A single dwelling, in place of a stable block, set back in a large plot, would be in keeping with the existing pattern and grain of development in this part of Shefford Road, would not unduly erode the green break or result in the loss of identity of Clophill Village. As the site is relatively flat, with the land rising beyond some distance away, the proposal would not directly affect the skyline at the ridge.
11. St Marys Church, a Grade II* Listed Building, which is on higher land and some 0.6 km away from the site, can be glimpsed amongst the trees. The proposal would not directly affect the Listed Building. Although there is some inter-visibility, due to the distance between the two and the surrounding land uses, a single dwelling in a large plot, similar to others nearby, would have a neutral effect on the setting of the Listed Building and how it is experienced.
12. As the site is partially previously developed land and used as paddock, the proposal would not have an adverse effect on the Greensands Ridge Nature Improvement Area, and a net gain in biodiversity, as indicated in Paragraph 4.24 of the Design and Access Statement, could be secured by enhancing planting and landscaping within the site as sought by Policy EE8.
13. Within the site there is a single storey stable block with yard, well set back behind both the roadside hedge and the conifer hedge that traverses the middle of the site. The proposed dwelling would be sited some 28m back from the road and in a similar position, albeit slightly further to the west, than the dwelling permitted in 2019. Trees and hedges would partially obscure the proposed dwelling. It would be briefly visible in some passing views along the access and over the hedges but would not be unduly prominent in the street scene. Whilst I acknowledge the Council's concerns, trees and hedges can be protected/enhanced by way of planning condition.
14. The proposed dwelling would have two floors of accommodation. The far sides and central block would have lowered eaves with the first floor being mainly accommodated in roof spaces. There would be asymmetric gable projections to the front and the eaves of these at both ends of the house would be lowered, which helps reduce the overall mass of the building. In my view it would not have significantly more effect on openness than the previously approved design in which the single storey ends of the dwelling had relatively high ridge lines. The materials of weatherboarding over a low brick plinth, tiles, Green Oak porch with a saddle stone base would be appropriate in this location.
15. Despite the changed appearance, including bay windows, the ridge height would be about the same, and the overall scale and materials of the proposal would not be dissimilar to, that of the extant 2019 permission. The design would be less "barn-like" than that previously permitted, with a narrower but deeper footprint. However, it would not be out of keeping with other existing or permitted dwellings locally, and the proposal is for a dwelling not a barn. In my view the changed design and scale would not justify with holding permission.

16. For the reasons set out above I conclude that the site is not an inappropriate location for the proposed dwelling taking account of the accessibility of the site by means other than the private vehicle and the effect on the character and appearance of the area. Accordingly, I find no conflict with those parts of Policies CS14, CS16, DM3 and DM14 of the CS and those principles of the National Planning Policy Framework (the Framework) that seek to ensure sites are accessible and to protect the character and appearance of the area.

Planning Balance and Conclusion

17. The Framework describes the economic, social and environmental objectives of sustainable development although it also states that these should be delivered through the preparation and implementation of plans and the application of the Framework policies: they are not criteria against which every decision can or should be judged. Nevertheless, the proposal would make a contribution to the local economy in terms of employment during construction and spend by future residents; would help support local facilities in the village and it would make a small contribution to the overall supply of housing irrespective of whether or not there is a five year supply of deliverable housing land.
18. Although there would not be a hard surfaced footway along the front of the site, I have found that such a requirement would be unreasonable and unnecessary in this particular case. There would be a breach of the spatial strategy set out in Policies CS1 and CS4 of the CS. However, any harm to the openness and character of the countryside would not be significantly greater than that arising from the 2019 permission. I have seen no reason to suppose that the 2019 permission would not be pursued and I give this "fall-back" position significant weight in favour of the proposal.
19. I find there to be material considerations which outweigh the conflict with Policies CS1 and CS4 of the development plan. The appeal should be allowed.

Conditions

20. I have considered the conditions proposed by the Council in the context of the Planning Practice Guidance. Where appropriate I have amended these to more closely reflect the guidance. As well as the standard condition specifying the time limits for commencement of development, compliance with the plans is necessary to provide certainty. Approval of external materials, bat/bird boxes, existing and proposed levels, and a landscape plan are necessary in the interests of the appearance of the area and biodiversity. The appellant has indicated trees/hedges will be retained so measures for their protection during construction are required. A condition is required for the provision of appropriate refuse collection facilities in the interests of health and safety, as is one to address any unexpected contamination as proposed by the Pollution Officer.
21. As explained above the requirement for the continuation of a footway across the front of the site is neither necessary nor reasonable.

S Harley

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: PL001; PL002; PL003; PL100 Rev C; PL102 Rev C; PL103 Rev B; PL104 Rev B; and PL105 Rev B
- 3) Prior to the commencement of any above ground building works details of all materials to be used for the external walls and roofs of the development and integral bat/bird boxes shall be submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of any above ground building works a scheme of all hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall indicate all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development; boundary treatment; hard surfacing; and nectar-rich planting including schedules of plants noting species, plant supply sizes and proposed numbers/densities. The development shall be implemented in accordance with the approved details by the end of the full first planting season (the period from October to March) immediately following the completion of construction of the dwelling.

Before the dwelling is first occupied a landscape maintenance scheme for a period of five years following the implementation of the landscape scheme shall be submitted to and approved in writing by the local planning authority. The landscape maintenance scheme shall include details of the arrangements for its implementation. Any trees shrubs and grass shall be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

- 5) Prior to the occupation of the dwelling hereby permitted a scheme for the provision of a refuse collection point, near the site frontage and outside of the public highway and any visibility splays, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be constructed and made available before the occupation of the dwelling and retained thereafter.
- 6) No development shall take place until details of the existing and final ground and slab levels have been submitted to and approved in writing by the local planning authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation

and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued and the dwelling shall not be occupied until all the approved remedial works have been completed and validated.

End of Schedule