
Appeal Decision

Site visit made on 19 May 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2020

Appeal Ref: APP/P0240/W/20/3245995

Zwiebel Kotten, 14 Great North Road, Lower Caldecote SG18 9BA

- 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 Dean Barton against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/02768/FULL, dated 23 August 2019, was refused by notice dated 27 November 2019.
 - The development proposed is conversion of single dwelling into two cottages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Despite the description of development set out above, I consider the description found on the Decision Notice better reflects the scheme that is before me and that which the Council considered. The development proposed is therefore for the 'conversion of single dwelling into two cottages and demolition of outbuildings and garage'. I have therefore dealt with the appeal on this basis.
3. A previous appeal decision for the same site¹ is relatively recent and raises similar issues to the appeal that is before me. Whilst it refers to the 2018 version of the National Planning Policy Framework, the revised version of February 2019 (the Framework) does not alter the policies upon which this appeal turns. The appeal decision is therefore a material consideration in my determination of this appeal.

Main Issue

4. The main issue is whether the site represents an appropriate location for housing, having regard to the development plan and access to shops, services and facilities.

Reasons

5. The appeal site concerns an existing two-storey 4-bedroom dwelling situated to the west of the A1 Great North Road, within the hamlet of Lower Caldecote. For the purposes of planning policy, as Lower Caldecote does not incorporate a demarcated settlement envelope, the site is situated within the countryside as

¹ Appeal Ref: APP/P0240/W/18/3198953

defined by Policies CS1 and DM4 of the Council's Core Strategy and Development Management Policies (Adopted November 2009) (CS). These policies direct development to within the settlement envelopes of Major and Minor Service Centres but also refer to new development limited in overall scale in Large and Small Villages. Policies NP1 and NP4 of the Northill Parish Neighbourhood Plan 2019-2031 (NP) also direct development to within settlement envelopes. In the countryside, development is restricted by Policy DM4 to limited extensions to gardens, and to residential development on Exceptions Schemes permitted by Policy CS7 of the CS, or dwellings for the essential needs of those employed in agriculture or forestry, or to that which re-uses or replaces an existing dwelling.

6. The appeal scheme is not for the types of development listed under these policies. In particular, the proposal to subdivide the existing dwelling would not equate to its reuse. I note that the Inspector for the previous appeal alluded to this matter in referring to the consistency of the policy with the Framework, which I shall come back to later.
7. I have been referred to Policy DC1 of the Emerging Central Bedfordshire Local Plan (ELP). However, as the ELP is not at an advanced stage of preparation, emerging policies are not matters that have a significant bearing on my consideration of the merits of this appeal, particularly as there may be unresolved objections to contend with. Therefore, in accordance with the requirements of Paragraph 48 of the Framework, the ELP has attracted limited weight in my consideration of the merits of the appeal.
8. In light of the above, the proposed development would be contrary to the spatial strategy in Policies CS1 and DM4 of the CS and Policies NP1 and NP4 of the NP, as it would encompass housing outside a defined settlement boundary.
9. Whilst the appeal site is situated within an area of countryside, in terms of whether the dwellings would be 'isolated' in the language of the Framework and the recent Court of Appeal judgement², it is important to have regard to the site's relationship to existing built development as well as accessibility to services and facilities. The Framework seeks to restrict housing in rural areas to locations where housing will enhance or maintain the vitality of rural communities.
10. Taking the physical dimension of isolation first, the appeal building is located within a sizeable grouping of dwellings, so the proposal could not be said to be regarded as isolated. Paragraph 79 of the Framework is therefore not applicable to this appeal. I note that my colleague for an appeal decision at Grange Lane, Lower Caldecote³ (the 2017 appeal) also raised a similar point.
11. The additional dwelling proposed would therefore do little more than add to existing development in the open countryside, some distance away from the nearest Large Village of Upper Caldecote and Major Services Centres of Biggleswade and Sandy. There are few facilities and services available in the immediate vicinity that would meet the day-to-day needs of future occupiers. The reality is therefore that future residents would be obliged to travel further to these settlements, where there are a greater range of facilities and services available, including rail services.

² *Braintree DC v SSCLG* [2018] EWCA Civ. 610

³ Appeal Ref: APP/P0240/W/16/3154495 (The Grange, Lower Caldecote)

12. In terms of accessibility, the appeal site is poorly located. Paragraph 103 of the Framework suggests that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Whilst the walking route to Upper Caldecote, alongside the A1 and Biggleswade Road, incorporates street lighting and pedestrian footways, the shops and community facilities situated there are not within a reasonable and convenient walking distance of the site. Furthermore, the other footpaths through fields to the west are unlit and predominantly on unmade footpaths. The opportunities to walk or cycle to the services and facilities available nearby would therefore not be convenient or realistic ones, particularly after dark or in bad weather.
13. I note that public transport is available northbound to, amongst other places, Bedford, Sandy and Biggleswade, but I have limited information before me regarding public transport available to access the services and facilities in the other settlements referred to in the appellant's Sustainability Appraisal, including those in Upper Caldecote. Furthermore, I share the view of the Inspector for the 2017 appeal that the location of bus stops may not necessarily be convenient having regard to the fast-flowing nature of the A1 trunk road.
14. I am therefore not able to conclude that the bus services available would sufficiently discourage further use of private motorised transport. Moreover, given the location of the proposal, future residents would be highly likely to be required to travel regularly by private motorised transport to access education, retail, employment and healthcare. The proposal would not, of itself, generate a large number of traffic movements. Furthermore, a greater dependency on car use is inevitable in more rural locations and there are existing residential properties in the immediate vicinity. However, the cumulative effect of allowing developments in locations such as the proposal would be likely to increase the amount of unsustainable journeys made.
15. For the reasons outlined above, I conclude that the site would not represent an appropriate location for housing, having regard to access to shops, services and facilities. Hence, the proposal would conflict with Policies CS1, DM3 and DM4 of the CS and Policies NP1, NP4 and NP6 of the NP. Together Policies DM3 of the CS and NP6 of the NP seek to ensure that new development will incorporate appropriate access and linkages, including provision for pedestrians, cyclists and public transport. The proposal would also conflict with paragraphs 78 and 103 of the Framework.
16. I have not found against Policy CS14 of the CS as this relates to the quality of design and the Council did not find harm in respect of this matter.

Other Matters

17. The appellant considers that the Inspector for the previous appeal for the site did not correctly interpret the Framework. I have had regard to that appeal decision but considered the appeal proposal in light of the evidence before me in the context of relevant planning policies and other relevant considerations.
18. I acknowledge that the appeal property could be refurbished and brought back into use as a large family home or converted to a 6-bedroom House in Multiple Occupation (HMO), that could generate a greater extent of vehicle activity than the proposed development. However, there is no substantive evidence before me of the specific likelihood of such renovations or conversion being a realistic

proposition. There is not therefore a greater than theoretical possibility of either scheme taking place, so neither would be considered a 'fallback' position. Nevertheless, the effect of travel associated with either scheme would not be sufficient justification to allow the appeal, as I have found harm in respect of the location of the proposed development.

19. I have been referred to the potential historic value of the appeal property, to the extent that it could fall into the category of a non-designated heritage asset. However, I have not been provided with any substantive evidence to justify why this would be the case, other than to refer to the date of its construction. Whilst I appreciate that the property is of some age and adds variety to the built form of Lower Caldecote, there does not appear to be anything architecturally or historically significant about the property. Furthermore, it appears that the property has been altered over time and the proposal would again alter its appearance. Although the proposal would result in pleasant balanced elevations to the property, to which the Council do not object, the positive changes to the character and appearance of the property or its surroundings would also not be a compelling reason to allow development that I have adjudged to be harmful.
20. I note that the appeal property originally constituted three separate cottages within a terrace of five, two of which were demolished at some point prior to the mid-1920s, leaving Zwiebel Kotten as a single dwelling. As with the previous appeal, given the passage of time since those works, I have given the history of other residential accommodation within the site limited weight.
21. The proposal would be sufficiently spaced from neighbouring properties so would not be harmful to the living conditions of neighbours. In addition, subject to planning conditions recommended by the Highway Authority, the parking and manoeuvring of vehicles would not be harmful to the users of the highway. The Council has not raised any concerns with respect to these matters and I have found no reason to arrive at a different conclusion. The absence of harm in respect of these matters would therefore weigh neither for nor against the appeal proposal.
22. Northhill Parish Council suggest that the appeal proposal would accord with the local housing need. However, I have not been provided with any up-to-date evidence in support of the appeal regarding this matter. I have therefore afforded this matter limited weight in my determination of the appeal.

Planning Balance

23. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration.
24. The development plan for the area comprises the CS and NP, both of which predate the current Framework, which makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their consistency with the Framework.
25. In the context of Policies CS1 and DM4 of the CS, a settlement envelope policy, in isolation of other considerations, would not be wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the

Framework. Furthermore, the exceptions to particular types of development which may be permitted outside settlements are based on superseded national advice and regional planning policies. Similarly, although I have not found the appeal proposal to be isolated, Policy DM4 does not include the policy exceptions to isolated development in the countryside referred to within the Framework, particularly the subdivision of an existing dwelling. However, Policies CS1 and DM4 of the CS are consistent with aim of the Framework to direct housing to locations where it is supported by local facilities and services through an established pattern of distribution. In light of this I have regarded the underlying objectives of the policies, as being consistent with the revised Framework but I have afforded them reduced weight in the light of their approach to isolated homes in the countryside.

26. I consider that Policy DM3 of the CS is consistent with the Framework as it is aimed at achieving well designed places and it also refers to the accessibility of alternative modes of transport. Given that I have not found against Policy CS14 of the CS, I have not considered its consistency with the policies of the Framework.
27. The NP has considered the policies of the 2018 version of the Framework, as I alluded to above, the policies in the 2019 version do not alter the approach to development referred to in Policies NP1, NP4 and NP6 of the NP. These policies are therefore considered to be consistent with the Framework.
28. Accordingly, the policies which are most important for determining the application are not out-of-date. Furthermore, the Council has identified that it can demonstrate five-years supply of deliverable housing land within Central Bedfordshire, which the appellant does not dispute. In such circumstances paragraph 11 of the Framework is not engaged.
29. In the context of paragraphs 59 and 68 of the Framework, I note the contribution that would be made to the supply of housing by the appeal proposal, particularly as it could be carried out relatively quickly. Whilst there is no threshold for the assignment of weight to the quantity of proposed dwellings within the planning balance, the appeal before me would deliver one additional dwelling, which would contribute to the overall housing mix in Central Bedfordshire. However, as the contribution to the supply of housing would be minor in its extent it would only be afforded limited weight.
30. I am mindful of the emphasis in the ELP, but particularly the Framework, on giving substantial weight to the value of using suitable brownfield land within settlements for homes. In the case of the appeal site, it is situated within the countryside and not within a settlement. I also recognise that the proposal could be said to make more efficient use of the existing building by providing two separate dwellings and would therefore accord with Policy DM3 of the CS in this respect. However, the Framework is clear that making efficient use of land should include taking into account the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use. I have therefore given only limited weight to these issues.
31. I appreciate that the proposed development could secure the long-term future of the site, bringing an empty property back into use by doing so, and reduce the risk of fly tipping, antisocial behaviour and visual blight. However, I am not persuaded that the conversion of the appeal proposal would necessarily be the

only means of seeking to address such matters. Moreover, there is no substantive evidence before me to suggest that the appeal property is in such a poor state of repair that it could not continue to be used as a dwelling in the future. I have therefore given only limited weight to these issues.

32. Some economic benefits would arise from, for example, employment and procurement of materials during the construction period. Future occupiers would also contribute to the local economy through expenditure but they would be likely to do so by utilising private motorised transport. Furthermore, the proposals would provide only one additional dwelling, such that these benefits would be limited in scale and kind, and consequently carry moderate weight.
33. In terms of harm, the proposed development would not comply with development plan policy in respect of its location. Whilst some of the development plan policies most important for determining this appeal are afforded reduced weight, namely Policies CS1 and DM4, the proposal would not amount to sustainable development under the terms of the Framework. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission. There are therefore no material considerations that would indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

34. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR