



Appeal Decision

Site visit made on 2 June 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2020

Appeal Ref: APP/P0240/W/20/3245343

Land at Old Linslade Road, Heath and Reach, Leighton Buzzard LU7 0DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr I Simpson against Central Bedfordshire Council.
 - The application Ref CB/19/01567/FULL, is dated 10 May 2019.
 - The development proposed is the demolition of existing building and erection of a dwelling and access track.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matter

2. The description of development entered on the appeal form is 'proposed single dwelling to replace a dwelling approved under Class Q of the Permitted Development Order 2015', but I have taken the description in the banner heading above from the application form.

Background and Main Issues

3. The Council failed to determine the application within the prescribed period. Following submission of the appeal, the Council has provided an officer report and prepared an appeal statement. These identify that the site is within the Green Belt, and advise that had the Council determined the application, planning permission would have been refused citing harm to the Green Belt and to the character and appearance of the area.
4. The main issues are therefore:
 - i) whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt and its purposes;
 - iii) the effect of the proposal on the character and appearance of the area; and
 - iv) if the development would be 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 necessary to justify it.

Reasons

Whether Inappropriate Development in the Green Belt

5. The appeal site is part of a field predominantly laid as grass set between a bend in the Grand Union Canal and the River Ouzel. It includes a single-storey building set within an area edged by post and wire mesh fencing and vegetation, together with a fairly long access from Old Linslade Road. For the majority of its length, the access is unsurfaced and comprises a track impression worn through the grass, although there is some loose material to the section of the access closest to Old Linslade Road. Surrounding the appeal site, the area is largely open fields and areas of woodland and is little influenced by built form overall. This results in a distinctly open and rural character.
6. The National Planning Policy Framework (the Framework) makes clear that substantial weight must 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. Paragraph 145 of the Framework identifies that, with certain exceptions, the construction of new buildings is inappropriate in the Green Belt. These exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development
7. The appeal proposes demolition of the existing agricultural building and the erection of a dwelling together with an access track. The main parties refer to a Lawful Development Certificate ('LDC') which has been granted for the change of use of the existing building to a dwelling and associated building works under Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO')¹.
8. However, the existence of the LDC does not, in itself, alter the use of the building from the existing agricultural use. This does not mean the potential fallback position under the LDC is not relevant, but it is something which should be more properly considered in the context of other considerations and I return to this matter below.
9. The glossary to the Framework confirms that land that is or was last occupied by agricultural buildings is excluded from the definition of previously developed land. Given the existing agricultural use of the building on the appeal site and that the proposed replacement building would be in a different use as a dwelling, the exceptions to inappropriate development identified at paragraph 145 of the Framework are not applicable to the proposal. The appellant also refers to Policy H14 of the South Bedfordshire Local Plan Review 2004 (LPR), but as this relates to replacement of existing dwellings within the Green Belt, it is similarly not of direct relevance to this appeal.
10. Accordingly, the proposal would constitute inappropriate development which is, by definition, harmful to the Green Belt. In accordance with the Framework, I give this harm substantial weight.

¹ Appeal reference APP/P0240/X/18/3204877

Openness and Purposes of the Green Belt

11. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and permanence. With regard to openness, the Planning Practice Guidance makes it clear that this has both a spatial and visual dimension².
12. The proposed dwelling would be no larger than the existing building on the site. In spatial terms, the effect of the replacement building on the openness of the Green Belt would therefore be limited. However, the residential use of the building would be likely to be accompanied by use of parts of the site as garden for the dwelling, as well as vehicular access to the proposed garage and car port parking.
13. I note that existing low post and wire mesh fencing and vegetation separates the area around the building from the surrounding field, and I accept that it would be possible to exert some control over boundary treatment or residential paraphernalia on the site through appropriately worded planning conditions. Nevertheless, the use and maintenance of space around the building as residential curtilage and provision of vehicular access would result in a more formal and domestic appearance to the site, further distinguishing it from the surrounding agricultural land. Even if this did not extend to the whole of the area around the building, it would cause some modest loss of openness and encroachment of urbanising development into the countryside, contrary to one of the purposes of including land within Green Belt.
14. The proposal also includes the provision of an access from Old Linslade Road. Whether formed of loose gravel as suggested by the appellant, a 'stable and durable' material as sought by the Council to ensure loose material does not reach the highway, or a combination of both, surfacing of the access would introduce a more engineered and urbanising appearance than the existing mostly unsurfaced tracks through the grass. Given the considerable length of the access which would also include 2 laybys, the development would detract from the openness of the site, and would result in further encroachment into the countryside.
15. There would be views of the development including from the junction of the access with Old Linslade Road and more distant views from the canal towpath. Although modest, the proposed residential use of land around the building and the access would have an inevitable visual impact on the Green Belt when compared to the existing circumstances.
16. For these reasons, I find that the proposal would cause harm to the openness of the Green Belt and it would conflict with one of the purposes of including land within the Green Belt. In accordance with the Framework, I give the resulting harm to the Green Belt substantial weight.

Character and Appearance

17. The effect of the development on the character and appearance of the area is an additional and different consideration to the effect on the openness of the Green Belt.

² Paragraph: 001 Reference ID: 64-001-20190722

18. The proposed dwelling would be comparable in scale and position to the existing building on the site, and would be of similar overall appearance. I also note that the Council has not raised concerns in relation to its design or materials. However, as I have already identified, the impression of residential use would also be likely to extend, at least in part, from the building itself to the area around it through the provision of a garden and access to the proposed parking. In contrast to the existing inconspicuous appearance, this would result in more overt domestication of the appeal site, at odds with its rural setting.
19. Moreover, the proposal would formalise the existing mostly unsurfaced access arrangement through the addition of surfacing. I accept that accesses to buildings of varying extents are not exceptional features within rural areas, but the fact that it would not be remarkable is not equivalent to an absence of harm. The considerable length of the proposed access would bring about a clear and discordant change from the unobtrusive existing arrangement which is sympathetic to the largely undeveloped rural character and appearance of the area around the site.
20. As a consequence, the proposal would be urbanising and would result in an intrusive and unwelcome encroachment of development into the countryside. Notwithstanding some screening by vegetation, the development would therefore erode the rural character and appearance of the area, including in views from the junction of the access with Old Linslade Road as well as in more distant views from the canal towpath.
21. I therefore conclude that the proposal would cause harm to the character and appearance of the area, and there would be conflict with saved Policy BE8 of the LPR. This includes, amongst other things, a requirement that development complements local surroundings and takes opportunities to enhance or reinforce the character and local distinctiveness of an area. There would also be conflict with the Framework which seeks development that is sympathetic to local character.

Other Considerations

22. The development would provide an additional dwelling. However, the contribution to the general supply of housing would be limited by the small scale of the development, and no specific needs for the dwelling have been identified. Given this, I afford moderate weight to this benefit of the proposal. I note the appellant's comments that the site is located around 2 miles from a range of economic and social facilities at Leighton Buzzard, but the evidence before me does not lead me to conclude that a clear benefit would arise from the accessibility of the site.
23. There is no dispute between the parties that the LDC provides for residential use of the existing building on the site, or that it could be implemented. While the appellant has expressed a preference for the appeal proposal, there would appear to be a realistic prospect of the LDC scheme being implemented if the appeal is dismissed. It is therefore an important material consideration.
24. In my view, the existing building sits comfortably in its rural setting. The proposed dwelling would be of similar appearance, and the evidence before me also shows little difference between the design of the dwelling as under the LDC or appeal proposals. I am not therefore persuaded that the appeal

development would be a more traditional design as suggested by the appellant so as to offer a significant improvement to the LDC scheme. Nevertheless, the effect on the Green Belt and character and appearance of the area of the proposed replacement building itself, and the residential use of this building would be commensurate. I therefore give the LDC fallback position substantial weight in this regard.

25. I also note that the appellant advises that the replacement of the existing building rather than conversion as under the LDC would allow for a more energy-efficient dwelling, and I give some weight to this benefit.
26. However, while the LDC provides for residential use of a defined area of curtilage immediately adjacent to the building, this space broadly mirrors the footprint of the building and is less extensive than the area now included within the red line boundary of the appeal site. In my view, the larger extent of the curtilage would more than outweigh any potential benefit through the possibility of greater control over the detailed arrangement and use of the area within the curtilage by way of a planning condition.
27. Furthermore, while the appellant argues that it would be reasonable to be able to access the LDC development on a hard surface, from the information before me, there is no current approval for any alteration to provide surfacing from Old Linslade Road, either under the LDC or otherwise. I note the suggestion that an agricultural access track could be installed, but to be considered permitted development under Part 6 of Schedule 2 of the GPDO, any such track would need to be reasonably necessary for the purposes of agriculture. In light of the LDC for the change of use of the existing building, it is far from certain that such circumstances would be likely to apply and I have no substantive evidence to indicate that there is a significant probability that such an access would be permitted development, nor that it would be constructed should the appeal be dismissed.
28. The weight that I afford to the appellant's suggestion that there would be a benefit as a result of the opportunity for greater control over materials used to surface the access through the imposition of planning conditions is accordingly limited. I acknowledge that there may be no impediment to vehicles accessing the LDC development from Old Linslade Road as appears to be the case currently from the existing vehicle tracks. Even so, the effect of this arrangement on the Green Belt and on the character and appearance of the area would be far less than would be the case with the addition of surfacing along its length as now proposed.
29. With regard to the proposed access and the extent of the area around the building, I find that the appeal proposal before me would cause greater harm to the rural character and appearance of the area and to the openness and purposes of the Green Belt than the LDC fallback. While the effect of the proposed replacement building would be comparable, the LDC does not therefore offer a direct comparison to the development overall.

Planning Balance and Conclusion

30. Drawing matters together, the proposed development would cause harm to the openness and one of the purposes of Green Belt, and would cause harm by virtue of inappropriateness. In accordance with the Framework, I give this

harm substantial weight. The proposal would additionally cause harm to the character and appearance of the area.

31. Against this, the proposal would offer a more energy-efficient form of development than may otherwise result if the existing building were converted to a dwelling. The provision of a dwelling would also be a benefit for the supply of housing. However, this benefit would also be delivered by the potential fallback position under the LDC. Furthermore, given that I have found the impacts of the appeal proposal are not comparable to the LDC fallback on matters of Green Belt and character and appearance, it does not weigh significantly in favour of the proposal taken as a whole.
32. I find that the other considerations, either individually or collectively, do not in this case clearly outweigh the harm that I have identified so as to amount to the very special circumstances necessary to justify the development in the Green Belt.
33. The proposal would therefore conflict with the Framework. It would also conflict with Policy BE8 of the LPR, and there are no material considerations which would outweigh the conflict with the development plan.
34. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR