



Appeal Decision

Site visit made on 9 June 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2020

Appeal Ref: APP/P0240/W/20/3245950

Land west of Silsoe Road, Silsoe Road, Maulden MK45 2AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Coleman against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/02700/OUT, dated 15 August 2019, was refused by notice dated 30 October 2019.
 - The development proposed is described as an "Outline application with all matters reserved for the erection of a detached dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was submitted in outline form with all matters reserved for future consideration. The appellant has provided an indicative layout that I have treated as illustrative for the purposes of this appeal.

Main Issues

3. The main issues are:
 - whether the proposal is within an appropriate location for the development having regard to the Development Plan and the National Planning Policy Framework (the Framework), and;
 - the effect of the development on the character and appearance of the area.

Reasons

Location

4. Policy DM4 of the Central Bedfordshire Council Core Strategy and Development Management Policies 2009 (the Core Strategy) seeks to direct development to sites within Settlement Envelopes and addresses development beyond such areas. There is no dispute between the parties that the appeal site lies beyond the Settlement Envelope of Maulden and as such lies within the countryside and consequently, the development would be in conflict with Policy DM4 of the Core Strategy.
5. Maulden itself offers several facilities for day-to-day living such as a convenience store, primary school, church, village hall and pubs. A bus service

which operates during the week also serves the village. However, the appeal site lies to the south of the village with the nearest bus stop calculated to be some 800m from the site with other services and facilities further afield.

6. While I accept that the Framework recognises at paragraph 103 that sustainable transport solutions will vary between urban and rural areas, paragraph 102 of the Framework also states that opportunities to promote walking, cycling and the use of public transport should be pursued. I did notice the footpath that links the appeal site to the village and while I accept that walking 800m or more to access services or transport links may not be a hinderance to many, it would become a more burdensome challenge to those with shopping, or indeed with a child that attends the nursery or primary school in the village or those with mobility issues. Moreover, the footpath is unlit and would be an unattractive alternative to the car or even cycling, during the winter months or bad weather.
7. Consequently, it is a realistic possibility that the occupiers of the dwelling would rely heavily on the private car to access services and facilities for day-to-day living. Therefore, the development would be in conflict with Policy DM4 of the Core Strategy which seeks, amongst other things, to direct developments to the more sustainable parts of the district.

Character and Appearance

8. The appeal site is a roughly square parcel of agricultural land that is mainly unmanaged grass surrounded on all sides by mature hedging and trees and accessed by a single entrance off Silsoe Road. The area is generally rural in character with the main part of the village some 800m to the north of the appeal site. The area is verdant and has a distinct open and rural quality that is reinforced by the presence of mature landscaping within this countryside setting. There is a scattering of dwellings at this part of Maulden, although the appeal site better relates to its rural surroundings to which it makes a positive contribution.
9. I accept that, taking into account the Braintree judgment¹ and paragraph 79 of the Framework, the development would not result in an isolated dwelling in the countryside. However, notwithstanding that the development proposes a single dwelling, given the separation distance from the surrounding residential properties, the proposal would nonetheless appear as a sporadic form of development that would encroach into the countryside. The proposed dwelling would suburbanise the site, eroding the rural qualities of the area and would be clearly visible from Silsoe Road. The development would also reduce the openness of the area and while I accept that additional tree planting on the boundaries could shield the development from external views, they would take some time to mature and could not be relied upon to become permanent.
10. Furthermore, in addition to the impact of the building, it is also necessary to consider the visual impacts of the residential use such as the vehicle movements and parking associated with the development. Moreover, fencing, domestic cultivation and items such as garden furniture and washing lines for the new dwelling would add to the suburbanising effect. Consequently, the development would fail to be sympathetic to its landscape setting as required by paragraph 127 c) of the Framework.

¹ Braintree District Council v SSCLG [2017] EWHC 2743 (Admin)

11. I therefore conclude that the development would harm the character and appearance of the area. It is in conflict with Policies CS16, DM3, DM4 and DM14 of the Core Strategy, and the Framework which seek, amongst other things, to ensure that development proposals conserve the setting and character of settlements, do not harm landscape character and maintain or enhance local distinctiveness.

Other Matters

12. I acknowledge that the design of the dwelling would be acceptable and that suitable materials could be employed. I accept that the provision of fast charging points for electric cars and secure cycle storage could be provided as part of the development. I also accept that as a small site it could be developed out very quickly and would be served by an appropriate access. However, while noting the benefits that would result in this respect, I do not consider that either individually or cumulatively they outweigh the harm identified above.
13. The appellant refers to several appeal decisions that have allowed residential developments beyond the settlement envelopes of villages within the district. With regard to the development at Woodside Livery Stables², the Inspector found that the development would not represent a visual incursion into the countryside, given the presence of dwellings within the immediate setting of the site. With regard to the appeal at Charlton Stables³ the Inspector found that the development would not harm the character and appearance of the area and although the number of trips generated by a single dwelling would be low, they would be further reduced as a result of the appellant using the dwelling which would be adjacent to the stables.
14. In addition, the development at Clophill Road⁴ was found to be respectful of the position and layout of surrounding development so that its encroachment into the countryside would appear limited. Thus, the appeals referred to are not so similar to the proposal before me to represent an irresistible precedent in favour of the development. In any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.

The Planning Balance

15. I accept that, taking into account the decision at Green End⁵, the ability of the Council to demonstrate a five year housing land supply should not be a barrier to boosting the supply of housing within the district. Furthermore, there would be social benefits through the provision of a new dwelling and economic benefits through its construction and in the future when occupiers could be expected to be economically active, contributing to local businesses and services, thereby supporting the vitality of rural communities. Nevertheless, given the quantum of development, I afford these benefits moderate weight in favour of the appeal.
16. Turning to Policy DM4 of the Core Strategy, the appellant argues the weight afforded to it should be reduced as a result of it being inconsistent with the

² APP/P0240/W/17/3174483

³ APP/P0240/W/18/3211614

⁴ APP/P0240/W/19/3223970 and APP/P0240/W/18/3194555

⁵ APP/P0240/W/19/3230103

Framework. Notably, Policy DM4 of the Core Strategy places a blanket restriction on new open market housing outside of Settlement Envelopes and as such, the appellant suggests that it only carries limited weight when assessed against paragraph 213 of the Framework. The Council disagrees with this argument and has provided appeal decisions to support their position.

17. I accept that Policy DM4 has a degree of inconsistency with the Framework, in that it seeks to protect the countryside from development outside of defined Settlement Envelopes while the Framework has a more nuanced and refined approach stating that the intrinsic beauty of the countryside should be recognised, while allowing development that would enhance or maintain the vitality of rural communities. Nevertheless, I do not consider it necessary for me to contribute to the ongoing debate over the weight to be attributed to Policy DM4, because even if I were to find that it carries reduced or even no weight, and that the provision of a single dwelling is unlikely to create significant levels of car journeys, it would not outweigh the harm that I have identified and its conflict with Policies CS16, DM3 and DM14 of the Core Strategy, and the Framework, which seek, amongst other things, to ensure that developments do not harm the intrinsic character and beauty of the countryside.
18. Thus, the harm I have found is serious and, having regard to paragraph 11 d) of the Framework, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.

Conclusion

19. For the reasons given above, and having regard to the Development Plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR