



Appeal Decision

Site visit made on 27 July 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/K0235/W/19/3241872

Land south of Church Cottage, Church Lane, Upper Dean, PE28 0NB

- 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 C Alder against the decision of Bedford Borough Council.
 - The application Ref 19/00201/S73A, dated 23 January 2019, was refused by notice dated 18 October 2019.
 - The development proposed is described as "change of use of ecclesiastical amenity land/paddock to private residential curtilage including porous gravel parking area, paved area and grass cutting machinery/wood store".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form describes the development in part as 'retention of porous gravel parking area, paved area and grass cutting machinery/wood store'. However, retention is not an act of development in the terms of the above Planning Act. I have therefore determined the appeal on the basis that it is seeking retrospective planning permission for the development as carried out.
3. Subsequent to the Council's decision to refuse planning permission for the application the subject of the appeal, it adopted the Bedford Borough Local Plan 2030 in January of this year. I have considered its policies in determining the appeal, and the appellant has had the opportunity to comment following its adoption.

Main Issues

4. The main issue is whether the development preserves or enhances the character or appearance of the Upper Dean Conservation Area, preserves the settings of nearby listed buildings including the Grade I listed All Hallows Church and preserves the open character of the Village Open Space.

Reasons

5. The site falls within the Upper Dean Conservation Area (the CA). There are also several listed buildings in the near vicinity of the site, including the Grade I listed All Hallows Church. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. The appeal site is part of a wider field that is designated as Village Open Space in the Bedford Borough Council Allocations and Designations Local Plan July 2013 (the ADLP). ADLP Policy AD40 states, amongst other things, that development will not be permitted on such a site unless the reasons for designation are not compromised.
7. The wider field has a historic association with the adjacent All Hallows Church, which I saw during my visit was visible from within the appeal site. The wider field is crossed by a public right of way from which the church was still more prominent during my visit, even with the boundary trees in full leaf. I am satisfied that the wider field, including the appeal site, forms part of the setting of All Hallows Church.
8. At the time of my visit the appeal site had been enclosed by a mixture of fencing and hedgerows, with the public right of way that crosses the wider field unobstructed. The planting of hedges and erection of fencing may not require planning permission, but I am required to assess the development in full, and the enclosure of the land as part of the change of use affects its character from what the submitted evidence shows to have previously been an open field. The erection of a store building, laying down of a gravel parking area and creation of a paved area all contribute to the change in character from an open, undeveloped field to a domestic setting that reads as an expansion of the garden of Church Cottage. The overall clearly defined boundaries of the appeal site result in a strict delineation between the site, wider field and the public right of way that is out of keeping with the historic open character of the wider field.
9. I consider that the significance of All Hallows Church derives principally from its architectural interest and its importance and historic association within the village and surrounding area. While any functional relationship between the wider field and the church no longer exists, it is a focal building in the area that has been, and remains, a destination for visitors. The public right of way that crosses the appeal site serves as an approach to the church grounds across land that has historically been open and undeveloped. The change in the character of the appeal site erodes the significance of the historic relationship between the wider field and the church, and I therefore find that it is harmful to the setting of All Hallows Church.
10. There are other listed buildings in the vicinity of the site on High Street and Brook Lane. I do not have any evidence of any functional relationship between these buildings and the appeal site or wider field. I consider that there is little or no harm to the significance of these buildings from the appeal proposal.
11. The open and undeveloped character of the wider field contributed to the character of the CA, which I consider arises principally from the historic buildings and their relationships with their surroundings. As a publicly accessible open space I consider that the wider field was an important part of the character of the CA. The landscaping and development of the appeal site have resulted in a loss of openness of the wider field, and this is harmful to the character of the CA.
12. The wider field provided visual relief in an otherwise built up area punctuating the street scene, and for this reason it was designated as Village Open Space. The appeal proposal results in a loss of openness and change in character that compromises that reason for designation.

13. It has been brought to my attention that other designated areas of Village Open Space within Upper Dean are domestic gardens. However, from what I saw from the highway during my site visit each designated area has its own character. In this case, the wider field was not previously subject to significant enclosure and, as it is crossed by a public right of way, is open to anyone. I do not have full details of the other designated areas before me, but I am not aware of any other site being open to public access. I can therefore only give the circumstances of the other areas of Village Open Space limited weight in my determination of this appeal, and in any case must assess this proposal on its own merits.
14. I have considered whether removal of the appeal site's Permitted Development rights could overcome the harm that I have identified. However, I have found that unacceptable harm results from the landscaping and development carried out to this point. I must also consider that any permission granted would be permanent and allow further works and the accumulation of domestic paraphernalia in the appeal site which would not require planning permission. I therefore do not consider that it would be acceptable to grant permission even subject to imposing controls over further development of the site.
15. I have found that the appeal proposal fails to preserve the setting of the Grade I listed All Hallows Church and fails to preserve or enhance the CA. Having regard to paragraph 194 of the Framework, the harm is experienced primarily in the immediate vicinity of the appeal site and wider field, arising from the loss of openness and change in character. The harm to the significance of the designated heritage assets is therefore less than substantial, when weighed against their significance as a whole.
16. The appellant suggests that the change of use would allow them to deliver biodiversity gains through management of the appeal site, and that the appeal proposal would result in a more pleasant environment than previously existed. However, I am required to give great weight to the conservation of designated heritage assets in accordance with Paragraph 193 of the Framework. I do not consider that any benefits identified as arising from the appeal proposal would outweigh the harm that I have identified.
17. For the reasons set out above the appeal proposal conflicts with Policies 29 and 41S of the Bedford Borough Local Plan 2030 adopted January 2020 and ADLP Policy AD40. Further to the criteria of Policy AD40 set out above these require, amongst other things, that development protect heritage assets and their settings and successfully integrate with the historic environment and character.

Other Matters

18. I have had brought to my attention applications for certificates of lawful development relating to elements of the appeal proposal that have been refused by the Council, and subsequently appealed to the Planning Inspectorate. The details of those applications and the appeals are not before me to consider, and so have not influenced my decision regarding this appeal.

Conclusion

19. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR