



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/19/3241264

White Rose Lodge, High Street, Upper Dean PE28 0ND

- 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 Adam Gardner against the decision of Bedford Borough Council.
 - The application Ref 19/00159/S73A, dated 21 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".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form states that the change of use started in December 2014. I have therefore determined the appeal on the basis that it is seeking retrospective planning permission.
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 Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Upper Dean Conservation Area and preserves the setting of the Grade I listed All Hallows Church and other listed buildings.

Reasons

5. The appeal site falls within the Upper Dean Conservation Area (the CA). I consider that the significance of the CA derives in part from its established surroundings. The site is also close to the Grade I listed All Hallows Church, which is visible through gaps in the tree canopies from within the appeal site. I consider that the significance of the church derives principally from its architectural interest and its cultural and historic importance to the village and surrounding area. The church serves as a focal building in the area and has been, and remains, a destination for visitors. There is a public right of way

crossing the wider field of which the appeal site forms a part that serves as an approach to the church grounds. Given these considerations, I am satisfied that the wider field, and the appeal site, form part of the setting of the 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. At the time of my visit the appeal site was relatively open, with some tree planting having taken place and the fence separating the site from the garden of White Rose Lodge removed.
7. Planting and landscaping of the site may not require planning permission. However, I must consider all future occupiers of the appeal site, as any change of use of the site would be permanent. It would be reasonable to expect a more intensive residential use of the site in the future should permission be granted, with further ornamental planting, domestic paraphernalia and garden buildings and structures. I consider that over time this would erode the open and undeveloped character of the appeal site and the wider field of which it is a part.
8. The wider field is crossed by a public right of way, and the historically open and undeveloped character of the appeal site and wider field contributes to the character of the CA. The wider field is designated as Village Open Space in the Bedford Borough Council Allocations and Designations Local Plan July 2013 in recognition that it provides visual relief in an otherwise built up area punctuating the street scene. The appeal site is visible from the public right of way, and the erosion of that character would be harmful to the significance of the CA.
9. Similarly, given the historic association of the field to the church and its place within its setting, I consider that a more intensive domestic use would result in a change in the appeal site's character from open and undeveloped land that would be harmful to the church's setting.
10. There are other listed buildings on Brook Lane and the High Street within the vicinity of the appeal site. I do not have any evidence of any functional relationship between these buildings and the appeal site or the wider field. I therefore consider that the appeal proposal would cause little or no harm to the significance of these buildings.
11. There are other designated areas of Village Open Space within Upper Dean that are already domestic gardens. However, from what I saw during my site visit from the highway each designated area has its own character. In this case, the wider field has historically been open and undeveloped and is crossed by a public right of way. 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.
12. I have considered whether the appeal proposal could be made acceptable by restricting future development via planning conditions. However, even if I were to grant permission subject to conditions, the character of the site could still change significantly without development requiring planning permission. I

therefore do not consider that granting permission subject to conditions imposing controls over further development of the site would wholly overcome the planning objections to the appeal proposal.

13. I find that the appeal proposal would be likely to result in a more intensive domestic use of the site that would fail to preserve or enhance the CA and fail to preserve the setting of the Grade I listed All Hallows Church. I have considered the extent of harm to the significance of the designated heritage assets. Having regard to paragraph 194 of the Framework, I consider that the harm would be 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 would therefore be less than substantial, when weighed against their significance as a whole.
14. The appellant suggests that there would be public benefits from the introduction of additional planting on the site which would deliver biodiversity benefits and improve the experience of those using the public right of way to cross the wider field. However, I am required to give great weight to the conservation of designated heritage assets in accordance with Paragraph 193 of the Framework. I am not convinced that the benefits put forward would outweigh the harm that I have identified.
15. For the reasons set out above I find that the development proposed would conflict with Policies 29 and 41S of the Bedford Borough Local Plan 2030 adopted January 2020. These policies require, amongst other things, that new development should protect and where appropriate, enhance heritage assets and their settings and successfully integrate with the historic environment and character.

Conclusion

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

M Chalk

INSPECTOR