
Appeal Decision

Site visit made on 7 August 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/P0240/W/20/3252269

**Land adjacent to Brick Kiln House, Chaul End Road, Caddington,
Bedfordshire LU1 4AT**

- 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 Gleneden Plant Sales against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/00427/FULL, dated 3 February 2020, was refused by notice dated 2 April 2020.
 - The development proposed is conversion of redundant workshops into residential accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of redundant workshops into residential accommodation at Land adjacent to Brick Kiln House, Chaul End Road, Caddington, Bedfordshire LU1 4AT, in accordance with the terms of the application CB/20/00427/FULL, dated 3 February 2020, subject to the conditions set out at the end of this decision.

Procedural Matter

2. The Pre-Submission version of the emerging Central Bedfordshire Local Plan 2015-2035 (the CBLP) was submitted to the Secretary of State in April 2018. There is nothing before me to indicate that the CBLP is currently at a stage that should attract anything more than limited weight. I shall consider the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect upon the living conditions of future occupiers of the proposed development, having particular regard to light and outlook; and
 - The effect upon highway safety.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (February 2019) (the Framework) sets out that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These forms of development include the re-use of buildings provided they are of permanent and substantial construction. It is common ground between the main parties to this appeal that the building contained within the site (the building) is of permanent and substantial construction and I have no reason to disagree. Thus, the main focus of my considerations here shall be whether or not the proposal would preserve the Green Belt's openness.
5. It is my understanding that the building was last used for workshop purposes and, having carried out an external and internal inspection, there is no clear evidence before me to indicate otherwise. Indeed, I observed various workshop-related equipment and paraphernalia stored within it. As regards the site's external areas, I observed these to be made up of compacted hard surfaces that had a close physical relationship to the building. Various vehicles and equipment occupied these areas during my inspection, although these vehicles/items would appear to have been connected – at least for the most part – to neighbouring construction work being undertaken beyond the site's northern boundary.
6. As set out above, the main parties to this appeal agree that the building is permanent and of substantial construction. I am also unaware of any restriction that would mean that the building could not be actively used for workshop purposes without separate planning permission first being obtained. Therefore, to my mind, when considering the proposal's effect upon openness, I must factor in how the building and its immediate surroundings could be used if in a workshop capacity. Indeed, the proposal would have the effect of removing the potential for an active workshop use to continue/resume at the site.
7. A workshop would generate associated parking requirements. There would also realistically be activity, including vehicle movements/deliveries, brought about by operational requirements. Indeed, at least some external storage and/or related paraphernalia would realistically be anticipated to arise within the external areas that surround the building.
8. The proposed conversion would be anticipated to lead to the erection of boundary treatments (to define private garden spaces), the parking of vehicles and the introduction of lighting, domestic paraphernalia and general activity associated with the site's residential occupation. Nevertheless, the proposed dwellings would be served by neatly defined private gardens set adjacent to the building and in proximity to other existing buildings that part-surround the site. It is also the case that the treatments themselves could be designed to complement the appearance/materials of the building and neighbouring buildings, which would assist in limiting their visual prominence.
9. The levels of parking, lighting, paraphernalia and general activity associated with the future occupation of the proposed development would be anticipated

to be limited and, in all likelihood, not materially greater in extent when compared to if the building were to be actively operated as a workshop.

10. There have been previous recent appeal decisions relating to sites that either overlap the appeal site or occupy the same general location. These include an August 2019 decision¹ which appears in the evidence before me and relates to the intended part-demolition and part-conversion of the building in conjunction with the intended demolition of nearby outbuildings and their replacement with a dwelling. A 2017 appeal decision² has also been referred to, which I understand did not relate to the building itself but did involve the provision of a parking area to the building's western side.
11. The Inspector in August 2019 found that a loss of openness would be caused and referred to, amongst other factors, a spread of domestic paraphernalia and to open-air parking. However, a turning head feature, separate parking areas and a large garden space stretching from the building to Chaul End Road featured upon the proposed site plan at that time. With respect to the proposal before me, a single parking area is proposed in proximity to existing parking and much of the area located to the western side of the building is not intended to have a direct association to the proposed dwellings. Indeed, the appellant has referenced the opportunity to provide soft landscaping in this general location (as contained within the blue line as depicted on the site location plan) that would soften, at least to some degree, the visual appearance of the building/development when viewed from Chaul End Road.
12. As regards the 2017 appeal decision, I have not been provided with the full details. It is my understanding that the Inspector at that time identified that a proposed parking area (for eight vehicles) would have a small negative effect upon openness. I acknowledge that the creation of five parking spaces in this case, if considered in isolation, would be anticipated to result in a small loss of openness at the site. However, I must consider the proposal that is before me as a whole. A building last actively used as a workshop is intended to be converted, which would remove the very realistic associated potential for parking and other external activities to occur.
13. Having considered all related matters, I find that the proposal would not result in a loss of Green Belt openness and would not therefore represent inappropriate development in the Green Belt. Very special circumstances do not therefore need to be demonstrated in order to justify the proposal. The proposal does not conflict with the Framework in so far as it affirms that inappropriate development is, by definition, harmful to the Green Belt.

Living conditions of future occupiers

14. The building is positioned such that its west and east facing side elevations have a close relationship with the boundaries of the appeal site. The western edge of the site, where positioned adjacent to the building, borders land that falls under the appellant's control. The eastern edge bounds a separate commercial operation. The Council has raised concerns that the associated treatments to these boundaries, which have been indicated to comprise 1.8m high fencing, would lead to impaired outlook and limited light for future occupiers of the proposed dwellings.

¹ APP/P0240/W/19/3226590

² APP/P0240/W/17/3183772

15. As regards the westernmost of the proposed units, one of its bedrooms would be served by a single window faced towards the appeal site's edge at proximity. Nevertheless, particularly when noting that the precise specification of the boundary treatment could be secured via planning condition (such that it would not necessarily have to be 1.8m in height and of solid close-boarded design), I am satisfied that neither outlook nor light would be unduly impaired for future occupiers.
16. In terms of the easternmost of the intended units, two bedrooms and a living room would each be served by single window openings facing the site's eastern edge at close quarters (although the living room would also be provided with a rooflight). At inspection I observed a mixture of close-boarded timber and wire mesh fencing of around 1.8m in height to already be in place to this boundary. It is not the case that levels of light would be unduly impacted upon by these boundary features, but the extent of outlook that would be provided from each of the aforementioned habitable rooms (most particularly the living room) would be restricted.
17. Nevertheless, a degree of outlook, including open high-level views, would be provided from each of the newly proposed east-facing openings. Furthermore, a good standard of outlook would be provided to the rear of the unit from the intended shared kitchen/dining space (including via glazed bi-folding doors) and the main north-facing entrance has been designed with glazed elements to offer further outlook opportunities. All in all, based on current site circumstances, I am satisfied that appropriate standards of outlook and light would be provided for the future occupiers of the easternmost unit.
18. I note that neighbouring occupiers to the east could erect a new/replacement boundary treatment of up to 2m in height (or potentially alter existing treatments) without separate permission. Nevertheless, there is no obvious reason why they would choose to do so given the existing treatments that are in place. In any event, no installation of significantly greater height, when compared to the treatments that are already in place alongside the building, could be erected without separate planning permission first being obtained. Furthermore, should the appellant ultimately seek to alter the makeup of treatments to the eastern boundary of the site (in the event the appeal be successful), the associated details could be controlled via planning condition.
19. For the above reasons the proposal would have an acceptable effect upon the living conditions of future occupiers of the proposed development, having particular regard to light and outlook. The proposal accords with saved Policy BE8 of the South Bedfordshire Local Plan Review (January 2004) in so far as it requires that proposals for development shall not have an unacceptable adverse effect upon general or residential amenity.

Highway safety

20. The proposed dwellings would be served by an existing shared access that is already in place and that connects the site to Chaul End Road, which is a route that is of bending alignment. Pillars are positioned to either side of the access, which are setback from the carriageway. The access widens towards its connection point with the road and visibility is provided across a grassed verge to the south and a combination of gravelled areas to the north.

21. A previous appeal decision³ relating to a site served by the same Chaul End Road access point has been brought to my attention. That appeal was successful and involved the conversion of a dwelling into two dwellings. The Inspector found that, whilst there would be somewhat restricted northward visibility at the access, the potential small increase in the access's use would not result in a material increase in risk to users of the highway or future occupants of the scheme. I shall assess the proposal that is before me in this context.
22. Whilst two dwellings are proposed, their potential to generate vehicular trips must be considered against the baseline situation at the site and the potential for the existing workshop units to be actively used and to generate trips. The appellant has provided TRICS data used for estimating trip generation for a wide range of land uses. This data indicates that a workshop would have the potential to generate a greater number of vehicle movements when compared to the proposed dwellings. I have no reason to dispute the appellant's suggestion in this regard. Thus, the proposal would not be anticipated to lead to an intensification in the way in which the site's existing access could be used.
23. For the above reasons, the proposal would have an acceptable effect upon highway safety and would not cause harm. The proposal accords with the Framework in so far as it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
24. The proposed development accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

25. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes, omitted conditions related to the site's access and added conditions to specify the number of residential units permitted and to secure a scheme of soft landscaping. I have imposed a single pre-commencement condition in accordance with written agreement received from the appellant.
26. In the interests of certainty, a condition specifying the approved plan is required. Due to the open way in which the approved description of development is worded, in the interests of clarity and certainty a condition is required to specify the number of residential units permitted.
27. In the interests of protecting human health and the environment, conditions are reasonable and necessary that secure, prior to the commencement of development, a thorough investigation of the site's potential to be contaminated and subsequent remediation/validation if necessary.
28. A scheme of soft landscaping, which would apply to the area outlined in blue on the approved plan as well as to private garden areas, is both reasonable and necessary to secure in the interests of promoting a high standard of development. Furthermore, with respect to the blue line area, landscaping

³ APP/P0240/W/16/3163175

would soften the visual effects of the development and thus guard against any potential loss of Green Belt openness. In the current absence of suitable topsoil, a method statement confirming the process for readying external areas for new planting is both reasonable and necessary to secure via condition in the interests of promoting its successful establishment.

29. In the interests of safeguarding the visual amenities of the area, of guarding against any potential loss of Green Belt openness and of protecting the living conditions of future occupiers of the scheme, a condition is reasonable and necessary that secures the detail and subsequent implementation of a scheme of boundary treatment.
30. In the interests of highway safety and of ensuring that the development is served by an appropriate level of car parking, a condition is reasonable and necessary that secures the laying out and subsequent retention of parking spaces for such purposes only. The access to the highway and hard surfaced turning/circulation areas within the site are already in place. A condition to secure full details of the site's access is thus not necessary.
31. It would appear that any triangular visibility splay positioned to either of the access's sides would be located upon land falling outside of the appellant's full control, such that the requested visibility splay condition could not be suitably imposed. For the avoidance of doubt, as alluded to in my reasoning above, I am still appropriately satisfied that safe access arrangements would prevail.
32. As set out in the Framework, conditions restricting the future use of permitted development rights should only be used where there is clear justification to do so. The Council has requested that conditions be imposed removing rights related to extensions and outbuildings. When noting the site's visibility from Chaul End Road and the sensitivities of its Green Belt location, the future provision of extensions or outbuildings could raise the potential for openness to be lost. I thus see justification for such rights to be removed and for associated conditions to be imposed.
33. I note that The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 came into force on 1 August 2020. This had the effect of amending various permitted development provisions. Nevertheless, no substantive changes have been made to the Part and Classes of the Order that are relevant to the conditions referenced in the preceding paragraph.

Conclusion

34. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plan: LB-0129.
- 3) In accordance with the approved plan, this permission relates to the provision of two residential units.
- 4) No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
 - A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
 - A Phase 2 Site Investigation (where shown to be necessary by the Phase 1 Desk Study);
 - A Phase 3 Remediation Scheme (where shown to be necessary by the Phase 2 Site Investigation).All such documentation shall be produced in accordance with BS 10175:2011, or other appropriate guidance, and shall be sufficient to ensure that measures are taken to mitigate any risks to human health and the wider environment.
- 5) Prior to the first occupation of the development hereby permitted, a validation report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Scheme (formulated in accordance with the requirements of Condition 4 of this permission). Any such validation report shall include responses to any unexpected contamination discovered during works.
- 6) Prior to the first occupation of the development hereby permitted, a Landscape Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority, which shall include full details of the removal and disposal of existing hardcore surfacing (and its associated subbase and foundation) from all areas to be landscaped, and of their replenishment with good quality, screened topsoil. The approved Method Statement shall then be implemented in full prior to the undertaking of soft landscaping in accordance with the requirements of Condition 7 of this permission.
- 7) Prior to the first occupation of the development hereby permitted, a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) Notwithstanding Condition 2 of this permission, prior to the first occupation of the development hereby permitted, a scheme indicating the

positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and shall thereafter be retained.

- 9) Prior to the first occupation of the development hereby permitted, all parking spaces as depicted upon the approved plan shall be provided in a hard-surfaced form and, thereafter, shall at all times be kept accessible for the sole purpose of parking vehicles. Arrangements shall be made and thereafter retained for surface water to be intercepted and disposed of separately so as not to discharge from the site onto the public highway.
- 10) Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions to any dwelling hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.
- 11) Notwithstanding the provisions of Part 1, Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of any dwelling hereby permitted without the grant of further specific planning permission from the Local Planning Authority.