
Appeal Decision

Site visit made on 18 August 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 25 September 2020

Appeal Ref: APP/P0240/W/20/3253151

**Sewell Manor Lodge, Sewell Lane, Sewell, Dunstable, Bedfordshire
LU6 1RP**

- 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 Jonathan Beacon against the decision of Central Bedfordshire Council.
 - The application Ref: CB/19/02584/FULL, dated 6 August 2019, was refused by notice dated 28 November 2019.
 - The development proposed is a new three-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework);
 - the effect of the development upon the character and appearance of the Sewell Conservation Area (the CA);
 - the effect of the development upon highway safety;
 - the effect of the development upon ecology, with particular reference to Great Crested Newts; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

Reasons

Whether inappropriate development

3. The appeal site is within the Metropolitan Green Belt and consists of a large and somewhat overgrown site, located to the rear of a small number of existing dwellings. The site is on higher land to other dwellings in Sewell Lane. Access to the site is via a steep track that runs from Sewell Lane.
4. Paragraph 145 of the Framework states that new buildings are generally considered inappropriate unless specific exceptions apply. As a domestic dwelling, the proposed development would not support the carrying out of

- agricultural or forestry activity, or outdoor sport and recreation. In addition, it is a new building, it is not a proportionate extension. The evidence before me also does not indicate that the development would be made available for occupation on affordable tenures.
5. Although there are other dwellings in Sewell Lane, they would not be directly adjacent to the appeal proposal. Therefore, the appeal scheme cannot be considered to represent an appropriate infill within a village.
 6. There is some debate as to whether the site represents previously developed land. Reference has been made to a previously demolished development of six bungalows, however, these appear to have been sited outside of the appeal site boundaries. As such they cannot be utilised to justify the construction of a dwelling within the appeal site.
 7. A dwelling has previously been present on the appeal site, albeit in a different location to the appeal proposal. Furthermore, this dwelling was demolished before 1901. Whilst this dwelling represents a previous form of development, I am mindful that Annex 2 of the Framework indicates that the definition of previously developed land excludes land where the remains of a physical structure have blended into the landscape.
 8. In this instance, the remains of the dwelling are not readily apparent, particularly due to the growth of plants within the appeal site. As this is combined with the significant passage of time since the building was demolished, means that the site cannot be previously developed land.
 9. The proposed development would increase the level of built form within the surrounding area owing to the scale of the proposed development, in addition to the likelihood of domestic paraphernalia being added to the garden of the development, which would be very large. This increase in built form would erode the intrinsic sense of openness that is a feature of the Green Belt.
 10. In addition, the appeal site would be on a higher level than Sewell Lane. Views of the appeal site would therefore be readily apparent from the areas adjacent to Cowslip Crescent, and the junction where the track joins Sewell Lane. In consequence, the proposed development would be a prominent addition to the landscape and would therefore erode the physical sense of openness that is a feature of the locality.
 11. Reference has been made to the approval of planning permission for a development elsewhere in Sewell. However, the evidence before me indicates that this met the exceptional criteria specified in Paragraph 145 of the Framework. For the reasons described previously, this differs from the scheme before me. Accordingly, I do not believe that this permission requires me to disregard my previous concerns.
 12. My attention has also been drawn to a number of previous appeal decisions. I do not have the full information regarding their individual planning circumstances, which lessens the weight that I can attribute to them. Notwithstanding this, I note that these appeals pertain to developments in different locations to the scheme before me. Accordingly, their individual circumstances mean that they do not overcome my previous concerns.

13. Taking all these matters into account, I therefore conclude that the development comprises inappropriate development in the Green Belt as defined by the Framework.

Effect on Conservation Area

14. The appeal site is located within the Sewell Conservation Area (the CA). The significance of the CA is, in part, derived from the presence of traditional designed dwellings within a landscaped setting. Most of these are arranged in a broadly linear pattern on the opposite side of Sewell Lane to the appeal site.
15. The proposed development would take place on the opposite side of the road to the bulk of development in the surrounding area. In consequence, this would erode the traditional pattern of building arrangement that is a feature of the locality. Owing to the prominence of the appeal site, several views of the proposed dwelling would be possible. In consequence, the proposed development would be a prominent addition to the CA and would erode the character of natural landscaping that surrounds existing dwellings.
16. The proposed development would have a large footprint owing to the inclusion of garages within the building. As this would be combined with the height of the proposed building, it would result in a significant increase in the level of built form and would appear notably larger, and more prominent, than many of the other dwellings within the immediate vicinity. In result, the proposal would appear discordant.
17. I note that the proposed development would include some landscaping, however, owing to the height and positioning of the proposed development, any screening effect would be relatively small and would not completely mitigate the form of development. Furthermore, any landscaping could take some time to become established. Therefore, I do not believe that such landscaping would satisfactorily overcome my previous concerns.
18. I have identified harm to the character and appearance of the CA, which would not be severe, and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires that such harm be weighed against the public benefits of the proposal. The proposal would result in an increase in the housing supply, potential improvements to biodiversity arising from new landscaping, and positive economic effects. By reason of the scale of the development, such benefits are likely to be comparatively small-scale, in some instances temporary, and localised in impact.
19. Thus, when giving considerable importance and weight to the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have a clear and convincing justification.
20. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the CA. The development, in this regard, would fail to accord with the requirements of the Framework. Amongst other matters, this seeks to ensure that developments either preserve or enhance the character and appearance of conservation areas.

Highway safety

21. Sewell Lane is a relatively narrow and sinuous road, which is unlit and does not feature separate infrastructure for pedestrians.
22. The proposed development would create a new dwelling, which would result in an increase in the number of vehicle movements within the vicinity of the site's location. Owing to the nature of the track and Sewell Lane, pedestrians and cyclists have no alternative but to travel in the road itself. This causes a concern as an increase in vehicular traffic is likely to cause increased conflict between motor vehicles and other road users. Such an arrangement would not be conducive to securing a good level of highway safety.
23. This situation would be exacerbated by the lack of passing places in Sewell Lane. In result, there is a likelihood that vehicles might need to reverse in order to allow such a pass to take place. Owing to the lack of visibility arising from Sewell Lane's sinuous nature, motorists would not necessarily benefit from appropriate forewarning of the presence of pedestrians. Such concerns would be increased during periods of poor lighting, or inclement weather such as what may occur during the winter season.
24. It is recognised that owing to the nature of Sewell Lane, it is unlikely to be used by many vehicles. In addition, a single dwelling is unlikely to generate several vehicle movements. However, any increase in vehicle movements would be within a highway lacking in a suitable pedestrian environment. It is the conflict between pedestrian and vehicle movements that would lead to an adverse effect on highway safety. It is not possible to discount that these two activities would not take place simultaneously.
25. I acknowledge that the proposed development would include the provision of visibility splays at the junction with Sewell Lane. Whilst such a provision would ensure that motorists looking to join Sewell Lane would have an appropriate advance warning of nearby vehicles and pedestrians, this increased level of awareness would not extend along the entirety of Sewell Lane, by reason of its length. Accordingly, this would not overcome my previous concerns.
26. I therefore conclude that the proposed development would have an adverse effect on highway safety. The development would, in this regard, fail to accord with the requirements of the Framework. Amongst other matters, this seeks to ensure that new developments do not result in a reduction in highway safety.

Effect on ecology

27. The proposed development would be sited in a location lacking in previous development. In addition, it also features a significant amount of planting and is surrounded by open countryside.
28. By reason of the current condition of the site and the nature of adjoining land uses, there is a likelihood, to an extent, of species such as Great Crested Newts being present on the site. This has been established in a preliminary survey that has been previously carried out.
29. In consequence, the proposed development generates a concern as I do not have sufficient evidence before me which is indicative of the extent of any Great Crested Newt activity on the site. Therefore, without this information it is

not possible at this particular juncture to conclude that the proposed development would not have an adverse effect on important ecology.

30. I have had regard to the appellant's suggested conditions that might be imposed in respect of this matter. However, without a full survey it is not possible to fully establish the effects of the proposed development as the level of Great Crested Newt Activity on the site has yet to be fully established. In consequence, it is also not possible to assess whether a condition could be appropriately drafted as there would be not complete certainty that sufficient mitigation could be provided, whether the mitigation would be effective and whether it could be reasonably retained.
31. I therefore conclude that the proposed development would have an adverse effect on ecology, and particularly Great Crested Newts. The development, in this regard, fails to accord with the requirements of the Framework. This, amongst other matters, seeks to ensure that development avoids, mitigates, or compensates for, an adverse effect on biodiversity.

Other Matters

32. I acknowledge efforts made by the appellant in attempting to overcome a previous reason for the refusal of planning permission. Whilst this is noteworthy, it does not overcome the harm as previously identified.
33. References have been made to the emerging Central Bedfordshire Local Plan. However, the amount of weight that I can attribute to these policies is lessened as the findings of the examination in public are awaited.

Planning balance and conclusion

34. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition to the adverse impacts on openness, the Green Belt's purpose of safeguarding the countryside from encroachment has been eroded by the development. Substantial weight should be given to this harm. Very special circumstances will not exist unless the harm to the Green Belt and other identified harm are clearly outweighed by other considerations.
35. The proposal would result in an increase in the local housing supply, however, the benefits of this are small given that the proposal would result in the creation of a single additional dwelling. Given that the proposal would contain a single household, any economic support of businesses and services within the area is also likely to be small. I also note that the proposed development would result in increased landscaping at the site, however, the benefits of this are very localised in impact and tempered by the potential adverse effect on ecology. I therefore give each of these matters a limited amount of weight.
36. As explained above, I give only limited weight to each of the considerations cited in support of the proposal and accordingly I do not find that these amount to the special circumstances necessary to justify the development. In consequence, and for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR