
Appeal Decision

Site visit made on 28 September 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2020

Appeal Ref: APP/K0235/W/20/3255111

Annexe, Wayside, 7 Ravensden Road, Wilden MK44 2QP

- 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 Mrs Judy Wainwright against the decision of Bedford Borough Council.
 - The application Ref 19/02152/FUL, dated 25 September 2019, was refused by notice dated 19 May 2020.
 - The development proposed is change of use of a residential annex to use as a single dwelling house.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether or not the site represents an appropriate location for housing, having particular regard to the Council's spatial strategy for development and including consideration of the site's accessibility to local facilities and services.

Reasons

3. The Bedford Borough Local Plan (January 2020) (the Local Plan) sets out an overarching strategic framework for ensuring that sufficient new development is delivered in sustainable locations to meet identified needs. The site is situated outside of any defined Settlement Policy Area and is thus located within the countryside in local planning policy terms.
4. Policy 7S of the Local Plan relates to development in the countryside and lists situations where proposed development will be permitted. These circumstances include where proposals are appropriate in line with one of several other listed Local Plan policies, or where, in exceptional circumstances on sites well related to settlements, it can be demonstrated that the proposal accords with various requirements.
5. As set out in its supporting text, Policy 7S incorporates sufficient flexibility to support the provision of new homes where they will enhance or maintain the vitality of rural communities and meet identified needs. The appellant has acknowledged that the proposal does not fit within the categories of countryside development that are identified for support under Policy 7S. It thus follows that the proposal conflicts with Policy 7S, which, to my mind, is the most important policy for determining this appeal.

6. I do not consider the circumstances to hand, whereby the appeal building has already been converted to provide a residential use, to be particularly rare or exceptional. The proposal's failure to meet the specified provisions of Policy 7S is thus an important factor in this case. This is particularly when noting the recentness of the Local Plan's adoption.
7. The appeal building is situated in proximity to existing development such that it does not occupy an isolated location in a purely physical sense. Nevertheless, most of the nearest facilities and services to the site are situated considerable distances away. Indeed, the closest settlements of Wilden and Ravensden contain relatively limited ranges of facilities and services and a nearby business park to the south of the site would be anticipated to provide fairly limited employment opportunities. It is thus likely that occupiers of the proposed dwellinghouse would look to regularly travel further afield, to Bedford or elsewhere, in order to fully satisfy their day-to-day needs.
8. I also note that Ravensden Road is, for the most part, not lit nor served by footway or any specific facilities for cyclists (such as a defined cycle lane). It would thus be unlikely to appear as an attractive route to be either walked or cycled on a regular basis. This is notwithstanding the nearest settlements being located closer than 2km to the appeal site and the rural route in question not appearing to be particularly heavily trafficked.
9. I have been made aware of a bus service that runs Ravensden Road and provides links to Bedford and nearby villages. A signposted stop is in place a short distance from the site. However, it is evident that the service is limited and irregular. There is thus significant doubt that occupiers of the development would be both prepared and conveniently able to depend on this bus service to serve their day-to-day needs.
10. The National Planning Policy Framework (February 2019) (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Nevertheless, even when acknowledging modern trends for homeworking and on-line retailing, the introduction of a dwellinghouse would clearly be expected to increase travel by private modes of transportation. This sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner.
11. The proposal would cause harm by virtue of the site not representing an appropriate location for housing, having particular regard to the Council's spatial strategy for development and access to surrounding facilities and services. The proposal conflicts with Policies 3S and 7S of the Local Plan in so far as these policies seek to promote accessibility and to deliver sustainable development and growth that enhances the vitality of the Borough's urban and rural communities.
12. Whilst conflict with Policy 31 of the Local Plan has not been identified by the Council within its reason for refusing planning permission, I note here that it requires consideration to be given to the extent which development proposals would be served by, and make provision for, access by public transport, cyclists and pedestrians. For the above reasons, the proposal fails to satisfactorily accord with this requirement.

13. Policy 4S of the Local Plan sets out the amount and distribution of housing development in overarching terms and does not explicitly rule out some development in rural areas. I do not find the proposal, which relates to a mere single unit of accommodation, to conflict with the broad aspirations of Policy 4S. Furthermore, Policy 5S of the Local Plan (which relates to development in villages with a Settlement Policy Area) is not engaged by virtue of the site's countryside location and is thus of limited relevance here.

Other Matters

14. It has been argued by the appellant that the appeal building is effectively an established dwellinghouse. Indeed, it contains a kitchen, bedroom, bathroom and living room and thus the range of facilities that would offer the potential for it to be used in a self-contained capacity. However, whilst separate accesses and physical separation between a main dwelling and an annex would not normally be expected, No 7 Ravensden Road (No 7) and the appeal building are in the same ownership and it is my understanding that they are occupied by one family, and have operated as such for a long period of time. Indeed, this is reflected in both the description of development under consideration (where a residential annex is referenced) and the appellant's statement of case.
15. I am aware of a lawful development certificate application¹ (the LDC application) that sought to regularise an ancillary residential use of land and buildings at lands adjacent to No 7. This was refused by the Council in January 2014 on grounds related to the supporting information not providing, on the balance of probabilities, sufficient evidence and, also, related to the submitted information indicating that the applied for use may have been lost through the formation of a new planning unit or by a material change of use.
16. However, it is important to note that the LDC application related to two separately defined areas of land situated close to No 7, one of which contained a mobile home not for consideration under this appeal. Furthermore, neither of the areas of land that were considered under the LDC application replicate the red-line extent of the appeal site here. In light of these differences I do not consider that the Council's decision to refuse the LDC application provides clear support for any suggestion that this appeal should be considered on the basis that the appeal building already operates as a separate self-contained unit of residential accommodation.
17. I have also noted references to an enforcement enquiry that was closed by the Council in 2017 and which I understand related to the potential creation of a separate dwellinghouse at the appeal site. Whilst I do not have access to the full details of this enquiry, it is set out within the Council's evidence that this was closed due to a lack of evidence to suggest that a breach of planning control had occurred. Any suggestion that the enquiry could have been closed because it was not expedient to take action has not been robustly substantiated.
18. A planning permission² for the erection of a replacement dwelling and detached double garage at 5A Ravensden Road (No 5A) appears in the submitted evidence. Whilst the Council supported that proposal, it is important to note

¹ 12/02320/LDE

² 19/01651/FUL

that an earlier planning permission³ was found to establish a fallback position and thus the principle of a single residential dwelling at that site. This differentiates the scheme at No 5A from the proposal that is before me here.

19. I note that any dispute relating to matters of land ownership would constitute a civil matter to be resolved outside of this appeal.

Planning Balance

20. For the avoidance of doubt, I have not applied the presumption in favour of sustainable development as set out under paragraph 11 of the Framework and Policy AD1 of the Allocations and Designations Local Plan (July 2013). The Council has a recently adopted Local Plan which plans for the Borough's growth needs up until 2030 and it is my understanding that a 5-year supply of deliverable housing sites can currently be demonstrated in the Borough. Whilst an early review of the Local Plan is underway/anticipated, the appellant has not, at appeal stage, challenged the Council's current ability to demonstrate a 5-year supply.
21. The Framework reaffirms the Government's objective of significantly boosting the supply of homes. However, a single additional dwelling would not make a noticeable difference to the overall housing land supply position in the Borough and attracts limited weight as a scheme benefit.
22. Whilst Policy 46S of the Local Plan seeks to maximise the reuse of suitably located previously developed land, I have found that the site does not represent an appropriate location for housing. When also factoring in the site's limited size, I afford the benefit of delivering development upon previously developed land limited weight. The proposal, via its occupation as a single dwellinghouse, would provide investment in the local economy. However, given the scale of development under consideration, I also afford this benefit limited weight.
23. The scheme does not involve any physical alterations to the appeal building, and I am satisfied that the proposal would not cause harm to the rural character and appearance of the area. Furthermore, no harm would be envisaged in highway safety terms or in the context of neighbouring residential living conditions. These factors weigh neutrally in the planning balance.
24. Whilst the proposal would deliver some limited benefits, it would do so in conflict with the Council's spatial strategy for development in a location that would cause harm by virtue of the site's lack of accessibility to local facilities and services. The scheme's benefits would not outweigh the harm and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

25. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR

³ 18/02450/FUL