
Appeal Decision

Site visit made on 9 September 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 03 November 2020

Appeal Ref: APP/P0240/W/20/3247507

Greenacres Farm, Dunstable Road, Tilsworth, LU7 9PU

- 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 S. Brennan against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/00900/FULL, dated 7 February 2019, was refused by notice dated 13 September 2019.
 - The development proposed is removal of steel-framed industrial units and construction of one detached 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 and any relevant policy of the development plan,
 - the effect the of the proposal on the character and appearance of the area, and
 - if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The National Planning Policy Framework (the Framework) states in paragraph 145 that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt, subject to certain exceptions.
4. The appellant has argued that the proposed development would not be inappropriate development in the Green Belt (GB) as it falls under two of the exceptions set out in paragraph 145 of the National Planning Policy Framework (the Framework). These are: sub-paragraph (e), that the development constitutes '*limited infilling in villages*'; and sub-paragraph (g) that it

constitutes, amongst other things '*limited infilling or the partial or complete redevelopment of previously developed land*'.

5. I have had regard to the circumstances on the ground in this case. The appeal site lies on an access way and is situated between No 28 Dunstable Road and where garage blocks for three other dwellings which will be served off the same access way are being constructed. The development of the three dwellings is continuing opposite the site of the garage blocks. The access way connects with the main road through Tilsworth between No 26 and No 30 Dunstable Road and there is continuous development from this junction, on both sides of the road, into the centre of the village.
6. Consequently, I consider that as the appeal site has built development on either side and there is continuous development between it and the centre of the village, it is within the built area of the village. As a result, I find that the proposed development of the appeal site for a single dwelling, constitutes '*limited infilling within the village*' in terms of exception (e) of paragraph 145 of the Framework. I have had regard to the appeal decision APP/A0665/W/17/3190601 referred to by the Council. However, I have taken account of the site-specific circumstances of the case before me.
7. Therefore, in terms of paragraph 145 of the Framework there is no requirement for me to consider the proposal under exception (g) relating to the limited infilling or the partial or complete redevelopment of previously developed land. Neither is there a need to consider if '*very special circumstances*' exist as the proposal is not inappropriate development in accordance with paragraph 145 of the Framework.
8. The development plan includes the South Bedfordshire Local Plan Review (2004) (LPR). Some of its policies have been 'saved' through a direction issued by the Secretary of State on 14 September 2007. The 'saved' policies include GB3.
9. Policy GB3 limits infilling within villages to 'Category 2' villages. Tilsworth is a 'Category 1' village for the purposes of this policy and therefore infilling is not permitted. This policy predates the Framework and is more restrictive with regard to infilling within villages than the Framework. Therefore, I give it limited weight in the determination of this appeal as it is not consistent with the Framework. Therefore, in terms of paragraph 145(e) of the Framework the proposal is limited infilling in a village and as a consequence is not inappropriate development in the GB.

Character and appearance of the area

10. The proposed dwelling, despite having a garden similar in size to those being constructed on the adjacent site, would present a narrow frontage to the access way with little space on either side. This would also result in it being viewed as not having as spacious surroundings as other dwellings in the area, including those which are under construction on the adjacent site.
11. As a consequence, the proposed dwelling would appear to be cramped and constrained when viewed from the access way. This impression would be accentuated by the close proximity of the corner of the garage block on the adjacent site, the 1.8 m high fence between the site and No 28 Dunstable Road and its ridge being at 90 degrees to the access way. I accept that the dwelling

would not be read in the street scene along the Dunstable Road, however it would still be publicly visible from the access way. Accordingly, the proposed dwelling would harm the character and appearance of the area.

12. I note what the appellant says about the approved plans for the adjacent dwellings having smaller gardens than those shown in the plans submitted with the appeal. Whilst I have taken these into account in my decision it is not the overall size of the garden of the appeal proposal that harms the character and appearance of the area, it is the lack of space around the dwelling when viewed from the access way. This is what gives the proposed dwelling a cramped and constrained appearance. The new dwellings on the adjacent site however have space around them and that would be apparent when they are viewed from the common areas around them.
13. Furthermore, the space in front of the narrow front elevation of the dwelling would be entirely taken up by car parking. This would result in the front of the proposed dwelling being entirely car dominated to the further detriment of the character and appearance of the area. In contrast the dwellings under construction on the adjacent site have their parking spaces on the opposite side of the access way from their front elevations. This allows their front elevations to contribute to the character and appearance of the area.
14. I have had regard to the evidence supplied by the appellant with regard to car parking at other dwellings in the locality. It appears to me that these dwellings have wider frontages and much deeper front gardens than the appeal site. Both these factors help these front gardens to visually absorb the parking and thereby limit the impact it has on the character and appearance of the dwellings and the area in general. I therefore give this limited weight.
15. The appellant has referred to the orientation of the dwellings shown in figure 5.2 of the statement as being similar to that of the appeal proposal. It appears to me that the dwellings have a wider frontage than the appeal proposal and therefore appear to be suitable to their setting. The appeal proposal on the other hand has a narrow frontage and is very close to the adjacent garage block. I have taken this development into account in terms of how it impacts on the character and appearance of the area so far as I am able based on the information before me. However, I am not aware of the full circumstances of this case and in any event each scheme must be considered and determined on its individual merits. I therefore give this limited weight.
16. I note that the current use of the site is commercial and that would include the parking of vehicles. However, this parking would be in the context of the existing buildings and structures on the site, consequently any vehicles parked in front of them, commercial or otherwise would not detract from the character and appearance of the site as it is already commercial in character.
17. Policy BE8 of the LPR and Policy HQ1 of the emerging Central Bedfordshire Local Plan (2015-2035) deal with design considerations and expect, amongst other things, that development harmonises with the local surroundings. These are supported by the Central Bedfordshire Design Guide. Policy HQ1 is in a local plan that is yet to be adopted. Therefore, I can give it limited weight in this appeal. BE8 is a saved policy of the LPR however it is broadly consistent with paragraph 127 of the Framework and so I give it substantial weight in the determination of this appeal.

18. I find that the proposal would conflict with Policy BE 8 of the LPR.

Conclusion

19. I find that although the development would be limited infilling in a village and therefore not inappropriate development in the Green Belt, it would nevertheless harm the character and appearance of the area. Therefore, for the reasons given above the appeal is dismissed.

Peter Mark Sturgess

INSPECTOR