



Appeal Decision

Site visit made on 13 October 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/P0240/W/3249635

Manor Farm, Brook Lane, Flitton MK45 5EJ

- 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 I Clark against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/00045/FULL, dated 12 December 2019, was refused by notice dated 16 March 2020.
 - The development proposed is conversion of an agricultural building to 2 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an agricultural building to 2 dwellings at Manor Farm, Brook Lane, Flitton MK45 5EJ in accordance with application CB/20/00045/FULL, dated 12 December 2019, subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - Whether the proposed development is an appropriate location for new housing; and
 - The effect of the proposed development upon the character and appearance of the area.

Reasons

Appropriate location for housing

4. The appeal site comprises a relatively modern agricultural building neighbouring an open sided barn. Both buildings sit within a field located on the edge of the village. The barn has a utilitarian appearance although its immediate setting is characterised by modern dwellings comprising converted barns and former agricultural buildings and associated hardstanding and

paraphernalia. The site is accessed through the complex of buildings from Brook Lane - a country lane that leads to the Flit Valley trail.

5. The Council contend that the site is isolated with regard to the National Planning Policy Framework (the Framework). My attention has been drawn to Court of Appeal case *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610 where the word "isolated" was considered, albeit in the context of paragraph 55 of the previous version of the Framework. The judgement concluded that the term isolated should be understood in its plain meaning i.e. physically separated or remote. In other words, the term isolated should be taken to mean physically remote or separate only, in the sense of being isolated from other dwellings or settlements. Taking the above into account and the evidence before me the site is not isolated in the context of paragraph 79 of the Framework.
6. Whilst not isolated, the site sits outside of the village envelope of Flitton. Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) (CSDMPD) sets out that in small villages infill residential development within the settlement envelope is acceptable. Therefore, new development outside of the settlement envelope will be considered to be located within the countryside. As such, the development would be located beyond the settlement envelope and would not accord with CSDMPD Policy DM4.
7. Prior approval was granted in 2019 for the change of use of the appeal building to 2 dwellings under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Based on the evidence there is a reasonable likelihood of this prior approval being implemented were I to dismiss this appeal. This alternative permitted use establishes a fallback position in this case and the principle of residential use to which I attach significant weight. This fallback position exists irrespective of the Council's five-year housing land supply and planning permissions in the area.
8. Whilst the proposed development would conflict with Policies DM4 and CS1 of the CSDMPD, with regard to this matter, when taking into consideration the fallback position I conclude that the site is an appropriate location for new housing.

Character and appearance

9. The proposed works including removal of the central bay to create two detached dwellings, timber cladding and installation of large sections of glazing would alter the barn's utilitarian appearance. The alterations would result in a more domestic appearance, but this would not be dissimilar to neighbouring houses. The proposed development would be commensurate with nearby properties and its scale and appearance would not be unsympathetic to its surroundings.
10. The proposed development would be contained by existing and proposed landscaping with limited local views from nearby properties. There would be longer range albeit glimpsed views of it and moreover, it would be viewed against a backdrop of existing houses. As such, I am satisfied that the proposed development would successfully integrate into the area and that the

proposed development combined with existing houses would not result in landscape harm or overdevelopment of the site.

11. The Council has referred to an appeal decision which they consider is relevant to the appeal. However, based on the limited information before me the appeal was determined some time ago and related to a larger development proposal. The example provided does not lead me to reach a different conclusion. In any event every application and appeal must be considered on its own merits, which is what I have done.
12. I therefore conclude that the proposed development would not adversely affect the character and appearance of the area. It would accord with Policy CS1 of the CSDMPD which, amongst other things, support developments of a limited overall scale.

Other Matters

13. There is no substantive evidence to indicate that the access is unsuitable for vehicles or that the proposed development would adversely affect highway and pedestrian safety. Moreover, I note that the highways authority raised no objection to the application.
14. Whilst there would be more bins for collection each week, considering the short length of time they would be outside I find that they would not affect highway safety. A planning condition for details of the position of the refuse collection point has been imposed in the interests of highway safety and to ensure adequate living conditions for occupiers.
15. There is no substantive evidence that the proposed development would increase the risk of flooding in the area or adversely affect local habitats or wildlife. A planning condition for details of a sustainable water drainage system has been imposed to manage flood risk.
16. I note that the Flitton, Greenfield and Pulloxhill Neighbourhood Plan (NP) has been submitted for examination. The Framework in paragraph 48 sets out that the weight to be given to relevant policies in emerging plans varies according to the stage of preparation, the extent to which there are any unresolved objections and consistency with the Framework. As the NP has not been "made" I afford it limited weight in coming to my decision.
17. I note that the site is on the edge of the Flitton Conservation Area and close to a statutory listed building. However, taking into account the advice of the Conservation Officer I am satisfied that the proposed development would not affect the setting of nearby heritage assets.
18. The nearest settlement with services and facilities is Flitwick a few kilometres away. Given this distance between the site and Flitwick with services and facilities together with the frequency of the bus service future occupiers would be more reliant on private motor vehicles to access services and facilities to meet their day-to-day needs.
19. However, this would be the situation for existing residents of Flitton, and it is acknowledged in the Framework in paragraph 103 that transport solutions will vary between urban and rural areas. Notwithstanding the above, I find that the location of the proposed development and the accessibility to services and facilities would not be unacceptable.

20. There is no substantive evidence, before me, to indicate that the proposed development would result in further Class Q applications or other development proposals in the area.
21. I note that the Parish Council have requested funding towards a footpath and safety improvements along Brook Lane. However, given the modest scale of the development such a request would not be necessary or reasonable.

Conditions

22. The Council has suggested 10 conditions in the event that the appeal was to be allowed. I have considered these in light of the Framework and the Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have undertaken some rewording of the conditions suggested.
23. In addition to the standard three-year time limit condition for implementation it is necessary to specify the approved plans in the interests of certainty.
24. As the site was formerly in agricultural use conditions for the identification and remediation of any potential contamination within the site is necessary in the interests of the health and safety of future occupants. In the interests of sustainability and to mitigate flood risk, a condition for details of a surface water drainage scheme has been imposed.
25. In order to ensure the satisfactory appearance of the development a condition requiring the details of the hard and soft landscaping and boundary treatment has been imposed.
26. Conditions relating to the refuse collection point and vehicle turning space is imposed in the interests of highway safety.
27. A condition for the construction of the development to be carried out in accordance with the Council's Construction Code of Practice for Developers and Contractors has been imposed in the interests of highway safety and to protect the living conditions of existing occupiers.

Conclusion

28. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location and Block Plan Drawing Number CLARKES201; Plan and Elevation Drawing Number CLARKE EXPLEL1 and Plan and Elevation Drawing Number PLELPA101.
- 3) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.
- 4) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 5) No development shall commence until a detailed surface water drainage design has been submitted to and approved in writing by the Local Planning Authority. The agreed design shall be fully implemented and subsequently maintained, in accordance with the agreed management and maintenance arrangements. The scheme to be submitted shall include, at a minimum:
 - Details of the proposed area of hard standing.
 - Plans and calculations showing sufficient disposal, storage and conveyance of surface water runoff from the proposed development (up to and including for the 1in100 year event + a 40% allowance for climate change).
 - Results of site-specific infiltration testing to support the use and design of infiltration devices (in accordance with BRE 365), where infiltration is found not to be feasible then a proposal to discharge surface water off site shall not exceed the greenfield rate/volume and shall demonstrate the receiving system is of sufficient capacity

and condition to receive flows without increasing flood risk elsewhere.

- Details of the layout of the drainage scheme in its entirety and use of sustainable drainage principles.
- Details how the proposed dwellings will be made safe from the risk of flooding from existing sources through the use of flood resistant/resilient measures and methods of construction, as they are set out in the document 'Improving the Flood Performance of New Buildings: flood resilient construction (GLG, 2007)'.
- Overview of proposed construction of the system and any phasing of works.
- Confirmation of the management and maintenance arrangements for the surface water drainage system in its entirety, including any split in public and private responsibilities.

- 6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) boundary treatments;
 - ii) vehicle parking layouts;
 - iii) other vehicle and pedestrian access and circulation areas;
 - iv) hard surfacing materials;

These works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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) No dwelling shall be occupied until details of a refuse collection point located at the site frontage and outside of the public highway and any visibility splays shall be submitted to and approved by the local planning authority. The scheme shall be implemented prior to occupation of any dwelling and shall be retained thereafter for the lifetime of the development.
- 9) No dwelling shall be occupied until space has been laid out within the site in accordance with Site Location and Block Plan Drawing Number CLARKES201 for cars to be parked, the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes for the lifetime of the development.
- 10) The development hereby permitted shall be undertaken in accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors'.