



Appeal Decision

Site visit made on 10 November 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2020

Appeal Ref: APP/P0240/D/20/3255289

The Old Vicarage, School Lane, Husborne Crawley MK43 0UY

- 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 & Mrs Lang against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/00036/FULL, dated 6 January 2020, was refused by notice dated 8 June 2020.
 - The development proposed is described as "amendments and extension to existing house, demolition and reconstruction of outbuilding to habitable space".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants have provided amended drawings¹ which removes the car port structure that would link the outbuilding to the main dwelling. I have considered this drawing in light of the Wheatcroft Judgement². This supports the consideration at appeal of a revised scheme which is substantially the same as that originally proposed. However, it is necessary to ensure that those who should have been consulted on the changed development are not deprived of an opportunity of consultation.
3. In this instance, the proposed amendment is clearly seeking to address the issues of dispute upon which the Council based its decision and if allowed, the effect of the amendments would be that the appeal process would have been used as a means to amend the scheme so as to overcome the reason for refusal. On this basis, I am satisfied that it would be prejudicial to the Council to determine the appeal whilst placing a reliance on the amended scheme.
4. The Council's decision notice refers to Policy DM15 (Biodiversity) of the Central Bedfordshire Council Core Strategy and Development Management Policies 2009 (the CSDMP). However, the Council has clarified that the decision notice should have referred to Policy DM13 (Heritage in Development). The appellants have referred to Policy DM13 of the CSDMP within the written statement and as such, I do not consider that the appellants would be prejudiced by this error.

Main Issues

5. The main issues in this appeal are:

¹ Option B

² Bernard Wheatcroft Ltd v SSE & Harborough DC [1982] P&CR 233

- whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
- the effect of the proposal on the openness of the Green Belt;
- the effect of the development on the character or appearance of the Husborne Crawley Conservation Area; and,
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

6. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions to inappropriate development in the Green Belt listed at paragraph 145 c) of the Framework is where development is for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. The Framework does not provide a definition of what is considered to represent a disproportionate extension and thus, it will be a matter of judgement. The appellants confirm within the Design and Access Statement that the extensions to the house would represent an increase of some 42%, which includes the dwelling's previous extension and is within the 60% increase tolerance stated within the Council's Design Guide³ (the Design Guide).
8. However, the Design Guide does not form part of the development plan and I do not consider that its guiding principle on its own should be determinative in deciding whether the proposal includes disproportionate additions. Numerical values alone do not inform the evaluation of extensions and additions and there is nothing before me to qualify that the figure of 60% as a threshold is supported by adopted local or national policy or guidance. Consequently, the Design Guide has limited weight in my assessment of this appeal.
9. The development proposes an orangery style single storey extension to the side of the property to create a dining room and kitchen area, and a further loggia building within the garden. Although the loggia building would not be attached to the main dwelling, given its close proximity, I consider it to also represent an addition to it. Nevertheless, since the Council refused planning permission for the development that is the subject of this appeal, it has granted planning permission⁴ for these particular elements. From the evidence before me, I see no reason to disagree with the Council's assessment on the matter of the single storey extension and loggia and thus, they need not represent inappropriate development within the Green Belt.
10. Similarly, the Council has also granted planning permission⁵ for the reconstruction of the outbuilding and its relocation to a position very close to the existing building. Although there is a disagreement between the parties to the extent of the demolition or reconstruction of the outbuilding, which is a matter that I will consider later in this letter, the Council has nonetheless approved a scheme that

³ Central Bedfordshire District Council Design Guide 2014

⁴ CB/20/2208/FULL dated 29 September 2020

⁵ CB/20/2203/FULL dated 16 September 2020

allows the replacement of the outbuilding. Again, from the evidence that is presented before me, I see no reason to disagree with the Council's assessment that this particular element need not represent inappropriate development within the Green Belt.

11. However, the development that is the subject of this appeal includes a car port building which would link the outbuilding to the main dwelling. This would create a further area of built development within the appeal site and given its physical linkage to the main dwelling, I consider it to represent an extension to it. Consequently, the enlarged outbuilding, single storey extension and loggia proposed as part of the additions to the dwelling, combined with the proposed car port would represent disproportionate additions over and above the size of the original building.
12. I therefore conclude that the proposal would amount to inappropriate development in the Green Belt, contrary to paragraph 145 c) of the Framework. This is a matter to which I afford substantial weight in the planning balance.

Openness of the Green Belt

13. The concept of openness is not just related to visual appearance or the extent to which development can be seen but is an intrinsic quality, which along with its permanence, is an essential characteristic of the Green Belt. While there is no definition of openness in the Framework, in the Green Belt context, it is generally held to refer to the freedom or absence of development. The fundamental aim of the Green Belt is to keep land permanently open.
14. The construction of the single storey extension, loggia and carport would result in built development where there is not presently any. The proposed enlarged outbuilding would also increase built development at the site. Thus, the development of these new extensions and additions would inevitably lead to the loss of openness. Therefore, although the proposed additions and extensions would be seen against the backdrop of the main dwelling, they would nonetheless reduce the openness of the Green Belt. Thus, it would be in conflict with paragraph 133 of the Framework.

Husborne Crawley Conservation Area (HCCA)

15. The site lies within the HCCA and as such, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.
16. The proposal seeks to demolish the existing outbuilding within the appeal site and replace it with a further building of a similar size and appearance. The outbuilding is visible from the adjacent church yard and through the access into the site. As a result of its evidential and historical association with the Vicarage, the Council argue that the building is a non-designated heritage asset which has a positive contribution to the HCCA and its loss would cause unacceptable harm.
17. The Vicarage and the outbuilding are both identified as "positive buildings" within the Husborne Crawley (Church End) Conservation Area Appraisal 2009. The HCCA is quite large and covers areas of built development and elements of the surrounding countryside. The harm to the HCCA is considered by the Council to be less than substantial and in accordance with paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal including,

where appropriate, securing its optimum viable use. The Council are not persuaded that the public benefits outweigh the harm caused to the HCCA.

18. However, since the Council issued its decision to refuse planning permission for a replacement outbuilding, the appellants have secured a further permission for its reconstruction (see footnote 5). However, the Council argue in its supplementary statement⁶ that the extant permission to reconstruct the outbuilding "*would not demolish the existing outbuilding and would retain its appearance, siting, and would read almost identically to the existing appearance of the site*".
19. The appellants fundamentally disagree with this statement and argue that the approved scheme allows the demolition, rebuilding and repositioning of the outbuilding. From the evidence before me, I find the appellants argument to be compelling and is evident from the plans that were approved as part of the reconstruction of the outbuilding.
20. Moreover, the proposal before me seeks to replace the outbuilding with one that would be largely on the same footprint as the original building. Given that the Council has accepted the replacement of the outbuilding in a slightly altered location, and that the appearance of the proposed replacement would be very similar to the original building, and that any development could be the subject of a condition requiring the re-use of existing materials, I find that the proposed replacement outbuilding would have a neutral effect upon the character and appearance of the HCCA.
21. Thus, the development would have a neutral effect on the character and appearance of the HCCA. It would not be in conflict with Policies CS15 and DM13 of the CSDMP which seek, amongst other things, to ensure that development proposals protect, conserve and enhance the district's heritage.

Other Matters

22. The appellant has suggested that I could issue a split decision, omitting the car port from the scheme and granting planning permission for the remaining elements. Although this is a discretionary function, as stated in my preliminary matter and having regard to the procedural guide⁷ any proposals considered by the appellants to overcome the Council's reasons for refusal should normally be made via a fresh application and that the appeal process should not be used to evolve a scheme.

Green Belt Balance

23. Paragraph 143 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. It would therefore be, by definition, harmful to the Green Belt and I give substantial weight to that harm.
24. The appellants argue that the extensions and additions would preserve and enhance the character of the property. It would also provide benefits through the

⁶ Supplementary Appeal Statement by the Local Planning Authority and Conservation Officer (undated)

⁷ Procedural Guide Planning Appeals – England November 2020

replacement of the outbuilding with a stable construction that would provide additional habitable accommodation and its viable use. Whilst many of the other considerations that have been identified by the appellants weigh neutrally, the proposal would bring about some benefits as set out above. However, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The development would, therefore, conflict with the Framework.

Conclusion

25. I have found that the replacement outbuilding would have a neutral effect upon the HCCA. However, for the reasons set out above, applying the policies of the Framework that protect land designated as Green Belt provides a clear reason for refusing the development proposed.
26. Thus, for the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR