
Appeal Decision

Site visit made on 30 November 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/K0235/W/20/3258267

4 Brook Farm Chase, Little Staughton MK44 2AQ

- 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 Keith Robins against the decision of Bedford Borough Council.
 - The application Ref 19/02528/S73A, dated 5 November 2019, was refused by notice dated 28 February 2020.
 - The development proposed is change of use of agricultural land and erection of dog kennels.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is part-retrospective in the sense that dog kennels (the kennels) have already been erected upon the site. However, at the point in time of my inspection, they had not been fully finished in accordance with the proposed plans submitted. I shall consider the appeal in this context and based on the appellant's stated indication that dogs are not kept at the site for business purposes.

Main Issue

3. Whether or not the site represents an appropriate location for the proposed development, having particular regard to the character and appearance of the area.

Reasons

4. The appeal site sits close to, but outside of, Little Staughton's defined Settlement Policy Area boundary (the settlement boundary), and thus in the countryside in local planning policy terms. Policy 7S of the Bedford Borough Local Plan (January 2020) (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.
5. As indicated in its supporting text, Policy 7S's requirements are intended to provide some flexibility for development to occur in the countryside whilst protecting or enhancing, amongst other facets, the character and appearance of existing settlements and the surrounding countryside. The proposal does not fit within the categories of countryside development that are identified for

support under Policy 7S and I must consider the scheme's merits in this context.

6. The appeal site is predominantly comprised of agricultural land located to the rear of residential development and sits alongside various fields/paddocks/enclosures to its northern, western and southern sides. Indeed, notwithstanding the kennels and other on-site ancillary structures and erections/fences that I observed to exist, the site is read and experienced as a part of the countryside.
7. The kennels are of low scale and stature, being single-storey and of flat-roofed design. They are discreetly sited to the immediate rear of existing residential outbuildings. Furthermore, the intended introduction of feather-edged boarding to the kennels' external-facing elevations would assist in assimilating them with adjoining built form. Clear views of the kennels are not readily available from Colmworth Road and I observed them not to be easily distinguishable from the nearest public footpath to the south. Thus, notwithstanding their position just outside the settlement boundary, the kennels would not, as proposed, appear as a prominent or harmful excursion into the open countryside.
8. Nevertheless, the proposal is not purely focussed upon the kennels. A change of use of the appeal site in its entirety, from agricultural land to residential garden/amenity land, is proposed. Whilst buildings additional to the kennels do not make up part of the scheme that is before me, the intended change of use would be anticipated to lead to a further domestication of open areas of the site through, for example, ongoing management and maintenance of the land for residential purposes and the introduction of associated paraphernalia.
9. The site is situated in an area of countryside where no other similar change of use is expected. Whilst the land in question occupies a setback position to the rear of existing residential development, the site's full depth is not insignificant. Given the predominantly rural character and makeup of the site and its surroundings, I find that the proposed change of use would have a harmful domesticating influence. This is particularly as the scheme's effects would be experienced at relatively close hand by multiple residential occupiers.
10. There are several established and comparatively long rear garden areas in place nearby to the north of the site. However, they do not immediately abut the site and their existence is acknowledged by the position of the settlement boundary. Indeed, the long rear garden areas I reference fall inside the settlement boundary where different policy provisions apply. Furthermore, any future intention to plant the northern and southern boundaries of the site would not provide ample visual mitigation. This is not least because planting takes time to fully establish and is reliant on regular maintenance to retain a consistent form.
11. For the above reasons, the site does not represent an appropriate location for the proposed development having particular regard to the character and appearance of the area. The proposal conflicts with Policies 7S, 28S, 29, 30 and 37 of the Local Plan in so far as these policies require development proposals to have a positive relationship with the surrounding area, integrating well with and complementing the character of the area in which the development is located.

Other Matters

12. I have noted objections/concerns raised by interested parties with respect to matters including whether the kennels are used for commercial purposes, the number of dogs housed at the site, noise and the associated effect upon neighbouring living conditions. However, as I have found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.
13. Whilst concerns have been raised as regards how the development proposal was publicised, it has not been clearly demonstrated that the Council failed to fulfil its statutory duties in this regard.
14. The kennels provide homes for retired and active greyhounds and offer the appellant the opportunity to care for his animals at close quarters in a secure environment without taking trips off-site. These benefits attract some weight, but to a relatively limited level, particularly when noting the size and scale of the kennels. Whilst the proposal would promote an effective use of land, it would do so in a countryside location at odds with the Council's spatial strategy for development. Any benefit of the scheme in this context attracts limited weight. Some biodiversity enhancements could come about from new soft landscaping. However, any such enhancements would be anticipated to be minimal given the relatively constrained opportunities that would avail for new planting. I afford limited weight to this potential benefit of the scheme.
15. The proposal's benefits, when considered cumulatively, would be relatively modest and would not outweigh the considerable harm and associated policy conflict that I have identified. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

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

Andrew Smith

INSPECTOR