



Appeal Decision

Site visit made on 5 October 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/P0240/W/20/3247902

The Stable, Dagnall Road, Dunstable LU6 2LD

- 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 B Cantle against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/02573/FULL, dated 1 August 2019, was refused by notice dated 10 February 2020.
 - The development proposed is described as 'redundant stable block conversion to 1 no 2-bedroom dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a stable block to a 2 bedroom dwelling at The Stable, Dagnall Road, Dunstable LU6 2LD in accordance with the terms of the application, Ref CB/19/02573/FULL, dated 1 August 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. In its decision notice the Council removed the word 'redundant' from the description of development and I have also used the amended description in my formal decision. This is firstly because 'redundant' is not descriptive of the proposed development. Secondly, at the time of my site visit the site and buildings were very much in use for stabling horses.
3. Further evidence was submitted by the appellant in respect of a planning application near the appeal site, which was approved by the Council after the normal deadline for submitting comments had passed. This evidence is relevant to the proposal before me, and the Council has been given an opportunity to comment on it. I am therefore satisfied that no party has been prejudiced, and I have determined this appeal having taken it into account.

Background and Main Issue

4. The appeal relates to the proposed conversion of a stable building to a dwelling on a site within the Green Belt. Paragraph 143 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances. However, Paragraph 146 (d) allows for the re-use of buildings within the Green Belt provided that they are of permanent and

substantial construction, and where the development would preserve the openness of the Green Belt and the purposes of including land within it.

5. The existing stable block is of permanent and substantial construction, and no enlargement of the building is proposed. Although the proposal would result in a hardstanding and parking area being created and the change of use would inevitably lead to the introduction of domestic paraphernalia, the site is already used for the parking of vehicles and storage of a horsebox, as well as other equestrian equipment. The proposal would not therefore lead either to a loss of openness or conflict with the purposes of including land within the Green Belt. Taking these points together it is common ground between the main parties that the proposal would not be inappropriate development in the Green Belt, and on the basis of all the evidence before me as well as my observations on my site visit, I agree. There is therefore no need for me to consider whether or not the development is justified by very special circumstances in respect of its Green Belt location.
6. The main issue is therefore whether or not the site is an appropriate location for the proposed development, having regard to local and national policy.

Reasons

7. The appeal relates to a stable block, which it is proposed to convert to form a 2-bedroom dwelling, along with a small paddock/manège which would become a residential garden with a small area of hardstanding and allocated car parking. It is situated at the end of an access lane which serves four dwellings as well as the appeal site, in a small developed cluster on the western side of the B4506, an unrestricted single carriageway road.
8. Some services are available in the village of Dagnall around 1 mile south of the appeal site, which has a pub, a farm shop, a church, and a (Church of England) primary school. A much greater range of services is available in the town of Dunstable, around 3 miles to the north east. I saw on my site visit that the B4506 connecting the appeal site to both Dagnall and Dunstable has high and densely planted verges in many places, no footways or street lighting, and although traffic volumes were moderate many vehicles were fast-moving.
9. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 of the Framework states that planning policies and decisions should avoid development of isolated homes in the countryside unless one or more listed circumstances apply. This matter did not form part of the Council's reasoning in refusing planning permission, but it considers that the dwelling would be isolated in relation to access to services.
10. Both parties have referred to the Court of Appeal's judgment in *Braintree*¹, which held that 'isolated homes in the countryside' simply referred to dwellings that are physically separate or remote from a settlement. While the appeal site is some way from the nearest services as I have already described, it is close to the dwellings with which it shares an access road, as well as the other dwellings immediately to its north. Accordingly, I do not consider that the appeal site is remote in the ordinary sense of the word, and the proposal would

¹ Braintree DC v. SoSCLG [2018] EWCA Civ 610

not therefore result in the creation of an 'isolated home' in the context of Paragraph 79. There is consequently no need for me to consider the circumstances which would justify allowing an isolated home.

11. Given the road and traffic conditions on the B4506, it is unlikely that occupants of the proposed dwelling would walk or cycle to use services in either Dagnall or Dunstable. I have not been made aware of any public transport routes serving the appeal site. Occupants of the dwelling would therefore be dependent on the use of a private car, although given the range of services available in Dunstable I consider that most journeys would be likely to be reasonably short.
12. Policy SD1 of the 2004 South Bedfordshire Local Plan Review (the SBLPR) takes a sequential approach to preferred locations for development. Among other things, it seeks to ensure that the countryside is protected, and that housing and other development is located in areas which are accessible and environmentally sustainable. The appeal site and its neighbouring properties lie outside any defined settlement boundary, and in planning policy terms the site is therefore within the countryside. Consequently the site is not within any of the four preferred locational categories to which Policy SD1 seeks to direct development. For proposals for sites in other locations, regardless of the type of development proposed, the policy sets out five criteria to be met in order that a proposal will be 'favourably considered'. These include that there is a need for the development that could not be met by proposals in the SBLPR, that there are no sites in the first four categories of the development strategy which could meet that need, and that the proposal is acceptable in terms of Green Belt policy.
13. Policy SD1 is clearly more restrictive than the Framework in terms of the type and location of development that it permits in the countryside. Paragraph 146 of the Framework does not require the reuse of buildings in the Green Belt to be justified by need, and also indicates that planning decisions should promote and support the development of under-utilised land and buildings. While the building was in use for stabling at the time of my site visit, and therefore I do not accept the appellant's assertion that the building is currently disused, it is also the case that its conversion to a dwelling would support its use in the longer term. I have already found that the proposal is not inappropriate in the Framework's Green Belt terms. Furthermore, Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and states that this should be taken into account in both plan-making and decision making.
14. The provision of a single additional dwelling would be a very limited benefit in terms of addressing local housing demand. Given the small size of the property any social or economic benefits arising either from building work during conversion or from its occupation as a dwelling would also be limited. I consider that the proposal would be unlikely to make a significantly greater social or economic contribution to the area than it does in its use as a stable, and it would therefore be neutral in these respects.
15. The appellant has suggested that the proposal would provide a social benefit of an affordable housing unit. However, there is nothing before me to indicate that the proposal would provide affordable housing in line with any of the definitions in the Framework, nor is there any planning obligation or other

mechanism which would secure such a provision. This is not therefore an argument which carries weight in favour of the proposal.

16. As the SBLPR predates the revised Framework and justification has not been provided for the more restrictive policy approach, I find that there is a conflict between Policy SD1 and the Framework. Accordingly, I attach greater weight to the Framework.
17. I find that although there would be reliance on the private car, this would be likely to be for relatively short journeys in the rural context of the surrounding area. The social and economic benefits of using the property as a dwelling would be limited, although securing the building's long-term use would represent a modest benefit. Taken as a whole, I find no harm arising from the proposal which would justify refusing planning permission, and I therefore conclude that the site is an appropriate location for the proposed development. As such, I find no conflict with the provisions of the Framework.

Other Matters

18. As well as the Green Belt, the site is within the Chilterns Area of Outstanding Natural Beauty (the AONB). The Framework emphasises at Paragraph 172 the importance of conserving and enhancing the landscape and scenic beauty of AONBs. The Council considered that the proposed alterations to the stable would be acceptable, and in fact would enhance the appearance of the building. Subject to the use of a condition in respect of landscaping and boundary treatments, I agree that the proposal would not cause harm to the character and appearance of the area, and the landscape and scenic beauty of the AONB would be conserved.
19. The appellant has drawn my attention to two other developments very close to the appeal site where planning permission has been granted for small residential schemes. The first, in March 2018, was for the demolition of existing workshops and their replacement with two single storey dwellings at a property known as Wentworth, a short distance north of the appeal site (LPA ref: CB/17/057031FULL). The second, in September 2020, was for the conversion and extension of an existing commercial garage workshop to form a 3-bedroom bungalow at Edenhurst, a house within the same access lane as the appeal site (LPA ref: CB/20/00382/FULL). I do not know the full details of these cases, although proximity to and accessibility of services was not addressed in the officer report for either proposal. The Council has commented that in both cases it considered that the benefits which would arise to the character and appearance of the Green Belt from the removal or improvement of industrial or commercial buildings justified granting permission.
20. Although the aforementioned planning permissions are material considerations, they principally serve to emphasise that each case must be judged on its own merits, and they have neither set a precedent nor been determinative for this case.
21. Updated housing land supply figures² demonstrate that at the beginning of 2020 the Council could demonstrate a 5.75 year supply of deliverable housing sites. My attention was also drawn to three appeal decisions issued in early 2020 in which Inspectors concluded that the Council was able to demonstrate a

² Central Bedfordshire Council – Five Year Land Supply Statement for the five-year period commencing 1st January 2020

housing land supply of more than five years³. Consequently Paragraph 11(d) of the Framework is not engaged.

Conditions

22. I have considered the conditions suggested by the Council in the light of Paragraph 55 of the Framework and the advice in the Planning Practice Guidance (the PPG). Where necessary I have altered the ordering and proposed wording in the interests of clarity and effectiveness. As well as the standard time limit condition (1) I have specified the approved plan to provide certainty (2).
23. A condition in respect of hard and soft landscaping, including details of proposed boundary treatments, is necessary in the interests of protecting the character and appearance of the area (3). Given the sensitive location of the site within the Green Belt and the AONB, I consider that this should be submitted to and approved by the Council before development commences. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to this pre-commencement condition.
24. In the interests of highway safety a condition is necessary requiring the approved car parking spaces to be provided before the dwelling is occupied, and retained as car parking space thereafter (4).
25. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so, and the PPG advises that conditions restricting the future use of permitted development rights or changes of use '*may not pass the test of reasonableness or necessity*'⁴. In this case, I consider that it is necessary to remove permitted development rights relating to extensions and outbuildings in order to control the effect of the development on the Green Belt and the AONB, and as such conditions restricting the permitted development rights of the dwelling (5 and 6) would be in accordance with the Framework and the PPG.
26. I have not included the condition suggested by the Council requiring a turning area to be provided for light goods vehicles, as the submitted plans and my observations on site suggest that a dedicated turning provision would not be necessary. I have incorporated the Council's suggested condition in respect of boundary treatments into Condition 3, and so a separate condition is not necessary.

Conclusion

27. For the reasons given above the appeal is allowed subject to conditions.

M Cryan

Inspector

³ References APP/P0240/W/16/3164961, APP/P0240/W/19/3236423, and APP/P0240/W/18/3219213

⁴ Paragraph: 017 Reference ID: 21a-017-20190723

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 plan: LB-0157 Rev A.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping, to include all hard and soft landscaping and boundary treatments, and a schedule of landscape maintenance for a period of 5 years. The approved scheme shall be implemented by the end of the full planting season immediately following the occupation of the dwelling hereby permitted or the completion of the development, whichever is the sooner. Maintenance shall be carried out in accordance with the approved schedule. 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.
- 4) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. LB-0157 Rev A for 3 cars to be parked 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 the parking of vehicles.
- 5) Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwelling hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.
- 6) Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

--End of schedule of conditions--