



Appeal Decision

Site visit made on 17 November 2020 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2021

Appeal Ref: APP/P0240/W/20/3255810

Bracken Hill Farm, Eversholt Road, Tingrith MK17 9EG

- 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 and Mrs Philip and Valerie Desborough against the decision of Central Bedfordshire Council.
 - The application Ref: CB/20/00314/FULL, dated 29 January 2020, was refused by notice dated 24 March 2020.
 - The development proposed is partial redevelopment of the site for the creation of two detached dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural matter and Main Issues

3. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in development plan Policy SP4 of the Central Bedfordshire Pre-submission Local Plan 2015-2035 and the revised Framework and I concur with that position. Whilst Policy SP4 has not been adopted and as such cannot be afforded full weight in the determination of the appeal, the Policy states that development in the Green Belt will be assessed against the guidance contained with the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) and because of this, the policy, in its current iteration, is consistent with the Framework.
4. Therefore, the main issues are:
 - i. The effect on the openness of the Green Belt.
 - ii. The effect of the proposal on the character and appearance of the area.
 - iii. Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Openness

5. Prior approval was given for the conversion of the barn to create two semi-detached dwellings (Ref: CB/18/03322/PAAD). Furthermore, a Certificate of Lawful Use or Development (Ref: CB/18/02866/LDCP) was granted for the erection of an outbuilding to the rear of Bracken Hill Farm, which is located to the north of the proposed dwellings. However, the outbuilding has not been built it is not relevant to consider it in the context of the openness of the Green Belt. In making my assessment of the impact on openness, I must consider the impact of the scheme in comparison to the site as it presently stands, taking account of existing structures. Whether the extant permissions represent a fall-back position that weighs in favour of the proposal is a matter that I shall consider later in the decision.
6. The site is located on the edge of a small settlement next to Bracken Hill Farm which is a bungalow. Tingrith Road is tree lined but despite this the barn is visible from the road and thus the public domain. The barn is set back from the roadside and is located on higher ground than the road, although the road itself rises towards Bracken Hill Farm and the centre of the settlement. There are two small single storey storage buildings associated with the barn, one of which is located in front of the barn facing towards the road. The proposed houses would be around twice the height of the barn and would be located in approximately the same location but there would be a small gap between the two dwellings. Whilst that gap would help to break up the mass of the buildings to an extent, from certain vantage points, particularly on the approach from the south east the two buildings would be viewed side to side such that the mass and height would not be broken up by the intervening space. Whilst the trees do partially screen the barn and storage buildings, the two detached dwellings would be more visible through them and because of this, the dwellings would be more visible within the Green Belt. As such, they would have a greater impact upon the visual openness of the Green Belt compared to the existing buildings.
7. The footprint of the proposed buildings would be similar to the barn and two storage buildings. Nevertheless, the two dwellings would be materially larger than the existing buildings and as such, they would have a greater impact upon the spatial aspect of the Green Belt.
8. The proposal also includes the removal of the hardstanding associated with the tennis courts to the rear of Bracken Hill Farm. These tennis courts are not particularly visible from the public domain and the replacement of this relatively large area of hardstanding with a landscaped garden would improve the appearance of the area. Nonetheless, given its concealed location its replacement would have a very limited positive impact upon the visual openness of the Green Belt but would have a negligible impact on spatial openness of the Green Belt.
9. Consequently, the proposal would have a greater impact upon both the visual and spatial openness of the Green Belt. For this reason, the proposal would have a moderate adverse impact upon the openness of the Green Belt.

Character and appearance

10. The barn has not been converted and remains in agricultural use and the outbuilding to the rear has not been built. When viewed with the adjacent bungalow at Bracken Hill Farm, the structures appear as part of a small farmstead that is set away from the main core of the village within undulating

and tree lined countryside. I recognise that the built form of the settlement is sporadic but, nonetheless, the site is visibly within a countryside setting and the existing barn sits comfortably in that environment on account of its form and rustic external appearance. Whilst the existing bungalow is of modern appearance, it is not unusual to find modern farmsteads within the countryside and the overall appearance of the site retains a rural feel.

11. Similarly, the two dwellings on the opposite side of Tingrith Road are set apart from the rest of the village and have the appearance of Victorian lodges or estate cottages which sit comfortably in the rural setting, next to adjacent woodland. Thus, notwithstanding the presence of surrounding properties, the site retains an attractive rural feel.
12. In contrast, the proposed dwellings would have the appearance of large homes with a modern design, akin to a large plot on a suburban estate. Given the degree of separation from the main part of the settlement, and the established rural setting, I consider that the outward appearance would not be sympathetic to the character of the area and would represent incongruous suburban sprawl within the attractive countryside on the edge of the settlement. For the reasons given above, the modern farmhouse and associated buildings do not look out of place in their context. However, the construction of two overtly modern homes would significantly change the appearance of the site. It would no longer have the appearance of a small farmstead in a rural setting but would appear as a collection of modern houses set apart from the main village with no visual relationship with it. In my view that would cause harm to the rural character of the area on account of the outward appearance and design of the proposal.
13. The existing tennis courts would be replaced with a landscaped garden but, given their concealed location, this would have a neutral impact and does not lead me to alter my views on the effect of the proposal. For those reasons, the proposal would cause harm to the character and appearance of the area, contrary to the aims of Policy DM3 of the Core Strategy and Development Management Policies (CS&DMP) (adopted 2009) which states that development proposals should be appropriate in scale and design to their setting. It would also conflict with the aims of paragraph 127 of the Framework which, amongst other things, requires development to be visually attractive as a result of good architecture and to be sympathetic to the surrounding landscape setting.

Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

14. Given that prior approval and a LDCP was granted for the outbuilding and the barn conversion, I consider that this represents a realistic fallback position and there is more than a theoretical possibility it would be implemented if the appeal was to fail, given the appellant's desire to provide accommodation for their children. Consequently, whilst the policy DM4 of the CS&DMP seeks to limit new residential development within the countryside, the principle has effectively been established by the extant prior approval. Thus, notwithstanding the conflict with the development plan in that respect, there would be little reason to withhold permission, as a matter of principle, subject to the development being acceptable in relation to other material considerations.

15. The proposed dwellings would be approximately the same width as the proposed barn conversion but would be around twice the height, although there would be an undeveloped gap between the two detached dwellings compared to the semi-detached barn conversion. The proposed outbuilding would be single storey in height and would not be as wide as the combined dwellings.
16. The appellant has identified that the proposed dwellings would create a similar volume of development as the approved buildings. Nevertheless, the volumetric calculation does not take into account the differences in the built form of the two developments. Firstly, the approved buildings and the two storage buildings are all single storey and secondly, the outbuilding would be located away from the barn and because of this, this low level development would be spread out and in terms of the outbuilding, it would be located in a more visually enclosed location. The proposed dwellings would concentrate the combined volume of development in a visually prominent location across two, two storey dwellings. As such, whilst the two schemes may have a similar built volume, the proposed dwellings would have a greater harmful impact upon the openness of the Green Belt compared to the approved development. Whilst the trees along the roadside are within the control of the appellant, those trees do not completely screen the site, as evidenced at my site visit in the winter months, and would not mitigate for the additional visual impact of the two storey dwellings, as compared to the fall-back position. Consequently, the fall-back position would be less harmful to the openness of the Green Belt than the proposed development.
17. The appellant has said that they would accept a condition that would withdraw the permitted development (PD) rights from Bracken Hill Farm and the proposed dwellings. The purpose of this would be to ensure that any future buildings or extensions could not be constructed via the dwellings PD rights which would allow the Council to control any future development on the site which could have a harmful impact on the openness of the Green Belt. Whilst I do not doubt the sincerity of the appellant's intentions, it would be entirely possible for the appellants to sell the house before any work commences on the two proposed dwellings and the future owners could erect the outbuilding as well as undertake any other development allowed using Bracken Hill Farms' PD rights before implementing the development, which would be the trigger for the PD rights to be removed. It may be possible to control this with a S106 agreement, but one has not been submitted with the appeal that includes such provision. As such, I do not consider it would be possible to enforce this as part of this appeal.
18. Even if that were possible, the extent to which future occupiers would seek to utilise permitted development rights is unknown but, in most cases, structures are likely to be limited to modest garden buildings or extensions. I am not satisfied that the removal of such rights would provide sufficient mitigation against the harm to openness that would arise from the two storey dwellings which would have a significant visual impact on the openness of the Green Belt over and above the approved conversion.
19. I recognise that the likely fall-back position is that the existing building would be converted into two dwellings should the appeal fail. That would result in the introduction of residential uses into the countryside and would result in change to the appearance of the site. Nonetheless, the conversion would broadly retain the form of the existing barn. The single storey structure would be less

visible than the proposed dwellings and the form and appearance of the building would be more reflective of the existing barn which sits comfortably in its setting. In contrast, the two large dwellings would be more visible and would have an urban appearance that would contrast awkwardly with the rural surrounds. Consequently, the harm to the character and appearance of the area would be notably greater when compared to the potential fall-back scenario.

20. The need to provide accommodation and storage space for the appellant's children could still be provided by the converted barn and outbuilding. This need would be the personal circumstances of the appellants and personal circumstances would scarcely ever justify permanent development within the Green Belt. As such, this is a consideration that attracts limited weight in favour of the development.
21. The appellant has referred to a number of appeals and applications, most of which relate to the veracity of the fall-back position in those cases. As I have concluded that there is a likelihood that the fall-back position would be implemented, which is a similar position to that taken for those schemes, there is nothing further to add on that matter. The specific details of each of those schemes would have been critical to the assessment in terms of the comparison between the fall-back scenario and the development proposed. It is not clear that any of them can be directly compared to the current scheme which I have assessed on its individual merits. Consequently, the fact that other schemes have been approved elsewhere does not justify these proposals.

Conclusion and Recommendation

22. Paragraph 143 of the Framework identifies that inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 144 states that substantial weight must be given to any harm to the Green Belt and that very special circumstances will not exist unless that harm, and any other harm arising from the proposal, is clearly outweighed by other considerations. The proposed development would cause harm to the Green Belt by reason of inappropriateness and would result in a reduction in the openness of the Green Belt, which would conflict with one of the key purposes of designating land within the Green Belt and the relevant policies of the development plan. I attach substantial weight to those matters.
23. It would also cause harm to the character and appearance of the area and I attract moderate weight to that, given the relatively localised impact. Whilst there is a reasonable prospect that the appellants would build the approved development, I find that the conversion would cause less harm to the character and appearance of the area and would have less impact on openness than the proposed scheme. Consequently, no substantial benefit would arise in comparison to the appeal scheme and the likely fall-back position does not add any significant weight in favour of the proposal. I recognise the personal need to provide accommodation for the appellant's children, but personal needs will seldom outweigh more general planning considerations and I attach limited weight to that matter.
24. The other considerations in support of the appeal do not, on balance, clearly outweigh the harm to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

25. Having regard to the above, the identified conflict with the development plan and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR