



Appeal Decision

Site visit made on 12 November 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/P0240/W/20/3256460

Land opposite No 1 Winchfield, Caddington, Luton LU1 4NE

- 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 Mark Bristow, Burgundy Developments Limited against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/01284/FULL, dated 15 April 2020, was refused by notice dated 11 June 2020.
 - The development proposed is two new detached dwellings with attached garages and the creation of a single replacement visitor parking space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt in terms of the National Planning Policy Framework ('the Framework') and development plan policy;
 - ii) The effect of the proposal on the openness and purposes of the Green Belt;
 - iii) The effect of the proposal on the character and appearance of the area;
 - iv) If the proposal would be inappropriate development whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

3. The appeal site is a parcel of land comprising grassland, established vegetation and some mature hedgerows with no built form. The site is located in an edge of settlement location, outside the defined village boundary of Caddington.
4. The site is also in an area which forms part of the South Bedfordshire Green Belt. Policy GB1 of the South Bedfordshire Local Plan Review (2004) (Local Plan Review) ('LP') reflects the general aims of the Framework in terms of protecting the Green Belt by allowing only certain types of development.

5. The Council's decision notice also refers to Policy H12 of the LP. However, this Policy specifically supports limited infill development within the village boundaries of certain villages, excluding amongst others Caddington. Furthermore, I concur with the Council that based on case law, the issue of 'infill' is a question of planning judgement based on an assessment of the position of development on the ground and that village boundaries should not be determinative. I, therefore, give Policy H12 little weight in my consideration of the appeal proposal. Accordingly, I consider the Framework to be the main consideration in terms of the green belt.
6. The appellant asserts that the Council has supported infill development elsewhere in edge of settlement locations. Paragraphs 145 and 146 of the Framework establish that within Green Belts the construction of new buildings is inappropriate, subject to a number of exceptions. This includes Paragraph 145 e) limited infilling in villages.
7. There is no definition of 'limited' or 'infilling' within the Framework. In my view, this would be filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage.
8. The appeal site is bordered to the north east by the gardens for dwellings along Chaul End Road and a protected woodland area to the north and west. The woodland also creates an appreciable degree of physical and visual separation from the nearest dwelling along Winchfield. Moreover, in part, the area required to facilitate the proposed development forms part of an established landscaped frontage along Winchfield, and development within it would be separated from other built forms by the adjoining woodland and gardens. Consequently, the proposed development albeit for two dwellings would not infill or 'round-off' an otherwise extensively built-up frontage.
9. For the above reasons, even if I were to consider the appeal site to be part of the village, the proposal does not constitute infill development. None of the other exceptions listed in Paragraph 145 of the Framework apply. Therefore, having regard to both the development plan and the Framework, it is inappropriate development. The Framework makes clear that inappropriate development is harmful to the Green Belt, which should be given substantial weight in decision making.

Effect on the openness and purposes of the Green Belt

10. Although the appellant asserts that the site is underused, it still forms part of the Green Belt and being free of any significant development, contributes to its openness. As set out under Paragraph 133 of the Framework, the essential characteristics of Green Belts are their openness and their permanence.
11. The construction of two dwellings on the site would introduce permanent built development on an undeveloped site. The footprints of the dwelling and their bulk would lead to a significant loss of openness. This is a further aspect of Green Belt harm.

Character and appearance

12. The appeal site is largely bound by landscaping. In particular, to the south along Winchfield the site incorporates a large established hedgerow and other landscaping, this along with planting to the side boundary of 40 Chaul End Road

and the woodland area surrounding the appeal site, contribute to the landscaped setting along Winchfield, which positively contributes to the visual amenity of the area.

13. The introduction of two dwellings in this location would result in the part removal of the existing hedgerow and together with the new built development would erode the overall quality of this landscaped frontage.
14. Consequently, the proposal would harm the character and appearance of the area. I therefore find conflict with the design aims of the Framework, which requires that decisions should ensure that developments are sympathetic to local character, including the surrounding landscape setting.

Other considerations

15. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It is stated that very special circumstances 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.
16. I have been referred to a number of schemes for infill housing which the Council has supported elsewhere in the area. However, as I have limited information in respect of these, I am unable to draw any meaningful conclusions. In any event, each application is determined on its merits and in this particular case, for the reasons given above I attach little weight to the stance taken by the Council in respect of other proposals on different sites.
17. Even if the appeal site is identified as a 'windfall' site, it still forms part of the Green Belt and the proposal would harm this. Whilst the Framework supports the efficient use of land, this is subject to safeguarding and improving the environment, which is not the case here. Matters relating to a previously refused planning application Ref: CB/19/01385/FULL at the appeal site are separate from this appeal. Therefore, these considerations accrue little weight in the overall balance.

The Green Belt balance

18. The proposal would harm the Green Belt by way of inappropriateness and loss of openness. The Framework requires substantial weight to be given to any harm to the Green Belt. There would also be harm to the character and appearance of the area.
19. Having taken account of all considerations raised in support of the proposal, 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. As such, the proposal conflicts with the Policy GB1 of the LP and the Green Belt and design provisions of the Framework.

Conclusion

20. For the above reasons I conclude that the appeal should fail.

M Aqbal

INSPECTOR