



Appeal Decision

Site Visit made on 10 November 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by M Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2021

Appeal Ref: APP/P0240/W/20/3257146

Land next to Jersey Cottages, Peddars Lane, Stanbridge, LU7 9JF

- 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 Mitchie against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/01370/FULL, dated 23 April 2020, was refused by notice dated 6 July 2020.
 - The development proposed is described as 'New Duplex House with new access and double garage'.
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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.

Preliminary Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

4. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area.
 - If the development would be inappropriate, whether the harm to the Green Belt by way 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

Whether Inappropriate Development

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
6. The Council has not referred to any saved development plan policies from the South Bedfordshire Local Plan Review 2004 (LP) in assessing the impact on the Green Belt, relying instead upon the Framework. This general approach is consistent with that advocated in Policy SP4 of the Central Bedfordshire Pre-Submission Local Plan 2015-2035 (ELP), with both parties having referred to this document in their evidence. However, given the current stage towards adoption reached by the ELP it must carry only very limited weight as a material consideration for the purposes of decision-making.
7. Paragraph 145 of the Framework establishes that new buildings in the Green Belt (GB) are inappropriate, subject to a number of exceptions. The appellant has contended that the proposed development of the appeal site would accord with the exception set out in paragraph 145(e) of the Framework and would not therefore represent inappropriate development. This exception refers to the acceptability of *limited infilling in villages*.
8. The appeal site is physically and visually separated from the main built-up areas of Stanbridge, which are focussed around Station Road and Tilsworth Road. The site possesses a rural and open character consistent with its current agricultural use.
9. The Framework does not provide a definition of limited infilling. However, with reference to paragraph 8.6.3 of the ELP, the appellant contends that the proposal would meet the criteria for infill development. I acknowledge that the proposed development would be limited to 2 dwellings and they would have similar plot widths to other properties in Peddars Lane. Nevertheless, the significant depth of the appeal site indicated as being 130 metres, would be significantly greater than that of the neighbouring properties to the west, contrary to the appellant's submissions. In this respect, I do not regard the proposal as reflecting the existing pattern and grain of development in the vicinity and cannot therefore be concluded to be limited in its scale.
10. From the evidence submitted and my site visit, I also noted that whilst the 4 properties to the west of the site have a direct frontage to Peddars Lane, Bluegate Farm (BF) and Jersey Cottages (JC), to the east, do not continue a built up frontage along Peddars Lane in this direction. Instead the frontage is defined by an undeveloped part of the curtilage to No. 1 JC with open paddock land to the east of the access to BF and JC, and with further open land beyond. Consequently, I am unable to agree that the appeal site represents a gap in an otherwise built up frontage and as a result the proposed development would not constitute an infill site.
11. On the basis of the above assessment, whilst the quantum of development would be reasonably described as limited, the extent of the appeal site in respect of its overall size would not support a contention of being limited. Furthermore, the absence of an otherwise built up frontage along Peddars Lane would preclude the site from being regarded as an infill site for the purposes of

assessment in the context of the Green Belt. I do not consider that the proposed development of the appeal site would therefore accord overall with a reasonable definition of limited infilling.

12. I have noted the submissions of the parties regarding whether the appeal site should be regarded as being within Stanbridge and therefore within a 'village' for the purposes of the Green Belt assessment. However, for the reasons which I have already set out above with regards to defining limited infilling, I do not find the need to draw any conclusion on this matter as it is ultimately not critical to my decision-making in this instance.
13. It is my conclusion that the proposed development would not accord with paragraph 145(e) of the Framework, and therefore the development of the site in the manner proposed would be considered to be inappropriate development within the Green Belt. I also find there to be conflict with Policy SP4 of the ELP.

Openness

14. The Framework identifies that the essential characteristics of Green Belts are their openness, along with their permanence.
15. The Courts have confirmed that the openness of the GB has a spatial aspect as well as a visual aspect. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the GB as a result. But equally this does not mean that the openness of the GB has no visual dimension.
16. The site comprises an open field with a hedgerow along the Peddars Lane frontage. The proposed dwellings are substantial structures and would project well above the existing hedgerow. They would be clearly visible from the road, and from the opposite footpath. Moreover, the creation of the proposed vehicular access, would necessitate the removal of a substantial part of the hedgerow adding further prominence to the proposed development.
17. As a consequence, the proposed development would have a significantly greater impact on the openness of the GB than the existing agricultural field, in that openness would be both spatially and visually reduced. As a consequence, the development would be contrary to the two essential characteristics of the Green Belt.

Character and appearance

18. The village of Stanbridge has a well-defined centre surrounded by sporadic development. The appeal site falls outside this centre. From my site visit I noted that the dwellings to the west of the site were of a more modern style and were predominantly bungalows. The area to the north of the appeal site contains a patchwork of open fields, with hedgerows fronting Peddars Lane, broken up by small groups of buildings that have a distinct cottage style. BF and JC lie immediately to the east of the appeal site and comprise a group of traditional single and two-storey building that would be typically found in a rural location.
19. The proposed development would provide a pair of dwellings, sited a modest distance from Peddars Lane, and would occupy a significant part of the plots width. In addition to the built form of the dwellings, the proposed development would incorporate a drive and car parking area, and a detached double garage. The proposed dwellings would possess a similar size of frontage and footprint

to other nearby properties. However, as a result of their siting, scale and design, they would introduce a form of development that would be at odds with the neighbouring properties to the north and east, which are more typical of the rural character of this part of Peddars Lane.

20. Furthermore, the loss of a significant part of the hedgerow to create the vehicular access, would open up the frontage to the site resulting in the loss of a natural feature, which would have a detrimental impact on the wider landscape and cause harm to the character and appearance of this part of Peddars Lane. Whilst I acknowledge that new landscaping could be provided as a condition of any planning permission this would not replace the well-established hedgerow along the frontage of the site which makes a positive contribution to the character and appearance of the area.
21. Overall, I consider the dwelling would harm the rural character and appearance of the area. Consequently, it would not accord with policy BE4 of the LP which requires development, amongst other things, to be in harmony with its surroundings, with any natural features protected and enhanced.

Balancing of considerations and whether very special circumstances exist

22. The proposal would be inappropriate development in the GB and the presumption against inappropriate development means that this harm alone attracts substantial weight. Further harm to the GB would be caused as a result of a loss of openness and the impact of the proposed development on the character and appearance of the area.
23. Notwithstanding the harm identified above, paragraph 144 of the Framework requires decision-makers to have regard to whether there are any other considerations which would clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, thus amounting to very special circumstances.
24. Whilst the use of the site may contribute to the supply of housing in the area, increase housing choice, and provide some economic benefits during construction and to local services after occupation, these benefits would be limited given the quantum of development proposed. I give these matters limited weight.
25. The matters advanced in support of the proposal, even when taken together, at most carry limited weight and would not be sufficient to clearly outweigh the harm identified to the GB. Consequently, the very special circumstances necessary to justify inappropriate development in the GB do not exist.

Conclusion and Recommendation

26. For the reasons given above and having regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

M Seaton

INSPECTOR