

Appeal Decision

Site visit made on 9 February 2021

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2021

Appeal Ref: APP/P0240/W/20/3262804

Land at Mount Pleasant, Aspley Guise

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Greensand Properties LLP against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/01424/OUT, dated 29 April 2020, was refused by notice dated 14 July 2020.
 - The development proposed is the erection of two detached dwellings with detached garages served by a shared private driveway that joins Mount Pleasant via an existing agricultural access, including the provision of a public footpath.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dwellings with detached garages served by a shared private driveway that joins Mount Pleasant via an existing agricultural access, including the provision of a public footpath at Land at Mount Pleasant, Aspley Guise in accordance with the terms of the application, Ref CB/20/01424/OUT, dated 29 April 2020, subject to the attached schedule of conditions.

Preliminary Matters

2. The application was made in outline with all matters except for access reserved. I have therefore treated any details relating to those reserved matters as being illustrative only.
3. In the interests of certainty, I have used the site address from the decision notice in the heading above.
4. I note the Central Bedfordshire Pre-submission Local Plan 2015-2035 January 2018. However, since there is no certainty that the policies within will be submitted in their current form, I attach them limited weight.

Main Issue

5. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.

Reasons

6. New buildings in the Green Belt are inappropriate development unless they fall in one or more of the exceptions given in para 145 of the National Planning Policy Framework (Framework), one of which is limited infilling in villages.

7. From the evidence before me and my observations during the site visit, given the proximity to existing built development, the site appears to be located within a village. Since the proposal is for two dwellings only, the development would be limited. These points do not appear to be contested by the Council.
8. The term infilling is not defined within the Framework. However, the Core Strategy and Development Management Policies Adopted November 2009 (CS) states, within the explanatory text for Policy DM4, that infill development can be defined as small-scale development utilising a vacant plot which should continue to complement the surrounding pattern of development.
9. The site is a vacant plot that forms a substantial gap between existing dwellings along this part of Mount Pleasant. While I note the size of the gap in the otherwise built-up frontage and that the site is not entirely enclosed by residential development on all sides, given the number of dwellings proposed and the size of the site, I see no reason why the two dwellings could not constitute small-scale development and complement the surrounding pattern of development subject to careful consideration of reserved matters relating to scale and layout. As such, the proposal falls within the definition of infilling as set out in the development plan.
10. I note the comments of the Inspector for the previous appeal on the site. However, since that scheme was for five dwellings and the relevant planning application made in full, it is not directly comparable with this appeal. In any event, each case must be determined on its individual merits.
11. CS Policy DM6 states that the Council will consider infill development acceptable in principle within the defined Green Belt Infill Boundaries. The site lies outside the Green Belt Infill Boundary for Aspley Guise. Since the Policy does not preclude development outside of Green Belt Infill Boundaries, the scheme would not conflict with it.
12. Therefore, the proposal would not be inappropriate development in the Green Belt having regard to the Framework as it would represent limited infilling in a village. Therefore, it would not conflict with CS Policy DM4 which states, among other things, that within settlement envelopes in small villages, development will be limited to infill residential development and small-scale employment uses.
13. Since the proposal constitutes limited infilling in a village, a consideration of openness is not necessary. The Council has also expressed a concern about visual amenity but as this seems to be related to openness that too need not be considered.

Other Matters

14. A native hedge extends along the front of the site a large part of which, from the evidence, would be likely to be removed. The indicative drawings show a native hedge to be planted close to the position of the existing hedge. Moreover, detailing regarding the hedge and wider landscaping could be dealt with via the reserved matters application relating to landscaping.
15. I acknowledge the evidence regarding the Ecological Appraisal submitted by the Appellant and the Greensand Ridge Nature Improvement Area. While I

note the hedgerows are considered to be features of ecological importance at the local level, the evidence indicates that they are not deemed to be "Important" under the criteria laid down by the Hedgerow Regulations 1997. Moreover, the Ecological Appraisal states that no specific records of any protected, rare or notable plant species from within or immediately adjacent to the site were included within the information returned from the Records Centre, and no evidence for the presence of any such species within the site was recorded during the survey work undertaken. Therefore, I see no reason why these matters cannot be dealt with via a suitably worded condition. Accordingly, the proposal would not conflict with CS Policies DM15 and CS18 which relate to Biodiversity and Geological Conservation.

16. I note local concerns regarding highway safety and traffic. I also acknowledge local concerns including those regarding flooding, affordable housing, noise disturbance and local infrastructure. However, these points were assessed by the Council when it assessed the application and it did not raise an objection with respect to these particular matters subject to the attachment of suitably worded conditions. From the evidence before me I see no reason to disagree.
17. I also note other local concerns including implementation of the proposed footpath and the effect on views to the countryside from the existing properties of Mount Pleasant. However, such matters are not an influential factor on the outcome of this appeal, and I have necessarily considered the proposal on its merits.
18. I note concerns regarding the effect of the development on the outlook and light to neighbouring properties as well as access to the field at the rear of the site. However, given that the proposal is for two dwellings, I am persuaded that these matters could be dealt with during a reserved matters application relating to scale and layout. As such, these matters have not altered my overall conclusion.
19. I acknowledge concerns that the proposal would set a precedent for future development. Also, while the Council has referred to an appeal decision at Heath and Reach, limited details are before me to enable a direct comparison with this appeal. While I also note the comments of the Inspectors for the cases at Timber Ridge, Woodcote and Frogmore, these cases are in different locations to the appeal site and therefore do not form direct comparisons with this appeal. In any event, each case must be determined on its individual merits.

Conditions

20. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included conditions relating to the proposed access and specifying the relevant plans as this provides certainty.
21. The conditions relating to ecology, an environmental code, landscaping and refuse are necessary to safeguard biodiversity and the character and appearance of the area and a condition regarding drainage is necessary in the interests of flood risk.

22. Since scale and layout are matters for future consideration, the suggested conditions removing permitted development rights are not reasonable or necessary for the proposal to be acceptable in planning terms.
23. The condition relating to electric car charging is necessary to promote sustainable modes of transport and the condition relating to construction work is necessary to safeguard the living conditions of neighbouring occupiers.

Conclusion

24. For the reasons given above the appeal should be allowed.

R Sabu

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans: 0715-L4 REV A and MPAG01 REV B insofar as these plans concern matters that are not reserved for later consideration.
- 5) Prior to the commencement of development details of the access/junction arrangements shall be submitted to and approved in writing by the Local Planning Authority and no dwelling approved under any subsequent reserved matters application shall be occupied until such time as the agreed works, including the provision of 2.4m x 43.0m visibility splays, clear of all obstruction, have been implemented.
- 6) The application to be submitted for approval of reserved matters in connection with this development shall include a detailed landscape planting scheme based on the indicative planting positions shown on the 'Indicative Soft Landscape Proposals' (plan MPAG 01 Rev B, C.A.T. Landscape Consultants). The detailed planting scheme shall be supported by a landscape planting specification and a landscape maintenance programme, to demonstrate that the planting shall be maintained for a period of five years until satisfactorily established, with any losses replaced in accordance with the approved planting plan and planting specification. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and / or first occupation of the development (a full planting season means the period from October to March).
- 7) Prior to the commencement of development an Ecological Enhancement Strategy (EES) shall be submitted to and approved in writing by the local planning authority. The EES shall include the following:
 - a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

- g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance. The EES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- 8) Prior to the commencement of development, a detailed surface water drainage design shall be submitted to and approved in writing by the local planning authority. The design shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the local planning authority. The scheme to be submitted shall include, at a minimum:
- a) Plans and calculations showing sufficient disposal, storage and conveyance of surface water from all areas of hardstanding (up to and including for the 1 in 100 year event + a 40% allowance for climate change).
 - b) Results of site-specific infiltration testing to support the design of infiltration devices (carried out in accordance with BRE 365).
 - c) Details of the full design of the surface water drainage system in its entirety and use of SUDS, including permeable/porous paving.
 - d) Assessment of the existing flood risk and mitigation required to protect access, people and property, including the risk of flooding from the adjacent road.
 - e) Overview of proposed construction of the surface water drainage system and any phasing of works.
 - f) Confirmation of the management and maintenance arrangements for the surface water drainage system in its entirety, including any split in public and private responsibilities.
- 9) Prior to the commencement of development details of a bin storage/collection point shall be submitted to and approved in writing by the local planning authority. The facility shall be fully implemented in accordance with the approved details before the development is first occupied and thereafter retained for this purpose.
- 10) Prior to the first occupation of the development one parking space for each dwelling shall be provided with passive provision for electric car charging, i.e. the infrastructure shall be in place to enable electric charging, and shall thereafter be retained.
- 11) The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Environmental Code of Practice'.
- 12) The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors'.

END OF SCHEDULE