
Appeal Decision

Site visit made on 15 February 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/P0240/W/20/3262687

Land to the south east of Hollybrook, The Rye, Eaton Bray LU6 2BQ

- 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 Deborah McNamara against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/01072/FULL, dated 24 March 2020, was refused by notice dated 15 May 2020.
 - The development proposed is demolition of the existing buildings and structures and the erection of 3 No. dwellings with associated open space, landscaping and car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has submitted its emerging Local Plan for examination. There is no timescale for its adoption, and therefore its policies attract limited weight in the determination of this appeal.
3. The appellant has submitted amended plans with the appeal omitting the dormer windows from one elevation of the proposed house on Plot 1. Having regard to the principle established in *Bernard Wheatcroft Ltd vs SSE* [JPL, 1982, P37], to determine the appeal based on these amended plans may deprive interested parties of the opportunity to comment on the revised development as matters of character and appearance were raised by residents in their representations. This appeal has therefore been determined on the plans on which the Council based its decision.
4. The appellant has also submitted additional details regarding surface water drainage. Having regard to the principle established in *Wheatcroft*, these address technical matters and the Council and consultee have had the opportunity to review them. I have therefore taken these amended details into consideration in determining this appeal.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework,
 - The effect on the living conditions of neighbouring and future occupiers,

- Whether it would provide safe access to the highway,
- The effect on the character and appearance of the area; and,
- 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

Whether inappropriate development

6. Paragraph 145(g) of the National Planning Policy Framework (the Framework) states that the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development is not inappropriate development in the Green Belt. It is not in dispute that the appeal site comprises previously developed land, and therefore it is necessary to determine whether the appeal proposal would have a greater impact on Green Belt openness.
7. Green Belt openness has both a visual and spatial element. The existing site is developed to its full depth excepting the area immediately surrounding the pond. The appeal proposal would result in a more compact footprint of development, in line with the approved development on the neighbouring former nursery site. The remainder of the site would be restored to greenfield.
8. However, while the extent of developed land would be reduced, the three proposed houses would be substantially larger buildings than anything currently existing on the site except for The Annex. The existing buildings to be removed are low level buildings of simple form. The three proposed houses would each have pitched roofs and substantial, enclosed car ports, and the house on Plot 1 would have a second storey, mirroring the houses on the adjacent former nursery site. While the footprint of development would be reduced, the proposed houses would be substantially more prominent in views from neighbouring properties and in the surrounding area.
9. The size of the proposed houses and car ports, together with the accumulation of domestic paraphernalia that would inevitably accompany the creation of three houses of this size, would result in a substantially greater impact to the openness of the Green Belt than the existing development. The reduction in extent of the developed footprint of the site would not be sufficient to offset that greater impact.
10. The appeal proposal would therefore be inappropriate development in the Green Belt, contrary to the objectives of the Framework.

Living Conditions

11. The house on Plot 1 would have dormer windows directly facing those to the house on the neighbouring plot of the former nursery site. This would allow the occupiers of the two houses to be able to see into one another's bedrooms. While there is a tree on the shared boundary this would only provide limited screening of the windows, and only when in leaf.

12. The appeal proposal would therefore fail to provide satisfactory living conditions for the future occupiers of Plot 1, and the neighbouring dwelling on the adjacent site. This would be contrary to Policy BE8 of the South Bedfordshire Local Plan 2004 (the LP) which requires, amongst other criteria, that development have no unacceptable adverse effect upon general or residential amenity and privacy.

Highway Access

13. There is a single highway access for the whole site which is immediately adjacent to that of Hollybrook. The presence of the established hedge significantly limits visibility to the left on leaving the site as well as for vehicles approaching the site. The appellant states that there is no intention to remove any part of the hedge.
14. The appeal proposal would increase the number of dwellings on the site. Given that the proposed houses would each have three bedrooms the volume of traffic generated would probably be greater than that resulting from the existing use. The speed limit changes from 30mph to 60mph for vehicles leaving the village a short distance from the site, and this is likely to result in vehicles accelerating as they approach the site from that direction.
15. The highways access fails to achieve the minimum visibility splays required in this location, and there are no proposals to improve visibility as part of the appeal proposal. It would therefore fail to provide safe highway access, contrary to the requirements of the Framework, which states that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Character and Appearance

16. The proposed houses would be substantially larger than any building currently on site, with the largest house on Plot 1 sited towards the front of the site. It would be the same height as the neighbouring house on the nursery site, and visible above the substantial hedgerow fronting The Rye. It would be a more intrusive form of development, harmful to the rural character of the area which in the immediate vicinity is defined principally by low level development screened by established hedgerows.
17. The general character of the development would be broadly appropriate in this rural setting, and it would deliver improvements through the restoration of the flat and open northern part of the site. In addition, the development would be set back from the boundary with The Rye, which would somewhat limit the prominence of the house on Plot 1 from the highway. However, these considerations would not be sufficient to outweigh the harm to the character and appearance of the area that would result from the development.
18. The appeal proposal would therefore conflict with Policy BE8 of the LP, the requirements of which include that the overall appearance of the development should complement and harmonise with the local surroundings.

Other Considerations

19. The appellant has identified considerations that they contend weigh in favour of the appeal proposal. It would improve the condition of the northern part of the site, restoring it to open and undeveloped land. The Permitted Development

rights of the new houses could be removed by condition, preventing further extensions to the houses or other built development on the site.

20. The Framework states that substantial weight must be given to any harm to the Green Belt. The identified considerations would, due to the limited scale of development, result in limited benefits that would not clearly outweigh the harm by reason of inappropriateness and the harm to the living conditions of neighbouring future occupiers, highway safety and the character and appearance of the area. Accordingly, very special circumstances do not exist in this instance.

Other Matters

21. My attention has been drawn to the approved residential development on the neighbouring former nursery site. However, only limited details of that development have been submitted, and these do not include the extent and scale of built form on the site prior to its redevelopment. It therefore only attracts very limited weight in the determination of this appeal. In any case each appeal must be determined on its own merits, which this appeal has been.
22. The Council considers that the matter of surface water management could be addressed by a suitably worded condition if the appeal were to be allowed. I see no reason to disagree with this view.

Conclusion

23. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR