



Appeal Decision

Site Visit made on 23 March 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2021

Appeal Ref: APP/P0240/W/20/3261325

Hiam Business Centre, Russell Farm, New Road, Maulden MK45 2BG

- 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 Golam Yahiya against the decision of Central Bedfordshire Council.
- The application Ref CB/20/01952/FULL, dated 11 June 2020, was refused by notice dated 9 September 2020.
- The development proposed is conversion of B1(a) office units to 9 residential properties.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was amended during the course of the application so as to reduce the number of proposed residential properties. Therefore, the description of development in the header above is taken from the appeal form and Council decision notice rather than the application form.
3. The emerging Central Bedfordshire Local Plan 2015-2035 (eLP) has been submitted to the Secretary of State to be examined and a proposed main modifications document has been produced for consultation purposes. While it is fairly well advanced, the examiner's report has not yet been issued and so there is a degree of uncertainty whether the eLP policies will be adopted in the form presented to me. As such, I attribute modest weight to the eLP policies in my assessment.

Main Issues

4. The main issues are (i) the effect of the proposal on the rural economy, (ii) the effect on the character and appearance of the area, and (iii) whether the development would be in a suitable location having regard to development plan policies, the National Planning Policy Framework (Framework) and accessibility.

Reasons

Rural economy

5. The site is in a rural location and includes 2 recently constructed rows of office buildings. It is designated as a key employment site under policy E1 of the Central Bedfordshire Site Allocation Plan 2011 (SAP). Policy CS10 of the Central Bedfordshire Core Strategy 2009 (CS) looks to safeguard such sites for future employment use, although a flexible approach is to be adopted to those which have been underperforming. In addition, CS policy CS11 seeks to support the rural economy by safeguarding rural employment sites unless it is clearly

demonstrated that they are unfit for purpose and unable to be redeveloped for employment use. Also, this policy supports diversification of the rural economy through conversion of redundant properties in the first instance to commercial, industrial, tourism and recreational uses. The development plan policies are in general accordance with the Framework's provisions that promote rural business growth.

6. The buildings on the site have been advertised as offices for rent and sale for over 2 years, although none of the subsequent enquiries have resulted in any of the office space being let or sold. This unsuccessful marketing clearly indicates difficulties in securing occupancy of the buildings, although the appellant's property agent's reports suggest that a general lack of demand for local office accommodation is a possible reason for the failure to attract occupiers. As such, this information fails to convincingly demonstrate that the buildings are unfit to be used as offices.
7. The internal layout with a number of small rooms have deterred potential occupiers looking for open plan offices. However, it is stated that the appellant is willing to make alterations at his own expense to secure an office user and so the room arrangements do not make the buildings unfit for office purposes.
8. Also, the units have been primarily advertised as offices and so the marketing exercise fails to clearly establish whether there is demand for the site to serve other commercial, recreation or tourism associated purposes. The referred to interest from a veterinary practice indicates that the buildings may be suitable for this and similar purposes. The potential need for planning permission does not affect the capability of the buildings to accommodate alternative uses.
9. It would seem unlikely that the site would be suitable for noisy industrial businesses due to the potential harm to the living conditions of nearby residents. However, there is no technical evidence that shows commercial, recreation or tourism uses would cause significant disturbance. There are no nearby facilities and so it is likely that occupiers of the site would be reliant upon car travel. However, places of employment away from settlements are not uncommon and the site is within a short driving distance from villages. As such, I am unconvinced that the site's rural location means it is unable to fulfil an employment generating purpose.
10. Therefore, the submissions fail to provide a compelling case that the buildings are unfit to be used as offices or for another employment generating purpose. As such, the development would result in the loss of an employment site without good reason and so it would harm the rural economy. In these regards it would not accord with CS policies CS10 and CS11 as well as SAP policy E1.
11. The eLP policy EMP2 identifies the appeal property as a site where non-employment generating uses would be considered favourably even in the absence of any marketing. In light of this proposed policy and the employment land review evidence that supports it, I attach limited weight to the conflict with CS and SAP policies in respect of this main issue.

Character and appearance

12. The site lies in the Flit Valley and is surrounded by extensive field areas with only sporadic development along New Road. The area is not subject to any

statutory landscape designation and is affected by traffic noise. Nevertheless, the tracts of open land give the area a distinct rural character.

13. The proposed dwellings would be in 2 uniform terraces and so would be at odds with the more irregular and spaced out pattern of residences in the area. However, no alterations are proposed to the buildings and so in this regard the development would have little effect on the local environment.
14. However, gardens that would include patios and bin and cycle stores to serve 5 separate dwellings would be provided to the front of the site. It is likely this area would be used for domestic paraphernalia such as play equipment and clothes drying facilities as it would provide the only private outdoor space to serve the front dwellings. These gardens would be close to each other and next to the highway and so would be more noticeable than other nearby gardens which tend to be larger and set further away from the road. From the information provided, I am unconvinced that proposed planting would totally screen the front gardens from the road, particularly during times of leaf-fall. In any event, planting cannot be relied upon to provide screening in the long term. For these reasons, the development would look incongruous and would markedly undermine the rural nature of the area.
15. The proposal would lead to a greater use of the front part of the site compared to the existing situation as offices tend not to require private outdoor space or facilities. The proposed parking areas would be similar to those that exist and so there would be no betterment in terms of the visual impact of parked vehicles. No details have been provided to show that office signage would be detrimental to the attractiveness of the area. As such, the proposal would lead to greater visual intrusion compared to the existing situation.
16. Therefore, I conclude the development would cause harm to the character and appearance of the area. In this regard, it would be contrary to CS policies CS14, CS16, DM3 and DM14. These all aim, amongst other things, to ensure development respects the local context and landscape character, particularly in the Flit Valley. The Council's refusal reason also refers to CS policies CS1 and DM4 although these contain no provisions relevant to this main issue.

Suitability of location

17. CS policy CS1 sets out a strategy that looks to focus most development at defined towns, service centres and villages. Under CS policy DM4, only extensions to gardens are explicitly allowed outside settlement boundaries. CS policy CS4 looks to focus new development to locations which promote sustainable travel patterns with convenient access to facilities and public transport.
18. The proposed dwellings would be outside any defined settlement boundary and so the scheme would go against the CS development strategy. Also, the site is a significant walking distance away from facilities at the closest defined settlements of Maulden, Ampthill and Flitwick. Furthermore, the lack of pavements and street lighting along New Road would deter people from walking to and from the proposed dwellings, particularly at night time. Consequently, future occupiers would be highly reliant upon travel by private car to access services.

19. The site is allocated as a key employment area but the Framework recognises that local business needs in rural areas may need to be found beyond settlements and in locations not well served by public transport. As such, it does not follow from the site's allocation that it is well located in terms of accessibility to services or is in an appropriate location for housing.
20. The Framework resists isolated homes in the countryside unless, amongst other exceptions, it is development that would re-use redundant or disused buildings and enhance its immediate setting. The proposal would involve the use of vacant buildings but it would harm rather than enhance the character and the setting of the site for reasons already set out. As such, it would not be acceptable under the Framework's provisions on isolated new homes.
21. For the above reasons, I conclude the scheme would not be in a suitable location having regard to development plan policies, the Framework and accessibility. In these regards, it would not accord with CS policies CS1, CS4 and DM4. The CS policies pre-date but are generally consistent with the Framework in that they promote sustainable transport and rural housing where it will enhance or maintain the vitality of rural communities. Therefore, the conflict with the policies attracts significant weight.

Other Matters

22. I have been referred to other Council decisions and a planning appeal that have allowed dwellings in rural areas. The development at Shillington was allowed as the Council found there would be an enhancement to a heritage asset. The decision to permit the scheme at Hockliffe relies on an enhancement in the appearance of the site and other factors such as close proximity to regular bus services. The acceptability of the Clement End Farm and Studham Nursery schemes as well as the Tanpit Farm appeal decision rely upon conclusions that the developments would enhance the setting of the sites. Therefore, these other proposals are different to the current scheme which would harm the character of the area and would be away from services and facilities. As such, they do not constitute a precedent that I am bound to follow in the determination of this appeal.
23. The Council's decision to grant permission for a new house at nearby Russell Farm follows prior approval being issued under permitted development rights (PDRs). No case is made that current PDRs would allow the appeal proposal or a similar development and so there is a significantly different context to the scheme allowed at Russell Farm.
24. Reference is made to PDRs that would allow the demolition of offices and erection of new dwellings but there is no evidence that demonstrates this would be probable if the appeal was dismissed. Indeed, such a development would appear to be unlikely as the buildings have only recently been constructed and so I attach limited weight to this fallback position. Also, while forthcoming revisions to PDRs would allow the change of Use Class E buildings including offices to dwellings, I am uncertain from the information provided that the proposal would comply with the limitations and conditions of the PDRs. Therefore, this factor fails to affect my overall conclusion on this appeal.
25. The proposal would provide adequate internal and external space to serve the needs of future residents and would not harm the living conditions of occupiers of other properties. It would not cause significant noise nuisance although in

this regard there is no substantive evidence the residential use would result in an improvement compared to offices. Acceptability in these regards is a neutral factor rather than a benefit to which I attach positive weight.

26. The scheme would make effective use of previously developed land and would add units to the housing stock. However, the appellant does not dispute the Council's claim that it can demonstrate in excess of the minimum 5 year housing land supply. As such, I attach modest weight to the benefits of the proposal in these regards.

Conclusion

27. Overall, the harm caused in respect of the main issues is significant and sufficient to find that the scheme would be contrary to the development plan when read as a whole. Other considerations do not justify allowing the appeal contrary to development plan policies. For these reasons, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR