



Appeal Decision

Site Visit made on 12 April 2021

by Mr Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2021

Appeal Ref: APP/P0240/W/20/3263923

4 & 6 High Street, Greenfield, Bedford, MK45 5DA

- 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 C Lavin against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/02973/FULL, dated 21 August 2020, was refused by notice dated 29 October 2020.
 - The development proposed is replacement dwelling following demolition of existing house and detached garage (No 6) with single storey side/front extension to retained dwelling (No 4).
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling following demolition of existing house and detached garage (No 6) with single storey side/front extension to retained dwelling (No 4) at 4 & 6 High Street, Greenfield, Bedford MK45 5DA in accordance with the terms of the application, Ref CB/20/02973/FULL, dated 21 August 2020, subject to the conditions set out at the end of this decision.

Preliminary Matters

2. The Pre-Submission version of the emerging Central Bedfordshire Local Plan 2015-2035 (the CBLP) was submitted to the Secretary of State in April 2018. The examination process is continuing and there is nothing before me to indicate that the CBLP is currently at a stage that should attract anything more than limited weight. I shall consider the appeal on this basis.
3. A proposed plan¹ appears before me even though an earlier iteration of the same plan² is referred to at the outset of the Council's Officer Report. The appellant has indicated that this latest proposed plan, which is dated prior to the date the Council resolved to refuse planning permission, was submitted in response to comments made by the Highway Authority. Given that the revisions made are minor in nature, provide useful clarification with respect to the positions of (and intentions for) existing utilities and do not entail additional built development, I am minded to accept the latest iteration of the proposed plan and am content that no party with an interest in this appeal is prejudiced by me taking this approach.

Main Issue

4. The effect upon the character and appearance of the rural area.

¹ 20.115-P2 Rev 9

² 20.115-P2 Rev 8

Reasons

5. Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (November 2009) (the CBCSDMP), through the identification of Settlement Envelopes, differentiates the built-up areas of settlements from areas of countryside situated beyond. The site falls outside of any defined Settlement Envelope and is thus situated within the countryside.
6. The National Planning Policy Framework (February 2019) (the Framework) does not imply that protection from development be given to the countryside in its totality, rather that valued landscapes should be protected and enhanced and that recognition should be given to the intrinsic character and beauty of the countryside. In comparison, Policy DM4 is more restrictive in seeking to control development beyond Settlement Envelopes. It is a policy that attracts moderate weight on this basis. Therefore, the site's position outside of any defined Settlement Envelope is not determinative.
7. I note here that, whilst development of raised height and increased/relocated footprint is proposed when compared to the elements of built form intended to be demolished, the scheme is centred upon the provision of a replacement dwelling as opposed to any additional unit of accommodation. I must judge the proposal's effects in this context.
8. The appeal site is centrally positioned within a row of four residential properties (the row) and is comprised of two existing bungalows and associated grounds. The properties that comprise the row are positioned upon similarly laid out narrow plots of considerable length. The row is positioned in proximity to various agricultural fields and elements of established planting such that the character and appearance of the appeal site's wider surroundings are typically green and rural.
9. As set out in the Council's reason for refusing planning permission, it is its stance that the replacement dwelling would be sited significantly beyond existing residential curtilage and associated buildings. However, whilst it is not my role to confirm the existing lawful use of any particular area of land, it was evident from inspection that a range of domestic influences are already in place to the rear of the row and at various depths. These influences include closely mown lawn areas within the limits of the appeal site, children's play equipment and some ornamental planting. There were also several outbuildings in place (perhaps most notably to the rear of No 8 High Street) that I observed to often have a domestic appearance.
10. The replacement dwelling would be positioned adjacent to an existing garage block and the intended rear boundary of the new residential plot to be created would not be set an excessive distance to the rear. In this context, when factoring in the domestic influences I have already noted (many of which I am satisfied are long-standing), I do not consider that the proposal would appear as a harmful intrusion of residential development into the open countryside.
11. Indeed, the replacement dwelling, being single storey, would be sensitively scaled. It would not cover a particularly large footprint or be excessively bulky in its appearance. Notwithstanding a rise in land level that exists as one moves from the front to the rear of the appeal site, and the potential for glimpses of parts of the proposed replacement dwelling to be obtainable from the site's frontage, it would have a discreet and low-key presence in the streetscene. I

also note that established planting is in place along the highway in either direction from the site, which would further assist in guarding against any potential for the replacement dwelling to be widely visible.

12. For the above reasons, the proposal would not cause harm to the character and appearance of the rural area. The scheme accords with Policy DM3 of the CBCSDMP in so far as it requires proposals to be appropriate in scale and design to their setting and to contribute positively to creating a sense of place. Whilst the proposal conflicts with Policy DM4 in the sense that the site is situated outside of any identified Settlement Envelope, I am satisfied that the proposal accords with the development plan when read as a whole. Indeed, material considerations do not lead me to a decision otherwise.

Conditions

13. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes. In the interests of certainty, I have also added a condition setting out the approved plans.
14. In the interests of protecting the character and appearance of the area, conditions are reasonable and necessary requiring that full details of the external facing materials to be used for the replacement dwelling are submitted for approval and that matching materials are used for the extension to No 4. For the same reason, a condition to secure full details of intended boundary treatments and subsequent implementation and retention is reasonable and necessary.
15. In the interests of highway safety, conditions are reasonable and necessary that secure full details of the new vehicular access, a minimum access width and the provision of hardbound surfacing and drainage provisions in proximity to the highway. For the same reason, a condition is reasonable and necessary to provide assurances that all intended parking and turning areas are indeed provided and retained for such purposes.
16. The Framework sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Council has suggested that, in the event the appeal be successful, rights related to the potential future erection of extensions and outbuildings should be removed.
17. The modest size of the replacement dwelling and its relative proximity to High Street were factors that played an important role in influencing my conclusions on the appeal's main issue. Thus, to my mind, there is clear justification to withdraw permitted development rights in the manner suggested by the Council with respect to the replacement dwelling. Future permitted extensions/outbuildings to serve No 4 would not hold the potential to noticeably influence or degrade the area's rural qualities, such that it is neither reasonable nor necessary to withdraw permitted development rights in this sense.
18. It is not reasonable nor necessary to impose conditions related to the provision of bin collection points or secure/covered cycle parking, as requested by the Highway Authority. Indeed, each dwelling contained within the appeal site

would be served by its own independent access point and straightforward opportunities to place bins out for collection. Furthermore, each dwelling would be served by its own private garden/amenity space that would offer secure storage opportunities.

Conclusion

19. For the reasons given above, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20.115-P1 Rev 5; 20.115-P2 Rev 9; 20.115-P4 Rev 4; 20.115-P5 Rev 1.
- 3) Prior to the commencement of above-ground works and notwithstanding any details already provided, full details of the materials to be used to the external walls and roof of the replacement dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
- 4) All external works for the extension to the existing dwelling (No 4) hereby permitted shall be carried out in materials to match, as closely as possible in colour, type and texture, those of the existing dwelling.
- 5) A scheme indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the replacement dwelling hereby permitted and shall be retained thereafter.
- 6) No works to create a new vehicular access shall commence until full details of its junction with the highway have been submitted to and approved in writing by the Local Planning Authority. The replacement dwelling hereby permitted shall not be occupied until the new access has been constructed in accordance with the approved details.
- 7) The new vehicular access shall measure a minimum of 3.7m in width. Prior to the first occupation of the replacement dwelling hereby permitted, the new access shall be surfaced in a bituminous material, or other similar durable material (not loose aggregate), for a minimum distance of 5m into the site measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge on to the highway.

- 8) Prior to the first occupation of the replacement dwelling hereby permitted, all designated parking and turning areas for vehicles (including those intended to serve No 4) as depicted upon the approved block plan (Ref 20.115-P2 Rev 9) shall be constructed, and shall thereafter be retained solely for the purposes of parking and turning vehicles.
- 9) Notwithstanding the provisions of Part 1, Classes A and E of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected to serve the replacement dwelling hereby permitted without the grant of further specific planning permission from the Local Planning Authority.