



Appeal Decision

Site Visit made on 16 June 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/P0240/W/21/3269096

Former Tullian Park Pet Hotel, Billington Road, Stanbridge LU7 9HL

- 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 Richard Belger (XPE Limited) against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/01862/FULL, dated 1 June 2020, was refused by notice dated 17 August 2020.
 - The development proposed is demolition of former kennels and change of use to C3, development of 5 no. dwellings on the site of Tullian Park, Billington Road with associated garage, parking and highways works.
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Decision

1. The appeal is dismissed.

Main Issues

2. As it is accepted the site is in the Green Belt, the main issues are:-
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework); and
 - the effect on the character and appearance of the area; and
 - if the development would be inappropriate, whether the harm by reason 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 in the Green Belt

3. The Framework states that the construction of new buildings should normally be treated as inappropriate development in the Green Belt. Exceptions are set out at paragraph 145 of the Framework and include the redevelopment of previously developed land which would not have a greater impact on openness than existing development. Both main parties consider the proposal would represent the redevelopment of a previously developed site. Therefore, the scheme would not be inappropriate development provided it has no greater impact on openness than the current situation.
4. The Planning Practice Guidance states that openness is capable of having both spatial and visual aspects. In relation to the effect on spatial openness, the submissions indicate the proposal would result in a reduction of building

footprint from 864 m² to 846 m². However, the appellant accepts the amount of hardstanding would increase from 1128 m² to 1150 m². Also, there is no information before me that compares the total volumes of the existing and proposed buildings. While the current buildings appear to be single storey and with low eaves, all of the proposed dwellings would have 2 storey high elements, albeit with upper floors in the roof space. As such, I am unconvinced the proposal would have no greater impact on spatial openness when using volume of buildings as a measure.

5. In terms of visual impact, the existing buildings, structures and areas used for external storage are all on the west side of the site away from the road. The appellant refers to the potential for equipment being provided in association with the site's existing kennels use but I saw no such features on my visit. Also, trees and hedgerow near the eastern boundary and on the highway verge provide screening, although there are limited views of the main building and parking area through the existing access. As such, the buildings on the site are largely unseen from public vantage points.
6. In contrast to the current situation, the proposed house on plot 5 would be close to the roadside boundary on land which is now vacant of buildings. Furthermore, an aboricultural written statement submitted by the appellant advises that 4 trees near to the highway boundary would need to be removed and the roadside hedgerow reduced to accommodate the plot 5 house and garden. Reference is made to new whip planting but this is unlikely to be appropriate on the land between the plot 5 house and the road boundary as it would impinge on access to light and garden space.
7. Trees and other vegetation on the highway verge would remain. However, given the proximity of the house on plot 5 to the boundary and the consequential reduction in vegetation, the proposal would be more visible from the road than the existing development. As such, harm would be caused to the visual openness of the Green Belt.
8. The proposal would remove the traffic and commercial activity associated with the existing kennels use of the site. However, the development would generate trips and associated vehicular parking. Also, it would lead to activities typical of residential properties such as drying of clothes and garden recreation with associated domestic paraphernalia. Moreover, the sub-division of the site into separate plots is likely to result in new boundary features, such as fences, so as to preserve privacy. Therefore, the activity associated with the dwellings would have a marked effect on the openness of the site.
9. For the above reasons, I find the proposal would have a greater overall impact than the existing development on the openness of the Green Belt. As such, it would not comply with the definition as set out at paragraph 145 g) of the Framework. The proposal would not fall within any of the other exception categories set out under paragraph 145 and so I conclude it would be inappropriate development in the Green Belt.

Character and appearance

10. While buildings are on the site and nearby, fields and roadside vegetation are the predominant features in the locality. These help create a rural character, although the area is not subject to any landscape designations. The low-key

nature of the site's buildings and prominent tree and hedgerow belt along the frontage contribute positively towards the qualities of the area.

11. As well as the removal of existing trees and hedgerow on plot 5, the proposed access would lead to some loss of roadside vegetation and the plans indicate some cutting back and crown lifting to the trees in the verge to provide visibility splays. None of the affected vegetation is protected and it is suggested that the trees to be removed are of low quality. Even so, such works would reduce the amount of established greenery which contributes positively to the area. Also, gaps formed in the vegetation belt would allow views from the road of the development, particularly the house on plot 5. In these respects, the proposal would undermine the rural sense of the locality.
12. The highway verge trees are shown to be retained. Also, the evidence indicates that their removal would not be justified by reason of the proximity to the plot 5 house, particularly as on-site trees are to be cut down to ensure sufficient garden space and access to light. Moreover, there would be scope within the scheme to provide new planting which to a degree would mitigate the impact of the development. However, based on the information before me I am unconvinced that this would fully address or offset the identified detriment to the qualities of the local environment.
13. For these reasons, I conclude the proposal would harm the character and appearance of the area. In these regards it would be contrary to policy BE8 of the South Bedfordshire Local Plan Review 2004. Amongst other things, this seeks to protect natural features which are an attractive aspect of a site and to ensure development harmonises with its surroundings.

Other considerations

14. The site benefits from planning permission for redevelopment to provide 4 dwellings of a similar design and layout to plots 1 to 4 of the appeal proposal. This scheme includes the erection of a car port building close to the location of the proposed plot 5 house, although it would be 7.8 m rather than 5.5 m from the roadside boundary. There is a reasonable prospect that the permitted development would be constructed if this appeal is dismissed. As such, it represents a potential fallback position.
15. The main difference between the current proposal and the approved scheme would be the provision of the plot 5 house rather than the car port. These 2 buildings would be of a similar size, although the car port would have a slightly larger footprint.
16. However, as well as being further away from the road compared to the plot 5 house, there is no indication that the approved car port would require the removal and reduction of on-site trees and hedgerow. Also, unlike the current proposal, the approved scheme would provide no gardens with associated activity and paraphernalia near to the road. Consequently, the development already permitted would be less visually intrusive than the current proposal. When taking into account spatial and visual aspects, the approved scheme would have less impact on the openness of the Green Belt and the area's rural qualities. Therefore, I attribute limited weight to the fallback position.
17. The proposal would be a more effective and efficient use of land but the Framework only encourages such development where it safeguards the

environment. In any event, compared to the approved scheme the proposal would result in only a single additional unit and there is no indication in the submissions of any shortfall in housing land supply. As such, this factor attracts limited weight in my assessment.

Green Belt balance

18. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The Framework dictates that substantial weight should be given to harm to the Green Belt in the balancing exercise.
19. On considering all relevant matters, I conclude that the proposal's benefits and all other factors would not clearly outweigh the harm that would be caused to the Green Belt and the other identified harm. As such, very special circumstances necessary to justify the development do not exist and so the proposal would conflict with the Framework's Green Belt policies.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR