



Appeal Decision

Site Visit made on 22 June 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2021

Appeal Ref: APP/P0240/W/21/3270902

Land adj. to 55 Upton End Road, Shillington SG5 3PE

- 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 Ms Helen Gregory against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/04337/OUT, dated 20 November 2020, was refused by notice dated 10 February 2021.
 - The development proposed is 2no. dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for 2no. dwellings on land adjacent to 55, Upton End Road, Shillington, SG5 3PE in accordance with the terms of the application, Ref CB/20/04337/OUT, dated 20 November 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on the same basis.

Main Issue

3. The Council's second reason for refusal relates to the potential for noise pollution and land contamination to inhibit the use of the site for residential purposes. The appellant has since confirmed that the outbuildings to the rear of the site are used for storage purposes, and has provided an assessment that concludes that the site is not contaminated. The Council have confirmed that this addresses their concerns in this regard and so they do not wish to contend this reason for refusal further. As such, the remaining main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Policy DM4 of the Core Strategy and Development Management Policies (CSDMP) document refers to settlement envelopes. The plan in the Shillington Village Design Statement shows the site, and all the nearby houses to be outside a settlement envelope.
5. The wording of the policy largely details what would be acceptable within settlement envelopes and it does not explicitly prevent development outside them. Nonetheless the explanation to the policy states that outside settlement envelopes, where the countryside needs to be protected, only particular types of development would be permitted, and some examples are given. The

proposed dwellings would not be a type of development that would constitute any of these examples. However, based on the Council's reason for refusal, it is also necessary to assess whether two dwellings on this plot would fail to relate to the existing pattern of development, the rural character of the area and hence if it would protect the countryside, as referred to in the explanation to DM4.

6. The site comprises a grassed area of land between Nos. 55 and 51 Upton End Road. There are a number of houses along this side of the road stretching roughly from No. 79 to its junction with Meppershall Road. They are mostly detached properties in verdant gardens. The land on the opposite side of the road is open agricultural land. The appeal site forms a break in the row of houses, but is similar to the gaps between the houses at No. 49 and the Old Red Signpost, and between Nos. 57 and 59. This pattern of houses, well spaced apart from each other, contributes strongly to the generally rural character of the area.
7. The site is wider than most plots along the road. Consequently, although the scale of the dwellings is yet to be determined, the provision of two houses on the site would most likely allow for a significant amount of garden area to remain to the sides of the houses. This would mean that the development could maintain significant gaps to neighbouring houses and so would not appear incongruous in the street scene. The prevailing grain of development would be preserved and this would sustain the rural feel of the locality. Moreover the creation of an access, by removing a section of the front boundary hedge, would have a limited effect on the character of the area given there are a number of vehicles access along this stretch of the road. Overall, the character of the countryside would be protected.
8. The explanation to policy DM4 also states that it seeks to prevent the coalescence between settlements and specifically refers to the need to protect the individual character and physical identity of the various 'Village Ends' in Shillington. For the reasons given above, I consider the character of Upton End would be preserved by the proposal and, as the site appears to be well contained within its host row of houses, it would not represent a coalescence of Upton End with any other End.
9. In summary, the proposal would protect the character and appearance of the area. It would not directly conflict with policy DM4 as set out above, and would accord with policy CS14 of the CSDMP document which requires development to respect its local context.

Conditions

10. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
11. The standard conditions relating to the submission of reserved matters and the condition identifying the approved plan are necessary in the interests of certainty. The condition relating to the approved plan makes it clear that the position of the access is not approved as access is a reserved matter.

12. The submission of details of waste storage provision and a tree survey is necessary in the interests of protecting the character and appearance of the area. A condition relating to the provision of any gates is imposed to ensure highway safety is maintained. For the same reason it is necessary to impose the condition suggested by the Council's Principal Highways Officer requiring a construction traffic management plan be submitted. Conditions relating to the drainage of the site, including the prevention of surface water draining onto the highway, are necessary in the interests of minimising flooding. I have also imposed a condition to provide a biodiversity enhancement on the site.
13. It is not necessary to impose planning conditions that relate to the reserved matters. Therefore, the suggested conditions relating to the proposed access, the required visibility splay, the surface of the access, parking, turning provision, and the height of the houses are not necessary.
14. I do not consider it is necessary to impose the condition requiring the submission of a ground condition survey given the survey already provided found no reason to consider the site would be contaminated and given the domestic nature of the site and the land to the south.

Conclusion

15. The proposal would comply with the development plan as a whole and there are no other considerations which indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, the appeal should be allowed.

A Owen

INSPECTOR

Schedule of Conditions

- 1) Details of the access, 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 three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two 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 following approved plan SLP1 except in respect of the indicative location of the access shown on that plan.
- 5) Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles for each dwelling and details of a refuse collection point located at the site frontage and outside of the public highway and any visibility splays, shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation of the dwellings.
- 6) Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the adjoining highway.
- 7) Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of so that it does not discharge onto the highway.
- 8) No development shall commence until a detailed surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100 year event (+40%CC), and a maintenance and management plan for the scheme has been submitted to and approved in writing by the local planning authority. The discharge rate from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards. The final detailed design shall be based on the agreed drainage scheme and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be implemented before the dwellings are occupied and maintained as approved for the lifetime of the development.
- 9) The reserved matters application for landscaping shall be accompanied by an Ecological Enhancement Strategy setting out opportunities to deliver a net gain for biodiversity and opportunities for enhancement. The scheme shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- 10) The reserved matters application for landscaping shall include a tree survey carried out in accordance with BS5837 2012 which shall identify the location of all trees on the land, together with the species of each tree, those to be retained and any tree protection measures to ensure

their retention. The scheme for the protection of the retained trees shall be carried out as approved.

- 11) No development shall take place until a Construction Traffic Management Plan, associated with the development of the site, has been submitted to and approved in writing by the local planning authority which will include information on:

- (A) The parking of vehicles;
- (B) Loading and unloading of plant and materials used in the development;
- (C) Storage of plant and materials used in the development;
- (D) The erection and maintenance of security hoarding / scaffolding affecting the highway if required;
- (E) Measures on site to control the deposition of dirt / mud on surrounding roads during the development;
- (F) Traffic management needed during the development period.

The approved Construction Traffic Management Plan shall be adhered to throughout the construction period of the development.