



Appeal Decision

Site Visit made on 26 July 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/P0240/D/21/3269192

Manor Cottage, Eggington, LEIGHTON BUZZARD LU7 9PQ

- 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 Colin Rodney against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/04372/FULL, dated 27 November 2020, was refused by notice dated 22 January 2021.
 - The development proposed is for the erection of detached outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Central Bedfordshire Local Plan (LP) was adopted 22 July 2021. Consequently, the South Bedfordshire Local Plan and Policy BE8 of this plan has been replaced by the new LP. The Council has identified that policies HQ1, HE3 and SP4, are now relevant to the case. The Council's Reason for Refusal One does not refer to policy but it is clear from the evidence that policy SP4 is relevant for development within the Green Belt. I have therefore taken these policies into account in reaching a decision. I have also taken into account the appellant's reply to this change in circumstances.
3. A revised version of the National Planning Policy Framework (The Framework) was published with immediate effect on 20 July 2021. Policies within the revised Framework are material considerations which should be taken into account in decision making. Main parties have been given an opportunity to comment on the new Framework and I have taken into consideration any subsequent comments received on this matter in arriving at my decision.

Main Issues

4. The main issues are:
 - whether the proposal would amount to inappropriate development in the Green Belt;
 - the effect of the proposed garage on the openness of the Green Belt;
 - whether the proposal would preserve or enhance the character or appearance of the Eggington Conservation Area (ECA) and whether it would preserve the setting of Manor Cottage, a grade II listed building; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by

other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

5. The site is within the Green Belt and the village of Eggington is washed over by this designation. Policy SP4 of the LP aims to resist inappropriate development in the Green Belt and states that proposals will be assessed in accordance with the Framework. Paragraph 137 identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Paragraph 149 establishes that a building would be inappropriate unless it would meet a listed exception. Exception (c) allows for "the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building".
6. The Framework does not refer to ancillary outbuildings within the curtilage of a dwellinghouse with regard to the operation of paragraph 149. However, there may be some circumstances where an outbuilding could be regarded as an extension to a dwelling in some circumstances. For example, when an outbuilding would be in such close proximity to a dwelling as to be a normal domestic adjunct to the building, such as found in the submitted appeal decision¹. Also, the Council's Design Guide² identifies that outbuildings may be included in calculations with respect to proportionate extensions to dwellings based on a matter of fact and degree. However, this would not be the case in respect of this appeal given the size of the proposal and the separation distance between it and Manor Cottage.
7. Furthermore, the evidence refers to the presence of previous structures within the front garden. I have noted the stated dimensions and photographs of these. However, these seemed temporary in form and construction and were substantially smaller than the proposed outbuilding. In any event there were no buildings evident within this part of the site during my visit. As such, paragraph 149 (d) of the Framework, with respect to replacement buildings, would not apply.
8. As it has not been demonstrated that the proposal would meet any of the exceptions listed in Paragraph 149 of the Framework, it would amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Effect on openness

9. The openness of the Green Belt has both spatial and visual dimensions. The plot is within a group of dwellings, along and behind High Street, on the edge of the village. One side of the front garden of the appeal site is enclosed by hedge screening which runs alongside the shared access track. A post and rail fence mark the opposite side boundary. This provides largely clear views of the open countryside to the northeast of the site.
10. The proposal would be a relatively large structure. It would be set away from nearby built form, albeit close to a small neighbouring outbuilding. The

¹ Appeal Decision Reference: APP/Y3615/D/15/3128756

² Central Bedfordshire Design Guide, chapter 7 'notes'

proposal would therefore be highly visible from the countryside and partly visible from High Street. Consequently, it would erode the open character of the area. The proposal would therefore convey moderate visual harm to the openness of the Green Belt due to its positioning and proximity to the adjacent open countryside. Furthermore, due to its scale, its spatial impact would also be of moderate harm to the Green Belt. The proposed outbuilding would therefore be of moderate harm to the openness of the Green Belt.

Character and appearance

11. The village consists of dwellings and community buildings of various designs and forms. The settlement pattern, around the appeal site, includes dwellings that are located close to the footways with secondary plots behind this frontage. Many dwellings are set within spacious grounds, with associated outbuildings that are predominantly located in subservient positions. The appeal dwelling stands within a comparatively large plot. Its front garden is partially screened by hedging and is partly located behind the neighbouring plot of 'Rosedale'. Nevertheless, the absence of built form within this garden makes an important positive contribution to the sense of spaciousness evident between the larger plots within the village. As a result, the front garden makes a positive contribution to the character and appearance of the area.
12. The majority of the village, and appeal site, is within the conservation area. The statutory requirements³ entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. Furthermore, paragraph 199 of the Framework requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance. The significance of the ECA derives from it being an attractive traditional village with interesting groupings of cottages and larger houses. It contains a strong rural vernacular of historic buildings.
13. The proposal would be located within the front garden of Manor Cottage. It would be a relatively wide and deep building within this domestic setting. Although proposed as a timber clad structure, the proposed garage would be significantly larger than local outbuildings, which are generally smaller and subservient in form. Furthermore, whilst being set back from High Street it would be clearly visible from the highway and neighbouring properties. It would therefore intrude into views of the grouping of buildings within and around the appeal site. Consequently, it would present an anomalous addition in this context, harming the character and appearance of the conservation area.
14. Manor Cottage is a grade II listed building. I am required to pay special attention, and have regard to, the desirability of preserving the setting of listed buildings⁴. The Cottage is a red brick two storey building with a thatched roof and chimney stacks projecting beyond both gable ends. Its significance seems to derive from its C18 origins, rural cottage character and sense of spaciousness within the plot, especially due to its large front garden.
15. The proposal would be around eighteen metres from the dwelling. However, the sense of space around the listed building would be compromised due to the positioning and overall scale of the proposal. Furthermore, the proposed garage

³ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁴ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

would be prominent over and around the outbuilding in the grounds of Rosedale, in views from the street, and through gaps and over the hedging along the access track. Its appearance and overt scale would therefore be out of keeping within this garden setting. As a result, the proposal would have an adverse impact on, and thus fail to preserve the setting of, the listed building.

16. Consequently, the proposal would neither preserve or enhance the ECA nor would it preserve the setting of the listed building. Accordingly, the proposal would fail to satisfy policies HQ1 and HE3 of the LP. These seek, among other matters, for development to relate well to the existing surroundings and to preserve the special character and setting of heritage assets. The proposal would also be contrary to the Central Bedfordshire Design Guide which advises that garages should respect the scale and character of the host property.
17. The proposal would result in 'less than substantial harm' to the conservation area and listed building. Nevertheless, the proposal would not result in the provision of any clear public benefits, as required by paragraph 202 of the Framework, that might outweigh this harm.

Other considerations

18. The appeal decision⁵ at Claridge's Farm identified that the proposed dwelling would harm the character of the ECA due to its style and relationship to Claridge's Farm. It was also found that the proposed dwelling would reduce the openness of the site affecting the significance of the adjacent listed building. The Council subsequently approved a smaller dwelling, of simpler design, that it considered would preserve these heritage assets. I note that construction appears to have commenced on this dwelling. This proximity would be closer to the listed building of Claridge's than between the proposed garage and Manor Cottage. Nevertheless, these relationships are substantially different with respect to surrounding built form, the highway, land levels and intervisibility due to screening. As such, the decisions with respect to Claridge's do not establish a common or similar approach that could be applied to the proposed development.
19. It is recognised that the proposed garage would provide secure parking for the homeowners. This would be a personal benefit to the occupier that carries some, but limited, weight in favour of the proposal.
20. It is also suggested by the appellant that the proposal would improve the area of the site affected by it. However, I observed that the area was tidy and well maintained with no substantive evidence of the poor condition described by the appellant. Furthermore, as I have found that the proposal would harm the character and appearance of the area its visual effect would not support the merits of the proposal.

Whether there would be Very Special Circumstances

21. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of

⁵ Appeal decision reference: APP/P0240/W/20/3254735

inappropriateness, and any other harm, is clearly outweighed by other considerations.

22. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the proposal would result in moderate harm to the openness of the Green Belt and would harm the character and appearance of the area. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
23. On the other hand, the other considerations I have identified including its private security benefits, are of limited weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified. Therefore, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

24. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

B Plenty

INSPECTOR