



Appeal Decision

Site Visit made on 31 August 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/P0240/W/21/3275846

Abbey Farm, Abbey Lane, Ampthill MK45 2UP

- 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 Vittorio Dellicolli on behalf of Trafalgar Transport Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/00475/FULL, dated 3 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is conversion of existing building to residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing building to a residential dwelling at Abbey Farm, Abbey Lane, Ampthill MK45 2UP in accordance with the terms of the application, Ref CB/21/00475/FULL, dated 3 February 2021, subject to the conditions set out at the end of this decision.

Preliminary Matters

2. It has been brought to my attention that the Central Bedfordshire Local Plan 2015-2035 (the Local Plan) was adopted by the Council on 22 July 2021 such that its policies now attract full weight in decision making. Further, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties to this appeal have had opportunities to comment upon any relevance of these occurrences to the outcome of this appeal.

Main Issues

3. The main issues are:
 - The effect upon the character and appearance of the area; and
 - Whether or not the site represents an appropriate location for housing, having particular regard to the accessibility of local facilities and services.
4. Whilst the site is located within the Green Belt, the Council do not allege that the proposal constitutes inappropriate development in the Green Belt. I shall address any relevant considerations under Other Matters.

Reasons

Character and appearance

5. The site is located outside of any designated Settlement Envelope and is thus situated in the open countryside as defined in local planning policy terms. Policy SP7 of the Local Plan sets out that, outside of Settlement Envelopes, the intrinsic character and beauty of the countryside is to be recognised and that only particular types of development will be permitted. These include the re-use of existing buildings in accordance with Policy DC1 of the Local Plan, which indicates that such proposals shall be supported where various criteria is met.
6. The site is situated away from the built-up limits of Ampthill and adjacent to Abbey Lane (the Lane), a well-vegetated rural route. The site's surroundings have an inherently green and rural character and appearance, and the site itself is often edged with established planting and contains existing hard-surfaced areas that provide access and circulation opportunities. The primary on-site structure is comprised of a brick-built building (the building) last actively used, I understand, in association with dog training activities that continue to take place upon adjacent land. The building sits alongside a small complex of stables (the stables) to the rear and an area of grassed land to its frontage (between it and the Lane). Various elements of palisade/mesh fencing line the site's access and frontage.
7. Whilst the building, being of simple and utilitarian appearance, does not appear entirely out of character within its rural setting, neither does it have a positive or appealing influence fully consistent with the makeup of its green and often agricultural surroundings. This is particularly when read and experienced alongside largely unsympathetic boundary treatments and a curtilage that I observed to already contain some paraphernalia and garden furniture seemingly associated to past and continuing dog training operations.
8. The physical alterations proposed to the building are limited, being focussed upon the resizing/reconfiguration of openings. Existing discreetly sited external areas would be utilised for the parking and manoeuvring of vehicles whilst a residential garden of not excessive extent would be created towards the site's frontage. I note that the site's red line area incorporates areas of previously developed land that have a close and logical association to the building.
9. Whilst a domestication of the site's external areas would realistically ensue, it must be noted that an intended small dwelling that would not naturally lend itself to a high number of future occupiers is under consideration and that not insignificant planted screening already exists to the site's frontage. Furthermore, a scheme of soft landscaping and associated maintenance could be secured via planning condition should the appeal be successful. This would offer further assurances that available views into the site from the Lane would be screened or softened.
10. The specification of boundary treatments could also be secured via condition to guard against the potential introduction of any solid barriers of unduly domestic appearance. When noting the negative jarring influence currently offered by existing palisade fencing, it would be possible for improvements to be achieved should replacement treatments ultimately be brought forward. All matters considered, I am satisfied that the proposal would avoid having negative implications for the area's rural character and appearance.

11. April 2020 appeal decisions¹ relating to proposals at the same site have been brought to my attention where the Inspector identified that a scheme involving the change the use of the building to a residential use as well as the demolition and replacement of the stables with a dwelling would lead to significant harm being caused to the character and appearance of the area. However, the proposal now before me relates to merely a single unit of accommodation and involves the retention of the stables as well as no new-build development. There are thus substantial differences when the potential implications of the former and current schemes are compared, which leads me to find that the April 2020 decisions are not of significant relevance to my considerations.
12. For the above reasons, the proposal would not cause harm to the character and appearance of the area. The scheme satisfactorily accords with Policies SP7, DC1 and HQ1 of the Local Plan and with the Framework in so far as these policies require that the intrinsic character and beauty of the countryside be recognised and that any intended re-use of an existing building in the countryside shall reinforce local distinctiveness and lead to an enhancement of the immediate setting.

Facilities and services

13. The site is not closely related to the various facilities and services that are contained within the closest settlement, Ampthill. It is indeed likely that future occupiers would be reliant upon private modes of transportation to serve their day-to-day needs, which sits somewhat uncomfortably alongside the aims of Policy HQ1 of the Local Plan and the Framework in so far as these policies seek to promote sustainable transport choices.
14. However, Policy SP7 sets out a strategy for directing windfall development and offers specific opportunities for particular types of development to be permitted outside of Settlement Envelopes, including the re-use of existing buildings in the countryside in accordance with Policy DC1. As set out in the supporting text to this policy, the re-use and adaptation of rural buildings has an important role to play in ensuring the sustainability of rural areas. Indeed, the scheme would make a valid contribution in this sense. It must also be noted that the previous Inspector's April 2020 findings were formulated in advance of the Local Plan's adoption and in the context of him identifying conflict with then emerging Policy DC1.
15. Thus, even when acknowledging the site's limited accessibility, when factoring in the specific type of development under consideration, the site represents an appropriate location for housing having particular regard to the accessibility of local facilities and services. The scheme accords with Policies SP7 and DC1 of the Local Plan in so far as these policies set out that the re-use of existing buildings in the countryside will be supported.

Other Matters

16. The Framework sets out that the re-use of a building of permanent and substantial construction does not represent inappropriate development in the Green Belt, provided that the Green Belt's openness is preserved and that the purposes of including land within the Green Belt are not conflicted with. I am

¹ APP/P0240/W/19/3242765 & APP/P0240/W/19/3242770

satisfied that these various provisions would be satisfied such that inappropriate development in the Green Belt would be avoided.

17. Any suggestion that the proposal would have an adverse impact on the rural economy because there would no longer be an available office/meeting point for dog training operations has not been clearly substantiated. Indeed, upon inspection, there was no obvious evidence to suggest that the building has been actively used for such purposes in recent times and there is no clear reason to suppose that the success of the rural business in question is dependent upon access to the building.
18. It has been suggested that the scheme could set a precedent for future applications for development upon adjoining land. However, for the avoidance of doubt, it is my responsibility to consider only the appeal proposal that is before me based upon its own individual merits.
19. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

20. The Council has suggested 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 and/or amalgamated some of them for consistency and clarity purposes. I have also added a condition related to the withdrawal of permitted development rights. I have imposed a single pre-commencement condition, as agreed to in writing by the appellant. In the interests of certainty, a condition specifying the suite of approved plans is required.
21. It is my understanding that an initial ecological appraisal of the site was carried out in 2019 (in support of earlier development proposals) that did not identify any potential impact upon protected species. Nevertheless, in the interests of promoting that the scheme delivers ecological benefits, an enhancement strategy is reasonable and necessary to secure via condition.
22. In the interests of protecting the character and appearance of the area and the Green Belt's openness, it is reasonable to secure the submission and implementation of a scheme of hard and soft landscaping, to include full details of boundary treatment and of the intended maintenance of soft landscaping. I note here that it is important that boundary treatments of close-boarded/solid specification are avoided in the interests of safeguarding the area's predominantly open and rural character.
23. 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. In this case, when recognising the potential damaging effects of further development to either the rural character and appearance of the area or the Green Belt's openness, I see clear justification in withdrawing permitted development rights related to the future provision of extensions, outbuildings, hard surfaces or any gates, fences, walls or other means of enclosure. This is even when noting the restrictions that would apply in any event to certain works forward of the building's principal elevation.
24. In the interests of highway safety and to ensure that a satisfactory level of off-street parking continues to serve the development, a condition is reasonable

and necessary to secure that on-site parking and turning space is retained solely for such purposes. Also, in the interests of highway safety, a condition securing full details of the intended refuse collection point is required.

25. I observed the site's existing access to be of generous width and robust specification. Its current makeup offers limited potential for loose material to be drawn on to the highway. Thus, a condition requiring that the site's vehicular access be provided in a bituminous (or similar) material for 8m measured back from the highway's edge would be neither reasonable nor necessary and would be likely to lead to the access appearing over-engineered and out of place in this rural location. As the site's access is already operational, neither would it be reasonable to condition that mechanisms to dispose of surface water be installed.
26. In the interests of promoting the use of sustainable modes of transportation, conditions securing the details and subsequent implementation of secure and covered cycle storage facilities and of an electric vehicle charging point are reasonable and necessary. Indeed, such details require submission for approval to provide appropriate assurances that the conditions would be enforceable.

Conclusion

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

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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: P01; P02; P03; P06; P07.
- 3) No development shall take place until an Ecological Enhancement Strategy (EES) has been submitted to and approved in writing by the Local Planning Authority. The EES shall include the following: a) a review of site potential and constraints; b) detailed design(s) and/or working method(s) to achieve stated objectives; c) extent and location/area of proposed works on appropriate scaled plans; d) type and source of materials to be used where appropriate, such as native species of local provenance; e) a timetable for implementation demonstrating that works are aligned with the phasing of development; f) the persons responsible for implementing the works; g) details of initial aftercare and long-term maintenance. The EES shall be implemented in full accordance with the approved details and, wherever possible, features shall be retained in that manner thereafter.

- 4) No development above slab-level shall take place until a scheme to include details of all hard and soft landscaping works and boundary treatments, as well as details of landscape maintenance for a period of five years following the implementation of soft landscaping works, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full by the end of the first planting season (October to March) immediately following the completion and/or first occupation of the development (whichever is the sooner). All trees, shrubs and grasses shall subsequently be maintained in accordance with the approved details of landscape maintenance and any which die or are destroyed during this period shall be replaced during the next planting season.
- 5) The development hereby permitted shall not be first occupied until the details of a refuse collection point, located at the site's frontage and outside of the public highway and any visibility splays, have been submitted to and approved in writing by the Local Planning Authority. The collection point shall be implemented as approved before the dwelling hereby permitted is first occupied and retained thereafter.
- 6) The development hereby permitted shall not be first occupied until details of secure and covered parking for cycles, calculated at one cycle parking space per bedroom, have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided and made available for use before the dwelling hereby permitted is first occupied and shall thereafter be retained solely for such purposes.
- 7) A scheme detailing the on-site provision of one electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be first occupied until the scheme has been implemented and the charging point is operational. The charging point shall thereafter be retained at all times.
- 8) The parking provision and associated turning space hereby permitted and depicted upon approved plan P07 shall, at all times, be retained free of obstruction for the purposes of parking and manoeuvring vehicles.
- 9) Notwithstanding the provisions of Part 1, Classes A, E and F and Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions, roof additions, outbuildings, hard surfaces or means of enclosure shall be erected/provided within (including to the perimeter of) the curtilage of the dwellinghouse without the specific grant of planning permission by the Local Planning Authority (other than where subject to Condition 4 of this permission).