



Appeal Decision

Site Visit made on 27 July 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/P0240/W/21/3273460

Builders Yard, Higher Rads End, Eversholt MK17 9ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Fraser Newberry against Central Bedfordshire Council.
 - The application Ref CB/21/00238/FULL, is dated 20 January 2021.
 - The development proposed is conversion of redundant stables to a two-bedroom single-storey dwelling [Use Class C3(a)] including infill of existing canopy area.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of redundant stables to a two-bedroom single-storey dwelling [Use Class C3(a)] including infill of existing canopy area at Builders Yard, Higher Rads End, Eversholt MK17 9ED in accordance with the terms of the application, Ref CB/21/00238/FULL, dated 20 January 2021, subject to the attached schedule of conditions.

Preliminary Matters

2. The Central Bedfordshire Local Plan 2015-2035 July 2021 (LP) was adopted since the Council's decision notice was issued. I have therefore made my determination having regard to the adopted LP rather than the former development plan policies cited in the Council's reasons for refusal of planning permission.
3. I have consulted the main parties regarding the updated National Planning Policy Framework (Framework) published in July 2021 and taken the comments into consideration in my assessment.

Main Issues

4. From the evidence, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies including the effect on the openness of the Green Belt;
 - whether the proposed development would accord with the Council's development plan strategy for the location of housing including the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on highway safety.

Reasons

Inappropriateness

5. The appeal site is situated in the Green Belt. Paragraphs 147 and 149 of the Framework indicate that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
6. However, since the primary aim of the proposal is the change of use of the existing stable building to a dwelling, the starting point for the determination of the case is paragraph 150 of the Framework which states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. While I acknowledge the lack of detailed information regarding the foundations, since the building has brick upstands at ground level and a tiled roof, I consider that the building is of permanent construction.
7. The infilling of the proposed canopies would require external walls to be constructed under these areas which would constitute a small proportion of the building fabric. The existing building, from the evidence and my observations during the site visit, appears to be in good condition and the roof is supported by the existing columns and walls. I acknowledge that substantial construction is not defined within the Framework, and that the infilled areas would be enclosed by new external walls. However, since the existing single storey building is largely enclosed, has brick walls, weatherboard cladding and a tiled roof which is being supported by existing structure, I consider that the existing building is of substantial construction.
8. However, the issue of whether the development would be inappropriate in the Green Belt will be determined by my conclusion on the effect on Green Belt openness.
9. The re-use of the building as a dwelling would be likely to introduce domestic paraphernalia to the proposed private amenity space adjacent to the existing stables such as a washing line and seating area. However, given the limited size of the proposed private amenity area, these would be unlikely to be of a massing or scale that would harm the openness of the Green Belt.
10. The provision of the parking bay would increase the amount of hardstanding on the site. However, given its limited area and that it would not be above ground level, the hardstanding itself would not adversely affect the openness of the Green Belt. While the parking bay would be likely to result in parked cars for substantial parts of the day, they would be in close proximity to the existing parking areas and would be viewed against the backdrop of the existing building. Therefore, this aspect of the scheme would not result in harm to the Green Belt.
11. The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building is one of the listed exceptions in paragraph 149 of the Framework. Since the canopy areas constitute a small proportion of the overall building footprint,

their infilling would not result in disproportionate additions over and above the size of the original building.

12. Consequently, the proposed development would not be inappropriate development having regard to the Framework as it would represent the re-use of buildings provided that the buildings are of permanent and substantial construction. Therefore, it would not conflict with LP Policy SP4 which relates to the Green Belt.

Location

13. The site lies outside of a designated settlement envelope. LP Policies SP7 and DC1 restrict development in these areas except for a number of circumstances including where the existing building is of permanent and substantial construction that is capable of conversion as evidenced by a supporting structural survey.
14. Neither the application subject of this appeal, nor the appeal was accompanied by a structural survey. The accompanying notes for LP Policy DC1 state that the original building or group of buildings to be converted should be appropriate to the rural setting in terms of scale and appearance. Purely functional buildings such as glasshouses and metal framed buildings will not be considered suitable candidates for conversion to residential use. Notwithstanding the lack of structural survey, given the materials of the existing building as discussed above, and its largely enclosed nature, as well as its single storey massing, the existing building is in line with the aims of this Policy.
15. The site lies adjacent to a small office development, however it is otherwise surrounded by undeveloped open fields. The existing building is a vacant stable building with associated hardstanding and is therefore in keeping with the surrounding spacious rural character and appearance of the area.
16. The massing and form of the existing building would not be significantly altered and the proposed materials would be in keeping with the rural character of the area. Therefore, the proposed alterations to the existing building would not harm the character and appearance of the area or result in the coalescence of settlements.
17. The proposed change of use would introduce residential paraphernalia to the site but would be limited to the existing area of hardstanding adjacent to the existing building. I acknowledge the site's location within the Woburn Greensand Ridge, and the sensitivity of the Ends to coalescence. However, given the restricted area of the proposed private amenity space and limited increase in trips that would result from the proposal, the change of use of the building would not adversely affect the spacious character and appearance of the area or contribute to coalescence of the Ends.
18. LP Policy HQ1 requires, among other things, that proposals are well connected to surrounding areas, providing safe, attractive and convenient routes that encourage travel by sustainable modes and meet the needs of all street users.
19. The nearest settlement, Eversholt, lacks a range of services and facilities and Higher Rads End lacks a footpath and streetlights such that future occupiers would be largely reliant on the private vehicle for access to daily needs. However, given the limited scale of the proposal, the number of trips generated

by the scheme would be limited. The site is also near to bus stops such that future occupiers would not be wholly reliant on the private vehicle. In addition, larger settlements are a short distance away such that journeys by private vehicle would be limited. Furthermore, I am mindful that that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Therefore, since the environmental effects in this respect would be limited, refusal of planning permission on this ground alone would not be justified and the proposal would not conflict with the aims of this Policy.

20. Consequently, the proposed development would accord with the Council's development plan strategy for the location of housing including the effect of the proposal on the character and appearance of the area. Therefore, the proposal would not conflict with the aims of LP Policies HQ1 and SP7 which seek, among other things, development that is well connected to surrounding areas and development outside settlement boundaries where the site is accessible to nearby services and facilities by sustainable modes of transport. The scheme would also not conflict with the aims of LP Policy DC1 which supports the re-use of existing buildings in the countryside provided that it is of permanent and substantial construction, among other things.

Highway safety

21. The existing access is of limited width such that it can be used by vehicles travelling in one direction only. Given the length of the access, and that it would be shared with the users of the adjacent office, it could result in vehicles reversing a significant distance along the access thereby increasing the risk of collision and an unacceptable impact on highway safety. However, as part of the appeal, an updated drawing was submitted by the appellant which indicates a passing bay along the access which would provide space for a motorist to pull over to allow vehicles travelling in the opposite direction to pass.
22. From the evidence the passing bay lies outside of the red line but is under the ownership of the appellant. In addition, given the limited scale of the proposal, the increase in trips resulting from the scheme would be limited. Therefore, since the amended drawing would not substantially alter the proposed scheme, I see no reason why a suitably worded condition could not be used to require the construction of the passing bay.
23. While the passing bay would increase the amount of hardstanding, it would not project substantially above ground, and vehicles would be using it for limited periods of time. As such, the passing bay would not have an adverse effect on the openness of the Green Belt.
24. Consequently, the proposed development would not result in an unacceptable impact on highway safety. Therefore, it would not conflict with LP Policy T2, which requires, among other things, developments that would not have a detrimental effect on highway safety.

Other Matters

25. LP Policy SP2 relates to the Framework and is not directly relevant to the main issues.
26. I note the comments of the Inspectors for the cases at Langford Road and Sunderland Road. However, from the evidence those cases were determined

against the former development plan and are not directly comparable to this appeal which must be determined on its individual merits.

27. I note local concerns regarding fencing and have attached a condition relating to boundary treatment. Given the limited size of the development, there would be unlikely to be any undue effect on the living conditions of neighbouring occupiers with respect to noise.

Conditions

28. I have had regard to the Council's suggested conditions and made minor changes in accordance with paragraph 56 of the Framework.
29. The conditions regarding the commencement of development and specifying plans are necessary in the interests of certainty. The conditions regarding external materials and landscaping are necessary to safeguard the character and appearance of the area.
30. The conditions relating to the proposed driveway and access are necessary to safeguard highway safety. The condition relating to the access needs to be pre-commencement as it would affect the early stages of construction. The condition regarding boundary treatment is necessary to safeguard the living environment of future occupiers.
31. The conditions removing permitted development rights are necessary to safeguard the character and appearance of the area.

Conclusion

32. For the reasons given above, the appeal is allowed.

R Sabu

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LB-256 dated 19/04/2021
- 3) Development shall not commence until details of the junction of the proposed vehicular access (minimum width 4.8m) with the highway and along the length of the access including the passing bay have been approved by the Local Planning Authority and no building shall be occupied until the junction, access and passing bay have been constructed in accordance with the approved details.
- 4) Prior to commencement of above ground works, details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 5) Prior to first occupation of the development hereby approved, the proposed driveway shall be constructed and surfaced in a stable and durable material in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The development shall thereafter be carried out in accordance with the approved details.
- 6) No development above ground work shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.
- 7) Prior to occupation a scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.
- 8) A scheme setting out location details of a refuse collection point shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings hereby consented. The approved refuse collection point shall be available for use prior to occupation and retained thereafter.
- 9) Notwithstanding the provisions of 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 buildings or other structures shall be erected or constructed within the curtilage of the property other than those expressly authorised by this permission.

- 10) Notwithstanding the provisions of 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 to the building(s) hereby permitted shall be carried out other than those expressly authorised by this permission.

END OF SCHEDULE