The Planning Inspectorate

Appeal Decision

Site visit made on 22 June 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/P0240/W/21/3267535
The Annex, Hollybrook, The Rye, Eaton Bray LU6 2BQ

- 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 Deborah McNamara against the decision of Central Bedfordshire Council.
- The application Ref CB/20/01729/FULL, dated 27 May 2020, was refused by notice dated 24 July 2020.
- The development proposed is demolition of existing independent annex and mobile home and erection of single storey dwelling and associated works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been brought to my attention that the Central Bedfordshire Local Plan 2015-2035 ('new LP') 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, 2021') 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.

3. The appellant has acknowledged that works have been undertaken to widen the existing access at the site. The planning application subject of this appeal does not propose any widening of the access and I have proceeded on this basis.

Application for costs

4. An application for costs was made by Deborah McNamara against the decision of Central Bedfordshire Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are:

6. • Whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the Framework, 2021.

   • The effect of the proposal on the character and appearance of the area;

- Whether the proposal would be acceptable with regard to highway safety; and,

- If the proposal would be inappropriate development 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

Inappropriate development

7. Paragraph 149(g) of the Framework, 2021 states that the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development is not inappropriate development in the Green Belt. This approach is also broadly consistent with Policy SP4 of the new LP.

8. It is not in dispute that the appeal site comprises previously developed land, and therefore it is necessary to determine whether the appeal proposal would have a greater impact on Green Belt openness.

9. The extant development to be removed comprises a converted garage known as 2 The Annex, based on Lawful Development Certificate (ref:17/00715/LDCE) this is established for residential use as an annex to The Annex, which is an existing dwelling within the appeal site that is to be retained.

10. The other development proposed to be removed is a mobile home ('Moselle Lodge'). The main parties are in dispute over whether this is authorised or not. The proposal also includes the removal of areas of hard surfacing along with various structures occupying this which are used for storage. Moselle Lodge, the storage structures and 2 The Annex are of a relatively low height and are also largely screened by the existing boundary treatments associated with the site.

11. Even if I were to accept that Moselle Lodge is not unauthorised, this and the other structures used for storage to be removed, do not have the permanency associated with built development. Furthermore, whilst the area to the southeast of 2 The Annexe and Moselle Lodge is largely hard surfaced it is free of any significant development; therefore, this provides a degree of permeability and spatial openness within the site.

12. Consequently, the extent of the existing development to be removed from the site has a limited effect on the visual and spatial openness of the Green Belt.

13. In contrast, the proposed dwelling would be considerably taller than the development to be removed. This, in combination with the extensive spatial footprint of permanent built development along with the massing associated with it, would have an appreciable and strong visual presence within the site.

14. The scale of the new dwelling, together with its associated amenity space along with the accumulation of domestic paraphernalia that would inevitably accompany the creation of an additional family dwelling of this size, would also reduce the extent of permeability and spatial openness associated with the site.

The scale of the new dwelling would also be visible to a much greater extent from outside the site. In particular, in views from the highway.

15. Whilst I have taken account of the development on the adjacent site ('Rye Nurseries') having regard to Paragraph 149 (g) of the Framework, 2021, and in light of the foregoing reasons, the proposal would erode the spatial and visual openness of the site when compared to the existing situation. Accordingly, the proposal would have a greater impact on the openness of the Green Belt than the existing development.

16. The appellant has referred me to Paragraph 149 (d) of the Framework, 2021. However, the only building proposed to be removed which is in residential use is 2 The Annex and the proposed dwelling would be substantially larger than this. Consequently, the proposal does not benefit from the exception under Paragraph 149 (d) of the Framework, 2021.

17. I am aware that the appellant has significantly reduced the quantum of proposed development relative to previous schemes for the redevelopment of the site. Nevertheless, I have determined the proposal before me on its planning merits.

18. For the above reasons, the proposal represents inappropriate development within the Green Belt. The Framework makes clear that inappropriate development is harmful to the Green Belt. The greater impact of the proposed development on the openness of the Green Belt is a further aspect of Green Belt harm.

Character and appearance

19. The proposed dwelling would be larger than the building and other structures on site which are proposed to be removed. Nevertheless, it would be setback from the boundary with The Rye to broadly align with the new dwellings fronting the Rye Nurseries site. In particular, because of its single storey scale it would be lower in height than the adjacent dwellings and would be, in part, screened by the hedgerow fronting The Rye. These factors mean that the landscape characteristics of the site would prevail, limiting the prominence of this new dwelling.

20. Moreover, in the context of the neighbouring development it would not be a particularly intrusive form of development and would assimilate with rural character of the area which in the immediate vicinity is defined principally by low level development screened by established hedgerows.

21. For the above reasons, although I acknowledge that I have found that the scheme would reduce the openness of the Green Belt, I nonetheless consider that the proposal would not harm the character and appearance of the area and I find no conflict with Policy HQ1 of the new LP, which seeks to ensure that all developments are of the highest possible quality and respond positively to their context.

Highway safety

22. There is a single highway access to the appeal site which is immediately adjacent to that of an adjacent dwelling (Hollybrook). This access is along a section of the road where a speed limit of 60mph applies. However, the appellant's evidence shows that the average speed of vehicles on the highway

along here is 35mph going northwest-bound and 33mph southeast-bound. Speeds of 30mph and 40mph require visibility splays of 90m and 120m respectively. I observed that the access is set behind a grass verge and the road near the access is straight, on the evidence before me the visibility of the access and visibility from the access would have been improved by cutting the existing hedge back. Nevertheless, it has not been shown that the access from the appeal site can provide the visibility splays based on the actual survey speeds. Therefore, I cannot be certain that safe access from the site can be achieved and retained in perpetuity.

23. Turning to the existing vehicular activity associated with the site, in summary the appellant asserts that there would be no increase in vehicular activity associated with the proposal over the extant situation with some possibility of a reduction in traffic. This assertion is largely predicated on the basis that 2 The Annex and Moselle Lodge are independent dwellings. On the information before me the former has a lawful use as an annex to 'The Annex' and therefore, any vehicular activity for this would be associated with The Annex which is to be retained albeit without 2 The Annex. Also, on the evidence before me I cannot be certain that Moselle Lodge has a lawful use as an independent dwelling.

24. Even if I were to accept that Moselle Lodge or 2 The Annex are independent dwellings, there is limited evidence on the scale of accommodation these provide. The appellant has also indicated that there would be a reduction in vehicular movements associated with the removal of the existing storage structures on the site. However, there is limited information to support this.

25. Furthermore, the proposal is for a sizeable family dwelling and despite the appellant's suggestion that this would be largely occupied by 2 people, it is capable of being occupied by a family and generating independent trips associated with this type of accommodation including visitors and deliveries.

26. Based on the above reasons, I am not persuaded that the vehicular activity associated with the site would remain the same or lessen as a consequence of the proposal. Moreover, in my view the addition of a new family dwelling would generate additional vehicular activity off an existing access which has not been shown to provide the required visibility splays based on the average speeds. Such an arrangement would put those using the existing access and adjacent highway at risk.

27. Consequently, the proposal fails to provide safe highway access, contrary to the requirements of the Framework, 2021 which states that development should be refused on highways grounds if there would be an unacceptable impact on highway safety. I also find conflict with similar highway safety aims of Policy T2 of the new LP.

Other considerations

28. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It is stated that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The appellant is of the opinion that the proposal is not inappropriate development in the Green Belt and therefore no very special circumstances are advanced.

29. Nevertheless, the scheme, if allowed, would provide a new dwelling. Because of its design and materials, this would be of better architectural quality and appearance with better standards of insulation than the existing accommodation at the site, irrespective of whether this is lawful or not. However, such requirements are expected of all new development and any visual improvements arising from the proposal would be largely confined to the appeal site. As such, these matters and the other benefits arising from a single dwelling attract limited weight. The acceptability of the proposal in terms of the character and appearance of the area is a neutral factor in the overall balance.

30. I have taken account of the approved development at the Rye Nurseries site which the Council found to be not inappropriate development in the Green Belt. Nevertheless, whilst I have some information about the approved scheme, I have limited detailed information about the extent and scale of the development this replaced. In any event, each application is determined on its merits. Therefore, this carries little weight in the overall balance.

The Green Belt balance

31. The proposal would harm the Green Belt by way of inappropriateness and loss of openness. The Framework requires substantial weight to be given to any harm to the Green Belt. There would also be harm to highway safety.

32. Having taken account of all matters raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal conflicts with Policy SP4 of the new LP and the Green Belt provisions of the Framework, 2021.

Conclusion

33. I have found that the proposed scheme would not harm the character and appearance of the development. I have also found that the proposal would harm the Green Belt and highway safety, for this reason and conflict with the development plan and the Framework, 2021, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR