



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: 28 September 2021

Appeal Ref: APP/P0240/W/21/3266958

The Yard, The Ford, Eaton Bray LU6 2JB

- 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 and Mrs Kevin Roe against the decision of Central Bedfordshire Council.
 - The application Ref: CB/20/03249/FULL, dated 10 September 2020, was refused by notice dated 16 November 2020.
 - The development proposed is to divide the site into a plot for a 2-bedroom bungalow with the builder's yard to be retained on the part of the site to the south west.
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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 are aware of these occurrences and I have taken account of any comments received where relevant to this appeal.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the Framework, 2021;
 - Whether the site is in a suitable location for housing having regard to local and national planning policies;
 - Whether the proposed dwelling would provide acceptable living conditions for its occupiers;
 - 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

4. The appeal site has an established use as a builder's yard, the proposal is for the division of the site into a plot for a dwelling with the remainder retained for the extant use.

Inappropriate development

5. 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 broadly consistent with Policy SP4 of the new LP.
6. 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.
7. The existing development on the site includes two large storage buildings (Buildings 1 and 2) along the eastern boundary of the site. Of these, the larger building and indeed the largest within the site (Building 2) is to be retained for the builder's yard along with a sizeable area of hard surfacing adjacent to this.
8. Along with Building 1, the other development within the site proposed to be removed includes smaller buildings along with other structures mainly formed of scaffold poles and boards which are used for storage. Aside from these, there are also storage containers and areas of hard surfacing which are used for the open storage of a range of items which would also be removed.
9. Although not built development, based on the appellants' photographic evidence, the storage containers and open storage at the site are of some significance. However, these do not have the permanency linked with built development and in parts are dominated by the vegetation within the site. Furthermore, by design, the storage structures are more open and therefore do not have the massing, volume and visual presence associated with the buildings.
10. Most of the buildings and structures to be removed are located along the boundaries of the site. This dispersed arrangement of development along with the design of the storage structures provide a degree of spatial and visual openness within the site. Furthermore, these and the extent of existing open storage is largely screened and visually contained by the existing vegetation around the site.
11. Consequently, and irrespective of its commercial use and poor physical condition, 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.
12. As a consequence of the proposal, there would be some reduction in the overall footprint of development at the site. However, the proposed dwelling would be taller than the existing development. This, in combination with the extensive spatial footprint of permanent built development located centrally within the site, along with the massing and volume associated with it, would have a greater spatial and visual presence within the site than the extant

development. Furthermore, due to its overall scale, the proposed building would also have a stronger visual presence in views from outside the site.

13. Accordingly, the proposal would have a greater impact on the openness of the Green Belt than the existing development and therefore does not benefit from the provisions of Paragraph 149 (g) of the Framework, 2021.
14. For the above reasons, the proposal represents inappropriate development within the Green Belt. The Framework, 2021 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.

Whether the site is in a suitable location for housing

15. The appeal site lies outside of a Settlement Envelope and within the countryside. In accordance with Policy SP7 of the new LP, Settlement Envelopes provide a distinction between settlements and the countryside, and to encourage the efficient use of land within towns and villages, including the re-use of previously developed land and to maintain and enhance the intrinsic character and beauty of the countryside, only particular types of new development are permitted in the countryside. The proposal does not fall within any of those types.
16. However, consistent with Paragraph 79 of the Framework, 2021, to promote sustainable rural growth, Policy SP7 of the new LP does support: 'other appropriate development in the countryside which seeks to improve the vitality of rural villages and improve the rural economy.' Adding that: 'Where development is proposed, the Council will seek to encourage careful consideration of the landscape character, the protection of important features in the landscape design and the existing accessibility and compatibility'.
17. In this case, the nearest settlement with a range of shops, services and facilities is Edlesborough. However, access from the appeal site to this settlement is mainly along rural roads which in the main have no street lighting or infrastructure for pedestrians. In parts, these roads are also particularly narrow with potential for conflict with vehicles. The site is also adjacent to a Ford that would act as a constraint for walking in this direction towards Edlesborough during the winter months and in inclement weather. These factors would make such routes unappealing and unsafe for walking and would also limit access to other routes via public rights of ways. Also, there is no bus stop near the appeal site.
18. Although cycling could be an option, for similar reasons as walking from the site, this is also likely to be unappealing and less favoured for longer journeys, including for facilities to serve day to day living in respect of health, secondary education and employment.
19. Notwithstanding the advice in the Framework, 2021, on sustainable transport solutions varying between urban and rural areas, in this case the location of the site for housing offers very limited suitable sustainable travel choices in respect of accessibility to a range of shops, services and facilities. Therefore, occupants of the proposed dwelling would be highly reliant on car travel. Moreover, the contribution of an additional dwelling towards enhancing or maintaining the vitality of nearby settlements would be limited.

20. For the foregoing reasons, the location of the site offers poor accessibility, contrary to Policy SP7. Accordingly, I also find conflict with Policy T2 of the new LP which seeks to promote accessibility for all users and all modes of transport.

Living conditions

21. The new dwelling and the amenity space for this would be located adjacent to the retained builder's yard. These two uses would also share the same access. The use of the builder's yard which would include activities such as the access/egress and manoeuvring of a commercial vehicle along with the loading, unloading and the management of scaffolding equipment, would generate noise and disturbance. Therefore, and in the absence of any substantive evidence to the contrary and irrespective of the proposed boundary treatments and quality of construction of the new dwelling, such activity and the noise and disturbance associated with it, in close proximity of the new dwelling, would be significantly intrusive on the living conditions of its occupants. In particular, during summer periods when they would want to open windows and use outdoor amenity space.
22. Whilst the appellants state that the use of the builder's yard would be entirely within the control of the occupiers of the dwelling, and that any unloading and loading of a single lorry in association with the business use would be limited to certain periods of the day, there is no mechanism provided to secure such arrangements in perpetuity.
23. On the information before me, I am not persuaded that the introduction of controls for the builder's yard would be a planning gain for the wider area that outweighs the harm to the living conditions of the occupiers of the new dwelling. Indeed, the use of conditions to control the use of the builder's yard, highlights the incompatibility of the two uses which could also result in the commercial use having to further curtail its activities to safeguard the living conditions of the occupiers of the dwelling. This reflects poor quality development and spatial planning and I have significant concerns in respect of this. Even if future occupiers were to accept the existence of the builder's yard, this is no justification for this type of incompatible arrangement.
24. Although the appellants are willing to undertake a noise assessment, given my significant concerns about the relationship of the existing and proposed uses, this matter should not be left to a condition.
25. The proposal would therefore unacceptably harm the living conditions of the occupiers of the new dwelling in respect of noise and disturbance. This would be contrary to Policy HQ1 of the new LP which seeks to ensure that all developments are of the highest possible quality and Policy EMP2 of the new LP which requires that non-employment generating uses do not detrimentally impact upon existing surrounding land uses.

Highway Safety

26. The proposed dwelling is to utilise the existing access from the site onto the adjacent road (UC231). Subject to the removal and maintenance of existing vegetation, which could be secured by a condition if the appeal were to succeed, the required visibility splays would be achievable from this access. The submitted plans show that there would be sufficient space for a commercial vehicle to access, turn and leave the retained builder's yard in a forward gear.

27. Nevertheless, the proposed dwelling would result in an intensification of vehicular traffic. This additional traffic would also utilise nearby rural roads, which for the reasons already stated, create the potential for conflict with other road users.
28. However, on the information before me, it would appear that only limited pedestrians use the UC231 which is also lightly trafficked and therefore unsurprisingly Crashmap indicates that there have been no accidents on the UC231 over the past 21 years. Given this and my conclusions that local roads generally offer poor accessibility for pedestrians and cyclists, whilst the proposal would result in some additional vehicular traffic, I consider that any potential for conflict with other road users would not be significant. I, therefore, find no conflict with the highway safety aims of Policy T2 of the new LP.

Other considerations

29. The Framework, 2021 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.
30. The appellants are of the opinion that the proposal is not inappropriate development in the Green Belt and therefore no very special circumstances are advanced.
31. Nevertheless, the scheme, if allowed, would provide a new dwelling. Because of its design, materials and proposed landscaping, this would bring some environmental improvements to the appearance of the site. Along with this there would also be some social and economic benefits associated with a new dwelling. However, any visual improvements arising from the proposal would be largely confined to within the appeal site. Any other benefits associated with a single dwelling would be modest given its scale and location. Therefore, these matters attract limited weight.
32. I have also taken account of the appellants' pre-application discussions with the Council. Nevertheless, these relate to a different proposal and therefore carry little weight in the overall balance.

The Green Belt balance

33. 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. The location of the site is also unacceptable for a new dwelling because of its poor accessibility and the use of the retained builder's yard would unacceptably harm the living conditions of the occupiers of the new dwelling.
34. 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.

Planning balance and Conclusion

35. I have found that the proposal would not harm highway safety which is a neutral factor in the overall balance. There would be some benefits arising from the redevelopment of the site and the addition of a new dwelling. Nevertheless, for the reasons already given such benefits carry only limited weight in favour of the proposal. On the other hand, I have found that the proposal would be inappropriate development in the Green Belt. The location of the site is also unacceptable for a new dwelling because of its poor accessibility and incompatibility with the retained builder's yard and harm arising from this. For these reasons, and overall conflict with the development plan and Framework, 2021, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR