
Appeal Decision

Site Visit made on 10 September 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/K0235/W/21/3275066

Rifle Range Farm, High Street, Yelden MK44 1AW

- 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 Ben Paynter against the decision of Bedford Borough Council.
 - The application Ref 20/01212/FUL, dated 12 June 2020, was refused by notice dated 21 January 2021.
 - The development proposed is described as 'conversion of former warden's shelter into a residential dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of their appeal submission the appellant has provided revised drawings which include an alternative secondary access to that which was before the Council at the time of their decision. The Council has provided comments on this matter as part of their statement of case. A letter from the trustees of the neighbouring land that the secondary access would run through has also been provided by the appellant. Therefore, I am satisfied that no party would be prejudiced in this instance by me taking the revised drawings into consideration.
3. The proposed development has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. It has been concluded that the development would not be of a scale and nature likely to result in a significant environmental impact and EIA is therefore not required.

Main Issues

4. The main issues are:
 - (i) Whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and national policy including the effect of the proposal on the character and appearance of the area;
 - (ii) Whether the proposal would be acceptable in terms of flood risk; and
 - (iii) Whether suitable arrangements would be made for refuse collection from the site.

Reasons

Location

5. There is no dispute between the main parties that the site is located outside the Settlement Policy Areas defined in the Bedford Borough Local Plan (2020) (LP) and is situated in the countryside for the purposes of decision making. Policy 7S (Development in the Countryside) of the LP sets out amongst other things that development will be permitted in the countryside if it accords with specific policies within the LP, one of which is Policy 65 (Reuse of rural buildings in the countryside).
6. The proposal before me is not a conversion of the building in its current form. In order to provide the level of accommodation proposed the main brick building would be extended and its height increased. This would include the raising, extension and reconstruction of the roof over the extended building in order to facilitate provision of a mezzanine floor. As a result, there would be a significant increase in the height, mass and scale of the resultant dwelling when compared with the very modest proportions of the existing building.
7. The appellant contends that, when an existing wood store and lean-to are included, the overall footprint of the extended building would remain largely the same. However, the existing external additions are low in height and relatively flimsy in terms of their structural composition and appearance. Overall, I find that the extent of the building works proposed would amount to major reconstruction and significant extension of the building and would conflict with Policy 65 part (iv).
8. The 'Structural Investigation and Report' provided by the appellant only assesses the condition of the existing building rather than the structural capability of the building to accommodate the proposed works of scheme before me. In any case, even if I were to find that those parts of the existing structure that would be retained are structurally capable of being reused, this would not overcome the overall conflict with Policy 65 part (iv).
9. Policy 7S and the National Planning Policy Framework (the Framework) both confirm that development must recognise the intrinsic character and beauty of the countryside. Policy 65 (vii) and Paragraph 80 c) of the Framework require that the reuse of rural buildings in the countryside lead to an enhancement of the immediate setting.
10. Given its very modest proportions and its simple, traditional detailing, the current building is relatively understated in appearance. Notwithstanding the large area of hardstanding within the site, the site displays a predominantly open character which sits comfortably alongside the fields which dominate the surrounding landscape. Substantial levels of mature vegetation and woodland sit close to the site boundaries. Consequently, the site and its surroundings display features which are common of a countryside location.
11. In addition to the proposed increased bulk, scale and mass of the building, the elevations would include, amongst other things, timber cladding and large folding glazed doors. Rooflight windows and a flue would be incorporated at roof level. The associated curtilage would be substantial relative to the size of the dwelling and due to the residential use would be likely to include managed garden areas, parking of domestic vehicles and other residential paraphernalia.

12. I acknowledge that the proposal would remove a large part of the concrete hardstanding and replace this with soft landscaping to form the gardens. The site also benefits from substantial levels of screening owing to the surrounding vegetation. This could be supplemented by additional planting, although this would take time to establish. Even taking these factors into account, the development would be overtly domestic in character and appearance and would be evident to passers-by on the Byway Open to All Traffic (BOAT) to the immediate west of the site entrance. This would detract from the immediate setting and would be harmful to the intrinsic character and beauty of the countryside.
13. Policy 65 requires all parts of the policy to be met. Given I have found that the proposal would conflict with parts (iv) and (vii) of Policy 65, whether or not the proposal would meet other parts of the policy is immaterial.
14. The nearest recognisable settlement to the appeal site is Newton Bromswold. However, this settlement has very limited services and facilities. The evidence before me indicates that larger settlements with a greater range of services and facilities are not conveniently located. In either instance, access to the main highway network and the nearest bus stops would be along the BOAT. Given the distance involved and its unlit nature, this is unlikely to encourage use of the BOAT, particularly during periods of inclement weather or during hours of darkness.
15. While I recognise opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the particular constraints of the appeal site mean that there would not be a genuine choice of more sustainable transport modes for future occupants. It is likely that residents of the dwellings would be highly reliant on the private motor vehicle in order to meet their day-to-day needs. As the proposal would not be well-related to any existing settlement, it would also not fall to be considered under the exceptions at (vi) – (x) of Policy 7S of the LP. The dwelling would be an isolated home in the countryside and would not be a sustainable form of development.
16. I conclude that the development would not be in a suitable or sustainable location and that it would result in harm to the intrinsic character and beauty of the countryside. The development would fail to accord with the strategic objectives of the development plan in terms of the location of new development and would conflict with the sustainable development and character and appearance requirements of Policies 7S and 65 of the LP and the Framework.

Flood Risk

17. There is no dispute that the building and proposed curtilage sits wholly within Flood Zone 1 and therefore on land with a low probability of flooding. However, the primary access which sits within the wider site would be along the BOAT, substantial sections of which sit within Flood Zone 3.
18. Annex 3: Flood risk vulnerability classification identifies buildings used for dwelling houses as being 'more vulnerable'. Paragraph 167 of the Framework confirms amongst other things that development should only be allowed in areas at risk of flooding where it can be demonstrated that safe access and escape routes are included.

19. The revised access plan provided indicates that secondary access would be provided by way of a link from the appeal site through the neighbouring field to an existing track serving the main farmstead at Rifle Range Farm, Yelden. The appellant advises that the link would measure approximately 300 metres and would necessitate surfacing works to facilitate its use.
20. However, the neighbouring field sits outside the appeal site and the evidence before me indicates that this land is controlled by trustees of the farm. Even if the trustees are related to the appellant, the letter dated 26 March 2021 from the trustees of the farm is not legally binding. Given the land is not in the sole control of the appellant a condition would be unenforceable. The appropriate means of securing unimpeded future access rights across this neighbouring land and provision of a suitably surfaced link would be by way of a completed legal agreement signed by all interested parties. Without this, I am not in a position to secure the proposed secondary access with certainty and precision. Consequently, there is the potential that safe access and egress to and from the site could be compromised in a flood event.
21. I conclude that it has not been satisfactorily demonstrated that suitable means of emergency access and egress would be provided during a flood event. In that regard the development would not be acceptable having regard to the requirements for safe access and egress to an area of safe refuge in Policy 92 (Flood Risk) of the LP and the Framework.

Refuse provision

22. The evidence before me indicates that the site is located approximately 500 metres from the public highway. The appellant acknowledges that a municipal waste collection would not be possible but suggests that they would arrange for waste collection by a private contractor and that a Grampian condition could be attached requiring this. However, I cannot be certain that future occupiers of the dwelling would be willing to use or pay for a private service. A condition requiring them to do so in perpetuity would be difficult to monitor and enforce.
23. In the event that future occupiers did not arrange for a private collection, the likely alternative would be for occupiers to pull bins to the adopted highway for collection by the local authority. Given the considerable distance involved this is unlikely to be feasible particularly for older or less physically able residents. Even if there are instances in the locality where occupants pull bins for a similar distance, this does not convince me that this would be an acceptable arrangement.
24. My attention has been drawn to council documents which provide guidance on waste collection and Section 45 of the Environmental Protection Act (1990). Whether or not the council is able to relinquish its duties for waste collection from the site, this does not resolve the issues relating to the enforceability of future residents utilising a private waste collection nor the lack of a practical alternative.
25. I conclude that suitable arrangements for refuse collection from the site could not be secured. In that regard the development would not accord with the requirements to integrate functional needs and arrangements for dealing with waste in Policies 29 (Design quality and principles) and 32 (The impact of development – disturbance and pollution impacts) of the LP.

Other considerations

26. The potential for the existing building to fall into a state of further disrepair and the potential for vandalism do not convince me that residential development is the only way in which the site could be appropriately managed.
27. The appellant refers to the proposal as being a self-build project. It is not clear whether the 'self-build project' equates to self-build housing as defined in Annex 2 of the NPPF 2021. Even if it did qualify, this would not outweigh the collective very significant harm that would be caused having regard to my conclusions on the main issues.

Conclusion

28. The proposal would not be in a suitable or sustainable location and would result in harm to the intrinsic character and beauty of the countryside. In addition, it has not been satisfactorily demonstrated that suitable means of emergency access and egress would be provided during a flood event nor that that suitable arrangements for refuse collection would be secured. In those regards the proposals would collectively result in very significant harm and conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR