
Appeal Decision

Site visit made on 26 August 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/P0240/W/21/3273132

Sevenacres Nursery, Beadlow, Shefford, SG17 5PL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs D Dickman against the decision of Central Bedfordshire Council.
 - The application Ref. CB/20/03189/OUT, dated 7 September 2020, was refused by notice dated 6 November 2020.
 - The development proposed is the erection of a detached dwelling, garage and associated works.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application is in outline format with all detailed matters reserved for subsequent consideration. I have therefore treated the plans submitted with the proposal, drawing entitled 'Feasibility Plans and Elevation', as for illustrative purposes only.
3. Some of the policies mentioned in the decision notice refer to the Core Strategy and Development Management Policies (2009) but these have now been replaced by policies in the Central Bedfordshire Local Plan (CBLP), as adopted in July 2021 following examination. I have only had regard to the relevant policies contained in the CBLP.

Main Issues

4. The main issues are:
 - Whether the proposal accords with the development strategy for the area;
 - Whether the Council can demonstrate a 5 year's supply of new housing sites;
 - The effect on the character and appearance of the area; and
 - The effect on highway safety.

Reasons

Background

5. The appeal site forms part of a large grassed area mostly enclosed by hedging on the eastern, western and northern sides, which is situated at the front of a large utilitarian building related to a horticultural nursery. The site lies in open countryside to the east of the village of Clophill. It is proposed to erect a detached property, which the illustrative plans show as two storey, with access off an existing driveway to Shefford Road within the site.

Development strategy

6. The CBLP sets out a development strategy with a settlement hierarchy where the main service centres and villages are identified. The policy also indicates where 'infill' development and 'windfall' development may be acceptable within settlement envelopes, but also specifies that outside defined envelopes only specific forms of development will be permitted in order to protect the intrinsic character and beauty of the countryside.
7. Applying Policy SP7 to the appeal site I am satisfied that it lies away from the settlement envelope of Clophill and the intervening fields and space around the site have the clear character of countryside. I noted at my visit that new development is taking place on the edge of Clophill but this is well away from the appeal site and does not set any precedent in favour of the appeal scheme. The proposal for a detached open market dwelling does not comprise any of the exceptions for other development as specified in the relevant linked policies. On this basis I find that the proposal conflicts with the development strategy set out in the development plan.

Housing land supply

8. The appellants submit that as of January 2021 the Council can only demonstrate a supply of some 5.94 years although the Council's most recent assessment as of 1st July 2021 indicate 5.43 years supply. This is not a slim margin as the appellant suggests and the period measured includes much of the relatively recent time effected by Covid restrictions. Therefore, although the long terms effects of Covid on housing markets and housing delivery are not yet fully known, it appears to me too early to accept the appellants' proposition that it is highly probable that the planned housing supply will not come forward. On the evidence put to me I am satisfied that at the moment the Council can demonstrate an adequate five year supply and that paragraph 11(d) of the National Planning Policy Framework (the Framework) is not engaged in this case.

Effect on character and appearance

9. I have described the area around the appeal site generally as open countryside although I acknowledge that there are other detached dwellings scattered along local roads as well as farmsteads and the large utilitarian building on the nursery itself. Even though part of the appeal site would be screened by the boundary hedging, a new dwelling here would be likely to be very visible to the public realm. The physical presence of a dwelling would add to the scattered development along the lane and contribute to a material change in character from being mostly open to one of a suburban and built-up form. Although in some views a new dwelling would be seen with the backdrop of the

horticultural building to the rear, this relationship would not reduce the visual impact of a new dwelling on the general rural character of the landscape.

10. Overall on this issue I find that the physical presence of a new house on the site would harm the character and appearance of the open rural landscape and would conflict with the provisions of Policy EE5.

Effect on highway safety

11. Under this issue the Council, on the advice of the highway authority, says that the existing access does not have sufficient visibility and that this cannot be improved without involving third party land. Neither main party provides much evidence on the appropriate highway standard for visibility, the actual visibility achieved or what improvements are possible within the application site. My observations on site suggest that at a reasonable distance back from the highway edge, visibility to the east along Shefford Road was substantial but to the west the extent of visibility was restricted by the roadside hedge. It is possible that this line of sight could be improved by cutting back the hedge, but it is not clear that such works are within the control of the appellants and so could not be controlled by a planning condition.
12. As the proposal stands, I find that the existing access has restricted visibility and although this is in existing use by the horticultural enterprise and an existing dwelling, it has not been demonstrated that the additional traffic resulting from the proposed dwelling could be accommodated in a safe manner without harming highway safety. The proposal therefore conflicts with Policies HQ1 and T2 in terms of avoiding a detrimental effect on highway safety.

Potential fallback

13. The appellants indicate that the large horticultural building could in part be converted to a further four dwellings under Class Q of the GPDO¹ and this fallback position could lead to more activity and development on the appeal site than the proposed single dwelling. Further, the appellants say that this development could be relinquished by conditional agreement on the appeal scheme if successful. I note this fallback position but I am unable to give it much weight in the planning balance as it is not clear to me that it is likely that the owners of the site would convert the utilitarian building to dwellings. Moreover, even if 'permitted development' under the GPDO, this is a materially different form of development which is not subject to the application of the development plan as it makes use of an existing building in the countryside and does not involve new development on a green field site.

Planning balance

14. The appeal needs to be considered in the context that the Council can demonstrate an adequate supply of housing land at the moment. On the other main issues, I have found the outline proposal for a dwelling does not accord with the strategy in the Local Plan as the site lies in the countryside well away from the envelope of any recognised settlement. The proposed dwelling would be likely to visually harm the mainly undeveloped rural character of the local landscape and it has not been demonstrated that the additional movements caused by a new dwelling can be safely accommodated on the existing access

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

as this appears to me to have restricted visibility to the highway. For the reasons given above I find that the proposal conflicts with the relevant policies in the development plan.

15. This policy conflict and identified harm has to be balanced with other considerations. The appellants suggest that the proposal accords with the policy in the Framework but I do not agree. Although there would be a very limited benefit to housing supply and some additional use of services and facilities, the site is not in a location which limits the need to travel, especially by car, or supports other transport modes. Further, the visual impact of a new dwelling would not accord with the environmental dimension of sustainable development as it would harm the local countryside landscape. I find that the proposal conflicts with the Framework when this is read as a whole.
16. I have also taken account of the appellants' proposal to restrict 'permitted development' rights for housing conversion but cannot give this much weight. Likewise, I have taken account of the other appeal decisions put to me but these do not have similar circumstances to the appeal proposal, particularly regarding the planning history of that site and the development previously committed.
17. Overall, I find that the conflict with the development plan and the harm that I have identified will arise is not outweighed by any other considerations and this indicates that the appeal should not be allowed.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR