
Appeal Decision

Site Visit made on 26 October 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2021

Appeal Ref: APP/P0240/D/21/3277004

Land at Brick Kiln Farm, Chaul End Road, Caddington, Beds LU1 4AT

- 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 Ms Mary Mchugh against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/02867/FULL, dated 3 August 2020, was refused by notice dated 4 May 2021.
 - The development proposed is new single garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reason for refusal does not refer to any adopted development plan policies. However, on 22 July 2021, after the planning application was determined by the Council, the Central Bedfordshire Local Plan 2015-2035 (the Local Plan) was adopted. As a result, the Council now considers that the proposed development would conflict with Local Plan (2021) Policy SP4 (Development in the Green Belt). I have taken both parties' representations into account on this matter and I have dealt with the appeal on this basis.
3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Accordingly, both parties were invited to provide representations in relation to this matter. I have therefore had regard to the revised Framework in considering this appeal.
4. The appellant has confirmed that the correct address is as listed on the appeal form. As such, I have taken the address details from the appeal form.

Main Issues

5. 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.
 - The effect on the openness of the Green Belt.
 - If the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

6. The appeal site is located within the Green Belt. Local Plan (2021) Policy SP4 states that there is a general presumption against inappropriate development in the Green Belt and that proposals in the Green Belt will be assessed in accordance with the Framework and national planning practice guidance.
7. Framework Paragraph 149 states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, except in certain circumstances. The appellant contends that the proposed development constitutes limited infilling in a village, which is exception 'e' under Framework Paragraph 149. It is therefore necessary to consider whether the appeal site is located within a 'village' for the purpose of considering the applicability of exception 'e'.
8. The appeal site is located within an area which comprises several small clusters of primarily residential development. Intervening swathes of countryside separate this area from the village of Caddington to the south and a more recently constructed large residential development to the north. There is no footway linking the appeal site with these settlements. In contrast to these two settlements, residential development within the area containing the appeal site has a more sporadic character, with only a short frontage of residential development visible from Chaul End Road.
9. The site is adjacent to a row of five terraced dwellings which are orientated in a linear manner, fronting Chaul End Road. There is a further proliferation of dwellings to the north, collectively known as Brick Kiln Barns. However, these properties have a distinctly different character to the row of terraced dwellings, presenting as a close-knit group of barn conversions. These two small proliferations of residential development are not connected by a footway and they are therefore physically separate. Indeed, there are few, if any, footways linking the residential buildings in this area. In addition, there are no services or facilities on this part of Chaul End Road, as might be expected in a village.
10. The appellant has referred to various planning permissions granted for single dwellings within close proximity to the appeal site. However, very limited information has been provided in relation to these permissions. Notwithstanding this, during my site visit I saw that one dwelling has recently been constructed in close proximity to the appeal site. Even taking this dwelling and the other permissions referred to into account, this area would still only comprise a small number of dwellings with a minimal visual and physical interrelationship between them.
11. Taking all of these factors into consideration, and having regard to the judgements referred to by the appellant, the appeal site is not located within a village. The appellant has made various representations as to the extent to which the development comprises 'limited infilling'. However, given that I have concluded that the appeal site is not located within a village, the proposed development does not fall under the exception set out under Framework Paragraph 149(e). The proposal would therefore be inappropriate development in the Green Belt.

The effect on the openness of the Green Belt

12. Framework Paragraph 137 states that the essential characteristics of Green Belts are their openness and permanence. An assessment of openness requires a consideration of both spatial and visual aspects.
13. The appeal site comprises an existing area used for parking. The proposed development is for a single storey detached garage with a pitched roof. Whilst the scale of the development is limited, compared to the adjacent row of terraced dwellings, there would clearly be a spatial reduction in the openness of the Green Belt, given that the site is currently free from any existing structures.
14. Furthermore, the development would be visible in the street scene over the existing vehicular access, which currently allows limited views to the open countryside beyond. Whilst this visual harm would be limited, given the small scale of the development, it would still be noticeable. In this regard there would be a harmful visual impact upon the openness of the Green Belt.
15. In summary, there would be harmful spatial and visual impacts upon the openness of the Green Belt. Notwithstanding this, given the limited scale of the proposed development, the harmful effect on openness would be limited.

Other Considerations

16. The appellant asserts that the garage would serve a residential property recently granted planning permission¹. However, the benefits of the provision of a garage would be limited given that the existing land already comprises an area laid out to provide parking. There would also be some minor economic benefits associated with construction of the garage but as a result of the small scale of the development these would be limited.

Conclusion

17. The proposed development would be inappropriate development, which is, by definition, harmful to the Green Belt. There would also be some limited harm to the openness of the Green Belt. I afford substantial weight to this harm, in accordance with the requirements of Framework Paragraph 148.
18. Given the substantial weight to be given to Green Belt harm, relative to the modest weight which I afford to the benefits of the proposed scheme, the harm is not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.
19. The development is therefore contrary to the Framework and to Local Plan (2021) Policy SP4, which seeks to protect the Green Belt in accordance with the Framework. As such, the appeal should be dismissed.

Luke Simpson

INSPECTOR

¹ Council Planning Application Reference: CB/19/03805/FULL.