



Appeal Decision

Site visit made on 14 December 2021

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2022

Appeal Ref: APP/P0240/W/21/3276983

Land next to 78 Woodside Road, Woodside LU1 4DQ

- 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 Glen Eden Plant Sales Limited against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/00458/FULL, dated 17 December 2020, was refused by notice dated 11 May 2021.
 - The development proposed is a new 2 bedroom dwelling with associated parking and amenities.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Background

2. The Central Bedfordshire Local Plan 2015-2035 ('CBLP') was adopted on 22 July 2021, after the decision on this application was made. Policy BE8 of the South Bedfordshire Local Plan Review 2004, which was referred to in the decision notice, is therefore superceded, and is replaced by CBLP Policy HQ1.
3. Additionally, a revised version of the National Planning Policy Framework ('Framework') was published on 20 July 2021. The main parties commented on the Framework and the CBLP during the appeal process, and I have taken their representations into account in my decision.
4. A previous appeal for a 3 bedroom dwelling with associated parking and amenities was dismissed on 19 August 2021 (APP/P0240/W/21/3274098) ('previous appeal'). I have had regard to the previous appeal in my decision, although I note that, compared to it, the proportions of this proposed dwelling, and some of the site boundaries, differ.
5. Following the previous appeal, the Council states that it no longer wishes to defend its third and fourth reasons for refusal, which relate to the scheme's impact on the safety and convenience of highway users, and off street parking. I have therefore not considered those matters any further in this appeal.

Main Issues

6. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt

having regard to the Framework and any relevant development plan policies;

- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the area; and
- Whether or not 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 required to justify the proposal.

Reasons

Whether inappropriate development

7. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 149 it regards the construction of new buildings as inappropriate unless, amongst other things, at e) it comprises limited infilling in villages.
8. CBLP Policy SP4 states that development proposals in the Green Belt will be assessed in accordance with the Framework and Planning Practice Guidance. Its supporting text notes that infill development can generally be defined as small-scale development in a small gap in an otherwise built up frontage, and which complements the surrounding pattern and grain of development.
9. The Framework does not define what constitutes a 'village'. However, in the previous appeal the Inspector found that Woodside constitutes a village location. Having regard to the site's broad context, and my assessment of the facts on the ground, I have no reason to disagree.
10. As the proposed dwelling would be sited roughly between the dwellings at 78 Woodside Road ('No 78') and 80 Woodside Road ('No 80'), it would occupy a small gap in an otherwise built-up frontage. Given the varied siting of nearby dwellings, the proposed dwelling would broadly complement the pattern of development, and it would be small in scale.
11. However, the appeal site extends the same distance to the rear as in the previous appeal, and therefore includes rural/agricultural land, some of which has been fairly recently excavated, as evidenced at appendices 4 and 5 of the Council's statement. That land would be enclosed by 1.8m high close boarded fencing and would form the dwelling's rear garden.
12. The proposed garden would extend significantly beyond No 80's rear garden, and whilst the dwelling and garden at 1 Whyley Cottage ('No 1') are stepped further back, they are separated from this site by a driveway and by a public right of way ('footpath').
13. Consequently, I have no cogent reason to disagree with the Inspector in the previous appeal that, as a significant portion of the site comprises a parcel of open agricultural land, the scheme, when considered as a whole, does not constitute limited infilling in a village. In that regard, it would therefore be inappropriate development in the Green Belt.

The Openness of the Green Belt

14. The Framework and the supporting text to CBLP Policy SP4 set out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence.
15. The proposed rear garden would extend into an area that is devoid of built development. In the previous appeal, the Inspector found that, notwithstanding its potentially lower level relative to the adjacent field and modest area, the domestication of that space and the introduction of features, which would be visible from the footpath, such as boundary treatment and residential paraphernalia, would lead to a loss of Green Belt openness.
16. Whilst a condition could be imposed to withdraw permitted development rights on that land, fences are proposed as part of this scheme, and such a condition would not control all such paraphernalia. I therefore have no persuasive reason to disagree with that Inspector's assessment.
17. Paragraph 150 of the Framework sets out that certain forms of development in the Green Belt are not inappropriate provided that they preserve its openness and do not conflict with its purposes. However, although I have considered the appeal decision cited at GC-2 of the appellant's rebuttal statement, considering this scheme as a whole, as I have found that it would harm openness, none of those exceptions applies here. Whilst the loss of Green Belt openness would be limited, this adds to the harm I have found by reason of inappropriateness.

Character and appearance

18. The footpath forms part of a designated Heritage Greenway, and runs along the site's south-western boundary from Woodside Road and continues to the rear beyond No 1. Towards the site's frontage the footpath is next to hardstanding and nearby housing. Unlike in the previous appeal, the two storey side elevation of the proposed dwelling would be set in 0.5m from the boundary. In that context, I agree with the previous Inspector that the enjoyment of the footpath would not be compromised by the presence of this building.
19. However, as in the previous appeal, the proposed dwelling's garden would utilise agricultural land which projects beyond the rear garden of No 80, in a location where the footpath's context begins to evolve into a well-vegetated rural corridor. I therefore share that Inspector's concern that the intended rear garden, including its boundary fence, would have a domesticating/urbanising influence, and would appear as an encroachment into the open countryside, as experienced from the footpath.
20. The proposed dwelling's design would fit in with the diverse appearance of nearby properties; it would be provided with an appropriately sized garden; and the plot to dwelling ratio would be acceptable. Although two parking spaces would be relocated from the site to a location to the rear of No 78, that property would retain a largely undeveloped rear amenity space, and I am not persuaded that it would result in a cramped appearance.
21. Nevertheless, for the reasons above, the scheme would cause a moderate degree of harm to the character and appearance of the area. It would therefore conflict with those parts of CBLP Policies HQ1 and SP7 which require

development proposals to respond positively to their context, and which recognise the intrinsic character and beauty of the countryside.

22. CBLP Policy SP7 also states that limited extensions to gardens beyond settlement envelopes may be permitted provided that they do not harm the character of the area. It does not make any reference to the Green Belt. However, this site is not an existing garden and for the above reasons the proposal does not comply with that stance.
23. Finally, Policy Case 8 of the Neighbourhood Plan for Caddington and Slip End 2016 – 2031 (2018) requires development proposals adjacent to the Heritage Gateway to demonstrate positive benefits to it. Given the site's context next to existing houses, and the proposed 1.8m high boundary fence, I am not persuaded that there would be a significant benefit as a result of additional natural surveillance. Thus, the scheme would also conflict with that policy.

Other considerations

24. At paragraph 4.24 of his statement the appellant refers to a dwelling which was approved on land adjacent to 79 Woodside Road ('No 79'), along with other examples. However, the scheme at No 79 does not appear to project into agricultural land in the same manner as this proposal, and I have insufficient details of all those proposals to properly compare their impact on the character and appearance of the area and on the Green Belt with this scheme. In any event, I have considered this scheme on its merits, and those examples do not change my conclusions regarding the harm that it would cause.
25. In its favour, the scheme would make an efficient use of the land and would make a small contribution to housing supply, on a site which is not isolated, and which is, in-part, previously developed. There would also be economic and employment benefits during construction, and support to the local economy and community facilities through occupation. However, as just one dwelling would be created, those benefits would be limited.

Whether very special circumstances exist

26. The scheme would be inappropriate development and would cause limited harm to its openness. In accordance with the Framework, I have given substantial weight to those harms. Additionally, the scheme would cause moderate harm to the character and appearance of the area.
27. As the other considerations in this case do not clearly outweigh the harms that I have identified, the very special circumstances necessary to justify the development do not exist. CBLP Policies SP4, SP7 and HQ1, and the Framework's Green Belt policies, provide a clear reason for refusing the scheme.

Conclusion

28. For the above reasons, and having regard to all other matters raised, including representations by interested parties, the appeal is dismissed.

Chris Couper

INSPECTOR