



Appeal Decision

Site visit made on 15 February 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2022

Appeal Ref: APP/P0240/W/21/3278516

Land to the Rear of 48 Church Road, Studham LU6 2QA

- 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 Morris Investment & Property Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/01316/FULL, dated 22 March 2021, was refused by notice dated 3 June 2021.
 - The development proposed is erection of two dwellings with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In July 2021 the Central Bedfordshire Local Plan (the 'Local Plan') was adopted. The Council have advised that policies HQ1, SP2, SP4, T2 and T3 are the most relevant Local Plan policies. Copies of these policies have been provided to the appellant.

Main Issues

3. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - ii) the effect of the proposal on openness;
 - iii) is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations and if so, does this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development?

4. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions, of which one is limited infilling in villages. Policy SP4 of the Local Plan simply states that development proposals within the Green Belt will be assessed in accordance with government guidance in the Framework and the national Planning Practice Guidance (PPG).

5. The Framework and the PPG do not define 'limited infilling in villages', but clearly to meet this exception development must be limited, must represent infilling and must be in a village. The parties in this case do not dispute that Studham is a village and that the development is limited. Whether or not the development represents infill is the disputed issue.
6. The site comprises some vacant land to the rear of houses fronting Church Road. However the development would face Church Mead; a cul-de-sac only containing a row of eight small bungalows opposite the site. The neighbouring land to either side of the site is the rearmost parts of the long rear gardens of other houses on Church Road, and there are a number of trees and bushes on the side boundaries that visually separates the site from these other houses. As such, when looking at the site from Church Mead the only houses that are prominent are those directly behind the site which would be largely obscured by the proposal. Consequently, when built, the two proposed semi-detached houses would appear isolated from all of the neighbouring dwellings.
7. This isolation means that the development would appear as a detached mass of built form with no visual connection with any neighbouring buildings. The explanatory text in paragraph 8.6.3 of the Local Plan, drawn to my attention by the appellant, advises that infill development can generally be defined as small scale development in an otherwise built-up frontage. I agree that infilling should substantially fill a gap or space between other buildings. Due to its separation from neighbouring buildings, this proposal would fail to do that. Though I accept the use of 'generally' allows for some flexibility, in this case I see no reason why the definition cannot be usefully applied.
8. As such, although I accept the site is generally surrounded by the other houses in Studham and does not project into the open countryside, the development would not constitute limited infilling in a village, and it would not fall into any of the other exceptions identified in paragraph 149 either. Consequently, the proposal would conflict with Policy SP4 and paragraph 149 of the Framework. It is therefore inappropriate development.
9. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.
10. I note the appellant's suggestion that the site does not conflict with the purposes of the Green Belt. However, an assessment of the proposal against the five purposes of the Green Belt is not a matter that affects the consideration as to whether it is inappropriate or not. Likewise an assessment of its impact on openness is not part of the test as to whether limited infilling in villages is inappropriate or not. That is considered separately below, as the fundamental aim of Green Belts is to keep land permanently open.

Openness

11. As the site is currently vacant with generally open views across it from Church Mead to the houses on Church Road, the introduction of two, two-storey houses will reduce its openness in a spatial and visual sense. Overall, the proposal would have a significantly harmful effect on the openness of the Green Belt, to which substantial weight should be given.

Other considerations

12. The Framework states that inappropriate development should not be approved except in very special circumstances and that very special circumstances will not exist unless the potential harm to the Green Belt and any other harm is clearly outweighed by other considerations.
13. The appellant has referred to a number of other planning decisions relating to sites in Central Bedfordshire and beyond. However the sites, their surroundings and the proposals are all different and it is difficult to draw useful comparisons. Indeed the appellant suggests these illustrate that the definition of infilling is open to interpretation. My interpretation is set out above.
14. The Council have demonstrated that they now have a five-year supply of housing land. As such paragraph 11 d) of the Framework is not engaged.

Green Belt balance

15. I find that there are no other considerations in this case that clearly outweigh the harms the development would cause to the Green Belt by virtue of its inappropriateness and to openness. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

16. The development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR