



Appeal Decision

Site visit made on 23 March 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/P0240/W/21/3284083

Cobblers Gold, Mancroft Road, Aley Green LU1 4DG

- 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 and Mrs Meakes against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/01195/FULL, dated 15 March 2021, was refused by notice dated 13 July 2021.
 - The development proposed is demolition of existing dwelling and erection of a replacement dwelling with basement.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and erection of a replacement dwelling with basement at Cobblers Gold, Mancroft Road, Aley Green LU1 4DG in accordance with the terms of the application CB/21/01195/FULL, dated 15 March 2021, subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. The South Bedfordshire Local Plan Review (2004) referred to by the Council in its decision notice has been superseded by policies in the Central Bedfordshire Plan (2021) (LP) which has been adopted since the application was refused. The appellant and the Council have both commented on the new policies. I must make my decision based on the development plan prevailing at the time of my determination. I am satisfied that no interested parties have been prejudiced by my approach.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect of the proposed development upon the character and appearance of the area; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposed development would be inappropriate development

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new dwellings is regarded as inappropriate in the Green Belt save for a number of specified exemptions, one of which is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
5. LP Policy SP4 relates to development in the Green Belt and states that development proposals will be assessed in accordance with national guidance.
6. The proposed development is for a replacement dwelling. The appellant acknowledges that it would be materially larger than the existing house and based on the information before me I can only come to the same conclusion.
7. Consequently, the proposed development would be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework, at paragraph 148, states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, resulting from the proposal, is clearly outweighed by other considerations, which I now turn to.

Effect on openness

8. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both visual and spatial aspects.
9. In terms of a fallback position, I note that a number of Certificates of Lawful Development have been granted for extensions which, if implemented, would significantly increase the size of the dwelling and result in a greater site coverage.
10. Whilst the proposed development would have a different appearance and form, it would nonetheless have a lower ridge height and the overall floor area and volume would be less than what could be built than if the existing dwelling were to be extended under permitted development. Notwithstanding the width of the upper floor proposed, I am satisfied that the proposed dwelling would not result in a greater impact upon openness given the fallback position.

Character and appearance

11. The appeal site is a detached dwelling set within a spacious plot within a linear strip of housing located within an undulating rural landscape. Dwellings are set back from the road and vary considerably in terms of property design, plot size and shape and density. The character of existing housing including the set back from the road, gaps between properties, generous rear gardens and tree cover contributes to the spacious and rural character of the area.
12. There is no doubt that the proposed development would alter the appearance of the site, including from the greater width of the upper floor. However, I do not find that this would be harmful. The dwelling would be set back into the

site and would maintain separation from the side boundaries and neighbouring properties. The property's relatively low eaves, ridge height and roof design combined with its overall scale and position would ensure that the proposed development successfully integrates into the area maintaining the sense of spaciousness that exists. The proposed development would be well contained within its own domestic setting, and it would not unacceptably interrupt views of trees or the countryside beyond the site.

13. I conclude that the proposed development would not adversely affect the character and appearance of the area or result in landscape damage. As such it would accord with Policy HQ1 of the LP which, amongst other things, seeks to ensure proposals enhance and reinforce local distinctiveness and relate well to existing local surroundings.

Conditions

14. The Council has suggested 16 conditions in the event that the appeal was to be allowed. I have considered these in relation to the contents of the Framework and the Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.
15. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. Conditions relating to the external materials and boundary treatments have been imposed to ensure the satisfactory appearance of the development.
16. Conditions relating to electric vehicle charging points and the laying out of parking and turning areas has been imposed in the interests of highway safety and sustainable development.
17. Conditions requiring works to be carried out in accordance with the submitted arboricultural method statement and ecological assessment have been imposed in the interests of safeguarding important trees and ecology. A condition for submission of a surface water drainage scheme has been imposed in the interests of achieving sustainable development.
18. In the interests of human health, I have imposed a condition for a risk assessment and a remediation scheme to be submitted in the event of unexpected contamination on site.
19. The Council has suggested removing permitted development rights for the enlargement, improvement or other alteration of a dwelling house, additions or alterations to the roof, buildings or enclosures incidental to the enjoyment of the dwelling house falling within Classes A, B and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
20. I acknowledge that the PPG advises planning conditions to restrict permitted development rights may not pass the test of reasonableness or necessity. However, in this particular instance taking into consideration the Green Belt location of the proposed development a condition to remove permitted development rights is necessary and reasonable to ensure the satisfactory appearance of the development and to maintain the openness of the Green Belt.

21. The Council has suggested a condition for the construction to be carried out in accordance with their 'Construction Code of Practice for Developers and Contractors'. However, given the modest scale of the proposed development it is unlikely to generate significant construction traffic or disturbance. Therefore, I do not consider it is reasonable to impose this condition.

Overall balance and conclusion

22. The proposed development would amount to inappropriate development which the Framework makes clear is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. The floor area, volume and height of the proposed development would be less than the cumulative scale of the dwelling and the extensions permitted by the Certificates of Lawful Development. In this specific regard this represents an important fallback position. The proposal would have very limited impact in terms of its size and there would be no greater impact upon openness which is an essential characteristic of the Green Belt.
23. Taken together and having regard to the above, I find that harm caused by reason of inappropriateness, is clearly outweighed by other considerations in these particular circumstances, so as to amount to the very special circumstances necessary to justify the development. Consequently, the proposed development would accord with LP Policy SP4 which permits development in the Green Belt where very special circumstances exist.

Conclusion

24. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing floor plan, elevations and roof plan Drawing Number 999-SU-006; Existing site plan and location plan Drawing Number 999-SU-008 Rev A; Proposed site plan and location plan Drawing Number 999-PL-050 Rev H; Proposed ground floor plan Drawing Number 999-PL-051 Rev E; Proposed first floor plan, elevations and roof plan Drawing Number 999-PL-052 Rev E; Proposed basement plan and sectional view Drawing Number 999-PL-053;
- 3) No development shall commence until a detailed surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100 year event (+40%CC), and a maintenance and management plan for the scheme has been submitted to and approved in writing by the local planning authority. The discharge rate from the development will be limited to a minimum of 20% betterment /the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards. The final detailed design shall be based on the agreed drainage Strategy (to be submitted) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the local planning authority for approval.
- 4) No development shall commence above ground until samples of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 5) A scheme shall be submitted for approval in writing by the local planning authority indicating the final positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the proposed development is first occupied and be thereafter retained for the life of the development.
- 6) The dwelling shall not be occupied until a 'Maintenance and Management Plan' for the surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the life of the development.
- 7) The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with Drawing Number 999-PL-050 Rev H for cars to be parked and for vehicles to turn so that they may enter and leave

the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

- 8) The development shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be implemented in accordance with the approved details and shall thereafter be retained.
- 9) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Arboricultural Method Statement (Document Reference P1833-AMS01 V1).
- 10) The development hereby permitted shall be carried out in accordance with the recommendations set out in May 2019 Preliminary Roost Assessment.
- 11) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the local planning authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellinghouse, additions or alterations to the roof, or buildings or enclosures incidental to the enjoyment of the dwellinghouse falling within Classes A, B and E shall be constructed.