
Appeal Decision

Site visit made on 12 April 2022 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2022

Appeal Ref: APP/P0240/W/21/3284226

Land off Toddington Road, Harlington LU5 6LA

- 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 Griffiths Holdings against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/01121/FULL, dated 11 March 2021, was refused by notice dated 9 July 2021.
 - The development proposed is erection of 1 dwelling and associated access and landscaping.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The application was determined against the policies within the Core Strategy and Development Management Policies (CS) (adopted 2009), which has since been superseded by the Central Bedfordshire Local Plan (LP) (adopted 2021). The Council's Appeal Statement identifies the relevant policies in the LP that have superseded those in the CS and the appellant has had the opportunity to respond. Interested parties have also had the opportunity to submit comments in light of the new policy context.
4. The appellant submitted revised plans with the appeal which seek to change the garage from integral to detached; vary the materials to identify the main entrance and extend the living roof to east and south. These would be a material change to the scheme considered by the Council. Furthermore, I cannot be certain that any interested parties would have been aware of these proposed amendments as part of the appeal process, and that those who might have wished to comment have therefore had the opportunity to do so. Therefore, to accept those plans could prejudice interested parties. Consequently, and mindful of the Wheatcroft Principles¹ and the advice in section M.2 of the Procedural Guide: Planning Appeals - England, in the interests of fairness I have considered this appeal on the basis of the plans submitted to the Council and upon which it based its decision.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

5. The main parties have confirmed that the revision numbers of some of the drawings listed on the Council's decision notice are incorrect and have confirmed the correct details. I am satisfied that these were typographical errors only and that, with the exception of the amended plans discussed above, the plans before me are those on which the Council based its decision.

Main Issues

6. The main issues are:
- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness and purposes of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - if the proposal is inappropriate development, whether 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 for the Recommendation

Whether inappropriate development

7. The Framework establishes that new buildings within the Green Belt are inappropriate development subject to a number of exceptions. The exception set out in paragraph 149 e) permits limited infilling in villages whilst the exception in paragraph 149 g) permits the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
8. Policy SP4 of the LP states that development proposals will be assessed in accordance with government guidance contained within the Framework and the Planning Practice Guidance.
9. The site is washed over by the Green Belt. It is not located within the village 'inset' boundary for Harlington or within any other settlement envelope defined in the LP. The Courts have however held that village boundaries defined in a local plan may not be determinative for this purpose, so it is necessary to have regard to the situation on the ground.
10. The site is adjacent to a small cluster of buildings, but the prevailing character around the site of a rural, largely undeveloped area. The site is separated from Harlington by a large field and a railway line. There is therefore a clear difference between the rural character around the appeal site and the much more built-up area of Harlington several hundred metres away. There are no services and facilities near the appeal site, with those in Harlington some distance away. I do not therefore consider that the cluster of development next to the appeal site can be considered a village.

11. To the east of the site is a large open field that undulates and rises towards Harlington. The field is allocated for housing development in the LP but is outside the current settlement envelope of the village. An application for outline permission has been submitted but to my knowledge has not yet been determined. Given that the application has been made in outline and is for a major development, including a school, it could take several years for reserved matters approval to be granted and for the development to be built out. Consequently, while in the future it may be developed, bringing the built-up area closer to the appeal site, that is not the current situation. Therefore, the allocation of that site does not result in the appeal site being within or adjacent to a village.
12. Furthermore, whilst there are dwellings to the west of the appeal site, the undeveloped nature of the adjacent field means that, at this time, the site is not located between existing development. Therefore, while it would be a 'limited' amount of development, the development of this site would not currently result in infilling a gap.
13. The outline application for the adjacent field was made with all matters but access reserved for future consideration so the layout provided is indicative only. Therefore, it is not possible to know at this stage how that site will eventually be laid out, and whether there would be development close to the site, such that the appeal proposal would become an obvious infill. In any event, that is not the situation now.
14. These factors lead me to the conclusion that the appeal site is not within a village and that the proposal would not result in limited infilling. It would not therefore fall within the exception in Framework paragraph 149 e).
15. The Framework defines previously developed land (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. Exclusions from this definition include land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
16. The site was historically used in association with a brickworks but this use has ceased. It appears to be currently used for the limited storage of materials and while there are areas of hardstanding, the overgrown nature of the site means that these have blended into the landscape. Consequently, I do not consider that it is PDL. Even if I had reached a different conclusion on this matter, as the proposal would not result in limited infilling, it still would not fall within the exception in Framework paragraph 149 g).
17. Therefore, the proposal would not meet either exception and would be inappropriate development in the Green Belt.

Openness and purposes of the Green Belt

18. The courts have held that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. But equally this does not mean that the openness of the Green Belt has no visual dimension.

19. The site is bounded by hedgerows, trees, fencing as well as a large, gated entrance. Therefore, views into it are relatively limited and the site has a limited impact on the openness of the Green Belt.
20. The proposed dwelling would be partly screened from the roadside by existing and proposed landscaping and the proposed sedum roof would help the dwelling blend in with the surrounding vegetation. However, despite its low profile, parts of the dwelling would be visible from the road above the fence and between the trees, as well as from the access, particularly as no gate is shown on the proposed plans.
21. The neighbouring dwellings are clearly visible from the road and although low-density development, they nevertheless result in that part of the Green Belt being less open than the surrounding undeveloped fields. While similar in character to its neighbours, the proposal would nevertheless introduce new built form where there is none currently. Consequently, it would erode both the spatial and visual openness of the Green Belt compared to the existing situation.
22. Due to the amount of screening proposed, and the design and height of the proposal, its impact on openness would be limited. Nonetheless, it would have greater impact on openness than the existing development. Consequently, even if I had found the site to be PDL, the proposal would not meet the exception set out in paragraph 149 g) of the Framework.
23. Furthermore, as a currently largely undeveloped site, the scale and extent of development proposed would extend built form further into the countryside than currently exists. Accordingly, the proposal would also fail to safeguard the countryside from encroachment which is one of the five purposes of the Green Belt set out in paragraph 138 of the Framework.
24. Development of the adjacent field would change the context of the site and the openness of this part of the Green Belt. However, given the likely timescales for delivery and uncertainty about layout, I cannot be certain that it would alter the area to such an extent that the proposal would have no impact on the openness or purposes of the Green Belt.

Character and appearance

25. The dwellings to the west are large buildings set back from the roadside within spacious plots, typical of sporadic groups of dwellings found in the countryside around Harlington. They vary in scale, appearance and the materials used. In this context, the scale and siting of the proposal in its large plot would be consistent with the other dwellings. The modern contemporary appearance of the dwelling would be unusual for the area but given the variation locally, this would not be out of character with the area.
26. Nevertheless, the site is located within the open countryside and the condition of the site is not particularly apparent from the roadside, while its undeveloped appearance and the surrounding trees and hedgerows positively contribute to the character and appearance of this rural location. The insertion of a dwelling in this location would significantly alter the character of the site. The design features proposed would soften the appearance of the dwelling and help it to assimilate into the landscaping around the site, while fencing and planting would provide some screening of parking and domestic paraphernalia.

Nevertheless, parts of the dwelling would still be visible from the road and the proposal would urbanise this rural site. Accordingly, the proposal would detract from the rural character and appearance of the immediate area, albeit that the harm would be limited.

27. Development of the neighbouring site could, in time, alter the character and appearance of the area to one which is more built-up. However, this is not the current situation and this may not change for several years. Therefore, that situation does not justify the harm that this proposal would cause.
28. Therefore, whilst the design of the dwelling would not appear out of character with the surrounding development, a dwelling in this location would cause harm to the character and appearance of the area, as it is now. Consequently, the proposal would not comply with LP Policy HQ1 which requires developments to respond positively to their context and reinforce local distinctiveness, both built and natural. Moreover, the proposal would not accord with the general design policies of the Framework which require developments to add to be sympathetic to local character.

Other considerations

29. The Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework sets out that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
30. A single dwelling could be delivered quickly and would make a modest contribution to the Council's five-year housing land supply. It would provide a dwelling in a location with reasonable access to public transport and services, albeit via an unlit footway. It would not however be on PDL and although a windfall site, would not benefit from the support for windfall development set out in LP Policy SP7, as it would not be one of the limited types of development permitted outside settlement envelopes. There would be some economic benefits through construction and the spending of an additional household locally. In the context that the Council can demonstrate more than a five-year supply of deliverable housing sites however, the benefits of a single dwelling would be limited, and carry limited weight.
31. The proposal would introduce a number of features that seek to enhance the biodiversity and landscape value of the site, but for a single dwelling these benefits would be limited. Furthermore, the ecological survey, including Great Crested Newts, is now out of date. Therefore, in the absence of up-to-date survey information I cannot be certain the proposal would safeguard protected species, which weighs against it.
32. The proposal would incorporate energy efficiency and renewable energy measures into the construction which would be supported by local and national policies that seek to address the impacts of climate change. The benefits of one dwelling would be limited however, so carry limited weight.

Whether very special circumstances exist

33. The proposed development would cause harm to the Green Belt by reason of inappropriateness, the reduction in the openness of the Green Belt and

encroachment into the countryside. Having regard to the Framework, I attach substantial weight to those harms. It would also result in limited harm to the character and appearance of the area.

34. The other considerations carry limited weight and do not, either individually or cumulatively, clearly outweigh the harm to the Green Belt and other harm. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
35. Therefore, the proposal would also conflict with LP Policy SP4, and the Green Belt policies of the Framework.

Conclusion and Recommendation

36. Therefore, although the proposal would comply with some policies of the LP in relation to matters such as parking and living conditions, it would conflict with the LP in respect of its policies on housing in the countryside, design and Green Belt development. I therefore find that it would conflict with the development plan as a whole. There are no material considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

37. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR