



Appeal Decision

Site visit made on 7 June 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2022

Appeal Ref: APP/P0240/W/21/3284218

Manor Park Farm, Fordfield Road, Millbrook MK45 2HZ

- 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 P Muncaster against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/02295/FULL, dated 18 May 2021, was refused by notice dated 5 August 2021.
 - The development proposed is conversion of redundant stables to a dwelling-house.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of redundant stables to a dwelling-house at Manor Park Farm, Fordfield Road, Millbrook MK45 2HZ in accordance with the terms of the application Ref CB/21/02295/FULL, dated 18 May 2021 and subject to the Schedule of Conditions to this decision.

Main Issue

2. The main issues are:
 - a) Whether or not the proposal would be inappropriate development in the Green Belt in terms of the National Planning Policy Framework ('the Framework') and development plan policy;
 - b) The effect of the proposal on the character and appearance of the area;
 - c) The effect of the proposal on highway safety; and,
 - d) Whether or not the location of the appeal site is appropriate for housing.

Reasons

Inappropriateness

3. The appeal site comprises a single-track accessed from and east of Fordfield Road, along with a stable block located adjacent to other associated small barns, shed and a container. This site is part of a wider area used as a private equestrian facility by the appellant, which includes private stable blocks, menage and paddock areas. The appeal site is located within the South Bedfordshire Green Belt.
4. Policy SP4 of Central Bedfordshire Local Plan, 2015 - 2035 (LP) states that within the Green Belt, there is a general presumption against inappropriate

development. Development proposals within the Green Belt will be assessed in accordance with the Framework.

5. Since the proposal is for the change of use of a building, Paragraph 150 e) of the Framework, states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. Based on the submitted structural survey and my visit, I am satisfied that the stable block is of permanent and substantial construction.
7. The stable block comprises a functional structure set in a relatively discreet location but is adjacent to the single-track access. Therefore, the extent of the appeal site, and development within it are visible from the track and to an extent from adjoining fields. Consequently, these result in some reduction in the visual and spatial openness of the Green Belt.
8. The conversion requires alterations to the external appearance of the building. These would be largely limited to the incorporation of glazing and doors along the existing openings. The use of materials such as black painted/stained timber weather lap boarding and timber windows would be consistent with the existing building.
9. The re-use of the building as a dwelling is likely to introduce domestic paraphernalia to the proposed curtilage, such as outdoor seating and leisure equipment. However, the size of the proposed curtilage would be modest and largely contained by the established boundaries of the site (marked by fencing and vegetation). Consequently, any domestic paraphernalia would be limited.
10. Moreover, the site is previously developed land (PDL) and there is existing development such as two barns and a container at the site. In particular, the removal of these would improve the spatial and visual openness of the Green Belt. These would also be more than sufficient to off-set any likely scale and massing associated with any domestic paraphernalia.
11. However, if the appeal is allowed, the approved dwelling could be enlarged, improved or altered under Class A and buildings etc incidental to the enjoyment of a dwellinghouse added under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). This could undermine the openness of the Green Belt and therefore it would be justified to remove permitted development rights for classes A and E, if the appeal were to succeed.
12. Whilst a parking area is proposed for two vehicles, this would be on an existing area of hardstanding and in close proximity of the existing building. Therefore, this aspect of the scheme would not result in harm to the Green Belt.
13. There would be internal lighting associated with proposed dwelling. However, there are lights attached to the stable block and there are flood lights around the menage. In this context and given the modest scale of the existing building and limited openings, the lighting arising from the proposal would not have any significant effect on the area. Furthermore, a condition could be used to control the extent of any external lighting to safeguard the Green Belt.

14. The containment of development within the extent of this previously developed site would also limit any encroachment into the countryside.
15. Based on my findings in respect of highway safety, as set out below, there would be no significant vehicular activity arising from the proposal.
16. For the above reasons, the proposal accords with the exception under paragraph 150 e) of the Framework and therefore is not inappropriate development in the Green Belt. There would also be no harm to openness. Furthermore, given the previously developed nature of the site, its location and my reasoning, the proposal would not conflict with any of the purposes of the Green Belt, as identified under Paragraph 138 of the Framework. Accordingly, the proposal would not conflict with the Green Belt provisions of the Framework and Policy SP4 of the LP.

Character and appearance

17. The existing building is in keeping with the wider equestrian facility it is a part of. Such equestrian facilities are not uncommon in the countryside. However, the existing container, shed and barns make no significant contribution to the site and detract from its appearance and that of the area.
18. Based on my findings in respect of the effects of the proposal on the Green Belt. In particular, the sensitive nature of the proposed conversion, the limited extent of the curtilage for the dwelling and the removal of existing buildings, shed and container. These, along with the retention of existing landscaping and new proposed planting and reduction of development at the site, which could be secured by a condition, would enhance the character and appearance of the site and area.
19. Furthermore, and subject to the suggested removal of permitted development rights, the proposed conversion would reflect the form and scale of the retained stable block and this would reinforce local distinctiveness.
20. Therefore, whilst the proposal would bring some change, it would not unacceptably detract from the rural character and appearance of the area and its landscape. As such, I find no conflict with Policy HQ1 of the LP which along with other things requires all development to integrate effectively with its surroundings and reinforce local distinctiveness. The proposal also accords with Policy EE5 of the LP, which seeks to safeguard and enhance landscaping. Accordingly, I also find no conflict with LP policies SP7 and DC1 insofar as these seek to safeguard the countryside.

Highway safety

21. The access to the appeal site is provided via a priority junction with Fordfield Road. Fordfield Road is subject to a 50mph speed limit.
22. The existing junction lacks the provision for adequate driver/driver intervisibility along Fordfield Road. This, however, is an existing junction. Furthermore, the submitted Transport Statement (TS) in support of the appeal, shows that there were no collisions recorded at the access to the appeal site or in its immediate vicinity. This leads me to conclude that this junction and access track (notwithstanding its width and surface) operate reasonably safely.

23. The TS indicates that there are eight regular trips to the site each day associated with attending to horses and walking dogs. Alongside these movements, there are also more occasional movements associated with the keeping of horses. Each of these trips would generate two vehicle movements, one arrival and one departure, so there would be a total of 16-20 vehicle movements at the access. I have no evidence to suggest otherwise.
24. The TS further sets out that, although the appellant would still be able to keep horses in the stables on adjacent land within their ownership, because he would be based at the site, the number of vehicle movements would reduce, since the appellant would no longer need to travel to and from the site to attend to horses or walk dogs.
25. Nevertheless, there would be additional trips generated by the proposed dwelling, such as journeys to work, shopping and leisure trips. I have been advised that this would typically generate 4-6 vehicle movements per day. Because the proposal would provide a small, single-bedroom dwelling, I have no reason to dispute this. In any event, the conversion of the stable, albeit redundant at present, would result in some reduced capacity for horses being stabled at the site. Thereby resulting in some reduction in the use of the access.
26. Therefore, irrespective of the reduction in trips, the overall level of movements associated with the new dwelling would be relatively modest and not result in any significant intensification of the access. As such, a condition requiring that the equestrian facility is only used by the occupiers of the dwelling is not necessary. Nonetheless, my finding on this matter is based on the proposal being for a single-bedroom dwelling. To this end, the suggested removal of permitted development under Class A of the GPDO would also safeguard against any increase in the size of the dwelling and associated vehicular activity.
27. For the above reasons, the proposal is unlikely to result in the unacceptable intensification of the existing access to the detriment of highway safety. I therefore find no conflict with Policy T2 which requires that new development must not have a detrimental effect on highway safety and patterns of movement.

Appropriate location for housing

28. The appeal site is located outside a defined settlement envelope. Accordingly, for the purposes of the development plan, it is within the open countryside.
29. The appellant has drawn my attention to some facilities along Fordfield Road for example kennels, children's nursery and farm and others in the settlement of Milbrook. However, the access track and Fordfield Road do not benefit from footpaths to these facilities or the larger settlements of Ampthill or Flitwick where day-to-day services and facilities, such as shops, schools, medical services and community facilities, are located. As such, the access to reach Fordfield Road and Fordfield Road itself will not offer a safe or convenient route for future occupiers.
30. Therefore, the occupiers of the proposed dwelling would be highly reliant on private motor vehicles to access a range of services and facilities to meet their day-to-day needs. As such, the proposal would not accord with some of the

aims of policies HQ1 and T2 of the LP, insofar as these seek to promote sustainable transport choices.

31. However, Policy SP7 of the LP which deals with windfall sites, whilst recognising the intrinsic character and beauty of the countryside does permit certain types of developments in countryside locations outside development envelopes. This includes the re-use of existing buildings under Policy DC1 of the LP, subject to proposals complying with a closed list of criteria. Therefore, this is the key policy for determining this main issue.
32. Having already found that the existing building is of permanent and substantial construction, I am satisfied that it is capable of conversion. Based on my conclusions in respect of the effects of the proposal on the Green Belt and the character and appearance of the area, the proposed re-use would be sympathetic to the setting of the site within the countryside and would reinforce local distinctiveness and would not detract from local tranquillity.
33. Furthermore, based on my reasons and subject to conditions requiring details of landscaping and boundary treatments, there is nothing to suggest that the proposal would not be of a high quality and lead to an enhancement of the immediate setting. I also have no clear reasons to conclude that the proposed use is unsuitable and would be of detriment to the existing communities.
34. Policy DC1 of the LP, recognises that the re-use and adaptation of rural buildings has an important role to play in ensuring the sustainability of rural areas. In particular, that making efficient use of land, including through re-use of previously developed land, is central to the approach to delivering sustainable development. Indeed, the scheme would make a valid contribution in this sense.
35. Therefore, any harm associated with the reliance on private motor vehicles and conflict with policies T2 and HQ1 of the LP, would be outweighed by the clear support offered to the proposal by policies SP7 and DC1 of the LP. Therefore, the location of the appeal site is suitable for the proposed re-use of an existing building in the countryside.

Other Matters

36. The submitted plans include the access track within the site edged red. The application is also supported by a signed and dated Certificate A, indicating that the appellant owns this land. Therefore, I have determined the appeal on this basis. Any disputes over the ownership of the access, and the locking of the gate to the access for the security of others using this access are civil matters, separate from this appeal.
37. I have determined the proposal before me having regard to the specific circumstances of the site. As such, my Decision would not set a precedent for other proposals for the conversion of buildings in the area.
38. Because the proposal crosses over a High-Pressure Gas Pipeline, National Grid have requested details of the method of demolition for the existing barns. Given the modest scale and timber construction of the barns, I am satisfied that such details could be secured by a condition.

Conditions

39. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans as this provides certainty.
40. I have specified conditions requiring details of landscaping and boundary treatments, the removal of existing barns, shed and container and external lighting. These are all for the reasons already discussed, including safeguard the character and appearance of the Green Belt and countryside.
41. Conditions for the provision of a sprinkler system, to investigate and remedy any on-site contamination and to secure mitigation against noise arising from the adjacent railway line are necessary in the interests of the health and safety of future occupiers. A condition for surface water drainage is necessary in the interests of securing satisfactory drainage of the site and managing flood risk.
42. Conditions requiring the provision of vehicle parking, cycle storage facilities and a waste refuse collection point are necessary to ensure accessibility and safety of highway users. It is also reasonable to require infrastructure for the charging of ultra-low emission vehicles to promote sustainable forms of travel.
43. To protect and enhance biodiversity, I have imposed a condition requiring that the development is carried out in accordance with the recommended mitigation measures contained in the submitted Planning, Design and Access Statement.
44. For the reason already discussed, there are justifications to remove permitted development rights for development under Classes A and E of the GPDO.
45. I have found the existing access to be acceptable. Therefore, it is not necessary to require this to be a minimum width, resurfaced and incorporate drainage or to provide visibility splays for this. There is also sufficient space for a for service/delivery sized vehicles to manoeuvre within the site and this area is largely hard surfaced. The provision and retention of vehicle parking, including visitor parking are addressed by condition 10. Therefore, the separate conditions suggested by the Council in respect of these matters are not necessary.
46. Conditions 3-13 (inclusive) which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for them to take the form of 'pre-commencement' conditions in order to have their intended effect. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

47. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: Existing site and location plans - Drawing numbers 05 and 06 and Proposed conversion of stable block B to form self-contained dwelling - Drawing number 08.
3. No development approved by this permission shall take place until:
 - a) A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the local planning authority and,
 - b) A Phase 2 Site Investigation (where shown as necessary by the Phase 1 Desk Study) has been undertaken and,
 - c) A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation) has been undertaken and,
 - d) Any required remediation works are in accordance with the approved Remediation Scheme.
4. Prior to the first occupation of the dwelling hereby permitted, a validation report to demonstrate the effectiveness of any agreed Remediation Scheme, under condition 3 shall be submitted to and approved in writing by the local planning authority.
5. The development hereby permitted shall not commence until a scheme for the permanent removal/demolition of the existing shed, container, barn c and barn d (as shown on Existing site and location plans - Drawing number 06) has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the method of demolition and a timescale for the completion of those works. Thereafter, the removal/demolition works shall be undertaken in accordance with the approved details.
6. Prior to the commencement of the development hereby permitted, a noise mitigation scheme to protect future occupiers of the development from noise due to the adjacent railway line shall be submitted to and approved in writing by the local planning authority. The approved noise mitigation scheme shall be implemented before the first occupation of the dwelling hereby permitted and retained thereafter.
7. Prior to the commencement of the development hereby permitted, details of surface water drainage for the development site shall be submitted to and approved in writing by the local planning authority. The approved surface water drainage shall be implemented prior to the first occupation of the dwelling hereby permitted and retained thereafter.
8. Prior to the commencement of the development hereby permitted, a scheme for the provision of a sprinkler system for the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. The approved sprinkler system shall be implemented

prior to the first occupation of the dwelling hereby permitted and retained thereafter.

9. Prior to the commencement of the development hereby permitted, details of a refuse collection point adjacent to the public highway shall be submitted to and agreed in writing by the local planning authority. The approved refuse collection point shall be provided prior to the first occupation of the dwelling hereby permitted and retained thereafter.
10. The two vehicle parking spaces as shown on approved drawing number 08 shall be completed and made available prior to the first occupation of the dwelling hereby permitted and thereafter retained for parking purposes.
11. Prior to the occupation of the dwelling hereby approved, a scheme for cycle storage shall be submitted to and approved in writing by the local planning authority. The approved cycle storage facilities shall be provided prior to the first occupation of the dwelling hereby permitted and retained thereafter.
12. Prior to the occupation of the dwelling hereby permitted, a scheme for the charging of ultra-low emission vehicles shall be submitted to and approved in writing by the local planning authority. Thereafter, the vehicle charging infrastructure shall be provided in accordance with the approved scheme and thereafter retained.
13. Prior to the occupation of the dwelling hereby approved, details of the proposed landscaping and boundary treatments, including a timescale for implementation shall be submitted to and approved in writing by the local planning authority. The landscaping and boundary treatments shall be undertaken in accordance with the approved details and retained thereafter.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A and E shall be carried out at the development site.
15. The development hereby approved shall be implemented in full accordance with the Biodiversity Enhancement Scheme as set out in paragraphs 3.12 - 3.23 of the submitted Planning, Design and Access Statement. Thereafter, the approved Biodiversity features shall be maintained and permanently retained as set out in the Biodiversity Enhancement Scheme.
16. Prior to installation, the details of any external lighting at the development site shall be submitted to and approved in writing in by the local planning authority.