



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/21/3282108

Water End Farm, 15 Water End Road, Maulden MK45 2BD

- 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 Simon Jackson against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/02495/FULL, dated 20 July 2020, was refused by notice dated 11 March 2021.
 - The development proposed is conversion of barns to form residential dwelling including partial demolition and single storey and two storey extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Central Bedfordshire Local Plan ('LP') was adopted 22 July 2021. Consequently, policies from the Core Strategy and Development Management Policies (2009), referred to in the Decision Notice, have been replaced by the new LP. The Council has identified that the proposal would now conflict with policies SP7, HQ1, HE3 and DC1 of the LP. The appellant has addressed this revised position and I have taken into account all comments received.
3. On the information before me, the Maulden Neighbourhood Plan (2020 - 2035) ('NP') is still in draft form but has been through its pre-submission consultation. Given its stage of preparation, and in accordance with Paragraph 48 of the National Planning Policy Framework ('the Framework'), at this time, ahead of the outcome of an examination only limited weight can be given to the document whose consistency against the Framework is yet to be confirmed.
4. A Unilateral Undertaking ('UU') dated 1 March 2022 and made under Section 106 of the Town and Country Planning Act 1990 (as amended) was submitted by the appellant during the appeal. I shall return to this undertaking later.

Main Issues

5. The main issues are a) Whether or not the site represents an appropriate location for housing, and b) the effect of the proposal on the character and appearance of the area having regard to any non-designated heritage asset (NDHA).

Reasons

Appropriate location for housing

6. The appeal site is located outside the defined settlement envelope of Maulden. Accordingly, for the purposes of the LP, it is in an area defined as open countryside for planning purposes, with limited scope for development. This is to secure the overall aims of the settlement hierarchy to direct development towards locations best served by services, facilities and public transport and safeguarding the intrinsic beauty of countryside.
7. However, Policy SP7 of the LP which relates to windfall developments, allows some development outside settlement envelopes, including that which accords with other policies in the LP. This includes Policy DC1 of the LP, which supports the re-use of existing buildings in the countryside, subject to meeting a closed list of criteria.
8. In particular, LP Policy DC1 recognises that the re-use and adaptation of rural buildings has an important role to play in ensuring the sustainability of rural areas. Together, these policies support the aims of the Framework, which amongst other things promotes sustainable development in rural areas.
9. Notwithstanding the submissions from the main parties in respect of whether or not the site would be accessible to services and facilities by means other than the private car, LP Policy DC1 does not set out any specific requirement for this.
10. Because of the extent of the alterations and extensions proposed, the Council disputes whether the proposal constitutes the re-use of an existing building. Irrespective of this, one of the criteria under LP Policy DC1 is that the existing building or group of buildings are of permanent and substantial construction and capable of conversion as evidenced by a structural survey. Given the age of the buildings to which this appeal relates to, some evidence of deterioration and the extent of alterations and extensions being proposed, in the absence of a structural survey, I cannot be certain that these buildings are capable of conversion. Therefore, even if I were to conclude that the proposal is for the re-use or adaptation of an existing building, it fails to meet the criteria to qualify under this Policy.
11. For the above reasons, the location of the site is inappropriate for housing, when assessed against policies SP7 and DC1 of the LP.

Character and appearance

12. The appeal site comprises a collection of single-storey, farm outbuildings of stone and brick construction. These are bounded on the west by Water End (a narrow lane), to the north by the farmhouse and to the east and south by workshops and yard areas forming part of a timber yard and farm. The buildings which are the subject of the proposal stand on the street frontage of Water End and extend southwards alongside a short track off the corner of Water End. The track forms the access to a timber yard at Water End Farm and Mill Farmhouse, which is a Grade II Listed Building at the south end of the track.
13. The buildings on the appeal site are currently vacant and the appellant states that these were historically in use as a pig breeding/fattening enterprise and

have more recently been used for stables and storage purposes. The site is located amongst a cluster of buildings also known as Water End, which is rural in character.

14. Whilst the Planning Practice Guidance (PPG) advises that it is important that the decisions to identify non-designated heritage assets are based on sound evidence, it also says that in some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications. In this case the existing buildings have been identified as non-designated heritage assets by the Council's Conservation Officer.
15. On the information before me this range of buildings appear to date back from the late eighteenth century, forming part of a farmstead. Whilst there is evidence of some modern demolition, rebuilding, the western elevation of these buildings, comprises a local sandstone wall, which contributes to local distinctiveness and character.
16. In particular, this wall because of its prominent siting and simple low-lying form with limited openings, is a settled but distinctive feature of the street scene. It is seen as an individual wall, distinct from other buildings which surround it. As a consequence of this arrangement, it gives greater prominence to the nearby buildings and landscaping and also marks the access to a range of rural buildings. Therefore, its siting, appearance and scale, positively contribute to the character and appearance and rural setting of Water End.
17. Accordingly, and notwithstanding that these buildings have not been identified as a NDHA as part of the NP, these and in particular the western wall are of some historical and architectural merit worthy of consideration as a NDHA as part of the decision-making process.
18. Paragraph 203 of the Framework states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
19. Irrespective of whether some of the proposed works could be undertaken as permitted development, I have assessed and determined the appeal on the basis of the full extent of the proposal before me, which includes alterations and extensions.
20. According to the appellant the southern range of pig pens were erected in the early 1970s in common felton bricks with an asbestos cement corrugated roof, which are still evident. As such, the demolition of these and replacement with a modest single storey extension would be acceptable.
21. Based on the appellant's submissions, the open fronted wood store along the northern elevation of this range of buildings, replaced pig sties in the 1980s and is a modern addition. Even so, it's simple and low-lying form complements the wider group of buildings. However, the proposal seeks to replace this with a two-storey front gable extension. Whilst the design and materials for this reflect a building at Mill Barns, that building is constructed from traditional red

brick with a sizeable roof form which absorb the design and extent of the two-storey gable on that building.

22. In contrast, the proposed two-storey extension would add considerable massing to the existing building, giving the stone wall a strong vertical emphasis. This would be exacerbated by the use of timber cladding which would contrast with the irregular arrangement of stonework in the wall. Together, the proposed siting, scale and appearance of the two-storey extension would dominate the wall in views from Water End and appear strident.
23. Whilst there is some evidence of existing openings within the wall, the proposal introduces a number of new openings which together with the two-storey extension would erode the simple form and solid appearance of the wall. Therefore, the proposal would harm the appearance and significance of the NDHA to the detriment of the local character, distinctiveness and the rural setting of Water End.
24. I have had regard to the desirability of sustaining and enhancing the significance of this particular heritage asset and putting it to viable use, and the positive contribution that this could make to the area and economic vitality. However, this would be at the expense of harming the significance of the NDHA and the proposal failing to make a positive contribution to local character and distinctiveness.
25. For the above reasons, the proposal would be contrary to Policy HE3 of the LP which supports development proposals that encourage the conservation, enhancement and restoration of both designated and non-designated. I also find conflict with LP Policy HQ1 which requires that all developments are of the highest possible quality and respond positively to their context. This includes taking account of opportunities to enhance or reinforce the local distinctiveness of the area and create a sense of place.

Other considerations

26. Given that the appeal site is not isolated in the Braintree context, the proposal is not supported by Paragraph 80 of the Framework.
27. However, the appeal site is about 185m east of bus stops along Clophill Road. These bus stops provide an hourly service between Bedford and Flitwick. Thereby, providing access to some facilities within Maulden and Clophill, together with a more extensive range of facilities available in Amphill and Flitwick.
28. Whilst Water End does not have a lit footpath, part of Water End between the appeal site and Clophill Road incorporates a grass verge wide enough to provide some refuge for pedestrians. This section of the highway is also relatively straight and short. As such, there is good intervisibility between motorists and pedestrians. Also, vehicles travelling along this stretch of the highway would do so at relatively low speeds because of the priority junction to Clophill Road at one end and the bend at the other. Therefore, this arrangement is reasonably safe and convenient for walking to the bus stops.
29. Drawing on the above circumstances and having regard to the Framework, a dwelling at the appeal site would be reasonably accessible to services and facilities and would provide some support for local services. In reaching this

conclusion, I have taken account of appeal decisions provided by the Council. However, the nature of the proposal and the proximity of the bus stops from the site in the appeal before me are sufficiently unlike for me to reach a different conclusion.

30. The submitted UU requires the proposal to be constructed as a self-build dwelling and that its first occupation shall be by a person who intends to live in the dwelling for at least three years as a sole residence and who is registered on the Council's self-build register.
31. Although Policy H6 of the LP states that the Council will encourage applications for the delivery of serviced plots for Self-Build / Custom Housing on sites of fewer than 10 dwellings, Paragraph 11.6.10 of the introductory text to this Policy, also states that the delivery of serviced plots outside settlement envelopes will only be supported where it enables delivery of affordable housing on rural exception sites, which does not apply here.
32. Bearing in mind that in general the Courts have taken the view that planning is concerned with land use in the public interest, rather than private interests, the appellant's reasons for requiring the dwelling, as outlined in the appeal submissions, accrue very limited weight.
33. Nonetheless, I acknowledge that the proposal would provide an additional self-build dwelling which would support the Council's overall aims to deliver this type of housing and makes a modest but important contribution to national policy objectives of significantly boosting the supply of housing. However, this and any associated economic and social benefits as outlined in the appellant's submission arising from a single dwelling for which there is some local support would be modest and therefore attract limited weight.

Other Matters

34. The appeal site is located near to the Grade II Listed Mill Farmhouse. Important features of the setting of this building include its historic location and appearance, rural character and views of this from Water End lane. Because of the degree of separation and intervening boundary treatments, the proposal would not result in any significant change to the setting of Mill Farmhouse that would cause a loss of significance of the listed building. The overall impact of the proposed development on the farmhouse's setting would be neutral. Accordingly, and notwithstanding my findings in respect of the second main issue, the proposal would preserve the setting of Mill Farmhouse, complying with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Balance and Conclusion

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
36. I have found that the proposal would harm the significance of a NDHA and the character and appearance of the area and therefore conflicts with the development plan.
37. There is also clear conflict with the development plan in respect of the appeal site being outside the defined development boundary and the proposal is not

supported by any of the policies which permit development in countryside locations. The relevant policies of the plan are up-to-date and thus such conflict weighs significantly against the development.

38. On the other hand, there would be some benefits arising from the proposal which are afforded limited weight. Accordingly, these considerations including the provisions of the Framework are not sufficient to mean that the proposal should be determined otherwise than in accordance with the development plan. I, therefore, conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR