



Appeal Decision

Site visit made on 18 July 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2022

Appeal Ref: APP/P0240/W/22/3290201

Rear of 31a-c Mount Pleasant, Aspley Guise MK17 8JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by JC Gill Developments Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03629/OUT, dated 30 July 2021, was refused by notice dated 30 September 2021.
 - The development proposed is "Outline Application: Erection of single one storey dwelling with garage, with access road. All matters reserved apart from access".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is made in outline form with all matters reserved for later consideration except from access. I have dealt with the appeal on that basis and, other than the access, have treated the details on drawing reference: 2016/868/20A as indicative only.

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 proposal on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance;
 - The effect of the proposal on matters of highway safety, especially related to the use of the access and parking provision; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

4. The development plan for the district includes the Central Bedfordshire Local Plan (LP). Main parties agree that Aspley Guise is 'washed over' by the Green Belt. LP Policy SP4 relates to development in the Green Belt. This states that such development will be assessed in accordance with national policy. The Framework explains that the Government attaches great importance to the Green Belt and that substantial weight is to be afforded to any harm. Paragraph 149 establishes that new development would be inappropriate unless it meets a listed exception.
5. Paragraph 149(e) states that limited infilling in villages is not inappropriate development. The terms 'limited' and 'infilling' are not defined in the Framework. The companion text to policy SP4 defines infill development as "small scale development for up to two dwellings in a small gap in an otherwise built-up frontage, utilising a plot [that would] complement the surrounding pattern and grain of development". Although not policy in itself or exhaustive in definition, this provides a useful understanding as to how the Council generally applies the policy. Nevertheless, the question of infilling is a matter of planning judgement, taking into account the size and location of the development and its relationship to existing built form.
6. The site is adjacent to the plot boundaries of a close-knit grouping of semi-detached and detached dwellings, behind these established groups. The site is adjacent to residential plots on three of its four main boundaries. Nevertheless, the land beyond the northeast boundary of the site is an orchard of a large residential plot with a strong rural character. There are groups of trees to both sides and the rear of the site, with fields beyond the north-west boundary. Accordingly, the linear tree group to the rear of dwellings of San Remo Road form a boundary that physically and visually defines the edge of the settlement. Despite the proximity of residential boundaries, the site does not appear as a gap between built-up parts of the village. Also, the appeal site is substantially larger than adjacent residential plots and is not a 'small' gap in comparison to adjacent plot sizes.
7. The site is therefore separate from the majority of built form within the settlement. Although representing a small-scale form of development, the proposal would not 'round off' or 'complete' the village envelope. Therefore, although infilling does not require a site to be fully enclosed by residential plots, the appeal site is not sufficiently contained by residential boundaries or built form, to be regarded as an infill plot within a village.
8. As it has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 149 of the Framework, it would amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Effect on openness

9. Paragraph 137 identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions. The proposed dwelling

would be located within the open Green Belt. The site is largely enclosed by vegetation and behind the row of dwellings along Mount Pleasant and San Remo Road. It would be overlooked by occupiers of the dwellings of Mount Pleasant. Nevertheless, the site is slightly lower than the adjacent highway within a back land site, preventing most views from the public realm. As such visually the harm to the openness of the Green Belt would be limited. However, spatially the proposed dwelling, albeit smaller than the previously refused scheme, would represent a significant intrusion into the openness of the site and the surrounding Green Belt.

10. Consequently, the proposal would have a moderately harmful effect on the openness of the Green Belt.

Character and appearance

11. The village contains buildings that are a variety of scales and styles. However, these predominantly consist of two storey dwellings of traditional rural forms. Some residential plots on the periphery of the village have a dispersed pattern of development. However, those adjacent to the site are close together and arranged in a regimented manner. These form a clearly defined pattern of development, with narrow plots and relatively long rear gardens. The appeal site is a pleasant paddock with boundary trees forming a green and open area behind existing residential properties. Consequently, the site makes a positive contribution to the verdant and rural character and appearance of the area.
12. The proposal's position, recessed from existing development, would wholly contrast with the current linear development pattern of buildings along both Mount Pleasant and the majority of San Remo Road. The site is visually severed from the outlook of dwellings along San Remo Road by a wide and deep tree screen. Only 31a-c Mount Pleasant (No's 31a-c) are clearly visible from the site. The rear garden boundaries of Mount Pleasant and San Remo Road create a relatively continuous and consistent boundary line between the built-up areas of the village and the countryside beyond. Due to its separation and screening, the site creates the visual impression of being within the countryside. Therefore, despite being reduced in scale from the previously refused scheme, the proposed development would intrude into an area of land that has a strong rural character and beyond the natural edge of the village.
13. The proposal would also be absent a clearly defined frontage or have a street presence. Furthermore, the local grain of development consists of relatively narrow plots with buildings retaining limited space between them. In contrast, the proposed site would be wide and deep. As such, a dwelling within the plot would be set within spacious grounds that would not follow the established pattern of built form. As such, the proposal would disrupt and be disharmonious with the local pattern of development and would be harmful to the character and appearance of the area.
14. Accordingly, the proposed dwelling would conflict with policies HQ1, HQ8 and SP7 of the LP, the Central Bedfordshire Design Guide (2014) and the Framework with regard to its effect on character and appearance. These policies seek, among other matters, for development to reinforce local distinctiveness and be sympathetic to local character.

Living conditions – existing

15. The indicative plan shows the dwelling would be single-storey and located in an area of the site that would be substantially lower than the nearest neighbouring dwellings. The indicative plan also shows garaging and driveway access that would be mostly set away from nearest residential boundaries and dwellings. As such, whilst I have afforded limited weight to the indicative plan, I am satisfied that a form of development could be designed so as to prevent an adverse impact on neighbour's living conditions.
16. The use of the existing driveway would increase as a result of the proposal. Nevertheless, traffic attending the proposed dwelling would be relatively infrequent. As such, the noise effect of traffic using the access for the occupiers of 31a Mount Pleasant (No 31a) and associated activity would be modest. Consequently, the use of the access and attendant activity associated with the proposed dwelling would not result in substantive harm to the living conditions of adjacent neighbours with respect to noise and disturbance.
17. The proposal would therefore accord with policy HQ1 of the LP, the Council's Design Guide and the Framework, with respect to effect on existing living conditions. These policies seek, among other matters, for development to not result in an adverse impact on nearby existing uses, including on amenity and noise.

Highway safety

18. Mount Pleasant is a narrow village road that accommodates parking for residents who do not have sufficient on plot parking. The access would be opposite the short cul-de-sac of Spinney Lane. The highway has a 30mph speed restriction. The highway is residential in character with a footway on the opposite side to the appeal site entrance. The proposed access would use an existing access that serves No 31a. The driveway currently passes the dwelling of No 31a, a garage block and a parking area for three vehicles that serves the existing dwelling. The driveway would become a shared access leading onto the site and providing access to parking and garaging.
19. Due to the absence of a footway on the north-west side of the highway visibility from the access are limited. The visibility splay to the south-east provides a relatively clear view of oncoming traffic. However, these views are over the front boundaries of No's 31(a-c) Mount Pleasant and therefore beyond the appellant's control to maintain in perpetuity. Moreover, the garage to the north-west of the entrance obscures most of the north-west visibility splay. Due to boundary obstructions visibility splays are restricted and would not meet the visibility requirements of Manual for Streets. As a result, exiting vehicles would have to advance onto the highway before obtaining a clear view in either direction.
20. During my visit I noted that on street parking stress was high to the south of the entrance of the site. Nevertheless, ample on-street parking seemed to be available to the north of the access. The proposal would result in the loss of two off-street parking spaces retaining three for occupiers of No 31a and their visitors. Although reduced, the provision would still be adequate for a family dwelling. Furthermore, even if the proposal were to displace some of the existing occupier's parking needs onto local roads, any overspill would be

limited. Consequently, based on the evidence before me, I am unconvinced that any displaced parking would materially affect highway safety.

21. Nonetheless, the highway environment around the access is relatively congested. On-street parking and the narrow nature of the carriageway creates motoring hazards that would hamper the safe use of the access. The traffic and pedestrians moving through the highway in front of the site, including a school access opposite, would combine to form a busy environment at certain times of the day. I therefore do not concur with the previous Inspector¹ in regard to the effect of further traffic exiting the site. The effect of a further dwelling would materially increase the quantity of traffic using the access. As such, the proposed intensification of its use would be likely to increase the risk and danger to road users resulting in moderate harm to highway safety.
22. Consequently, the proposal would conflict with policy T2 of the LP, the Council's Design Guide and the Framework. These seek, inter alia, for development to not impede the free-flow of traffic and provide safe and convenient access. However, having found parking provision to be sufficient for both the existing and proposed dwellings, the proposal would comply with LP policy T3.

Other considerations

23. The Framework seeks to boost the supply of housing. The appellant asserts that the proposal would make use of vacant land. However, whilst the proposal would result in a benefit to the social and economic wellbeing of the village, these benefits would be limited due to its small scale.
24. Furthermore, whilst relatively discrete the site is currently undeveloped and contributes to the Green Belt as an area of pleasant and open grassland. The proposed development would introduce built form into this currently open site resulting in encroachment into the Green Belt, in conflict with a key purpose of national Green Belt policy.
25. Also, the site is not residential in character and further screening would not mitigate the harmful effect of inappropriate development within the Green Belt or upon the character and appearance of the area.

Whether there would be Very Special Circumstances

26. Paragraphs 137 and 138 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
27. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt. The proposal would also fail to complement the character and appearance of the area and would result in moderate harm to highway safety, further points of significant weight. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.

¹ Planning Appeal Reference: APP/P0240/W/16/3161318

28. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Other Matters

29. The site was formerly occupied a public house. However, the public house has been replaced with three dwellings and as such, its former use is of little relevance to the current proposal.
30. Four schemes for housing development have been submitted in evidence by the Appellant. This consists of three appeal decisions and a Council's decision to approve development. Timber Ridge, on Woburn Lane, was for a dwelling that was allowed at appeal². That scheme was not within the settlement envelope of Aspley Guise, but main parties agreed was within the built-up area of the village. The Inspector found that the site was fully surrounded by existing housing and would not encroach into the countryside frontage concluding that it was an infill development.
31. Development for three dwellings to the rear of Dingly Dell and Peers Lodge was approved³ by the Council. It found that the proposal amounted to limited infilling as it was adjacent to existing built form and was a small-scale development. An appeal decision for Woodcote, was allowed⁴ for three dwellings. The site was within an area outside of the 'infill only boundary', of the settlement. The Inspector found that the site was outside the area defined for limited infilling, but it constituted 'limited infilling' due to it being enclosed by built development. Furthermore, an appeal for two dwellings on Mount Pleasant was allowed⁵. The Inspector found that the site was within the village envelope and would be limited due to the number of dwellings proposed. It was deemed to fill a gap within a built-up frontage and was considered to be an infill site.
32. The above decisions demonstrate that each case is influenced by contextual observations. Such proposals require consideration of the site and its surroundings, taking the proximity and arrangement of adjacent built form into account and the site's overall relationship to the Green Belt. These examples do not identify a clear or compelling comparison to the appeal site, in contextual terms, that would weigh in favour of the appeal.

Conclusion

33. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

B Plenty

INSPECTOR

² Planning Appeal Reference: APP/P0240/W/17/3185864

³ Planning Application Reference: CB/21/00294/FULL

⁴ Planning Appeal Reference: APP/P0240/W/18/3195894

⁵ Planning Appeal Reference: APP/P0240/W/20/3262804