



Appeal Decision

Site visit made on 13 September 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2022

Appeal Ref: APP/P0240/D/22/3293691

124 Rock View (formally Ben Craig), West Hill, Aspley Guise MK17 8DX

- 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 M Hannelly against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/04252/FULL, dated 19 September 2021, was refused by notice dated 13 January 2022.
 - The development proposed is erection of car port and associated turning area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - whether any 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

Whether inappropriate development

3. Policy SP4 of the Central Bedfordshire Local Plan 2015-2035 (July 2021) (Local Plan) advises that proposals for development in the Green Belt will be assessed in accordance with policies in the National Planning Policy Framework (the Framework) and National Planning Practice Guidance. Within settlements that are washed-over by Green Belt, such as Aspley Guise, the policy requires that proposals pay particular regard to the character and openness of the site and its surroundings.
4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149 of the Framework. One such exception (paragraph 149.e) allows for limited infilling in villages. A definition of limited infilling is not provided within the Framework and therefore falls to a judgment depending on the circumstances of each case.

5. In this instance, paragraph 8.6.3 of the Local Plan chapter on development within Green Belt settlements provides a general definition of infill development. This refers to 'small-scale development in a small gap in an otherwise built up frontage, utilising a plot in a manner which should continue to complement the surrounding pattern and grain of development'.
6. The proposal would be located within a village. In the circumstances of this case it would also be small-scale, comprising a low-rise timber construction with a sloped roof rising to a maximum of 2.2m. I turn to the effect of the proposal on the pattern of development subsequently. However due to the proposed location of the car port, set noticeably forward of the existing house frontage, it would not amount to the infilling of a gap in an otherwise built-up frontage on West Hill. Consequently, in the circumstances of this case, the proposal would not fall within the definition of limited infilling. As such, it would not satisfy the exception at paragraph 149.e. of the Framework. It would therefore be inappropriate development in the Green Belt.

Openness

7. Openness is an essential characteristic of the Green Belt that has both spatial and visual aspects. Currently the front garden and drive of the appeal site is without built development. The proposal would result in a footprint of around 36m² and would extend to a maximum of 2.2m in height. However, approximately half of the proposed roof would be sloping which would limit its overall volume.
8. Furthermore, the use of hit and miss timber boarding on the upper part of the side elevations would give the proposal a degree of transparency. Vertical elevations to the front and rear would be entirely open. The location of the proposal set back slightly from the front and side boundary of the site, and the presence of existing boundary planting, would limit visibility of the proposal from outside of the site to a certain extent. Nonetheless, in comparison to the existing site the proposal would result in a small spatial and visual loss of openness of the Green Belt.

Character and appearance

9. In the vicinity of the site, West Hill is characterised by individual houses set within generous grounds. The building line of the appeal site is broadly consistent with neighbouring houses to the east, albeit the extent to which that is perceptible from the public realm is limited by mature vegetation. The neighbouring house to the west is set slightly closer to the road. Within the wider area, there are limited examples of built development extending forwards of the main dwelling. For example, the appellant highlights the garage/car port at 3 Weathercock Lane, a short distance from the appeal site.

10. The proposed timber structure, with hit and miss timber cladding would help the proposal to blend in with planting at the front of the site. However, the proposed polycarbonate roofing would appear somewhat out of keeping with the predominance of brick, tile and wood cladding in the locality. Hedging along its front road boundary currently provides some screening of the front garden. Albeit were this to be substantially pruned or removed in future, there would be much more open views of the proposal over the low front boundary wall, even taking into account the slight difference in ground levels. Nevertheless, in the event that the appeal were to be allowed, it appears reasonably likely that a suitable alternative finish could be agreed by planning condition, without harm to the character and appearance of the area.
11. An adjacent mature tree is covered by a Tree Preservation Order and makes a positive contribution to the character and appearance of the area. However, in the event that the appeal were to be allowed, it appears reasonably likely that suitable tree protection measures could be secured by condition.
12. Therefore, the proposed car port design could be made acceptable with respect to its effect on character and appearance of the surrounding area. It would consequently accord with Policy HQ1 of the Local Plan which generally requires that proposals are designed to be high quality and use materials appropriate to their locality. It could also accord with paragraph 130 of the Framework, and section 12 as a whole, which amongst other matters seeks to ensure that developments add to the quality of the area. Similarly, it could accord with section 7 of the Central Bedfordshire Design Guide which seeks to ensure proposals relate well to their surroundings.

Other considerations

13. Whilst the proposal would provide a place to shelter vehicles within the grounds of the appeal site, this represents a limited, private benefit to the appellant. I accept that there appear to be some similarities between the appeal scheme and the nature and circumstances of the garage/car port approved by the Council at 3 Weathercock Lane (Ref CB/20/04286/FUL). However, full details of that scheme and the Council's assessment of its impacts on the Green Belt are not before me. Therefore I am unable to form a view on the relevance of the Council's reasoning on that decision. In any event, I have considered this appeal fairly on the evidence before me, with full regard to relevant national and local planning policy.

Conclusion

14. The proposal would be inappropriate development in the terms set out by the Framework. It would also result in a small loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
15. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations. Accordingly, the very special circumstances required to justify a grant of planning permission have not been demonstrated. The proposal would consequently conflict with Policy SP4 of the Local Plan in respect of development in the Green Belt. Therefore, the appeal should be dismissed.

Rachel Hall INSPECTOR