



Appeal Decision

Site visit made on 29 September 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/P0240/W/22/3299186

1-3 Arnolds Close, Clifton, Shefford SG17 5SZ

- 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 Fitzpatrick against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/05020/FULL, dated 10 November 2021, was refused by notice dated 20 April 2022.
 - The development is a change of use from agricultural to residential garden with associated boundary treatment and minor levelling groundworks.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The development has already been substantially undertaken and includes the extension of rear gardens, associated with 3 recently constructed dwellings, by about 10 metres in depth onto land which was previously part of an agricultural field. Based upon the available drawings and what was observed during the site visit, the existing gardens associated with the dwellings are proportionate in size to these properties and there does not appear to be a specific need for an increase in the amenity areas due to, for example, inadequate size. However, Policy SP7 of the Central Bedfordshire Local Plan (LP) does allow for limited extensions to gardens beyond Settlement Envelopes provided that they do not harm the character of the area.
4. On the LP Policy Map, the 3 dwellings associated with the extended gardens are outside the defined Settlement Envelope but were erected on land which was substantially enclosed on 3 sides by other residential properties. However, an existing hedge, which was the original field boundary defining the approved gardens of these dwellings, has substantially been retained. This hedge forms part of a longer boundary which now differentiates between what is, without the appeal scheme, the built-up area of Clifton and the surrounding open arable countryside.
5. Individually the garden extension to each dwelling could be considered as being limited in size. However, because of the cumulative size of the 3 extensions

the appeal scheme does not represent a limited extension beyond either the Settlement Envelope or the existing built-up area of Clifton. Instead, because of its scale the appeal scheme represents a significant physical and visual intrusion of domestic gardens into the open agricultural countryside which, unlike the 3 dwellings themselves, is unrelated to the current settlement pattern of Clifton. As such, the appeal scheme conflicts with LP Policy EE5 by failing to reflect local character and distinctiveness in terms of the scale and pattern of the surrounding landscape and existing settlement form.

6. The appeal site has been raised above the level of the field with concrete kick boards containing the additional material which has been deposited. The raising of the ground level, together with the cumulative scale of the garden extensions, results in the appeal scheme being an incongruous intrusion into the generally flat and open character of the surrounding agricultural fields. The difference in levels and the intrusion of the gardens into the field beyond the original boundary hedge can be seen from the near-by track which was being used by dog walkers during the site visit. Accordingly, the appeal scheme also conflicts with LP Policy HQ1 by not being well related to the existing local surroundings and failing to reinforce local distinctiveness.
7. The site is enclosed by post and rail fences with some planting having been undertaken adjacent to the fences. There is an intention by the appellant to remove the fences once the planting has established albeit there is a lack of precision about when this removal could occur and, as such, it could not reasonably be secured by a condition. Some controls could be applied to the appeal site by a suitable condition to preclude the erection of structures and ancillary buildings but this would not prevent the site becoming domestic in character and appearance, including through planting associated with residential use.
8. Accordingly, it is concluded that the appeal should be dismissed because the scale and siting of the development causes unacceptable harm to the character and appearance of the surrounding area and, as such, it conflicts with LP Policy SP7, HQ1 and EE5.

D J Barnes

INSPECTOR