



Appeal Decision

Site visit made on 8 November 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/K0235/W/22/3300250

The Old Stables, Keysoe Row East, Keysoe MK44 2JB

- 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 Cameron Glanvill against the decision of Bedford Borough Council.
 - The application Ref 21/02694/FUL, dated 5 October 2021, was refused by notice dated 25 March 2022.
 - The development proposed is conversion and extension of existing offices and erection of building to form 3 units of visitor accommodation and conference/meeting room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the site is in a suitable location for visitor accommodation and conference/meeting facility, having regard to the spatial strategy for the borough;
 - the effect of the proposal on the living conditions of neighbours; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of location for the proposal

3. The appeal site lies outside of any Settlement Policy Area ('SPA') as defined in the Bedford Borough Local Plan 2030 ('BBLP') and is located about 590m east of the Keysoe crossroads. The crossroads forms the core of the Small Settlement of Keysoe Row. However, as defined in the BBLP, Small Settlements exclude individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the built form of the Small Settlement of Keysoe Row.
4. Although there is some linear development along Keysoe Row East, there are large gaps between the built form at the appeal site, and other development, either side of it, such that the appeal site cannot be said to form part of the built-up part of the Small Settlement.
5. I have also had regard the Braintree Case (Braintree District Council v Secretary of State for Communities and Local Government [2018] EWCA Civ

610. Whilst the appeal site is not isolated because of development along Keysoe Row East, due to the intervening gaps in development either side of the appeal site, I do not consider this to be part of a cluster of buildings or hamlet, forming a settlement.

6. In locations outside SPA boundaries, Policy 7S of the BBLP, limits new development to that appropriate to the countryside, which includes re-use of rural buildings, replacement dwellings and development that accords with 'made' neighbourhood development plans. The proposal does not fall within any of these categories. Policy 7S of the BBLP goes on to state that, exceptionally, development proposals will be supported on sites that are well related to a defined SPA, Small Settlement or the built form of other settlements provided a list of criteria are met; these include responding to an identified community need, having identifiable community support, being of an appropriate scale, and contributing positively to local character.
7. Irrespective of whether or not the appeal site is well related to a Small Settlement or the built form of another settlement, there is no identifiable community support for the proposal. Accordingly, the proposal does not meet the exception criteria and principles set out under BBLP Policy 7S.
8. Because I have found that the appeal site is not located within a settlement and does not accord with the principles set out in Policy 7S of the BBLP, the proposal does not benefit from the support offered for visitor accommodation under Policy 76 of the BBLP.
9. Accordingly, the proposal also conflicts with Policy 3S of the BBLP. This Policy provides the overarching strategic framework for ensuring that the local plan delivers sufficient new development in sustainable locations to meet identified needs with the majority of this development being located in and around Bedford.
10. In granting planning permission for development at Row Farm, the officer concluded that the site formed part of the linear, dispersed settlement of Keysoe Row. Even though Row Farm is located further east from the core of Keysoe Row than the appeal site, there is development either side of Row Farm and the Local Plan acknowledges that Small Settlements may have more than one area of definite built form. Therefore, the site-specific circumstances of Row Farm are different and do not lend support to the proposal before me.
11. For the above reasons and having regard to the spatial strategy for the area, the appeal site is not in a suitable location for visitor accommodation and conference/meeting facility.
12. The Council's decision notice also refers to Policy AD1 of the Allocations and Designations Plan 2013. This Policy reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and states that planning applications that accord with the policies in the Development Plan will be approved unless material considerations indicate otherwise. I shall return to this later in my Decision.

The effect of the proposal on the living conditions of neighbours.

13. The proposed visitor accommodation and conference/meeting facility along with the provision of additional parking, would introduce a level of new activity and associated noise into what is an otherwise quiet rural area.

14. The proposal by its nature, would involve individuals and groups of people staying overnight and at weekends. Although the conference/meeting room is modest in size, there would be additional external amenity/seating areas for visitors. In particular, this would enable visitors to hold celebrations and sit out. This is likely to involve gatherings going on late into the evening, amplified music, outside smoking and general activity, together with guests arriving/departing in vehicles, including late at night causing noise and disturbance.
15. Most notably, the proposed external amenity/seating areas would be particularly close to Elm Farm. Consequently, I have strong concerns about noise and disturbance on the living conditions of the occupiers of this property.
16. Although the appellant resides at Elm Farm and intends to manage the proposed development, no mechanism has been provided to ensure this or to control and manage the proposed use in the interests of safeguarding the living conditions of neighbours.
17. Whilst the existing outbuilding at the appeal site has a commercial use, condition 2 of planning permission 06/03162/COU restricts this to B1(a) office use and condition 3 of the same permission restricts it for the benefit of the resident of Elm Farm. The existing offices are likely, therefore, to only be used during normal business hours and more importantly the resident of Elm Farm retains an element of control over the use.
18. I have insufficient information in relation to the previous use of the appeal site in association with a registered children's home to make any meaningful comparisons to the proposal.
19. For the above reasons, the proposal would harm the living conditions of neighbours by way of increased noise and disturbance and would be contrary to Policies 32 and 47S of the BBLP. Together, these Policies seek to avoid noise giving rise to significant adverse impacts on health and quality of life and requires that development proposals should ensure that they minimise and take account of the effects of pollution and disturbance. The proposal also fails to accord with Policy 7S of the BBLP which amongst other things requires that proposals should not give rise to other impacts that would adversely affect the use and enjoyment of the countryside by others.

Character and appearance

20. The new layout for the buildings would create a courtyard to facilitate the principal amenity/seating area. Such an arrangement would replicate a farmstead and would be reflective of the wider rural area.
21. Although the proposal is for a commercial use, the buildings associated with this would have a domestic scale and appearance. Furthermore, the retained office building and new built development would have a cohesive design. This, along with the proposed landscaping would enable the development to assimilate with the site and the street scene.
22. The new development would not be significantly closer to the highway than the existing building at the appeal site. Furthermore, because of the existing development and boundary treatments, views across the site are limited. Whilst the proposal would introduce new built development, and associated storage and parking areas, these would be close to the existing building within

the appeal site and Elm Farm. This arrangement would therefore not unacceptably affect the openness of the site. The retention of undeveloped land around the site would reinforce the sporadic pattern of development on this side of Keysoe Row East.

23. Therefore, the proposal would not unacceptably harm the character and appearance of the area. Accordingly, I find no conflict with the design aims of policies 28S, 29 and 30 of the BBLP. Insofar as these require that development is of the highest design quality that contributes positively to the area's character, identity and its context. The proposal would also not harm the intrinsic character of the countryside, as set out under policy 3S of the BBLP.

Other considerations.

24. I have had regard to the appellant's evidence in respect of 'need' for visitor accommodation across the borough. This includes the Bedford Borough Visitor Accommodation Study Review (2015) which was submitted as a supporting document with the Local Plan 2030 submission. Even so, the BBLP was adopted in January 2020 and under paragraph 11.38 states that the Council's research shows that there is presently no unmet need for visitor accommodation in the borough.
25. The appellant has also referred to local demand, arising from Keysoe International. which is an established equestrian centre located off Keysoe Row West. This venue incorporates a range of facilities and regularly hosts events and competitions. There are also proposals to further expand this venue. However, on the information before these have not yet been approved. Irrespective, there is no certainty that visitors to Keysoe International and other attractions would use the proposed facility. Nevertheless, I acknowledge that the proposal would increase choice in the area and meet some of the demand for this type of accommodation.
26. Although there is a bus stop about 570m from the appeal site, I have limited information on the services available and that these only operate Monday to Saturday. For the most part Keysoe Row East is bereft of footways or lighting and therefore walking to the bus stop or cycling from the site to nearby facilities is unlikely to be an attractive proposition, particularly during the hours of darkness or in poor weather. Consequently, the site offers limited opportunities for sustainable alternatives to access services and facilities and therefore visitors are most likely to travel by car to and from the site and to access other services and facilities.
27. Nonetheless, the proposal would create employment during the build phase. Thereafter, there would be some employment associated with the proposal and visitors would provide some support for services and businesses in the area, in accordance with the Framework and this would support the rural economy. As such, there would be economic benefits arising from the proposal.
28. The proposed development would utilise sustainable construction techniques and low carbon technologies (as addressed within the sustainability statement), as well as re-use existing resources through the conversion of a building and making effective use of predominantly previously developed land. These and any net gains in biodiversity as a result of the development would deliver some environmental benefits. The visitor accommodation would also promote social interaction in a safe environment.

29. These are important factors and benefits that are of weight in favour of the proposal. Even so, the benefits arising from the scale of development proposed would be modest and therefore attract moderate weight.

Other Matters

30. The appellant refers to the assessment of a proposal for holiday letting accommodation at Chapel Farm, approved in August 2020. In that case, the Council concluded that the scheme would not harm the living conditions of neighbours. However, the proposal before me includes conference/meeting room facilities and outdoor amenity spaces. In particular, the outdoor amenity space would be close to residential accommodation. There was also some local support for the proposal at Chapel Farm.
31. As such, the two schemes are not directly comparable and given that each application is determined on its merits, I do not consider the Council's approach to the proposal before me to be inconsistent with Chapel Farm or contrary to the case law that I have been referred to.

Conclusion

32. 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.
33. I have found that the proposal would not harm the character and appearance of the area. On the other hand, the location for the proposal is not supported by the spatial strategy for the area and there would be harm to the living conditions of neighbours and conflict with the development plan.
34. I have taken account of the other considerations in support of the proposal to which I attach moderate weight. However, I do not consider them to be sufficiently forceful to outweigh the harm and conflict with the development plan I have identified.
35. Consequently, in the particular circumstances of this case the material considerations, do not justify a decision other than in accordance with the development plan. Accordingly, the proposal is also not supported by Policy AD1 of the Allocations and Designations Plan 2013.
36. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR