



Appeal Decision

Site visit made on 17 January 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2023

Appeal Ref: APP/P0240/W/22/3304955

Russell Farm, Hiam Business Centre, New Road, Maulden MK45 2BG

- 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 J Gill of J.C Gill Developments Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/00631/FULL, dated 9 February 2022, was refused by notice dated 3 May 2022.
 - The development proposed is change from E class use to C3 class use with conversion of the 4 existing buildings into 9 residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted several drawings which provide clarification and minor alterations including changes to the internal layout for plots 1-3, additional landscaping, as well as confirmation that an existing biomass boiler is to be removed. As the amended plans only seek to provide clarification and minor alterations which do not significantly alter the scheme, I do not consider that any party would be unfairly prejudiced were I to accept them, and I therefore have had consideration to the submitted drawings in determining this appeal.
3. The Council's second reason for refusal suggests that the internal living space fails to comply with the nationally described space standards¹; however, the amended plans have provided clarity on internal measurements which show that the proposal complies, as such, the Council has conceded this point.

Main Issues

4. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area,
 - whether the site is an appropriate location for the development proposed.

¹ Technical housing standards – nationally described space standard, Department for Communities and Local Government March 2015

Reasons

Character and appearance

5. The appeal site is surrounded by extensive open fields and sporadic development of mainly detached buildings which results in an open, spacious, and distinctly rural character.
6. The proposal relates to two uniform terraces which are at odds with the sporadic and spacious pattern of other dwellings in the area. There are some mature trees and hedgerows that screen the site however as my site visit took place in the winter coverage was more limited, and so subsequently the buildings were visible. Notwithstanding this, the buildings have already been granted planning permission in their current form and the proposal seeks to make no changes to the external appearance. As such there would be little change in this regard.
7. It is however noted that the proposed row of houses nearest New Road will have their gardens facing the road. The plans show that the gardens will be separated by 1.8-metre-high close boarded fencing which would look at odds in the open and rural area. I note that post and rail fencing and planting is proposed at the end of the gardens which would help to maintain the open and rural character of the area. However, it will also open views of the gardens and whilst any outbuildings could be controlled by condition any associated domestic paraphernalia that would not constitute development could not be controlled.
8. The current lawful use as an office or other employment uses are unlikely to result in the front of the site being used, nor is there likely to be any paraphernalia. The proposed residential use would therefore result in a greater visual intrusion and would therefore be out of character in the area.
9. I therefore find that the proposal would cause harm to the character and appearance of the area. Contrary to Policies HQ1, EE4, EE5 and EE8 of the Central Bedfordshire Local Plan 2015-2035 Adopted July 2021 (LP) which amongst other things aims to ensure development responds to local context and character.

Location

10. The appeal site is located outside of any defined settlement envelope and as such, is considered to be within the open countryside. Policy SP7 of the LP seeks to restrict developments outside of any defined settlement envelopes. Policy SP7 contains exemptions relevant to this appeal which are sites allocated by the development plan, the re-use and replacement of existing buildings and redevelopment of previously developed land providing that the proposal does not cause coalescence of settlements.
11. The exemptions of Policy SP7 still however require there to be no detrimental impact on the built and/or natural environment. I have found harm to the character and appearance of the area and as such the proposal is contrary to Policy SP7 in this regard.
12. The appeal site is located at least 1km away from the nearby defined settlements of Maulden, Ampthill and Flitwick. The site is not served by any bus routes and the nearest stop is some distance away. There is no pavement or

street lighting along New Road and as such, any access to the settlements by foot would be via public rights of way or roads.

13. I acknowledge that opportunities for sustainable transport solutions vary between urban and rural areas and that the proposal seeks to provide cycle storage and electrical charging to try and encourage sustainable transport. However, nearby defined settlements are only accessible on foot via an unlit public right of way and road subject to the national speed limit which would deter future occupiers from walking. This, combined with the absence of a bus route would most likely result in future occupiers of the development having a heavy reliance on private motor vehicles to access services.
14. The Council's reason for refusal makes reference to Policy T1 of the LP which concerns the mitigation of transport impacts on the network. The appellant contends that this policy is not relevant to the scheme as Policy SP7, in part allows for development in countryside locations. Whilst Policy SP7 concerns developments within the open countryside whereby sustainable transport solutions will differ from urban areas, transport impacts on the network should be mitigated and the Framework is clear that promoting the use of sustainable transport should be pursued. I therefore consider that Policy T1 is relevant to the proposal, and the development should therefore seek to reduce the need to travel and secure a modal shift towards sustainable forms of transport.
15. The site is allocated in the development plan for employment related development, however Policy EMP2 of the LP does allow favourable consideration for non-employment generating uses. Furthermore, Policy DC1 of the LP encourages the re-use of existing buildings in the countryside, particularly for employment generating uses. However, non-employment uses should be in accordance with any other relevant policies and the re-use of existing buildings should re-enforce local distinctiveness and not detract from local tranquillity. In this case, I have found harm to the character and appearance of the area and so the proposal would conflict with DC1.
16. I therefore find that the proposal would not be in a suitable location and would therefore be contrary to Policies T1 and SP7 of the LP which seeks to reduce the reliance on private motor vehicles and ensure that there is no detrimental impact on the natural environment.

Other Matters

17. My attention has been drawn to a planning permission for a dwelling to replace an existing barn at Russell Farm however, from the details before me, it appears to me that the merits and context of this application were different to those of the appeal proposal in that there was a fall-back position of a prior approval. I therefore give it limited weight.
18. I have no reason to disagree with the Council's assessment that the site is suitable for alternative non-employment uses, and will provide some positive impact to the rural economy. As well as that, it would not result in any harm to neighbouring residents, highway safety or flood risk however these matters are of limited or neutral weight and do not outweigh the harm I have identified.
19. I note the concern from the appellant that encouraging re-development will help to ensure the appearance is maintained and prevent the site from becoming unkempt. However, I observed during my site visit that buildings are

currently in an acceptable condition and as such this does not outweigh the harm I have identified.

Conclusion

20. For the reasons set out above, and having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR