



Appeal Decision

Site visit made on 30 January 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/K0235/D/22/3312830

College Farm House, Old Harrowden Road, Harrowden, Bedford MK42 0TB

- 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 Ms C Nunn against the decision of Bedford Borough Council.
 - The application Ref 22/01357/S73A dated 31 May 2022, was refused by notice dated 13 September 2022.
 - The development proposed is described as proposed retrospective planning application for timber fencing together with timber sheds.
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Decision

1. The appeal is dismissed

Procedural Matter

2. At the time of my site visit, the development was in place. The application form made clear that the scheme had been submitted retrospectively and I have dealt with the appeal on that basis.
3. Amended plans were submitted during the application process which were considered by the Council, the amended plans omitted the wide, inward opening vehicular access gates. I have therefore considered this appeal on the basis of the plans refused, Drawing No's: CN/282/A1/01A and CN/282/A1/01A.
4. During my site visit I observed that an additional fence had been erected to the front of the western side of the appeal sites access between the fence, the subject of this appeal, and the highway. This is not shown on the amended plans. For the avoidance of doubt and to ensure no party is prejudiced or caused any injustice by me proceeding with the appeal I have determined the appeal on the basis of the information submitted during the determination of the application.
5. The Appellant confirms via the application form that they have ownership of the land relating to the proposed development. The Planning Practice Guide is clear that an application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed. It is an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000.¹ Whilst ownership is disputed by parties I have not been provided with substantive evidence to doubt the Appellants ownership status or confirm that the application was not valid. I shall therefore progress with determining the appeal before me.

¹ Paragraph: 025 Reference ID: 14-025-20140306

Main Issues

6. The main issues in this appeal are the effect of the development on (i) the character and appearance of the area; and (ii) highway safety.

Reasons

Character and Appearance

7. The appeal site comprises a residential property located in the countryside, within a semi-rural area. The site fronts Old Harrowden Road which is a single track highway without a segregated pedestrian walkway.
8. The fence erected extends along the front boundary of the site and is separated from the highway by a narrow strip of new landscaping and white stones to prevent vehicles encroaching on the area. At the time of my site visit the established hedgerow leading to the site was of similar height to the fence. Boundaries in the area vary, although in the immediate vicinity of the appeal site they are rural in appearance predominately with established hedgerows.
9. I understand that a boundary treatment including hedgerow was in situ prior to the erection of the fence. Photographs have been provided by the Appellant to demonstrate that a fence existing within the hedgerow, however it is not clear if they relate to the front boundary and the height is difficult to judge. I find that the fence due to its height and length is a prominent feature in the area.
10. Landscaping has been provided between the fence and highway; however, the landscape strip is narrow, substantive evidence has not been provided to persuade me that the planting would thrive in this location effectively enough to screen the fence. Whilst a planning condition could be imposed to secure planting within the limited area available, I have not been provided with substantive evidence to convince me that landscaping could be provided to effectively soften the visual effect of the fence.
11. The 3 sheds erected on the site vary in scale, all have a pitched roof, Sheds B and C are considerably smaller than Shed A, which by virtue of its height is dominate and incongruous within the area.
12. Sheds A and B can also be viewed above the fence, individually due to their scale they are not incongruous to the area based on other sheds/outbuildings observed. Notwithstanding this the cumulative effect of multiple sheds on the site adjacent to the highway in this semi-rural location is unsympathetic to the area.
13. I conclude that the development would harm the character and appearance of the area. There is conflict with Policies 28, 29, 30 and 7S of the Bedford Borough Council Local Plan 2030 (2020) (the Local Plan) which seek amongst other things to protect the countryside and ensure development is of high design quality and responds positively to the character and context of an area.

Highway Safety

14. Old Harrowden Road is a single track road, which at the time of my site visit did not appear to be a busy highway. The Council have confirmed that works are ongoing with regard to the conversion of traditional farm buildings to

residential² further down the road which may add more residential traffic to the area. Nonetheless due to the constraints of the road, width, condition and visibility, vehicles would likely use it at a low speed.

15. Photographs have been provided by the Appellant which show the hedgerow previously in place along the front boundary of the appeal site which demonstrate that the visibility from the access and that of the adjacent site appears to be improved.
16. Whilst the hedgerow shown in the photographs has been removed, there is nothing to prevent a hedgerow being planted to replace the fence which could impede visibility more than the fence, as demonstrated by the photographs.
17. I conclude that the development would not harm highway safety.
18. There is no conflict with Policy 31 of the Local Plan seeks to ensure that developments do not have any significant adverse impact on access to the public highway.

Other Matters

19. The Appellant has highlighted that the development is required due to personal circumstances. I have not been provided with demonstrable evidence to convince me that there is no alternative in terms of development which could meet the needs of the Appellant. I therefore give this limited weight.
20. My attention has been drawn by the appellant to similar developments, however substantive details have not been provided to allow me to assess these schemes against the proposal before me. In any event each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

Conclusion

21. I have found that the development would not harm highway safety however this does not outweigh the harm I have identified in term of character and appearance of the area.
22. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR

² 21/01066/CPNQ