



Appeal Decision

Site visit made on 7 March 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/P0240/W/22/3301217

Dell Farm, The Green, Whipsnade LU6 2LG

- 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 Fletcher - Greenways Properties (Dell Farm) Limited against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/04757/FULL, dated 19 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is the change of use, extension and subdivision of existing former outdoor centre to create three dwellings. demolition of barn and outbuildings and erection of two detached houses with garaging. associated access, parking and gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - whether the proposal represents an inappropriate development in the Green Belt and the effect of the development upon the openness of the Green Belt;
 - the effect of the development upon the character and appearance of the surrounding area;
 - whether the development would result in a loss of community facilities;
 - the effect of the development upon ecology; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development and effect on openness

3. The appeal site is located in the Green Belt. The National Planning Policy Framework (the Framework) regards the erection of new buildings in the Green Belt as generally being inappropriate. There are some exceptions to this, which are listed in Paragraph 149 of the Framework.
4. The proposed development includes the erection of two new buildings that would be used as residential dwellings. Given that they would be dwellings that

would be potentially occupied on market tenures, the proposed development would not meet any of the exceptions listed in the Framework. In consequence, the erection of two new additional dwellings would be regarded as being inappropriate in the Green Belt.

5. It has been suggested that the proposed new houses would represent a limited infill within a village. The evidence before me does not indicate that there are formal boundaries to the village of Whipsnade. In consequence, the assessment of whether the site is within a village needs to be made based upon the individual circumstances of the appeal site.
6. The appeal site is located near to several other dwellings including Greenhills House, Frog Corner and Observatory Lodge. These are located near to the side boundaries and also near to the front boundary of the site. In consequence, the proposed development would be sited near to other areas of built form. Furthermore, there would be some sharing of access routes in order to reach the proposed development and the existing dwellings.
7. Therefore, based upon these circumstances, the proposed development can be considered to be within a village. However, for the development to not be inappropriate in the Green Belt, it needs to be demonstrated that the proposal would be a limited infill.
8. The proposed development includes the provision of two new houses. Of these, one would be set back from the front boundary of the site. This is referred to on the submitted plans as being Plot 4. Therefore, this specific new house would not be adjacent to any existing building for the vicinity of this dwelling does not form part of an existing line of development.
9. The dwelling to be sited on Plot 5 would be to the side of the existing building at Dell Farm. However, there would be a notably large gap between the dwelling on Plot 5 to the nearest existing dwelling beyond the boundary of this plot. Therefore, even if the proposed dwelling were to be constructed, there would still be a significant gap in the level of built form. Therefore, although the proposed development would be in a village, it cannot be considered to be a limited infill. It is therefore an inappropriate development in the Green Belt.
10. The proposed development would also include the provision of extensions to the existing buildings. The proportions of these, within the context of the existing structures means that they would not be significantly large. This means that this element of the proposed development would not be regarded as inappropriate given that they would be proportionate towards the respective original buildings.
11. Although this element of the development might not be inappropriate in the Green Belt as defined by the Framework, it is necessary to consider the overall effects of the development taken as a single entity. Therefore, for the preceding reasons, the proposed development would not wholly meet one of the exceptions listed in the Framework.
12. The appeal site consists of a former recreation facility, which is currently disused. Beyond the existing buildings, the site features limited amounts of development given that it predominantly features small relatively ancillary

- structures that would have been associated with the now disused recreational facility. The wider area features predominantly open areas.
13. The proposed development would result in an overall increase in the level of built form. This would comprise two additional dwellings that would be freestanding. In addition, the development would include additional boundary treatments to delineate between the two dwellings identified as being Plots 4 and 5.
 14. In addition, the proposed development is for domestic dwellings. Therefore, there is a notable likelihood that the gardens would feature items of domestic paraphernalia that would fall outside of the definition of development. The proposed development would result in an increase in the overall level of built and physical form. These matters, in unison, would result in an erosion of the spatial sense of openness that is a feature of the Green Belt.
 15. The proposed development would therefore be potentially experienced by a notable number of people. The development would therefore result in an erosion of the physical sense of openness that is also an intrinsic feature of the Green Belt.
 16. In reaching this view, I have had regard to the fact that the topography of the surrounding area is such that the development would be readily perceptible from areas outside of the appeal site. This includes the areas beyond the front boundary, which include land that is higher than the appeal site. In addition, the site, in its current form features limited boundary treatments. This means that the proposed development, and resultant increase in built form, would be readily apparent from the wider area.
 17. It has been suggested that the proposed development would result in a reduction in the overall amount of built form on the appeal site. However, the figures before me refer to a comparison in the level of footprints between the existing and proposed situations.
 18. I have no reason to question these figures. However, the existing built structures have a limited height and mass. This in contrast with the proposed development, which would have a much greater height and bulk. In result, although there might be a reduction in the overall footprint, these would not be offset by the greater height and bulk of the proposed new dwellings.
 19. Therefore, even though the construction of the dwelling on Plot 4 might result in the construction of a dwelling on previously developed land, the Framework is clear that a redevelopment should not have a greater effect on the openness of the Green Belt. For the preceding reasons, this criteria has not been adhered to.
 20. I therefore conclude that the proposed development would be inappropriate in the Green Belt; and would have an adverse effect upon the physical and spatial sense of openness that is a feature of the Green Belt. The development, in this regard, would conflict with the requirements of Policy SP4 of the Central Bedfordshire Local Plan (2021) (the Local Plan). Amongst other matters, these seek to ensure that there is a general presumption against inappropriate development; and that new developments do not have a greater impact on the openness of the Green Belt or conflict with the purposes for including land within the Green Belt.

Character and appearance

21. The proposed development is situated in the countryside in an area that features a relatively low level of buildings. As part of this more rural, and open, character there are typically larger gaps between the positioning of the building and boundary treatments. The appeal site is also in the Chiltern Area of Outstanding Natural Beauty (the AONB). For the purposes of this appeal, the significance of the AONB is derived from the relatively limited form of development, which creates a more rural character. Where development does occur, it is generally proportionate in scale to the AONB.
22. The proposed development would result in an increase in the overall level of built form arising from the provision of the proposed extensions and the two new buildings in the form of the additional dwellings. The proposed development would result in a significant increase in the overall level of built form. This means that the development would have a greater urbanising form, which would disrupt the predominantly rural character of the wider, surrounding, area.
23. The appeal site features some existing buildings and structures associated with the previous use of the appeal site. However, the scale of these is more compatible with a rural landscape. This is in contrast with the proposed development, which would have a more urbanising effect.
24. There is some debate regarding the number of storeys that the proposed dwellings would have. However, the submitted plans show that the development would have a height of less than two storeys. This means that the development would still have a notable height. This, when combined with the combined footprint of the new buildings, the proposed development would result in a substantial increase in the overall level of built form.
25. In addition, the proposed development would also include various areas of hardstanding. This includes parking areas and vehicle manoeuvring areas. In consequence, the proposed development would result in the creation of a development that would have a more engineered appearance than is currently the case. In consequence, the proposed development would be incongruous.
26. The proposed development would be readily perceptible from the surrounding area, such as the highway and a Public Right of Way. Furthermore, views would also be possible from neighbouring land and properties. This means that the proposed development would be readily perceptible and would therefore be a strident addition to the locality. Although some views would be screened by landscaping, any mitigation would only be partial and may vary depending on health. Therefore, this does not alleviate any adverse effects.
27. The proposed development would be constructed from an appropriate palette of materials. Had I been minded to allow this appeal, I could have imposed a condition that would have provided assurances of this. However, the previously described adverse effects would arise irrespective of the materials from which the development is constructed. In result, this suggestion does not overcome my previous concerns.
28. Although the proposed development may reflect the historical arrangement of farm buildings, this has a differing function to the appeal scheme. In consequence, the previous use of the site does not overcome my concerns.

29. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Local Plan Policies EE7 and SP4. Amongst other matters, these seek to ensure that new developments conserve and enhance the Chiltern AONB's distinctive character, tranquillity and remoteness.

Loss of community facility

30. The appeal site contains several existing buildings that were most recently used as an outdoors recreational facility. However, the evidence before me indicates that the use has ceased some time ago. It is apparent that the existing use of the appeal site was operated by a local authority, before being sold to the appellant.
31. The proposed development would result in the cessation of the existing use of the appeal site. It would therefore not be available for community uses. In considering this appeal, I have been directed towards Policy HQ3 of the Local Plan. Amongst other matters, this seeks to ensure the retention of community facilities, unless it has been demonstrated that such uses are no longer needed.
32. I note that an assessment regarding efforts to market the appeal site by a previous landowner has been included as part of the appeal documentation. However, this document is clear that the marketing period ran for a relatively short period. Therefore, there is no certainty that a longer period would not deliver a differing outcome. In addition, efforts to market the property were supplemented by references to non-binding pre-application advice by the Council.
33. I also understand that items of financial support were withdrawn from the previous operator of the appeal site. Whilst this might be the case, it does not necessarily mean that all community uses might be non-viable, particularly if there were to be a more extensive marketing process. Therefore, at this juncture, it is not possible to conclude that the proposed development would not be possible to be used for community activities.
34. I understand that the original use of the appeal site ceased prior to the appeal site being purchased by the appellant. Although the evidence submitted as part of the appeal proceedings indicates that the reason for the site being sold was because it was no longer financially viable. However, there is no evidence before me that indicates that efforts to find an operator to maintain the community use of the building were made. I am therefore unable to conclude that the requirements of Policy HQ3 have been adhered to.
35. I therefore conclude that the proposed development would represent the unacceptable loss of a community facility. The development, in this regard, would conflict with Local Plan Policy HQ3. Amongst other matters, this seeks to ensure that the use no longer serves the community, and significant evidence is provided to demonstrate that it is surplus to requirements and there is a lack of need for any other community uses at the facility.

Ecology

36. The proposed development would result in an increase in the overall level of built form. The wider area contains several undeveloped areas. Therefore, the

wider area has the potential to support several areas of wildlife, such as bats. Given that the proposed development would result in an increase in the overall level of built form, it would result in a diminished level of space for such species to forage.

37. However, the information before me includes assessments regarding the presence of bats within the surrounding area. In particular, this information was intended to respond to the concerns raised by the Council and outlines that there is limited evidence regarding the presence of these species.
38. In addition, it has been established that the proposed development would not impinge upon any habitat associated with Great Crested Newts. In addition, the overall effect upon bats would not be large. This is a relevant matter given that the appeal site could be an attractive environment for foraging by bats.
39. The evidence before me indicates that additional mitigation could be secured. These would include matters such as bat boxes and appropriate ridge tiles. Had I been minded to allow this appeal, I could have imposed a condition that would have required the development to proceed in accordance with an agreed strategy to this effect.
40. Such a condition could also include a retention clause. Therefore, such a condition would ensure that any adverse effect upon bats could be appropriately mitigated throughout the development process and the life of the development.
41. I therefore conclude that the proposed development would not have an adverse effect upon ecology. The development, in this regard, would comply with the requirements of Policy EE3 of the Local Plan. Amongst other matters, this seeks to ensure that developments do not have an adverse effect on protected species.

Other considerations

42. The proposed development would result in an increased local housing supply. However, the information before me indicates that the Council can currently demonstrate a five year housing supply. In addition, the proposed development would only be for five dwellings only. In consequence, the benefits arising from the proposed development can only be given a limited amount of weight.
43. The construction, and occupation, of the proposed development is likely to generate some economic benefits. However, benefits associated with the construction process are likely to be relatively small-scale and time limited in duration.
44. In terms of the support of the existing businesses and facilities, the proposed development would not generate a large population offer sizeable economic benefits. In addition, there is no evidence before me that indicates that local businesses and facilities are struggling to attract sufficient people. Therefore, the economic benefits arising from the proposed development can only be attributed a limited amount of weight.

Other Matters

45. My attention has been drawn to a Special Area of Conservation (the SAC) However, given that I am dismissing the appeal, the development would not

give rise to an adverse effect upon the SAC. I therefore do not need to give this matter further consideration.

Conclusion

46. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
47. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
48. The other considerations I have identified individually and collectively carry a limited amount of weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.
49. The proposed development would not have an adverse effect upon ecology. However, this is outweighed by the fact that the development would be inappropriate in the Green Belt; would erode the Green Belt's sense of openness; would have an adverse effect upon the area's character and appearance and would result in the loss of a community facility.
50. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR