



Appeal Decision

Site visit made on 9 May 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/P0240/W/22/3304642

Land West of Silsoe Road, Maulden MK42 2AX

- 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 Coleman of Flaunden Construction Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/05449/FULL, dated 7 December 2021, was refused by notice dated 15 March 2022.
 - The development proposed is Erection of an agricultural building.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is no reference to the parking and turning area comprising a formal hardstanding in the description, application form or plans, so I have considered the appeal on this basis. The application form, planning statement and appeal statement state the access would not be altered and taken from the existing gate. However, the plans clearly show a widened access further north. I have considered the appeal both based upon an unmodified access, as well as based upon a new access as shown on the submitted plan.

Application for costs

3. An application for costs was made by Mr J Coleman against Central Bedfordshire Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - whether or not the proposal is compliant with development plan policies for new development in the countryside;
 - the effect of the proposal upon the character and appearance of the area; and,
 - if there would be a policy conflict or harm from the proposal, whether or not there are other considerations that outweigh any harm.

Reasons

Countryside

5. The appeal site is located outside a settlement within the open countryside. Policy SP7 of the Central Bedfordshire Local Plan (2021) (CBLP) seeks to manage development within and outside settlements, setting out a distinction in approach between the two. It seeks to control development in the countryside. SP7 states that, outside Settlement Envelopes, the intrinsic character and beauty of the countryside will be recognised, with only particular types of development permitted, as referred to in the policy, subject to compliance with or support from other development plan policies.
6. The proposal is for a development type that is not named by SP7, and it is not put to me or demonstrated the development is of the type that gains support from other policies referred to in Policy SP7. Therefore, I can draw no other conclusion other than that the proposed development conflicts with Policy SP7.
7. For the reasons set out above the proposed development conflicts with development plan policy for new development in the countryside. It conflicts with Policy SP7 of the CBLP, the relevant provisions of which I have set out above.

Character and appearance

8. The appeal site lies within the Mid Greensand Ridge character area identified in the Adopted Landscape Character Assessment. Its character and appearance in this location is characterised by a rural undulating landscape of agricultural fields lined by hedgerows, fencing and some tree belts, punctuated by a limited number of groups of buildings of what appear rural employment, agricultural or residential uses. The appeal site comprises part of a grass field lined by trees and hedges elevated above surrounding land to the north and west. By virtue of its verdant, well vegetated, undeveloped and distinctly rural appearance, it makes a positive contribution to the character and appearance of the area.
9. While proposed to be an agricultural use, the new building would be a sizeable one that would result in a marked and harmful incursion of sporadic new built development into open countryside. Given its scale, height, bulk, appearance, and elevated position in the landscape, it would erode the visual qualities and harmfully affect the character and appearance of what is currently undeveloped land. It would be visible through the gated entrance when traversing Silsoe Road around the access gate. There would be filtered visibility from the north and west through the low hedgerow and hedgerow trees. This visibility would be markedly greater in the months when the deciduous plants and trees are not in leaf. Visibility of it would also be significantly greater were the proposal to be implemented for the new access on Silsoe Road.
10. Of the agricultural buildings I saw in the wider context of the site, they appeared to be part of clusters, generally well related to other buildings and positioned lower in the landscape. Even though the design has some similarities to two approved buildings at Church View Farm they are much lower in the landscape and would be viewed close to or as part of a pre-existing cluster. By virtue of its sporadic and elevated position in the landscape, this appeal scheme differs from that scheme. The proposal at Chiltern View is some considerable distance away, appeared much lower in the

landscape, and is on a site with some pre-existing development upon it, so it is not viewed in the same visual context as this appeal proposal. The approval of those schemes does not justify departing from my conclusions in this regard.

11. For the reasons set out above, I cannot consider the building would relate well to the immediate and surrounding landscape setting of the site or built form. I am not satisfied this could be remedied by planning conditions in respect of the materials and building levels. While there is scope for additional planting, based upon the limited evidence provided, I am not satisfied such planting secured planning conditions would adequately mitigate the harm.
12. For the reasons set out above the proposed development would be harmful to the character and appearance of the area. It would conflict with Policies HQ1 and EE5 of the CBLP. Amongst other things these recognise the intrinsic character and beauty of the countryside, require developments are of the highest possible quality, relate well to their surrounds, reinforce local distinctiveness, and complement the natural environment taking account landscape character and setting. It would also conflict with paragraphs 130a), b) and c) and 174b) of the National Planning Policy Framework (2021) (the Framework), which have similar objectives.

Other considerations

13. The appellant is of the view the Council misapplied the policies I have set out above, as they do not require an agricultural need be demonstrated for the proposal. The Council has not clearly explained where development plan policy pre-ambles refers to need or national guidance. However, as the proposal conflicts with policies for new development in the countryside and the character and appearance of the area, it is not inappropriate to consider whether the proposal is supported by other policies such as those of the Framework, or whether there are any other considerations that might outweigh any harm.
14. Paragraph 84 of the Framework, amongst other things, expects planning decisions to enable a) the sustainable growth and expansion of all types of businesses in the rural area through well-designed new buildings, and b) the development and diversification of agricultural businesses. In-light of my findings above the proposal does not gain support from criteria a).
15. It is understood the building would be used for hay and machinery storage. The evidence does not demonstrate there is any existing enterprise on what is a vacant agricultural field and trees. Based upon the plans, the appeal site and adjacent land under the appellant's control comprises approximately 0.44 hectares of which a proportion is covered by trees. The development would leave little room for agricultural activities, and it is not explained that this land is part of a wider holding and enterprise. There are no quantities of previous or anticipated hay production or storage requirements provided.
16. Based upon the very limited evidence provided, I cannot conclude the proposal has meaningful benefits or is necessary for agricultural activities on the land. It might not be an unusual practice for machinery to be housed in a building on one site or holding to be utilised by others. However, there is no substantive evidence demonstrated there is a need or demand for this type of facility, or that the building needs here. Therefore, these matters attract limited weight.

17. While paragraph 84b) does not specifically require agricultural need is demonstrated, its wording infers that its support is to agricultural or other rural businesses. In the absence of substantive evidence of a tangible agricultural need or business benefits, I cannot conclude the proposal would enable development and diversification of agricultural businesses, so it does not gain support from paragraph 84b) of the Framework.
18. I visited a number of the locations of previous decisions of the Council¹ and by Planning Inspectors² for agricultural buildings. I do not have copies of previous planning policies, or the full evidence considered for those proposals before me. Therefore, a fully reasoned comparison is not possible. However, I note that the Council and Inspectors did not find any of the developments harmful to character and appearance, or to conflict with policy in that regard. Based upon what I saw, I see no reason to disagree. Therefore, none of the examples provided are directly comparable to the circumstances of this appeal proposal.
19. A number are in the Green Belt, where national policy identifies agricultural buildings as being an exception to inappropriate development, without limiting criteria. Policy SP7 of the CBLP does not specifically name agricultural buildings being one of the categories of development that is either an exception without limiting criteria or supported in the countryside. In the delegated report for Chiltern View in the Green Belt reference is made to Policy SP7. It is not fully clear how the Council made any further assessment against it. However, it appears to relate to a mixed-use site. Therefore, while it is not clear Policy SP7 has been applied in the same way as it has been to this appeal proposal, its circumstances are not directly comparable.
20. The examples at Maulden are within the countryside only, but were assessed against previous adopted countryside and other policies, the full details of which are not before me. The Council found the buildings acceptable balancing the relevant policies, guidance and evidence referred to in the reports. It appears there was evidence the buildings were in connection with an existing established agricultural enterprise on a much greater area of land surrounding the buildings. Therefore, the circumstances are different to this proposal.
21. The land associated with this appeal proposal is considerably smaller than the examples provided. I have found this proposal conflicts with the policies of the development plan before me, for the reasons set out above, and the examples do not justify allowing this appeal. I attribute the examples moderate weight as a material consideration.

Other Matters

22. The Council refers me to the findings of an Inspector that dismissed a previous appeal³ relating to a new dwelling at the appeal site. However, as a proposal for a different type of development with different characteristics assessed against previous adopted development plan policies and a previous iteration of the Framework, it is not directly comparable to this appeal proposal.
23. The appeal site is approximately 130m north of the Grade II Listed Quinville House and the appellant's wider ownership boundary is understood to adjoin its wider grounds. Reference is also made by interested parties to views across to

¹ CB/21/04807/FULL; CB/21/02118/FULL; CB/20/04122/FULL.

² APP/P0240/W/19/3225624; APP/P0240/W/16/3159670.

³ APP/P0240/W/20/3245950.

St Mary's church, although it is not clear if this is a listed building. There is mature woodland cover between the heritage asset and the proposed new building, such that I could not discern any direct intervisibility between the appeal site and heritage asset, any effect upon its setting, or significance. However, as I am dismissing the appeal for other substantive reasons, no building would be permitted by my decision, so there would be no effect upon the setting or significance of designated heritage assets.

Planning Balance

24. The proposed development would result in some limited temporary economic benefits during construction. There might be some on-going benefits to the local community and economy once complete. However, there is no evidence to suggest this would be anything other than a small benefit at best, and there is not substantive evidence the building is necessary for agricultural activities. Within the land under the appellant's control, it might be possible to undertake further landscaping and habitat creation. However, I see nothing that would lead me to the view this would result in anything other than a limited benefits in this regard. Overall, the benefits of the proposal and other considerations advanced, are attributed moderate weight in favour of the scheme.
25. Were I to agree the proposed development is or could be made compliant with policies in respect of matters such as highways, access and parking standards, construction management, drainage, the living conditions of neighbouring occupiers, heritage assets, and the effects upon wider sites of ecological significance, these would be neutral matters in the planning balance.
26. However, the proposed development would conflict with policies for new development in the countryside and it would be harmful to the character and appearance of the area. These are such that in combination they attract significant weight against the scheme. In consequence, the harm from the proposed development outweighs the benefits. Therefore, the appeal should not succeed.

Conclusion

27. The proposed development is contrary to the development plan and the Framework read as a whole. There are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR