



Appeal Decision

Site visit made on 25 April

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 5 June 2023

Appeal Ref: APP/P0240/W/22/3312091

Land Adjacent to 66 Woodside Road, Woodside, Luton, LU1 4DQ

- 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 Hay against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03960/FULL, dated 27 August 2021, was refused by notice dated 5 October 2022.
 - The development proposed is a new third bungalow on the site
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development; and
 - iv) the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Inappropriate development

3. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
4. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraphs 149 and 150 of Framework. One such exception, at paragraph 149 g), is the limited infilling or the partial or complete redevelopment of previously developed land (PDL), which would not have a greater impact on the openness of the Green

Belt than the existing development. Policy SP4 of the Central Bedfordshire Local Plan (2021) is consistent with this.

5. Previously developed land is defined in Annex 2 of the Framework. The definition includes land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.
6. The appeal site is adjacent to two dwellings which have been developed following the grant of an earlier planning permission. Prior to this, the site included a stables complex which was a small building located on the western boundary, alongside a number of other buildings which were in a state of disrepair.
7. The Council argue that the siting of the proposed development would be beyond the footprint of the previous stables complex and would push the built form into an undeveloped part of the site. However, there is no evidence before me that the proposed development would not be within the curtilage of the former stable complex. From my visit, I observed that the boundaries of the appeal site are consistent with the use of the wider land and the development of the two previous dwellings. While the footprint of the proposed development may be beyond that of the previous stable complex, on the evidence before me and on the balance of probability, I am satisfied that the appeal site is PDL as it is within the curtilage of the developed land. Accordingly, whether the proposal would constitute inappropriate development will depend on whether it would have a greater impact on the openness of the Green Belt than the existing development as set out in paragraph 149 g) of the Framework.

Openness

8. The Framework states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence." Openness can be perceived spatially and visually. Spatially, the proposed development would be constructed on land which currently functions as a parking area for 62 Woodside Road and a section of the adjacent field. By occupying space which was previously only used as hardstanding and field land, the development would inevitably reduce the openness of the site. Visually, the proposed development would be highly visible in public views along Woodside Road, particularly due to its location at the entrance of the site. Overall, it would cause significant additional encroachment in this location which would result in a significant loss of openness in the Green Belt when compared to the existing situation.
9. In reaching this view, I have considered that while the development would be single storey in nature, it would have a greater visual prominence in the immediate surroundings than the current use of the appeal site as a parking area and field. Such encroachment would be further exacerbated by the introduction of an additional domestic curtilage and element of hardstanding, within which it is likely that domestic paraphernalia would be placed, further impacting on the openness of the Green Belt.
10. Consequently, the proposed development would have a greater impact on the openness of the Green Belt than the existing development, contrary to

paragraph 149(g) of the Framework, such that it would not meet this exception. There is no suggestion that it would meet any other exception in the Framework and consequently the development would represent inappropriate development, which by definition is harmful to the Green Belt. In this regard it would also fail to comply with Policy SP4 of the Central Bedfordshire Local Plan (2021) (Local Plan).

Other Considerations

11. I recognise that the footprint of the proposed development, including the two existing dwellings may be less than that of the previous stables complex, such that the overall level of development is less than the previous situation. This is reflected in comments from the Council that as the footprint was less, the openness of the Green Belt would be enhanced. However, enhancement is not the test in the framework required by paragraph 149g) which requires an assessment as to whether the development has a greater impact on the openness of the Green Belt than the existing development, which I have found not to be the case here. As such this attracts little weight in favour of the proposal.
12. Additionally, I have considered that there may have been a significant amount of rubbish which was cleared prior to the development of the site. However, this rubbish no longer exists, and I therefore give this little weight.
13. A single storey dwelling on the site would make a very modest contribution to the overall supply of rural housing and support the viability of local facilities. I have also considered that no best and versatile land would be lost by this development. I give these considerations little weight in favour of the development. The provision of additional single storey accommodation in an area where there is limited availability does not represent the special circumstances which would be required to justify the grant of permission.

Character and Appearance

14. The proposed development would result in the erection of a third dwelling in addition to the two existing dwellings on the site. The plans indicate that it would be similar to the existing dwellings in terms of scale, size and height. While there is no proposed landscape mitigation to soften the impact of the development on the rural edge, the area has already been moderately urbanised due to the close proximity of the existing dwellings and the use of the appeal site as hardstanding. As such, an additional dwelling would not cause significant harm to the local character of the area, given that this area of open countryside has already been built-up by residential development.
15. In reaching this view, I have considered that the appeal site would be extended beyond the current boundary limits to enable the construction of two car parking spaces. However, the increase in hardstanding would be modest and would not be significantly visible from the public highway.
16. In conclusion, the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. It would therefore accord with Policies HQ1, EE4 and EE5 of the Local Plan, which require developments to relate well to existing local surroundings and take account of local landscape character.

Other Matters

17. The application site lies within the Chiltern Beechwoods Special Protection Area (the SPA). However, there is no need for me to consider the implications upon the SPA in this case as the proposal is unacceptable for other reasons.
18. I have considered representations regarding the parking layout, but this is not a matter which affects my findings on the main issue.

Green Belt Balance

19. I have found the proposal would be inappropriate development in the Green Belt, a matter to which the Framework requires me to give substantial weight. Even when taken together, there are no other considerations which clearly outweigh the harm by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the development have not been demonstrated.

Conclusion

20. I have found that the appeal scheme conflicts with development plan policy and thus find that it would be contrary to the development plan as a whole. No material considerations have been demonstrated, including the provisions of the Framework, which would outweigh the planning development conflict. Therefore, for the reasons set out above, and having had regard to all other matters raised, the appeal is dismissed.

S Lo

INSPECTOR