



Appeal Decision

Site visit made on 4 July 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/P0240/W/22/3310502

R/O 113 Manor Road, Barton-le-Clay MK45 4NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Gill (GPS Estates Ltd) against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/01951/OUT, dated 12 May 2022, was refused by notice dated 07 October 2022.
 - The development proposed is erection of two detached chalet bungalow new-build residential dwellings with associated parking and access road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration, except for access and layout. I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the surrounding area; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site is a vacant parcel of land in the Green Belt. The National Planning Policy Framework (the Framework) identifies that the essential characteristics of Green Belts are openness and permanence, and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is,

- by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The proposal is for the erection of 2 chalet bungalows. Development within the Green Belt is inappropriate with the exception of the types of development listed in paragraphs 149 and 150 of the Framework. Reflecting the approach identified in *Wood V SOS and Gravesham BC 2015* (ref EWHC 683), in which the judge found that an Inspector had failed to make his own assessment of the boundary of the village on the ground, the appellant claims that the site forms part of an existing developed frontage in the village of Barton-le-Clay. Thus, it is stated, the proposal would comprise limited infilling in a village and would meet one of the exceptions set out in criteria e of paragraph 149 of the Framework.
 6. Infill development is not defined in the Framework. The supporting text to Central Bedfordshire Local Plan 2015–2035 (2021) (LP) Policy SP4 states that infill development can generally be defined as small-scale development in a small gap in an otherwise built-up frontage, utilising a plot in a manner which should continue to complement the surrounding pattern and grain of development. This provides a clear definition of the circumstances in which the Council consider a proposal to be infill development within the Green Belt.
 7. The appeal site comprises open space which lies to the rear of the dwellings on Manor Road. Dwellings on Manor Road comprise large dwellings set within spacious plots which follow a broadly linear pattern. To the north of the site is a public right of way beyond which lies Ivel Close, a cul de sac of 9 dwellings. The open countryside lies to the east of the site.
 8. LP Policy SP4 sets out that Barton-le-Clay is an inset Green Belt settlement where the inner Green Belt boundary acts as the settlement envelope. The Green Belt excludes the dwellings on Manor Road and Ivel Close. The appeal site is located in the Green Belt adjacent to but outside of the settlement envelope. The land between the settlement envelope and the brook which runs to the east of the site comprises open space and, with the exception of the Ramsay Manor Lower School to the south of the site, appears to contain limited built form other than small ancillary outbuildings. Consequently, the settlement envelope closely follows the extent of built form within the village and thus closely reflects the village boundary. Therefore, whilst adjacent to the settlement envelope and bordered by residential development, the appeal site is not physically located within the village.
 9. The proposed development would be located on undeveloped land. Whilst access would be gained via an existing track between these dwellings, the proposal would not front Manor Road or infill an existing gap in the road, and thus would not occupy a small gap in an otherwise built-up frontage. Furthermore, the layout of the proposed dwellings, with no frontage onto Manor Road, would be at odds with the established predominantly linear character of Manor Road. Thus, the proposal would fail to integrate with the surrounding pattern and grain of development.
 10. Reference is made to an allocation to the north of the site¹ which, it is suggested, significantly alters the shape of development within Barton-le-Clay and extends the built form out into the open countryside. Nonetheless, there is

¹ Housing Allocation HAS505

no suggestion within development plan policy, or in how this land functions in relation to the remainder of the village, that this allocation changes the settlement envelope elsewhere in the village or the Green Belt boundary.

11. In light of the above, the site does not comprise land within a village, and the proposal is not therefore limited infilling in a village as defined by the supporting text to LP Policy SP4. Therefore, the proposal would comprise inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

12. Paragraph 133 of the Framework indicates that openness is an essential characteristic of the Green Belt. The construction of 2 dwellings on the site would result in built form where currently there is none and hence would spatially reduce openness whatever their size.
13. Clear views of the site are gained from the agricultural land to the east, through gaps in the vegetation from the public right of way to the north and from Manor Road. The site also permits clear views of the neighbouring agricultural land from the highway.
14. As the application is made in outline, details of the scale, appearance and landscaping would be determined at reserved matters stage. Nonetheless, as views of and across the site are readily available, any dwellings, even if chalet bungalows, along with the associated parking, turning and site access, would be clearly visible on the site. The siting of these buildings would also inhibit views of the open fields to the east. Thus, even when seen in combination with neighbouring built form, the proposal would have a harmful effect on the openness of the Green Belt.
15. On this basis, the proposed dwellings would not preserve the openness of the Green Belt. It therefore would conflict with LP Policy SP4 as set out above. I attach moderate harm to the impact on the openness of the Green Belt resultant from the development. Paragraph 148 of the Framework advises that substantial weight is given to any harm to the Green Belt. Therefore, although the effect is moderate this is to be given substantial weight.

Character and appearance

16. Manor Road is characterised by large dwellings situated within substantial plots following a broadly linear form of development along Manor Road. A number of cul de sacs are accessed from Manor Road. The entrances to these cul de sacs generally form continuation of the built frontage to Manor Road. This results in a pleasant, well-ordered and spacious residential character and appearance to the surrounding area.
17. The appeal site forms a gap between 2 dwellings through which the open countryside can be seen. This provides a visual link with the open countryside and makes a positive contribution to the rural character of the area.
18. The 2 proposed dwellings would be sited on land to the rear of Manor Road. Whilst the dwellings would be low density and would project a similar distance to the dwellings at Ivel Close and built form at the school, nonetheless they would be inward facing, would not form a continuation of the established built frontage at Manor Road and would fail to integrate with the dwellings at Ivel

Close, from which they would be separated by a vegetation-lined public footpath restricting intervisibility between the 2 sites.

19. Furthermore, whilst noting that the site access is already in place and that the appellant states that the layout has kept areas of hardstanding to a minimum, nonetheless, views of the site from Manor Road, the public footpath and surrounding sites would be dominated by the proposed built form and this access, turning and parking provision.
20. The proposal would remove an existing open space, severing the existing visual link between the village and the open countryside. Notwithstanding the scale and density of the proposed plots and the associated amenity and open spaces and proposed hedge to the eastern site boundary, the infilling of this gap and resultant encroachment of built form into the open countryside would be harmful to the spacious, rural character of the area.
21. In light of the above, the dwellings would be of a form which would be out of character with the surrounding area. This would disrupt the prevailing pattern of development and thereby cause harm to the established character and appearance of the surrounding area.
22. For the above reasons, the proposal would not accord with those aims of LP Policies HQ1 and HQ8. Collectively these policies seek to ensure that developments are of the highest possible quality and respond positively to their context and that proposals for the development of back-land sites will be resisted where they are against the existing pattern and grain of development and the character and appearance of the area would be harmed. I also find conflict with paragraph 130 of the Framework, which requires that developments are sympathetic to local character, including the surrounding built environment and landscape setting.
23. Whilst referenced by the Council I find no conflict with LP Policy EE5 which relates to proposals affecting trees, woodlands and hedgerows.

Other Considerations

24. The appellant claims that the Council cannot demonstrate a deliverable 5-year supply of housing land. A previous appeal decision in the same district is referred to in support of this. In this decision², dated 31 August 2022, the Inspector found that there was no deliverable 5-year housing land supply in the district and therefore the most important policies for determining the appeal were out of date. However, I note that this appeal decision is now almost a year old, and I have been supplied with the latest housing land supply statement, dated September 2022, which confirms that the Council can demonstrate a 5.16 years' supply of deliverable housing land. I have not been presented with any compelling reason to take a different view. Thus, based on current evidence, the Council is able to demonstrate a deliverable 5-year housing land supply and the relevant development plan policies for the determination of the application are not considered to be out-of-date.
25. The construction of 2 dwellings would make a small contribution towards local housing supply in a location with reasonable access to local services and facilities and public transport. There would be short-term economic benefits associated with the construction of the dwellings, as well as long term benefits

² Appeal reference APP/P0240/W/21/3289401

for the local economy and support for local services in increased consumer spending. Given the scale of the development this carries limited weight.

26. I note that the Council's Trainee Natural Environment Officer and Tree and Landscape Officer raised no objection to the proposal on grounds of the effect on the mature protected hedgerow and trees and that the proposed layout plan and Preliminary Ecological Appraisal show a number of biodiversity enhancements. These enhancements weigh in favour of the proposal. However, these enhancements would be limited in scale to the appeal site and thus this benefit carries limited weight.
27. I note that the main parties agree that the proposal would not result in adverse impacts in relation to flood risk, highway safety or the living conditions of neighbouring residents. Whilst this may well be the case, it carries limited weight in the Green Belt balance.
28. I note the appellant's aspiration that the proposed dwellings would be of a high-quality design in keeping with the scale, design and palette of materials of dwellings in the surrounding area and that dwellings would be provided with adequate cycle and refuse storage facilities and appropriate landscaping. Nonetheless, as the application is in outline format, such matters are not before me and thus cannot weigh in favour of the proposal.

Planning Balance and Conclusion

29. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to advise that very special circumstances will not exist unless any potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. Given the substantial weight to be given to Green Belt harms in respect of inappropriateness and openness, combined with the other identified harms to the character and appearance of the area, relative to the limited benefits of the proposed scheme, the harms are not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.
31. The proposal would be contrary to Policies HQ1, HQ8 and SP4 of the Central Bedfordshire Local Plan 2015–2035 (2021), and the provisions of the Framework, as set out above.
32. Therefore, for the reasons given above, the appeal should be dismissed.

Nichola Robinson

INSPECTOR