



Appeal Decision

Site visit made on 11 July 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/P0240/W/23/3315098

20 Braggs Lane, Wrestlingworth SG19 2ER

- 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 B Searle against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/03752/FULL, dated 22 September 2022, was refused by notice dated 14 December 2022.
 - The development proposed is described as "Proposed development: change of use of land to enlarge residential curtilage".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site was the subject of a recent appeal decision¹, which was dismissed. The primary difference between the proposal and the previous scheme is that they now only propose to use part of the site to the south as residential, with land to the east to remain agricultural. It is clear that the Council has determined the application on this basis and so shall I for the purpose of this appeal.

Main Issue

3. The main issue is the effect of the change of use on the character and appearance of the area.

Reasons

4. The appeal site lies at the top of Braggs Lane, accessed via an unmetalled extension to the lane. Open fields surround the appeal site to the east and south. A bridleway leads out from the access eastwards into open fields. As such the appeal site occupies a prominent position at the edge of the settlement.
5. At the time of my visit a timber post and rail fence formed the southern boundary of the appeal site. The appeal site comprises a relatively level parcel of land which had been mown.
6. I note the previous Inspector dealt with the identification of settlement boundaries between the Wrestlingworth and Cockayne Hatley Neighbourhood Plan 2021 (WCHNP) and the Central Bedfordshire Local Plan 2021 (CBLP) and I have no reason to disagree with their conclusion. Policy SP7 of the CBLP states that limited extensions to gardens beyond Settlement Envelopes may be

¹ APP/P0240/W/22/3295238

- permitted provided they do not harm the character of the area. The policy does not define 'limited' however, on account of the size of the area of land proposed for the change of use, this would be significant, and could not be regarded as limited.
7. It has been put to me that the proposal would align with the gardens to Nos. 10 and 12 Braggs Lane and would round off the settlement. The western boundary which adjoins the appeal site is heavily wooded. I do not concur that alignment for a consistent boundary would be acceptable as visually this boundary has the appearance of a copse of woodland.
 8. Even if I were to consider the land as residential curtilage, I could remove permitted development rights should I be minded to allow the appeal. However, planting and other domestication of the plot, which do not require the benefit of planning permission, would give rise to a material change in the character of the countryside.
 9. No. 20 Braggs Lane lies at the edge of the settlement with land beyond the appeal site being largely open. Accordingly, the significant encroachment into the open countryside would be visible from public viewpoints, particularly along the bridleway to the east of the appeal site.
 10. My attention has been drawn to a number of other planning approvals, which the appellant considers provide support to the appropriate location of the site. The importance of determining similar cases in a similar manner is acknowledged. I concur with the previous Inspector that the case at No.8 Braggs Lane is not comparable due to the site context. With regards to the other cases referred to, including an appeal decision by the Council, I am not party to the evidence before the decision-maker to reach a view as to whether they are comparable or not. I note the evolution of the proposal from the previously dismissed scheme. Nevertheless, I have considered the appeal proposal on its own merits based on the evidence before me.
 11. I conclude that the proposal would unacceptably harm the character and appearance of the area. This would conflict with Policies HQ1, SP7 and EE5 of the CBLP and Policy BE2 of the WCHNP. Amongst others, these policies seek to preserve and enhance the character, local context and local distinctiveness of the area. It would also conflict with the National Planning Policy Framework (the Framework) insofar as the proposed change of use would cause harm to the intrinsic character and beauty of the countryside.

Other Matters

12. Third party representations in support of the change of use are noted. I note a suggestion that the boundary treatment may change and the inclusion of landscaping mitigation. I also understand that the proposal may make harvesting easier. However, this does not alter my findings on the main issue.
13. Whilst the area of land to be retained as meadowland planting could be subject to a planning condition limiting its use and to secure ecological benefits, this does not change my position on the main issue.
14. Whilst there would be ecological gains associated with the proposal, these would be modest. Accordingly, the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework when taken as a whole. Having regard to

paragraph 11 of the Framework, the development would not therefore benefit from the presumption in favour of sustainable development.

Conclusion

15. For the reasons given above, having had regard to the development plan and Framework as a whole, the appeal is dismissed.

R Gee

INSPECTOR