



Appeal Decision

Site visit made on 1 August 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/P0240/W/23/3317347

Barn at Chaul End Road, Caddington, Bedfordshire LU1 4AT

- 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 Glenden Plant Sales against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/04994/FULL, dated 5 November 2021, was refused by notice dated 5 January 2023.
 - The development proposed is the demolition of existing redundant barn and proposed new three-bedroom chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - whether the proposed development would be inappropriate in the Green Belt and the effect on the openness of the Green Belt;
 - the effect of the development upon designated habitats; 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 the development is inappropriate in the Green Belt and the effect on openness

3. The appeal site consists of a disused building located within the countryside. The surrounding area is predominantly open in nature, although there are some buildings within the wider area. Where buildings are located, they are generally complimentary to the rural surroundings and of relatively modest proportions. This ensures that they harmonise with the wider area. The appeal site is also near to a road.
4. The appeal site is also within 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. Amongst other matters, the Framework is clear that the redevelopment of previously developed land might

- not be inappropriate, provided that the development would not have an adverse effect upon the openness of the Green Belt.
5. In this instance, the appeal site consists of a disused building. In addition, the existing building is near to some areas of hard surfacing and, in places, the boundaries of the site are marked by wooden fences. This means that the appeal site could be accurately described as being previously developed land.
 6. The proposed development would result in the demolition of the existing building and its replacement with a new structure. Although the new building would have a smaller footprint than the original building, the appeal scheme would result in the concentration of built form at a single point. It would also not have the elongated form that the existing building has.
 7. In addition, the proposed dwelling would have a significantly greater height when compared to the existing building. This means that the proposed development would have a larger mass than the existing building. In result, the proposed development would result in an erosion of the spatial sense of openness that is an intrinsic feature of the Green Belt.
 8. Given that the proposed development would result in an increase in the overall level of built form arising from the greater height and bulk of the proposed development, the new dwelling would be readily perceptible from the surrounding area. Such vantage points would include neighbouring dwellings. On my site visit, I noted that a dwelling, which is currently under construction, would feature some fenestration that would face the appeal site.
 9. In addition, the proposed dwelling would be sited close to the road. This means that the proposed development, and its increased mass would be readily perceptible. This would create a more urbanised appearance, which would erode the general visual sense of openness that is a feature of the Green Belt.
 10. In reaching this view, I have had regard to the presence of the existing building. However, this building's relatively low height means that it is not overly visible from outside of the confines of the appeal site. This contrasts with the visibility of the proposed development. Therefore, its presence does not allow me to disregard my previous concerns.
 11. It has been suggested that the proposed development would feature items of domestic paraphernalia within the curtilage of the proposed dwelling. Such items are likely to fall outside of the definition of development and could not be controlled by the imposition of a planning condition.
 12. Owing to the layout of the appeal site and the presence of landscaping, boundary treatments and other developments nearby, any such domestic paraphernalia would not necessarily be apparent from the wider area. Furthermore, it is also likely to be of a relatively small scale given the proportions of the appeal site.
 13. In consequence, the presence of any such paraphernalia is unlikely to have a detrimental effect on the spatial and visual sense of openness that is a feature of the Green Belt. However, this does not overcome the adverse effects arising from the form of the proposed dwelling.
 14. My attention has been drawn to developments nearby. However, in considering this appeal, it is clear that the Framework requires the assessment of the

effects on openness by a proposed development against the existing buildings on the site. Therefore, the presence of these buildings does not overcome my previous concerns. Furthermore, the proposed development would lead to an overall increase in the level of built form, which would result in an erosion of the Green Belt's sense of openness.

15. The development would therefore result in a greater urbanising effect within the Green Belt. The development would therefore conflict with the purposes of including land within the Green Belt as prescribed by the Framework.
16. I therefore conclude that the proposed development would be inappropriate in the Green Belt and would have an adverse effect upon the Green Belt's sense of openness. The development, in this regard, would conflict with the requirements of the Framework. Amongst other matters, this seeks to avoid the carrying out of inappropriate development in the Green Belt and maintain its sense of openness.

Effect on designated habitats

17. The appeal site is located within the countryside and is in the Zone of Influence around the Ashridge Commons and Woods Site of Special Scientific Interest (the SSSI), which is part of the Chilterns Beechwoods Special Area of Conservation (the SAC). The significance of these is, in part, derived from the presence of notable wildlife.
18. The proposed development, as a domestic dwelling, would result in a greater number of people living within the surrounding area. It is therefore likely that there would be a greater demand for outdoors recreation. Given that the proposed development would be located near to the SAC and the SSSI, it is likely that these areas would be a popular location for such outdoors recreation.
19. Therefore, the carrying out of such outdoors recreation has the potential to have an adverse effect upon the wellbeing of the wildlife that make the SAC and SSSI notable. This would mean that the development would generate some harm in this respect.
20. It is possible that these adverse effects could be mitigated through the payment of a financial contribution to the council. This could potentially be used to secure the provision of alternative areas of green space within the surrounding area. This would mean that residents of the proposed development would have alternative locations to undertake outdoors recreation which would not give rise to the adverse effects upon the SAC and the SSSI.
21. However, the documentation before me does not include such a legal agreement by which such a financial contribution could be secured. Therefore, I cannot be certain that the proposed development would mitigate the general adverse effects that would arise from the increase in recreation.
22. Furthermore, the Council has demonstrated that the requested funding is proportionate towards the scale of the development that is proposed in any specific instance. In addition, the Council, working with others, has identified several alternative areas of green space and how the monitoring of any contribution would take place.

23. Therefore, the requested financial contribution is proportionate to the likely needs arising from the development. This means that the approach taken by the Council is reasonable and necessary.
24. It has been suggested that there is an extant permission at the site. Even if this were the case and the permission were to be implemented, there are some key differences between this permission and the appeal scheme. In particular, the development that is the subject of this appeal features an additional living room.
25. In consequence, the proposed development may well be attractive to larger families as accommodation. This means that the proposed development is likely to generate additional demand for outdoors recreation over the previous permission. In consequence, a contribution for the provision of additional alternative facilities is reasonable. In consequence, the absence of a completed legal agreement amounts to harm.
26. I therefore conclude that the proposed development would have an adverse effect upon designated habitats. The development, in this regard, would conflict with the requirements of Policy EE3 of the Central Bedfordshire Local Plan (2021). Amongst other matters, this seeks to ensure that important habitats and sites of geological interest will be protected, maintained and enhanced.

Other considerations

27. The proposed development would result in an overall increase in the local housing supply. However, given that scale of the development as only a single dwelling would be created, the overall benefit from this would be relatively small. Accordingly, this can only be given a limited amount of weight.
28. The proposed development would generate some economic benefits arising from the construction process, in addition to support to local businesses and facilities arising from the occupation of the proposed development. However, by reason of the number of dwellings that are proposed, these benefits are likely to be relatively small-scale in impact. Furthermore, some of these are also likely to be of a time-limited duration. In consequence, this matter can also only be given a limited amount of weight.

Planning Balance

29. 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.
30. 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.
31. 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, in addition to the harm to the designated habitats, is not clearly

outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.

Conclusion

32. 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