



Appeal Decision

Site visit made on 13 June 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/P0240/W/23/3314948

Ravensbrook Barn, Sandhill Close, Millbrook MK45 2JB

- 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 McCoy against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/02931/FULL, dated 19 July 2022, was refused by notice dated 7 October 2022.
 - The development proposed was originally described as 'erection of one exceptionally designed carbon neutral dwelling on a previously developed manège'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An indicative landscaping plan has been provided by the appellant at the appeal stage which did not form part of the planning application submission considered by the Council, in making its decision. Given the indicative nature of the plan and due to the Council and interested parties being consulted on it at the appeal stage, in this case I do not find that any party would be prejudiced by me considering it as part of the appeal.

Main Issue

3. From reading the Council's decision notice and officer report I consider the main issues to be:
 - whether the site would be suitable for housing, with particular regard to access to services and facilities by a range of means of transport; and
 - the effect of the proposal on the character and appearance of the area including Millbrook conservation area (MCA) and its setting.

Reasons

Policy Context

4. Policy SP7 of the Central Bedfordshire Local Plan 2015-2035 July 2021 (LP) sets out the Council's approach to windfall development. The policy states that outside settlement envelopes, such as the appeal site, the Council will recognise the intrinsic character and beauty of the countryside and only particular types of development will be permitted.
5. The policy is supportive of the redevelopment of previously developed land under certain circumstances. Both main parties agree that the appeal site

constitutes previously developed land and I have no reason to disagree, taking into account the definition set out in the glossary of the Framework. The development would not result in the coalescence of settlements, nor would it be harmful to highway safety, the living conditions of nearby residents or prejudice the delivery of allocated sites. What remains, therefore, is whether it would have a detrimental impact on the built and/or natural environment and settlement character and whether it is or can be made accessible to nearby services and facilities by sustainable modes of transport. These matters are considered below.

Access to services and facilities

6. The nearest settlement to the appeal site is Millbrook. The settlement hierarchy set out in the LP states that Millbrook is a small village which contains few services and facilities and is limited in the availability of public transport links. The facilities and services in Millbrook are limited to a Church, Village Hall, Playing Field, Playpark and golf course which is open to non-members. The appellant notes that there is also a pre-school/nursery and that school transport is provided for residents.
7. Future occupants would have to walk along the existing access road to reach these services and facilities rather than along a separate footpath, which given the limited traffic movements and the slow nature of the single track lane would not necessarily be problematic, given the scale of the proposal. However, the limited number of services and facilities that would be accessible by foot would not allow for a person's day to day needs to be met.
8. No separate footpath is provided alongside the road from the Sandhill Close junction along Station Lane towards the employment area, albeit I acknowledge any vehicle movements would be limited in distance to this area from the appeal site. There is a separate footpath along Sandhill Close that leads south towards Woburn Road which then provides pedestrian and cycle routes towards the holiday park to the west and towards Ampthill to the east. However, the distance to Ampthill from the appeal site means it is unlikely that future occupants would walk to access day to day services. While cycling may be an attractive means of transport for some, this would not suit everyone and would be unlikely to provide a reliable alternative throughout the year.
9. Millbrook railway station is nearby, however there is no separate footpath along Station Lane from the Sandhill Close junction, and this combined with the overall distance means it is unlikely this mode of public transport would be accessible on foot. I have no evidence before me to suggest there is a regular public bus service serving the village, which would provide access to other larger settlements.
10. Whilst the National Planning Policy Framework (the Framework), recognises that sustainable transport solutions vary between urban and rural areas, Policy SP7 seeks to ensure that developments outside of settlement envelopes are required to either be accessible to nearby services and facilities by sustainable modes of transport or that they can be made to be. In this case the location of the site for the provision of a dwelling offers very limited travel choices in respect of accessibility to a range of services and facilities. Therefore, occupants of the proposed dwelling would be highly reliant on car travel for most day to day needs.

11. For the above reasons I find that the location of the site offers poor accessibility to services and facilities other than by means of the private vehicle, contrary to Policy SP7. As set out above, this seeks, amongst other things, to ensure development outside of settlement envelopes on previously developed land are located where nearby services and facilities are accessible by sustainable modes of transport.
12. The proposal would also be contrary to paragraph 105 of the Framework which states that the planning system should actively manage patterns of growth in support of the objectives in paragraph 104, which includes identifying and pursuing opportunities to promote walking, cycling and public transport use. Whilst opportunities to maximise sustainable transport solutions vary between urban and rural areas, this does not provide justification for the appeal proposal, where the opportunities for anything other than the use of the private car to meet most day to day needs would be very limited.

Character and appearance

13. The appeal site comprises a disused manege. A mixture of types of fencing are located around the manege. It is accessed from an existing road located off Sandhill Close that serves dwellings to the south of the appeal site, Millbrook Village Hall, Playing Field and Playpark and Millbrook Golf Course. Mature soft landscaping runs along the northern boundary of the road opposite the appeal site. The land surrounding the appeal site to the southeast and west is open grass paddocks with post and rail fencing and dense boundary planting which contributes positively to the open and rural character and appearance of the area. The land to the west of Sandhill Close, including the appeal site, sits lower in the landscape meaning that it is prominent in views from the elevated position of the road.
14. The MCA includes the access road to the appeal site with the majority of the manege just outside the MCA but clearly within its setting. The significance of the MCA derives from the linear settlement pattern, the buildings of traditional character and the presence of trees and hedgerows. The way in which the built form around the road layout contrasts with the rural open character of the surroundings, particularly to the west of Sandhill Close is also of importance to the character and appearance of the area and the MCA.
15. The appeal site appears removed from the settlement. This is due to the visual separation from nearby built form and the presence of intervening densely treed areas and the open and spacious context around the appeal site. The manege is low level and sits comfortably in its rural context and the reinstatement of this use would not detract from its surroundings even though the manege is visible in elevated views from Sandhill Close.
16. As previously stated, the first section of the access into the appeal site is within the MCA. As the access road width and siting would not change as a result of the development, in this respect the character and appearance of the MCA would be preserved.
17. Further, the proposal would be located within the footprint of the existing manege and appropriate materials could be secured by condition. However, due to the addition of built form of a domestic scale and appearance, the bulk and massing of the proposed dwelling would have a greater visual impact than the existing manege. The associated domestic garden space would contrast

with the general open grassed rural character of its immediate context drawing attention to the appeal site.

18. As a consequence of its siting, design and domestic garden, the proposal would be significantly more urban in its character and appearance than the existing manage use. It would result in unduly intrusive development that would be particularly prominent in views from Sandhill Close.
19. The appellant has referred me to a recent planning permission¹ granted on an adjacent field to the rear of the existing dwelling at Ravensbrook Barn for 52 solar panels. If implemented this scheme would alter visual characteristics of the surrounding area. However, the provision of renewable energy infrastructure is not justification for the provision of an additional dwelling within a countryside location from a visual perspective.
20. The revised landscaping plan suggests a significant increase in the amount of trees located along the northern and south eastern boundaries situated in between existing mature trees. However, landscaping should not be used to screen otherwise unacceptable development and there can be no guarantee that landscaping measures will remain in perpetuity.
21. The open and rural character of the appeal site adds positively to the appearance of the rural edge and setting of the MCA. Due to its intrusive and urbanising nature, the proposed development would look harmfully out of place in its rural context and would detract from the contribution the appeal site makes to the setting of the MCA, therefore harming its significance.
22. In the terminology of the Framework, the harm would be less than substantial. In accordance with the Framework, this harm should be weighed against the public benefits. The proposal would deliver one market dwelling on previously developed land with associated economic and social benefits. As discussed below, tree planting beyond what is required by policy and a carbon neutral approach to the design and construction of the dwelling is also proposed which would be a small benefit to the local environment. However, the public benefits of a single dwelling would be small and would not outweigh the less than substantial harm to the significance of the MCA to which I am required to give great weight. Therefore, the proposal would conflict with the Framework.
23. Overall, I conclude that the proposal would be harmful to the character and appearance of the area including the setting of the MCA. The proposal would conflict with Policies SP7 and HQ1 of the LP. These policies seek, among other things, to ensure that any development outside of settlement envelopes on previously developed land do not result in detrimental impacts to the built and/or natural environment and settlement character and that proposals relate well to the existing local surroundings. The proposal would also be contrary to the Central Bedfordshire Design Guide September 2014, where it seeks to ensure that proposals are complementary to the landscape setting including in the immediate proximity of a site.
24. The proposal would also be contrary to the Framework where it seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting and that the intrinsic character and beauty of the countryside is recognised.

¹ Council Reference: CB/22/02711/FULL

25. Whilst the Council have referred to conflict with Policy SP5 of the LP in its reason for refusal, this relates to the physical and visual coalescence of settlements which is not relevant in this case.

Other Matters

26. The appellant asserts that the proposal would be a self-build dwelling which they would occupy. Under the Self-build and Custom Housebuilding Act 2015 (as amended) relevant authorities are required to keep a register of individuals seeking self-build plots within the authority's area. Relevant authorities are also required to grant sufficient permissions to meet the demand for self-build and custom housebuilding in their area.
27. The appellant has stated that they have been on the self-build register for over three years. I note that the Council's Self Build Officer is supportive of the proposal. Nevertheless, no substantive evidence has been provided to demonstrate that the Council is not meeting its obligations in this regard. Furthermore, there is no sufficiently robust mechanism before me to ensure that the dwelling would be a self-build unit. As such, I only attribute minimal weight to the self-build nature of the proposal as a material consideration.
28. There is support for the effective use of land set out in paragraph 119 of the Framework. I attribute moderate weight to this benefit.
29. Policy requirements relating to woodland coverage in the Forest of Marston Vale area states that the site should provide 30% woodland coverage, which the appellant has stated they intend to exceed. Subject to appropriate conditions relating to landscaping, this requirement could be adequately dealt with. The additional tree planting beyond what is required by policy would be a benefit to which I attribute moderate weight.
30. Paragraph 80 of the Framework states that the development of isolated homes in the countryside should be avoided unless one of five criteria are met. Criteria e) which the appellant refers to, states that one exception would be that the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
31. The appeal site whilst within the countryside for the purposes of the settlement hierarchy it is not isolated given the distance from the nearby village hall building and the other dwellings accessed from the existing road. Therefore paragraph 80 e) of the Framework would not apply. In any case there is limited evidence before me as to what would make the design of exceptional quality. The proposal would appear as a modern single storey building with a dual pitch roof clad in black cement cladding. It is intended to reflect a stable building, however no design or architectural features are identified that would elevate the proposed scheme above other dwellings of modern design.
32. The proposal is for a carbon neutral dwelling that makes use of air and ground source heat pumps, brown water recycling, rainwater harvesting, water scavenging and recovery system, solar roof, heat from waste and mechanical ventilation and heat recovery systems are proposed along with insulation standards beyond Building Regulation requirements and the use of locally sourced materials. While these measures would seek to mitigate environmental

effects, they would not in combination with the design of the proposed dwelling result in a proposal of exceptional quality that is truly outstanding. While the benefits associated with energy efficiency are acknowledged, paragraph 80 of the Framework provides no particular support for the development.

33. A sustainability statement was submitted with the application which demonstrates that the proposed dwelling would result in a 67% reduction in carbon, which would significantly exceed the 10% requirement set out under Policy CC1 of the LP. It is also contended that it could provide an exemplar for the local area in this regard. However, due to the small scale of the development proposed, I attach limited weight to the potential of the site to minimise energy consumption.
34. The appeal site benefits from existing utility services and is accessible from the existing road. The proposed development would offer potential benefits in terms of providing a new single storey dwelling on a previously developed site. The scheme would also have economic benefits through employment opportunities created during the construction phase of the development and spending in the local area by future occupants. However, the weight attributable to these matters is limited given the modest scale of the development proposed. The appellant has stated that they intend to retire to the proposed dwelling which would in turn free up a family sized dwelling and I note the letter of support received in this regard. I understand the wishes of the appellant, however, such personal circumstances seldom outweigh general planning matters.
35. While the proposal would comply with other policy requirements relating to flood risk, archaeology, parking, access, electric vehicle charging points, cycle storage and the effects on the living conditions of the occupiers of neighbouring properties, compliance with policy is a neutral matter.
36. I am referred by the appellant to three appeal decisions, the first at Stotfold². Whilst this appeal site was also outside of a settlement envelope, the proposal was for 181 dwellings including affordable housing, an integrated care village with ancillary community facilities, public open space, new landscaping, play areas, biodiversity habitat and new access arrangements and ancillary works. The scale of the proposal was therefore significantly different as was the range of benefits associated with it.
37. The second example relates to a site on previously developed land at Lavendon³ located in a different Council area where being outside of the settlement boundary was not found to be a sufficient reason to dismiss the appeal. The location of the appeal site was materially different to that before me, being adjacent to the settlement boundary of a village which had a shop, post office, two public houses/restaurants, a primary school and a nursery and a larger settlement nearby that could also be reached by public transport.
38. The third example at Ashwell⁴ where an Inspector found that the site, being 1 mile from the nearest village which could provide the necessary services for day to day living was appropriate. In this case however, the Inspector found that the proposal would not physically encroach into the surrounding

² APP/P0240/W/21/3289401

³ APP/Y0435/W/17/3178790

⁴ APP/X1925/W/22/3290692

countryside and that it would relate well to the existing dwellings along the lane in which it was situated.

39. I am also referred by the appellant to four cases where dwellings within the same Council area were granted planning permission. The first, at Shefford Road in Clifton⁵ differs to the appeal before me, given the scale of the proposal and the location in close proximity to a large village and Minor Service Centre with a range of services, facilities and public transport links.
40. In the second case⁶, the site on Sandhill Close, Millbrook is located within the settlement envelope where the policy context is different to that of the appeal site. The third case⁷ refers to another site on Sandhill Close, which is outside the settlement envelope of Millbrook, but which has a different relationship with the built form of the settlement being located between two areas defined as settlement envelope and directly adjacent the road. Given the surrounding site context and the nature of the sites, these differ from the characteristics of the appeal site before me.
41. The fourth case⁸ cited relates to the conversion of an existing building outside of the settlement envelope of Millbrook rather than a new build development. The conversion of an existing building has the potential to have a more limited effect on the character and appearance of an area, because it makes use of an established building. In all three cases which relate to sites within or in proximity of Millbrook, whilst future occupants would have very similar access to services and facilities compared with the appeal proposal, they are made up of different circumstances in terms of the effect on the character and appearance of the area. I therefore attribute limited weight to these considerations.
42. The appellant has stated that planning permission was granted in 1975 for an indoor riding school on the appeal site and that the development was commenced but never completed. They state that the initial works for the building formed the base of the existing manege. I have little evidence before me as to the design or scale of the approved building or whether it could in fact still be implemented given the manege has been constructed in its place in the intervening period. Therefore, I attribute limited weight to this consideration.
43. I agree with the Council's assessment that the proposed development will not directly impact upon the setting of any nearby listed building. Nonetheless, this does not overcome the harm identified in relation to the main issues.
44. The appellant has disputed whether the Council can demonstrate that it has a five year housing land supply as required by the Framework. The Council has argued that it does, but no specific evidence has been provided by either party. Nevertheless, even if I were to accept the appellant's position, the adverse impacts of the development outlined above would significantly and demonstrably outweigh the limited benefits of one dwelling when considered against the Framework as a whole. Accordingly, the development would not benefit from the presumption in favour of development set out in paragraph 11 of the Framework in any event.

⁵ Council Reference: CB/20/04642/OUT

⁶ Council Reference: CB/17/02474/FULL

⁷ Council Reference: CB/18/04040/FULL

⁸ Council Reference: CB/21/02115/FULL

Conclusion

45. The proposed development would conflict with the development plan as a whole and there are no material considerations of sufficient weight that indicate that I should make a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

G Dring

INSPECTOR