



Appeal Decision

Site visit made on 10 July 2023

by J N Seymour BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2023

Appeal Ref: APP/K0235/W/23/3315366

2 Oakfield, High Street, Great Barford, Bedford, MK44 3LF

- 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 Joseph Policella against the decision of Bedford Borough Council.
 - The application Ref: 22/01205/S73A, dated 25 May 2022, was refused by notice dated 8 August 2022.
 - The development is described as: 'Change of use of land to residential garden (Development already carried out)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended by the Council on registration of the application allowing the appellant 7 days to notify them if they were not satisfied. No correspondence has been submitted with the appeal to indicate the appellant was not satisfied with the amended description of development, therefore this is the one I have used in determining this appeal.
3. The development has already been carried out and planning permission has been sought retrospectively. I have determined the appeal on this basis.

Main Issues

4. The main issues for determining this appeal are as follows:
 - i. The effect of the development on the character and appearance of the site and surrounding countryside; and
 - ii. The effect of the development on the character or appearance of the Great Barford Conservation Area.

Reasons

Character and Appearance

5. The appeal site is a parcel of land located adjacent to the residential garden of No. 2 Oakfield, which is one of three relatively new dwellings constructed to form a small cul-de-sac on the edge of the village of Great Barford. The appeal site is located outside the village settlement boundary as defined in the Bedford

Borough Council Local Plan, so it can be characterised as being in the countryside.

6. The Council has stated in the first reason for refusal that the appeal proposal conflicts with the planning conditions of the 12/01625/FUL and 18/02543/S73 planning permissions which restrict the size of the residential gardens of each of the three dwellings at Oakfield to within the application site denoted in red. For those applications, the appeal site formed part of the land that was denoted in blue and was therefore separate from the planning units to which those conditions relate. The conditions were superfluous in this sense because it would have been a matter of fact that any land denoted in blue is outside of the application site and therefore could not be used as a residential garden in association with the new dwellings.
7. Therefore, the existence of the planning conditions of the previous permissions does not, in itself, preclude further development on a neighbouring site. The appeal proposal must be determined on its own individual merits against the development plan, whilst considering any other material considerations.
8. The development has already taken place and it has involved changing the use of the appeal site from its previous use as a paddock to be incorporated into the residential garden of No. 2 Oakfield. The appellant has also erected various timber structures and planted flowerbeds in several locations within the site to give it the appearance of a domestic garden. The appeal proposal also includes the installation of a flagpole which had not been erected on my site visit, although both parties agree this element of the development would be acceptable.
9. The Council's Statement of Case includes a historic aerial photograph from June 2009 before the three dwellings were built showing the appeal site and its surroundings to be part of undeveloped paddocks running down the River Great Ouse to the south. The appeal site and the surrounding land have an open character which makes a positive contribution to the tranquil setting of the river, all of which can be enjoyed from the public footpath that runs alongside the river.
10. The development has introduced a residential use which has domesticated a sizeable area of this open countryside location. The garden paraphernalia that has been erected at the appeal site is visible from the footpath, exacerbating the domestic appearance that has diminished the open rural qualities of the site and its surroundings. Even though the change of use and erection of timber structures has taken place within the appeal site, which is enclosed from the public realm by timber fencing, its visual effect does not enhance the landscape, it does not have a positive relationship with its rural surroundings, and it fails to enhance local distinctiveness.
11. The appellant's Landscape and Visual Appraisal (LVA) states that the appeal site is visible from the footpath to the south, but the visual effect of the development that has been carried out is a combination of moderate and neutral. This is a significant range of effect and the LVA goes on to say that moderate impacts may require mitigation which I agree would be required to counteract the harm I have identified. However, the only mitigation that has been offered is the removal of the wooden upright post forming the entrance feature between the site and lower meadow and other wooden upright posts, which the LVA states cause visual harm. I consider this would be insufficient to

make the development acceptable as it does not overcome the harmful change to the character of the site and surrounding countryside that I have identified.

12. Concluding on this issue, the cumulative effect of the development is one that fails to respond to the unique character and importance of the River Great Ouse setting and one that fails to respect the context within which it would sit. For these reasons, I consider the development has had a harmful impact on the character and appearance of the site and surrounding countryside, conflicting with policies 28S and 29 of the Bedford Borough Council Local Plan 2030 (Local Plan). Of the policies cited by the Council, these are the most relevant to the appeal proposal before me in terms of determining this issue.

Effect on the Great Barford Conservation Area

13. The appeal site is located within the Great Barford Conservation Area (GBCA). The preservation or enhancement of the GBCA must be given considerable weight and importance in my assessment pursuant to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The significance of the GBCA in relation to the appeal site is derived from its historic relationship with the river and the proximity of nearby listed buildings.
14. Policy 41S of the Local Plan broadly echoes section 16 of the National Planning Policy Framework (the Framework), where the Council has cited conflict with paragraph 202, which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Furthermore, policy HE1 of the Great Barford Neighbourhood Plan 2020-2030 (Neighbourhood Plan) states the importance of, among other things, the impact of development on views into and out of the Conservation Areas.
15. The Council has confirmed the development that has already occurred is not harmful to the character and appearance of the GBCA. It is only harm that might be caused by possible future development which the Council describes in its second reason for refusal as resulting in a "low degree of less than substantial harm". However, it is plausible that future development, provided it is well-designed and appropriate for its context, could continue to preserve the character and appearance of the GBCA. Therefore, I cannot prejudge by assuming new development of any kind would be harmful.
16. The removal of permitted development rights for the erection of outbuildings and structures, as suggested by the appellant, can be utilised to ensure that an existing development the Council already agrees is currently acceptable in terms of its impact on the GBCA can remain as such in the future. The removal of permitted development rights would allow the Council control over future development at the appeal site in accordance with the policies cited above ensuring that the character and appearance of the GBCA would continue to be preserved.
17. With the addition of a condition removing permitted development rights, I conclude it would be possible to continue to preserve the character and appearance of the GBCA in accordance with Policy 41S of the Local Plan, Policy HE1 of the Neighbourhood Plan and the Framework. However, such a condition would not be necessary in this case as I am dismissing the appeal for another reason.

Other Matters

18. Bridge House, Barford Bridge and the Church of All Saints are listed buildings located within the vicinity of the appeal site. I must have special regard to the desirability of preserving the setting of these buildings pursuant to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council has not raised any concerns regarding the impact of the development on the setting of these listed buildings and I concur that the historic setting of each of these buildings would not be harmed by the development.
19. Other appeal decisions have been brought to my attention by both parties. However, this decision has been made on its individual merits and its unique site-specific context, therefore I do not consider it relevant to see how decisions for other developments elsewhere have been taken in different circumstances.

Conclusion

20. Whilst the development that has taken place has been determined not harmful to the character or appearance of the Great Barford Conservation Area, the development has had a detrimental landscape impact on the character and appearance of the appeal site and surrounding countryside. With no material considerations of sufficient weight to outweigh the conflict with the development plan I have identified, I must conclude that the appeal is dismissed.

J N Seymour

INSPECTOR