



Appeal Decision

Site visit made on 7 December 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/K0235/W/23/3324973

Thurleigh Farm Centre, Cross End, Thurleigh, Bedford MK44 2EE

- 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 Wasilowski against the decision of Bedford Borough Council.
 - The application Ref 22/01816/FUL, dated 4 August 2022, was refused by notice dated 21 April 2023.
 - The development proposed is the conversion of a redundant visitor centre into three residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a redundant visitor centre into three residential dwellings at Thurleigh Farm Centre, Cross End, Thurleigh, Bedford MK44 2EE in accordance with the terms of the application, Ref 22/01816/FUL, dated 4 August 2022, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for an award of costs was made by the appellant against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The red edge of the application site differs between the site location plan and site layout plan. I have taken the site location plan (scale 1:1,250) to be applicable as the red edge for the application site.
4. Reference has been made in the appeal material to the Thurleigh Neighbourhood Plan. Whilst I have noted the existence of this development plan document, it is not referenced in the Council's reasons for refusal. The policies in it are not cited as a cause for objection so I have not considered it any further in this decision.
5. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area having particular regard to domestication of the site.

Reasons

7. The appeal site comprises a former visitor centre which is set amidst open fields on the outskirts of the village of Thurleigh. The existing building is of a solid and sound construction, albeit presently boarded up and redundant. A gravel parking area exists to the south, whilst numerous items of detritus carried over from its former use are apparent to the north and west.
8. The principle of the re-use of the former visitor centre is not in contention between the parties. The main issue arises as a consequence of the domestication of the site through the enclosure of garden areas, sheds, outdoor furniture and the like. Such items are an inevitable consequence of any residential conversion. Although they differ in their nature, these would not be greatly different to paraphernalia associated with the former use of the site as a farm visitor centre. The former use would have had enclosed areas, outdoor seating and the car park would have been occupied with multiple vehicles on busy days. As such, the domestic paraphernalia associated with the three proposed dwellings would not be materially greater than the former use in terms of its impact on the rural nature and character of the countryside.
9. Conditions can control boundary treatments to the proposed dwellings. Equally, a restriction on potential future outbuildings or extensions being constructed with deemed planning permission (commonly known as 'permitted development' rights) can also be imposed. Such a condition would be justified in this instance due to the site context and rural nature of the area and would limit the visual impact of the development on it.
10. Conditions would not be able to control certain other elements associated with the domestication of the site. For example; garden furniture, play equipment and washing lines. However, these would be minor in terms of their overall impact by comparison to the former use of the site. They would also be contained to the relatively modest garden areas.
11. I have had regard to the proliferation of detritus associated with the former use. No doubt many of these materials would be removed prior to, or during, conversion works. These items and structures are unsightly, and their removal would be a benefit to the appearance of the area, irrespective of any residential conversion. Nevertheless, a condition can be imposed to secure their removal. I am mindful that the two shipping containers are only partly located within the red edge of the application site. However, I am satisfied that the appellant retains sufficient control over these containers to be able to secure their removal given their partial location within the application site.
12. I conclude that the proposed development would not have a harmful effect on the rural character of the area and that conditions can satisfactorily mitigate the most harmful effects from domestic paraphernalia. The proposed development therefore complies with policies 7S, 28S, 29, 30 and 65 of the Bedford Borough Local Plan (BBLP) which collectively seek to contribute to good place-making and to the area's character and identity.

Other Matters

13. I have noted the nearby Grade II Listed Cross End Farmhouse. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this heritage

asset. Given the distance between this building and the appeal site, and that the proposed works are for the conversion on an existing building, there would be no material harm to the setting of this nearby listed building.

14. I have noted the comments of neighbours relating to the location and suitability of the site for residential use. However, I have concluded that this conversion is in accordance with policy requirements. The number of new dwellings to be provided remains relatively low and thus there should be no material impact on local services or infrastructure. Concerns regarding ecological and biodiversity issues are to be addressed through conditions.

Conditions

15. I have imposed the recommended conditions of the Council, with modifications and corrections to accord with NPPG advice and guidance on conditions. Some conditions have been deleted as they do not pass the tests of necessity. Further, I have noted a reference by the Fire Authority to provide an internal sprinkler system to the proposed dwellings. However, this can be dealt with under the Building Regulations.
16. Condition 1 is a general time limit condition. Condition 2 is to accord with the approved plans for certainty and I have noted the red edge shown on the site location plan to be the one this decision relates to.
17. A land contamination condition is imposed to ensure the development does not have adverse impacts on human health or the environment and to accord with BBLP policy 32.
18. Conditions 4 and 5 are imposed in the interests of landscaping and biodiversity. This condition has been modified to require specific details of the treatment of the gravel area to the front of the proposed dwellings given the size and prominence of this area.
19. Conditions 6, 7 and 16 are imposed to ensure a satisfactory external appearance and to ensure future development of the site is not detrimental to the appearance of the area and being mindful of this rural location.
20. Conditions 8 and 9 ensure the development provides satisfactory vehicle and cycle parking and manoeuvring within the site in order to comply with policies 29 and 31 of the BBLP.
21. The Council has proposed conditions relating to District Licencing relating to great crested newts. These conditions therefore do not pass the test of necessity as they are a duplicate of condition 10 which requires the recommendations of the ecology assessment to be followed. These recommendations include the Licencing Scheme.
22. Policy 52 of the BBLP mandates standards for water efficiency and as such I have imposed condition 11 to restrict water usage.
23. Condition 12 is imposed to support the delivery of a high speed internet connection in compliance with policy 94 of the BBLP.
24. Refuse collection is dealt with in condition 13 to secure adequate collection arrangements and to comply with BBLP policies 29 and 32.

25. The Council's recommended condition on adaptable access is imposed with a revision to ensure that one of the three dwellings secures Building Regulation compliant access.
26. Finally, condition 15 is imposed to secure satisfactory enhancement to the site.
27. Conditions have been provided to the parties for comment and the appellant is satisfied with the proposed conditions. The Council considers that conditions relating to District Licensing should be imposed and I have addressed my non-inclusion of these above. Conditions 3, 4, 5, 6, 7 and 9 and pre-commencement conditions and the appellant has confirmed their satisfaction with these pursuant to S100ZA of the Act. These conditions are pre-commencement conditions as the issues they cover could be a cause for concern were they not addressed prior to the commencement of the development and in the interest of the character of the area and safety.

Conclusion

28. For the reasons given above I conclude that the proposed development would not have a harmful effect on the rural character of the area. It would accord with the provisions of the development plan, read as a whole, and there are no other material considerations which suggest a decision to the contrary. Therefore, the appeal should be allowed.

Nick Bowden

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans:
 - a) Site location plan (scale 1:1,250),
 - b) K1305-14 proposed layout,
 - c) K1305-15 proposed elevations and
 - d) Proposed block plan (scale 1:500) (excepting reference to the red edge of the application site).
3. No development shall take place until a contaminated land assessment and, if necessary, associated remedial strategy, together with a timetable of works, has been submitted to the local planning authority for approval. The assessment shall comprise the following:
 - a) The Contaminated Land Assessment shall include a desk study and site reconnaissance exercise to produce a conceptual model of the site. This shall be used to propose a site investigation strategy, which shall be approved by the Local Planning Authority prior to the investigations commencing on the site.
 - b) The site investigation shall include relevant soil, soil gas, surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Reports as well as other appropriate guidance where necessary. This shall include risk assessment based on the Contaminated Land Exposure Assessment Model or where appropriate other guidance providing adequate justification can be provided for such use.
 - c) The site investigation report shall detail all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remedial strategy. The Local planning Authority shall approve this remedial strategy as proposed prior to any redemption commencing on site. The work shall be of such a nature so as to render harmless the identified contamination, given the proposed end use of the site and surrounding environment including any controlled waters. Any laboratories used for sampling shall be compliant with United Kingdom Accreditation Service or an equivalent approved accredited quality control scheme.
 - d) The remediation work as outlined in the approved strategy shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works, contamination is encountered which has not previously been identified, including new hotspots uncovered by demolition; then the additional contamination shall be

fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval. All works will be made available for witnessing by an appropriate Council Officer. Upon completion of works, this Condition shall not be discharged until a validation report has been submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post remediation sampling to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. No part of the development shall be occupied until such works have been completed.

4. No development shall take place until a Biodiversity Enhancement Scheme (to include details of protection and management of habitats and species and incorporating opportunities for the enhancement of existing habitats and the creation of new habitats on site) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details or particulars.
5. No development shall take place until a scheme of landscape works has been submitted to and approved in writing by the Local Planning Authority, which shall include details of the following:
 - a) Details of any trees and hedges to be retained or removed;
 - b) New planting proposals giving location, species, number, density and planting size;
 - c) Areas of grass turfing or seeding and other surface materials;
 - d) Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period;
 - e) Details on the treatment of the gravel parking area.

All planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

6. No development shall take place until written details of all boundary treatments, screen walls and fences including a timetable for carrying out the works have been submitted to and approved in writing by the Local Planning Authority. The garden areas to the dwellings shall not exceed those shown on the block plan (scale 1:500). The works shall be carried out in accordance with the approved details and timetable and thereafter retained.

7. No development shall take place until full particulars of the external materials to be used (to include walls, roof, doors, windows and external gutters and pipework) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details or particulars.
8. Vehicle and cycle parking areas shown on plan K1305-14 shall be laid out in accordance with that said plan prior to the initial occupation of the development and shall not thereafter be used for any other purpose.
9. No development shall take place until a fully dimensioned scheme for parking, car turning and at least 7.35m long service vehicle turning (with access thereto) in accordance with Bedford Borough Council's Parking Standards for Sustainable Communities: Design and Good Practice 2014 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and the parking, car turning, 7.35m long service vehicle turning areas shall not thereafter be used for any other purpose.
10. The development shall be carried out in accordance with the recommendations contained within the report (Cherryfield Ecology, 7th October 2020), as submitted with the planning application.
11. The new dwellings shall achieve and maintain the higher water efficiency standard in the Building Regulations as set out in Approved Document G: Sanitation, hot water safety and water efficiency, 2015 edition, DCLG October 2015 (or similar replacement standard).
12. The new dwellings shall, upon first occupation, be served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection unless evidence is submitted which demonstrates that providing the required infrastructure is not feasible or economically viable.
13. The dwellings shall not be occupied until full details and plans of the bin storage and collection areas (with access thereto) in accordance with the Council's 'Technical Guidance: Waste and Recycling in New Developments' have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and shall not thereafter be used for any other purpose.
14. One third of the total number of dwellings across the site shall be built in accordance with the Building Regulations 2010, Volume 1, M4(2) (accessible and adaptable dwellings) or such replacement document or policy which exists at the time of the development commencing.

15. The dwellings hereby permitted shall not be first occupied until the ten items shown on the plan and listed in, Appendix 3 of the Appellant's Statement of Case have been permanently removed from land forming any part of the Thurleigh Farm Centre site.

16. Notwithstanding the provisions of Part 1, Classes A, B, E and F and Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions, roof additions, outbuildings, hard surfaces or means of enclosure shall be erected/provided within the curtilage of the dwellinghouse without the specific grant of planning permission by the Local Planning Authority (other than where depicted upon the plans hereby approved or where subject to a planning condition attached to this permission).

End of Schedule