

Appeal Decision

Site visit made on 10 January 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2024

Appeal Ref. APP/P0240/D/23/3331732 12 Little Lane, Clophill, Bedford MK45 4BG

- 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 Julian Hammer against the decision of Central Bedfordshire Council.
 - The application ref. CB/23/01922/FULL, dated 9 June 2023, was refused by notice dated 2 August 2023.
 - The development proposed is *"To demolish existing outbuilding and replace with new outbuilding for use as garage and storage of maintenance equipment."*
-

Decision

1. The appeal is allowed and planning permission is granted to demolish existing outbuilding and replace with new outbuilding for use as garage and storage of maintenance equipment at 12 Little Lane, Clophill, Bedford MK45 4BG in accordance with the terms of the application ref. CB/23/01922/FULL, dated 9 June 2023, subject to the conditions contained in the Schedule at the end of this Appeal Decision.

Preliminary matters

2. The appeal dwelling, also known as The Boat House, was created from the conversion and extension of a brick-built outbuilding pursuant to planning permission ref. CB/18/01647/FULL.
 3. Planning permission was subsequently granted under ref. CB/22/04595/FULL for the change of use of paddock land at the appeal dwelling to residential garden, hard surfaced access drive, retention of wooden shed and repositioning of post and rail fencing. That permission has been substantially implemented and the wooden shed is the outbuilding to be demolished under the appeal proposal. However, the approved garden area has not yet been fully enclosed at its south-eastern end by post and rail fencing in the position indicated on the approved plans. This was presumably to allow for the prior erection of the new outbuilding within it, if the subject application was to prove successful.
 4. There are other structures either in the approved garden area or on the 2 retained paddocks. They do not form part of the subject application and are not considered here. The Council has separate powers to investigate these structures in the first instance, should that prove to be necessary.
-

Main issue

5. The main issue is the effect of the proposed outbuilding upon the character and appearance of the site and its surroundings.

Reasons

6. The Boat House is an attractive 2-storey house of long and narrow proportions. The upper storey is largely contained within the steeply pitched roof over the original building. It stands near the junction of Little Lane with Kiln Lane. The dwelling and much of its garden area lie within a belt of mixed deciduous and coniferous woodland that runs alongside Little Lane. Beyond the garden are 2 paddocks that are more open in character. There is only sporadic development nearby. This includes Shepherds Cottage to the north-east which shares the same access as The Boat House and has its own associated open paddocks.
7. Notwithstanding the proximity of the built-up edge of the village of Clophill below, the surroundings and setting of the appeal site are resolutely rural in character. This is apparent whether standing on Little Lane, Kiln Lane or the recently diverted public footpath no. 6. The elevated character of the wider landscape, which forms part of the Mid Greensand Ridge as set out in the Central Bedfordshire Landscape Character Assessment (CBLCA), is also clear.
8. The appellant correctly points out that the removal of certain permitted development rights under ref. CB/22/04595/FULL should not be viewed as placing an embargo on the erection of further outbuildings. It simply brings such proposals under planning control. Previous applications for smaller outbuildings were refused by the Council but not taken to appeal and related to land that was not then authorised for use as residential garden land.
9. The land shown to be incorporated as residential garden under ref. CB/22/04595/FULL was judged by the Council to be closely associated with The Boat House. The proposed outbuilding would be sited well within the south-eastern end of that approved garden area in a logical position where it would replace an outbuilding, occupy land covered by an old and large concrete slab, not require the removal of trees, and conveniently allow for the maintenance equipment stored within part of it to be used for domestic purposes or on occasion across the associated adjacent paddocks.
10. Moreover, I can see nothing untoward about the chosen siting in visual terms. In the somewhat distant public vantage points along Kiln Lane and public footpath no. 6, the proposed outbuilding would be seen against the backdrop of the substantial belt of woodland that runs alongside Little Lane, just as The Boat House is perceived in those same views. Little Lane passes by the site in a deep cutting with the appeal site being set at a far higher level. Given the abrupt change in levels, the siting of the outbuilding about 10 m back from the roadside boundary and the intervening vegetation on the roadside banking and across the red and blue land on the site location plan, the proposed outbuilding would not appear visually intrusive or present itself as an urbanising influence in this rural street scene or unduly disturb the local landscape character. I note also that the Council's Tree and Landscape Officer raised no objections.
11. Whilst the outbuilding would be a substantial structure in its own right and be far bigger in all dimensions than the one it would replace, as a matter of fact

and degree, the internal floor space would not obviously exceed the stated needs and purposes for the building or be otherwise overly large. That the building would reach a height of nearly 6 m is largely due the steepness of the roof pitch which would allow for the use of plain tiles and echo the roof design of The Boat House. It would not physically challenge the dominance of the main 2-storey dwelling in terms of its overall size, scale, bulk, height and massing and would not appear to overdevelop the site or be inappropriate when taking in its local surroundings. Indeed, the detailed design has been carefully thought through to reflect the high-quality features and materials of the existing dwelling, including the use of matching brickwork and log cladding, a steeply pitched roof of plain tiles and simple timber doors. Rather than having an obvious agricultural appearance as such, reasonable observers are likely to associate the proposed structure with a well-designed ancillary outbuilding that would reinforce local distinctiveness and relate well to the rural surroundings.

12. The parties have commented on various developments at Shepherds Cottage, in particular the detached double garage and maintenance storage shed with first floor office/gym area. This has been erected pursuant to planning permission ref. CB/21/05413/FULL alongside the house which in itself was only recently erected as a replacement dwelling to a size that appears to be significantly larger than the original dwelling.
13. The appellant, understandably in my view, is perplexed by the approval for that much larger nearby outbuilding when compared to the fate of his application. That the outbuilding is sited where there was previously built form (the former dwelling) can only carry limited weight because presumably that built form would ordinarily have already been weighed in the balance in the determination of the proposal for the larger replacement dwelling. That the outbuilding has a close relationship with the replacement house is noted but in some views from The Boat House and public footpath no. 6, the house and the outbuilding appear to come together as one very extensive mass of built form in the countryside. The 4 dormers in the rear of the outbuilding give external effect to the 2-storey form of that structure. The proposed outbuilding would be nowhere near as prominent from public vantage points as that nearby outbuilding. I have sought to assess the appeal proposal before me on its own merits and I have found the scheme to be acceptable. The development at Shepherds Cottage does not pull me in a different direction.
14. I find on the main issue that the proposed outbuilding would not adversely affect the character and appearance of the site and its surroundings. The scheme would not give rise to any material harm. It would accord with Policies HQ1 and EE5 of the Central Bedfordshire Local Plan 2015-2035, adopted in July 2021, which, when read together, seek to ensure all developments are of the highest possible quality, respond positively to their context and have regard to the Central Bedfordshire Design Guide (CBDG) and to the key characteristics and sensitivities of the site and its setting, as set out in the CBLCA.
15. I note that the Council's decision did not point to any conflict with the CBDG 2014 or the revised CBDG published on 1 August 2023 before the decision was issued. The project would also respect the aims set out within sections 12 and 15 of the National Planning Policy Framework (the Framework). The revised versions of that document, which were published in September and December

2023, do not materially differ to the 2021 version, insofar as the planning policy context around the main issue in this appeal is concerned.

Conditions

16. I have had regard to the conditions suggested by the Council in the light of the advice in the Framework and Planning Practice Guidance.
17. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. Within that latter condition, I have also stipulated that the schedule of external materials provided on the application form should be followed in order to safeguard the character and appearance of the rural surroundings. For similar reasons and to give effect to the proposed development, it is necessary to require that all the materials and detritus associated with the existing outbuilding which is to be demolished are completely removed from the site.
18. I shall also impose a planning condition to ensure that the new outbuilding is not used at any time other than for purposes incidental to the enjoyment of the dwelling known 12 Little Lane or The Boat House. This will reflect the purposes stated by the appellant whilst the outbuilding's use for other purposes might raise wholly different considerations which could well be unacceptable in planning terms in this countryside location.

Conclusion

19. My finding on the main issue is decisive to the outcome of this appeal. For the reasons given above and having regard to all other matters raised and the lack of objections from local residents and organisations and technical consultees, I have concluded that this appeal should succeed.

Andrew Dale

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the schedule of external materials provided on the application form and in accordance with the following approved plans numbered L-01, L-02 rev A and L-03.
- 3) The new outbuilding hereby permitted shall not be used at any time other than for purposes incidental to the enjoyment of the existing dwelling on the site known as 12 Little Lane or The Boat House.
- 4) No development above slab level on the new outbuilding shall take place until all the materials and detritus associated with the existing outbuilding which is to be demolished have been completely removed from the site.

End of Schedule