



Appeal Decision

Site visit made on 12 March 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2024

Appeal Ref: APP/P0240/W/23/3332170

Land at Chalton Stables, Chalton, Moggerhanger MK44 3RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr J White against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/01555/OUT.
 - The development proposed is the erection of two (2x) detached self build/custom housing dwellings with detached double garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, except for access. Appearance, layout, scale and landscaping are reserved for subsequent approval. I have dealt with the appeal on that basis and treated the site layout plan as illustrative.
3. 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 Issues

4. The proposed development is broadly similar to that which was proposed on 3 June 2020¹ (the 2020 scheme). The site and the plans are the same. The description of development has been modified in this proposal to include reference to self-build and custom-build housing however is still for two dwellings with detached garages. The 2020 scheme was refused permission and subsequently dismissed at appeal. In effect, the development now proposed is substantially the same as the 2020 scheme but involves self-build and custom-build housing. Moreover, the Central Bedfordshire Local Plan 2021 (CBLP) has been adopted in the intervening period. This is amongst other legislative and policy changes, including the changes to the Framework as noted above.
5. The appeal decision to the 2020 scheme remains an important material consideration, albeit that it was assessed in relation to a differing development

¹ Refs CB/20/01715/OUT & APP/P0240/W/20/3259146

plan. I have therefore dealt with the proposed development with a fresh assessment but being mindful of the relevant site history.

6. The main issues, therefore, are:

- a) Whether or not the site represents an appropriate location for housing, having particular regard to access to facilities and services,
- b) The effect of the proposed development on the character and appearance of the area, and
- c) Whether, in the event of harm being identified, if the material considerations indicate that the appeal should be determined otherwise than in accordance with the development plan.

Reasons

Location of development

7. Policy SP7 of the CBLP sets out the approach to windfall development. Outside Settlement Envelopes, the intrinsic character and beauty of the countryside will be recognised, and only particular types of development will be permitted. The development of self-build and custom-build housing does not fall within one of those particular categories of development. Furthermore, development should, amongst other things, be accessible to nearby services and facilities by sustainable modes of transport, have no detrimental impact on the built and/or natural environment, settlement character, highway network or the amenity of occupiers of neighbouring properties.
8. Paragraph 83 of the Framework promotes sustainable development in rural areas and sets out that housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 84 specifies that the development of isolated homes in the countryside should be avoided unless certain circumstances apply.
9. I have no substantive reason to disagree with the Inspector in relation to the 2020 scheme wherein it was highlighted that the site is not isolated in a purely physical sense but, nevertheless, is disconnected from any settlements of note and day-to-day needs. There is also a paucity of footpaths, street lighting and public transport infrastructure. The spatial context of the site has not changed in any material way since consideration of the 2020 scheme. I note this decision post-dates a February 2019 decision² which, whilst certainly in proximity, nevertheless related to a different site and situation and was, in any case, considered by the Inspector in the 2020 scheme. No other material considerations have been drawn to my attention that would allow me to reach a differing conclusion in this regard.
10. Therefore, these factors lead me to find that the proposed development is not accessible to nearby services and facilities by sustainable modes of transport. Accordingly, I conclude that the development fails to comply with policy SP7 of the CBLP and the Framework.
11. I have noted reference to CBLP policy HQ1 in this regard which promotes high quality development. However, this policy is design led and does not, directly, have a bearing on the suitability of the location of the proposed development.

² APP/P0240/W/18/3211614

Character and appearance

12. The appeal site is formed of a grassed field which is adjacent to Blunham Road. Although this field is vegetated with some trees and hedges to most sides, it, along with surrounding fields remains largely open with long views. The boundaries are most notably delineated by post and wire fences. Whilst there are numerous examples of sporadic development in the locality – including a few small rows of terraced homes, farmhouses, stables and some larger commercial buildings – the prevailing character of the area remains distinctly rural in nature.
13. The introduction of two new dwellings, with detached garages, would be a distinctly urbanising addition in this context. As such, the proposed dwellings and garages would not reflect the local character and distinctiveness in terms of the scale and pattern of the surrounding landscape and existing settlement form as required by CBLP policy EE5. The proposed development is in outline and therefore the full effects of the development could be controlled, to an extent, through conditions. However, the mere establishment of two dwellings and garages in this location is sufficient for me to find harm and use of certain materials or landscaping would not alter this. Moreover, the site's context has not changed in a material way since the Inspector considered the 2020 scheme and the site is still comprised of exposed land that is inherently rural and agricultural in its makeup.
14. I therefore conclude that the proposed development would be harmful to the character and appearance of the area. It would therefore conflict with policies EE5, HQ1 and SP7 of the CBLP and the Framework which promote high quality design that relates well to the existing local surroundings and reinforces local distinctiveness.

Other material considerations

15. A substantive difference between the 2020 scheme and the development now proposed is that it comprises self-build or custom-build homes. Paragraph 70 of the Framework is supportive of small sites coming forward for such housing. The Housing and Planning Act of 2016 provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom-build housing in the authority's area, in each base period. Policy H6 of the CBLP sets out mechanisms and approach to the delivery of this type of housing.
16. There is disagreement between the parties as to whether the Council is delivering sufficient self-build or custom-build homes, although this may, in part, be explained due to the statements being provided within differing base periods. Nevertheless, even if the Council is not meeting its requirement to deliver such sites, there remains a conflict with the provisions of CBLP policies EE5, HQ1 and SP7 as set out above.
17. I have had regard to the decision relating to Walton Hall³ where the Inspector assigned substantial weight to the authority's non-delivery of self-build and custom-build housing. However, this was not the only factor in that decision; where the physical and visual connection of the dwelling to an adjoining settlement and parish housing needs were also weighed in the balance. No

³ APP/F2415/W/22/3296353 & PP/F2415/W/22/3300240

such arguments apply in this instance and therefore, even if I were to assign substantial weight to an undersupply of self-build and custom-building housing, this would not outweigh the harm identified.

18. There is also a disagreement between the parties as to whether the Council is delivering a five-year supply of housing land. In the view of the appellant, the provisions of paragraph 11(d)ii of the Framework should be applied.
19. Were I to accept this position, the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The proposed development would not be accessible to nearby services and facilities by sustainable modes of transport and would be harmful to the character and appearance of the area. The Framework seeks to ensure that development is sustainable and has a high standard of design and I give significant weight to the conflict between the proposal and policies EE5, HQ1 and SP7 of the CBLP in this respect. Set against the identified harm, the proposal would provide self-build or custom-build housing and meet the Framework's objectives of boosting the supply of housing.
20. However, overall, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, were the presumption in favour of sustainable development engaged pursuant to 11(d)ii of the Framework, such provisions would not apply here.

Conclusion

21. The proposal conflicts with the development plan and the material considerations, including the provision of self-build and custom-build housing, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

Nick Bowden

INSPECTOR