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# Appeal Decision

Site visit made on 9 May 2024

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 June 2024**

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**Appeal Ref: APP/K0235/W/23/3332444**

**Warehouse Adjacent Homefield, Balls Lane, Willington, Bedford MK44 3PT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Barden against the decision of Bedford Borough Council.
  - The application Ref is 23/01694/FUL.
  - The development proposed is described as the extension to the existing operational A1 shop with change of use to first floor and second floors to form C3 residential apartment with new external terrace.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are 1) whether or not the appeal site is in a sustainable location for housing, 2) the effect of the proposed development on the character and appearance of the building and the surrounding area, 3) the effect of the proposed development on highway safety with regard to parking provision, 4) whether or not the proposed development would provide acceptable living conditions for future occupants with regard to noise and disturbance, and 5) the effect of the proposed development on living conditions of occupants of the neighbouring residential property.

## Reasons

### *Whether or not in a sustainable location*

3. The appeal site is located in the open countryside, outside the settlement boundary of the nearby village of Willington.
4. Policy 7S of the Bedford Local Plan (2020) sets out the types of development that will be permitted outside defined settlement boundaries in the open countryside. The appellant has referred to the proposed development constituting accommodation for rural workers. Such proposals refer the decision maker to consider them against Policy 68 of the local plan.
5. Policy 68 of the local plan outlines that rural workers' dwellings are required to demonstrate that i) the dwelling is necessary to sustain the functioning of an established economically viable agriculture, forestry or other rural enterprise, and ii) evidence is provided to demonstrate that all alternative accommodation options including the conversion or replacement of existing buildings in the surrounding locality have been explored and no satisfactory alternative means of providing accommodation has been identified, and iii) the dwelling is of a

- size and cost commensurate with the established functional requirement for the enterprise.
6. The appellant has outlined that it is intended that the property is occupied by the manager of the commercial enterprise. They have however clarified that the accommodation is not agricultural workers accommodation. The Council considered that the proposal was for unrestricted residential use.
  7. Nevertheless, Policy 68 sets out the necessary criteria that is required to be satisfied for a rural workers' dwelling in the countryside. The commercial unit is currently functioning and appears to have been for some time. The evidence does not convince me that the residential unit is required to sustain the functioning of the enterprise. The appellant refers to the requirement for on-site security and the convenience in terms of receiving deliveries and maintenance.
  8. I am not convinced that a residential unit is essential to provide means of security and there are often other means of ensuring on-site security. In the appellant's own language, having someone reside at the site for receiving deliveries and maintenance would be a convenience, suggesting that it is not essential. Whilst an on-site presence may be necessary for deliveries this could be ensured through timings of receipt and/or staff shifts, which I surmise is the current practice.
  9. Having regard to the second criteria of the policy, there is no evidence before me to suggest that alternative accommodation options in the surrounding locality have been considered. I also note that there is an existing residential property adjacent to the site in the appellant's ownership which has not been considered. It therefore follows that the size and cost of the accommodation, whether commensurate with the established functional requirement of the enterprise, would not alter the fact that the requirement to satisfy two of the three criteria has not been met.
  10. The appeal site sits between Bedford Road and Church Road, where I observed there are bus-stops located and a small number of shops and community facilities. Balls Lane, however, has no public footpath or street-lighting. Walking routes to these services therefore are not harmonious and would compromise pedestrian safety. The reality is that future occupants would be likely to undertake most journeys by car. This is the least sustainable option.
  11. The appellant suggests that the proposed dwelling would be ancillary to the commercial activities. I have considered the appeal on the basis of the development before me, that being a C3 residential apartment. Should the appellant consider that the use is ancillary, and potentially not require planning permission on this basis, other mechanisms are available to pursue this option.
  12. I therefore find that none of the exceptions to allowing development in the open countryside apply in this case. The appeal site would not result in a sustainable form of development and would therefore be contrary to Policies 3S and 7S of the Bedford Local Plan (2020). These policies require, amongst other things, that development is sustainably located and that development in the countryside is limited to a number of given exceptions.
  13. The proposed development would also be contrary to the aims of Policies W1 and W3 of the Willington Neighbourhood Development Plan (2022) in terms of

defining the settlement boundary and identifying locations for housing developments within it.

*Character and appearance*

14. The appeal property is a purpose-built commercial unit. It has a gable roof with a lean-to at the side. It is set back behind a forecourt area which is used for parking and retail purposes, including ancillary storage. Although the building has a clear utilitarian appearance it has a pleasant fenestration arrangement and brick detailing, both of which positively contribute to its character and appearance.
15. The area surrounding the appeal site includes a small number of residential properties and other agricultural, equestrian and commercial buildings. Although the site sits between the more developed sections of Bedford Road and Church Road, the immediate surroundings have a distinct rural character and appearance, sitting separate from the more built-up parts of the nearby settlement.
16. Aspects of the proposed development involve minor external alterations and internal alterations to facilitate the proposed residential unit. These works on the whole have a minimal impact.
17. The proposed development includes a single storey front extension that would project into the forecourt area. This extension would incorporate a roof terrace above to serve the proposed residential unit. The terrace would be surrounded by a screen and include a retractable awning which would span the width of the building and project for just over half the depth of the extension.
18. The proposed extension with roof terrace and awning would disrupt and obscure the positive features of the building I have identified above. It would sit uncomfortably with the current design and appearance, being of a markedly different form and appearance. Due to its size, design and elevated siting, the proposed awning would appear as an incongruous addition to the building. When combined with any domestic paraphernalia that would be sited in an elevated position on the terrace, this would introduce a clear residential appearance that would be out of character with the existing building and its use.
19. The proposed extension when taken as a whole, including its use, would result in a cluttered and disjointed appearance. It would appear inharmonious with the rest of the building.
20. I therefore find that the proposed extension would cause significant harm to the character and appearance of the building and the rural character of the surrounding area. It would be contrary to Policies 7S, 28S, 29 and 30 of the Bedford Local Plan (2020). Collectively, these policies require that development is of high-quality design, makes a positive contribution to the character of the area, recognising the intrinsic character and beauty of the countryside.
21. The proposed development would also be contrary to the requirement of the National Planning Policy Framework (2023) (the Framework) that developments are of high-quality design and are visually attractive as a result of good architecture.

*Highway safety – parking*

22. The proposed extension to the building would be constructed on part of the existing forecourt. I observed on my site visit that the area of the proposed extension was used for outdoor sales with canopies. It was not being used for parking or vehicular movements. Parking and associated manoeuvring was being undertaken on the remaining area of the forecourt which would not be built on as a result of the development. Based on this arrangement, there would therefore not be a loss of parking or manoeuvring space as a result of the development.
23. A reasonably sized area would remain for parking and manoeuvring. It also appears that land outside the appeal site, also under the control of the appellant, has association with the activities at the appeal site, and I observed openings and links to the land surrounding the appeal site.
24. On my site visit I observed several comings and goings of customers and their vehicles. Parking and manoeuvring were occurring within the site without causing demonstrable harm to highway safety. The access also functioned without causing harm. Whilst I acknowledge that my site visit represents a snapshot in time, I do not consider that the addition of one residential unit in addition to the current operation would result in an unacceptable impact on highway safety or have a severe impact on the road network.
25. I acknowledge the omission of a car park layout and details in relation to cycle parking. I am satisfied that there is reasonable space within the appeal site and the other land controlled by the appellant to ensure the safe operation of the facility in terms of highway safety. Had I allowed the appeal I consider that the submission of a parking layout and details of cycle parking could have been secured by an appropriately worded planning condition.
26. On this basis therefore I find that the proposed development would not result in an unacceptable impact on highway safety. It would comply with Policy 31 of the Bedford Local Plan (2020) which requires, amongst other things, that development proposals should not have any significant adverse impact on access to the public highway.
27. Imposition of the condition as set out would ensure the proposed development would also comply with the Council's Parking Standards for Sustainable Communities Supplementary Planning Document (SPD) (2014) and Policy W7 of the Willington Neighbourhood Development Plan (2022) in terms of providing a layout and detailed design of parking spaces.

*Living conditions – future occupants*

28. The proposed residential unit would be situated above the existing commercial use. Although it was not particularly noisy at the time of my site visit I acknowledge that there may be times when noise levels would be greater due to deliveries and the moving of produce and any machinery.
29. The appellant has outlined how the unit would be occupied by the manager of the on-site farm shop enterprise and have recommended the imposition of a planning condition to restrict this occupancy. Whilst I have considered this matter in terms of the planning policies designed to deliver sustainable development, on the matter of living conditions, I find that the occupancy by

the manager would ensure that their living conditions would align with the operation of the business and therefore would not be unacceptable.

30. In any event, the most noise generating activities in terms of deliveries and the moving of produce would not occur at all times, and it is likely that when the unit is closed there would be minimal associated noise. In terms of the shop element the proposed arrangement would draw some comparison to living above a shop in a town or district centre, where there is some impact from noise and disturbance, but not to an unacceptable level. I find that this would be the case here.
31. The proposed development would therefore provide acceptable living conditions for future occupants in terms of noise and disturbance. It would comply with Policy 32 of the Bedford Local Plan (2020) in terms of developments being required to minimise and take account of the effects of pollution, including noise and disturbance, having regard to the existing tranquillity of the area.
32. The development would also comply with the requirement of the Framework that developments create places with a high standard of amenity for future users.

#### *Living conditions – existing occupants*

33. The appeal site is situated adjacent to an existing detached bungalow. The proposed development would extend the building and bring a new residential property in close proximity to the existing property.
34. As outlined above, from my observation on my site visit and the submitted evidence, the existing use occurs partly within the open forecourt. The proposed development would provide a greater enclosure and would therefore be likely to result in less noise breakout than currently occurs. The proposed development would not result in any of the current activities occurring closer to the existing residential properties and I am not aware of there currently being harm caused due to noise and disturbance.
35. In terms of the introduction of a residential use in close proximity, this is unlikely to result in additional noise and disturbance that would equate to unacceptable harm.
36. I therefore find that the proposed development would not cause unacceptable harm to the living conditions of occupants of the existing neighbouring residential property. It would comply with Policy 32 of the Bedford Local Plan (2020) in terms of developments being required to minimise and take account of the effects of pollution, including noise and disturbance, having regard to the existing tranquillity of the area.
37. The development would also comply with the requirement of the Framework that developments create places with a high standard of amenity for existing users.

#### **Other Matters**

38. Both parties' evidence refers to the status of the existing commercial operation which it is alleged by the Council is unauthorised. This is not, however, a matter before me in this appeal and does not change my findings on the main issues as set out above.

39. The appellant suggests that the proposed development benefits from a presumption in favour of sustainable development. I have found the development to be contrary to the development plan and I am not aware of these policies being out of date or the Council being unable to demonstrate a five-year supply of housing sites, or that the Housing Delivery Test indicates that the delivery of housing has been below 75% of the housing requirement over the previous three years.
40. Based on the evidence before me, the proposed development would not benefit from a presumption in favour of sustainable development as outlined in paragraph 11 of the Framework.

### **Planning Balance and Conclusion**

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
42. The proposed development would result in a minor increase in the Council's overall housing number. It would also bring a small number of additional residents to the area who would contribute to the local economy. I give these factors moderate weight in favour of the development.
43. However, I am not persuaded that an exceptional case has been made, as is required. The location of the proposed development outside a settlement would undermine the Council's plan-led approach in seeking that developments should be sustainably located. When combined with the harm that would be caused to the character and appearance of the host property and the surrounding area, collectively, these matters attract significant weight that outweighs the benefits associated with the proposed development.
44. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
45. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

*A M Nilsson*

INSPECTOR