



Appeal Decision

Site visit made on 3 April 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2024

Appeal Ref: APP/P0240/W/23/3327253

Pear Tree Farm, Luton Road, Toddington, Bedfordshire LU5 6DE

- 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 Luke Essex against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/01351/FULL.
 - The development proposed is a new bed & breakfast farm accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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

3. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - b) the effect of the proposal on the openness of the Green Belt;
 - c) the suitability of the proposed development, having regard to the development plan's approach to the provision of tourism accommodation; and
 - d) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site comprises a portion of grassed land, access track to Luton Road and an orchard. The site is set amongst a small cluster of buildings comprising Pear Tree Farm and a large, modern agricultural barn together with associated

fields. The development proposed is for the erection of a one-bedroom unit of bed and breakfast accommodation.

5. The site is within the Green Belt wherein Policy SP4 of the Central Bedfordshire Local Plan 2021 (CBLP) applies. This policy sets out that there is a general presumption against inappropriate development and any such proposals within the Green Belt will be assessed in accordance with Government guidance contained in the Framework and National Planning Practice Guidance (NPPG). For the purposes of this appeal, I have taken this to mean paragraphs 142-156 of the Framework and related sections of the NPPG.
6. Paragraph 142 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Paragraph 154 establishes that new buildings would be inappropriate unless it meets a listed exception. Exceptions include (a) buildings for agriculture and forestry and (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. The proposed bed and breakfast accommodation would be associated with the farming enterprise at Pear Tree Farm. It is not suggested that the proposal would be an agricultural building and therefore the provisions of paragraph 154(a) do not apply.
8. The appellant does not clearly identify which of the exceptions under paragraph 154 the proposal meets. However, the Appellant notes at 4.8 of their statement that 'In order to provide this outdoor recreation, it is necessary to provide sleeping accommodation. Insofar as it relates to outdoor recreation, I recognise that the proposed development has an outdoor related premise, being mindful that it would be operated in connection with the current farming enterprise and associated activities that are set out in the Business Plan. However, the proposed building would simply be bed and breakfast accommodation rather than a specific facility for outdoor recreation. Its primary characteristics would invariably be residential in nature, albeit on a short-term basis. Such use and occupation would incorporate urbanising effects that would conflict with the purposes of including land within the Green Belt. The affiliation with the farming enterprise does not alter this assessment.
9. The provision of a new building for bed and breakfast accommodation in the Green Belt is inappropriate development and, by definition, is harmful to it. The proposal thus conflicts with policy SP4 of the CBLP and provisions of the Framework as it is a form of inappropriate development.

Effect on openness

10. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The openness of the Green Belt has both spatial and visual dimensions.
11. The proposal would introduce a new detached building onto an undeveloped piece of land. The building would be located close to the existing cluster of buildings at Pear Tree Farm and views of the building from outside the appeal

site would be limited due to surrounding landscaping, the topography of the land and backdrop of existing buildings. However, the proposed development would, nevertheless, result in the introduction of a new building on open land, which would cause harm to the openness of the Green Belt in both visual and spatial terms. Therefore, the proposed development would not preserve the openness of the Green Belt, which is contrary to the fundamental aims of the Framework and in conflict with policy SP4 of the CBLP.

Suitability of the site

12. Policy SP7 of the CBLP sets out the approach to windfall development. Outside the defined Settlement Envelopes, where the appeal site is located, recognition is given to the intrinsic character and beauty of the countryside and only particular types of development will be permitted.
13. The bed and breakfast accommodation would occupy a relatively secluded location within the context of the small cluster of buildings at Pear Tree Farm. A situation which is assisted by the presence of the surrounding boundary screening and landscaping. This location means that its impact on the wider landscape would be relatively minimal. Even so, I find that the addition of a building in this rural location would be harmful to the character and appearance of the area. Moreover, the development of buildings for bed and breakfast accommodation does not fall within one of the identified categories of development.
14. However, Policy SP7 further notes that proposals for employment, tourism leisure, and rural uses will also be considered favourably subject to conformity with CBLP policy EMP4. This policy specifies that proposals to expand existing employment generating uses within the rural area and those related to the visitor economy will be supported where they would have no adverse impact on the location, neighbouring land uses or residents, are viable, would deliver an increase in the number of jobs, would have no detrimental impact on traffic generation, can offer sustainable forms of transport, and, have no adverse impacts on the historic and natural environment.
15. Policy EMP4 is complimented by paragraphs 88 and 89 of the Framework which promote the sustainable growth and expansion of all types of business in rural areas, the development and diversification of agricultural and other land-based rural businesses and sustainable rural tourism.
16. In this case, there would be no detriment to the living conditions of neighbours due to the ample separation of the site to any sensitive users. Traffic impacts would be minimal in the context of a working farm and sufficient sustainable transport options and local services are available from the nearby village of Toddington for the scale and nature of the development proposed here. There are no heritage assets within the vicinity of the site, nor are there any designated landscapes.
17. The Business Plan has demonstrated that the venture has been thought through and expands upon the existing farming enterprise. From the evidence provided, it is clear that this has been approached on a sound financial basis. The proposal is taking advantage of the appellant's experience in this field including farming and working with children. This is in addition to the skills provided from family members. Accordingly, I conclude that the Business Plan has comfortably demonstrated the development's viability. Whilst no jobs have

been directly nominated as arising from the proposed development, this seems to be unlikely given its small scale and connection with an existing farming operation. Even so, related benefits to the visitor economy would be proportionately enhanced at a level which is commensurate to the scale of the development.

18. Therefore, on balance, the limited harm to the character and appearance of the countryside I have previously identified would be offset by the benefits of rural diversification and small, yet noteworthy, effects on the rural and visitor economy. For these reasons, I conclude that the proposed development would be suitable, having regard to the development plan's approach to the provision of tourism accommodation. The development would comply with CBLP policies SP7 and EMP4, and the provisions of paragraphs 88 and 89 of the Framework. This is because the limited adverse effects of the development on the character and appearance of the area are outweighed by the benefits to rural diversification and the rural economy.

Other considerations and very special circumstances

19. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and those very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. In this case, there is harm to the Green Belt due to the proposed development being inappropriate and harm to the openness in both a spatial and visual dimension. There would also be limited harm to the character and appearance of the area. I must give these matters substantial weight.
21. Balanced against this are the benefits to rural diversification and the rural and visitor economy to which I attach moderate weight. Whilst these benefits are a noteworthy consideration, they remain of insufficient weight so as to amount to the very special circumstances that would clearly outweigh the harm to the Green Belt that I have identified.

Conclusion

22. The proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
23. For these reasons, the appeal is dismissed.

Nick Bowden

INSPECTOR