



Appeal Decision

Site visit made on 23 July 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2024

Appeal Ref: APP/P0240/D/24/3339005

Larchfield, 81 West Hill, Aspley Guise, Central Bedfordshire MK17 8DU

- 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 & Mrs Thomas against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/02538/FULL.
 - The development proposed is described as amended access arrangements - closure of existing access, creation of new access further east.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. The appellant has made an application for an award of costs. This is the subject of a separate decision.

Preliminary Matters

3. The Council's Decision Notice refers to a different description of development to that on the planning application form. I have not been provided with any confirmation between the parties to the agreement to an amended description. I have therefore used the original description in my banner heading above.
4. The appeal site is situated within the Aspley Guise Conservation Area (CA). I have therefore born in mind the statutory requirements placed upon decision-makers by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework and made a written ministerial statement (WMS) titled "Building the homes we need". Given that those parts of the draft Framework most relevant are not proposed to be amended I consider there is no requirement for me to seek further submissions on the Framework, the consultation or written ministerial statement. I am satisfied that no party's interests would be prejudiced by my taking this approach.

Main Issues

6. The main issues are:

- i) whether or not the proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy, including an assessment of the effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
- ii) whether the proposal would preserve or enhance the character or appearance of the Aspley Guise CA, including in relation to trees.

Reasons

Whether inappropriate development

7. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. There is no dispute between the parties that the formation of an access constitutes an engineering operation, and I have no reason to reach a different view. Whilst paragraph 155 b) of the Framework identifies an engineering operation as a form of development listed as not inappropriate in the Green Belt this is provided, they preserve openness and do not conflict with the purposes of including land within it. Openness is an essential characteristic of the Green Belt and there are spatial and visual aspects to the assessment of the openness.
9. The appeal site is located directly adjacent to the public highway and accordingly the proposal would be highly visible. However, the proposal would not result in additional built form and would be located within the village confines, surrounded by built development. Furthermore, the proposal would not result in encroachment into undeveloped land. Accordingly, having regard to this locational context, and its spatial and visual implications, I am satisfied that the scheme would preserve the openness of the Green Belt.
10. The Council cites conflict with the Framework stating that the proposal would fail to preserve the setting and special character of historic towns. Having regard to the context of the appeal site within the village there would be no conflict with Paragraph 143 d) of the Framework insofar as the purposes of including land within the Green Belt.
11. For the reasons stated, the proposal would not harm the openness of the Green Belt, nor would it contravene the purposes of including land within it. Consequently, the proposal would not be inappropriate development in the Green Belt.

Conservation Area, including trees

12. The site lies within the Aspley Guise CA. Its special interest as a rural linear village is derived from a rich collection of historic buildings and the importance of landscape features, including hedgerows that enclose the lanes. The Aspley Guise Conservation Area 2008 appraisal (the appraisal) notes that a sense of enclosure is maintained moving away from the village core where high

- hedgerows bound the lanes and, in some cases, formal tree planting or woodland enfold buildings and plots.
13. The appeal site is not identified in the CA appraisal as an important hedgerow, and it is recognised that there is the presence of non-native species within the frontage boundary landscaping. Nevertheless, overall, the existing landscaped frontage provides a verdant appearance which contributes positively to the streetscene and the CA.
 14. Trees within the site are protected by reason of being in a conservation area and several trees within the appeal site are protected by Tree Preservation Orders (TPO). It is understood that the creation of the access would require the removal of a significant number of trees, including an Oak tree protected by a TPO.
 15. The proposed access would be positioned further east along West Hill and, in order to provide the visibility splays, would require the removal of a significant length of landscaping. This would materially alter the visual appearance of the site frontage. The suburbanising impact of the access would be prominent and conspicuous within the streetscene representing a significant change from the existing access arrangements. Given the extent of the landscaping removal the proposal would have a profound and adverse impact on the streetscene to the detriment of the visual appearance of the CA.
 16. The arboricultural assessment indicates that some landscaping is diseased, including the TPO Oak Tree as showing upper crown die back and in general decline. Whilst some of the landscaping may be of declining quality, I have no substantive evidence before me that landscape management techniques would not be a viable alternative to address their condition.
 17. The Appellant submits that they could remove part of the hedgerow with no requirement for replanting as they are not afforded statutory protection. Be that as it may, the hedge was present at the time of my visit, and I observed it to make a positive contribution to the sylvan appearance of the streetscene and CA.
 18. The appellant indicates that they would be agreeable to a condition to provide additional native landscaping. Whilst replacement planting would help soften the appearance of the development, it is not clear what replacement planting could be achieved without impacting on visibility splays. In any event any landscaping would take time to establish and, in my view, would be unlikely to sufficiently mitigate the extent of the loss. I am therefore unconvinced that such a measure would make the scheme acceptable.
 19. For the reasons stated above, the development would fail to preserve or enhance the character or appearance of the Aspley Guise CA, including in relation to trees. Conflict therefore arises with Policies HQ1, HE3 and EE4 of the Central Bedfordshire Local Plan 2021 insofar as these require, amongst other things, development to be complementary to the existing natural environment and preserve, sustain and enhance special characteristics and significance with the retention of features in accordance with national planning policy and legislation. Conflict also arises with Section 72(1) of the Act.
 20. Given the scale of the impact of the proposals, the degree of harm to the significance of the CA as a designated heritage asset would be less than

substantial. The Framework indicates that this harm should be outweighed by wider public benefits. I turn to this in the overall heritage balance later in my decision.

Other Matters

21. The proposal would result in improvement to emerging visibility from the property and re-position the access away from the adjacent public right of way. However, from the evidence before me, the visibility from the proposed access would still fall short of the required visibility splays stipulated by the local highway authority. Whilst the proposal may provide some benefit to the users of the highway and adjacent public right of way, through an improved access, the public benefits in this regard would be limited. Moreover, it has not been demonstrated that there are no other means of delivering improvements to access for the site.
22. My attention has been drawn to pre-application advice with the Council where it was indicated that the principle of the development would be acceptable. However, it is the decision articulated by the Council in the reasons for refusal which this appeal must consider rather than the advice given prior to that decision.
23. I have considered all other matters raised by interested parties. However, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to reach a conclusion on these matters.

Heritage Balance and Conclusion

24. I have found conflict with the Council's development plan policies in relation to heritage assets. I have also found conflict with the statutory presumptions under s72(1) of the Act, which carries considerable importance and weight. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether there would be less than substantial harm to significance.
25. Whilst limited weight is given to the benefits of the proposal, including public benefits referred to above, the other considerations referred to by the appellant do not clearly outweigh the totality of the harm to the CA.
26. On balance, the weight of public benefits in favour of the proposed development would not be sufficient to outweigh harm to the significance of designated heritage asset. The proposal therefore fails to accord with the historic environment protection policies of the Framework.
27. For the reasons given above, I therefore conclude that the appeal should be dismissed.

R Gee

INSPECTOR