



Appeal Decision

Site visit made on 30 July 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2024

Appeal Ref: APP/P0240/W/24/3338383

Ivy Farm, Toddington Road, Tebworth, Central Bedfordshire LU7 9QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to approve details required by a condition of a planning permission.
 - The appeal is made by Maulden Vale Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/23/02760/DOC sought approval of details pursuant to condition No 19 of planning permission Ref CB/20/02211/VOC, granted on 9 November 2020.
 - The application was refused by notice dated 17 October 2023.
 - The development proposed is Variation of Condition 19 to CB/19/02342/FULL (Replacement of agricultural building to 3 dwellings, 1 ancillary accommodation, garages and vehicular access) - Drawings 2118/P1K, 2118/P2D, 2118/P3D, 2118/P4D, 2118/P5C, 2118/P6C, 2118/P7 and 2118/P8 to be replaced with 2118/P1P, 2118/P2G, 2118/P3F, 2118/P4E, 2118/P5E and 2118/P9B.
 - The details for which approval is sought are: Notwithstanding the details submitted with the application, no works above ground level shall be undertaken until details of the materials to be used for the external walls, roof, garage doors and window materials associated with the development hereby approved, shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter be carried out in accordance with the approved details.
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Decision

1. The appeal is allowed and the details submitted pursuant to conditions No 19 attached to planning permission Ref CB/20/02211/VOC granted on 9 November 2020 in accordance with the application dated 18 August 2023 and the details submitted with it are approved. Those details comprising the materials:
 - Plot 1 - Marley Cedral weather boarding (cement fibre boarding)
 - Plot 2 - Marley Cedral weather boarding (cement fibre boarding) and
 - Plot 3 - Hardie Plank Cedar Horizontal Boarding (cement fibre boarding) (wood effect)

Procedural Matters

2. The details of materials for which approval is sought relate to a scheme which has already been implemented. However, condition 19 states that "... no works above ground level shall be undertaken until details of the materials to be used for the external walls, roof, garage doors and window materials associated with the development hereby approved, shall be submitted to the Local Planning Authority for approval in writing."

3. As such, it is no longer possible for this condition to be complied with because the development has been implemented in breach of a condition precedent, namely, that no works above ground level shall be undertaken. Such works have, clearly, already occurred.
4. For the purposes of this appeal, I can therefore only have regard to whether the condition should be discharged based on its merits. Matters relating to the lawfulness of implementation can only be determined through the grant of a lawful development certificate or a subsequent grant of planning permission.

Background and Main Issue

5. Planning permission was originally granted for the conversion of the barns at Ivy Farm to dwellings in September 2017. Subsequent revisions amended the design and number of units. The scheme that was implemented is pursuant to the most recent planning permission CB/20/02211/VOC dated 9 November 2020.
6. The main issue relates to the materials used for the external walls and whether they preserve or enhance the character and appearance of the Tebworth Conservation Area (CA). Specifically, those that have been already used comprising Marley Cedral weather boarding to plots 1 and 2 and Hardie Plank Cedar Horizontal Boarding to plot 3.

Reasons

7. The character of the CA is that of a small village clustered around a central point near where Toddington, Hockliffe and Wingfield Roads meet. Materials used in the construction of buildings within the CA are most commonly brick under tiled roofs. There are further examples of the use of render and dark stained weatherboarding. There is a fairly uniform theme in the use of this general palette of materials, including in more modern constructions.
8. Plots 1 and 2 comprise a single building which is set under a curved roof and has been finished in white render and pale grey weatherboarding. Plot 3 comprises a single storey structure that is faced in brick and dark wood effect weatherboarding.
9. The external appearance to plot 3 is consistent with the 'traditional' use of weatherboarding. Although it is not wood, the appearance of it is consistent with this and is indeterminate as being any different except in detailed, close-up scrutiny. This appearance harmonises with the style and appearance of other buildings within the CA.
10. The finish to plots 1 and 2 is markedly different to this. This includes the form of the building with its curved roof and its facing materials in white render and pale grey weatherboarding. The building therefore appears distinctly separate to the remainder of the CA. However, the building is quite discreetly located on the edge of the village. Whilst it is visible in some views from both within the CA and from outside it on the entrance to the village to the east, it cannot be said to be overly prominent. It does represent a differing style of building in both form and use of materials, but this is only to be expected as it reads as a clearly modern addition which does not attempt to mimic or copy other, older, buildings.

11. I therefore conclude that the use of the alternative material is an acceptable use of them and this complies with policy HE1 of the Central Bedfordshire Local Plan and provisions of the Framework. These policies require development to preserve, sustain and enhance the special character of the heritage asset.
12. S72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In making this assessment I have also had regard to the National Planning Policy Framework (the Framework). I conclude that the use of the materials here, would have a neutral effect and would not harm the character and appearance of the CA.

Other Matters

13. I am aware that the materials used for the development were not those originally envisioned, and I am mindful of the views of neighbours in this regard. Whilst the original proposed palette of materials may have been preferable to local residents, this does not alter the matter that the materials used here are also acceptable.

Conclusion

14. For the reasons given above I allow the appeal based on its merits and conclude that the materials used are acceptable.

Nick Bowden

INSPECTOR