



Appeal Decisions

Site visit made on 2 August 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal A Ref: APP/K0235/W/23/3333272

Top Farm, The Lane, Wyboston, Bedford MK44 3AS

- 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 Danny Ward against the decision of Bedford Borough Council.
 - The application Ref is 22/02140/S73A.
 - The development is the change of use of agricultural yard area to residential use and erection of domestic outbuilding and swimming pool.
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Appeal B Ref: APP/K0235/W/23/3333274

Top Farm, The Lane, Wyboston, Bedford MK44 3AS

- 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 Danny Ward against the decision of Bedford Borough Council.
 - The application Ref is 22/02164/S73A.
 - The development is the change of use of agricultural land to residential use and erection of detached garage.
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Decision

1. Appeal A is allowed and planning permission is granted for the change of use of agricultural yard area to residential use and erection of domestic outbuilding and swimming pool at Top Farm, The Lane, Wyboston, Bedford MK44 3AS, in accordance with the terms of the application, Ref 22/02140/S73A, and the drawings numbered SK01-1 Revision D and SK01-4 Revision B.
2. Appeal B is dismissed insofar as it relates to the erection of the detached garage. Appeal B is allowed only insofar as it relates to the change of use of agricultural land to residential use, at Top Farm, The Lane, Wyboston, Bedford MK44 3AS, in accordance with the terms of the application, Ref 22/02164/S73A, and the Location Plan shown on drawing number SK01-1 Revision D.

Procedural Matters

3. The residential use of the land in these appeals appears to have commenced. The buildings the subject of these appeals have been erected and their respective positions, appearances and internal layouts appear to match the submitted drawings. I have therefore determined the appeals based on those drawings.
4. References to “retention” and “retrospective” are not acts of development under Section 55 of The Town and Country Planning Act 1990. Therefore, in the banner headings above, I have replaced them with “erection”, which is an act of development.

5. The appeals differ insofar as Appeal A seeks permission for the domestic outbuilding and swimming pool to the rear of the existing dwellinghouse, and Appeal B seeks permission for the detached garage to its front. I have considered each appeal development on its individual merits based on the evidence before me. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated in this decision.

Main Issue

6. The main issue in these appeals are the effects of the developments on the character and appearance of the area, with particular regard to their location in the countryside.

Reasons

7. The evidence suggests that Top Farm was originally part of a farmstead comprising of the large farmhouse and a group of agricultural buildings. During recent years, the land appears to have undergone redevelopment, resulting in a clearly discernible cluster of reasonably large residential dwellings.
8. Although not identical, the buildings are discernibly 'barn style' and tend to display common characteristics of simple plan forms set under gabled roofs, mostly with steeply pitched slopes and relatively long rooflines. Walling materials vary but tend to include dark coloured boarding and roof coverings. Those common characteristics give the buildings an obvious sense of unity as a group in the street scene, despite the differences between their individual designs.
9. The cluster of dwellings is laid out in an informal pattern, extending some distance back from The Lane, and is largely enclosed by clearly defined boundary treatments, separating the cluster from the surrounding rural landscape of open arable fields and intermittent blocks of woodland. As such, the character and appearance of the cluster of dwellings, including the property in these appeals, is different and clearly distinguishable from that of the surrounding rural landscape.
10. Although a plan showing the cluster of houses to the east of the appeals site is before me, I have limited information to explain how this development differs from the approved plans. As such, I have determined these appeals based on my observations at the site visit.

The garage in Appeal B only

11. The garage is set forwards of the host dwelling and broadly follows the alignment of an existing black coloured outbuilding on the site frontage and a residential building to the east. It is highly visible in views from The Lane and Roxton Road, where parts of its side roof slope and large parts of its front and rear facing elevations are visible. They can be seen above the boundary wall alongside the host dwelling's driveway, and above the roadside boundary fence hedgerow, particularly through gaps where the planting is less dense.
12. Although purposely built to have a low roof height, the garage's predominantly flat roofed form with unusually short side roof slopes, is inconsistent with the established roof forms of buildings in the cluster. The garage's roof form and ungainly shaped front and rear elevations, together with its near square plan form, results in squat proportions and a visually contrived and discordant

design. Consequently, the garage is experienced as a visually incongruous and jarring addition to the cluster of buildings in views from The Lane and Roxton Road, and is harmful to the character and appearance of the area.

13. The host dwelling's front porch is a very modest part of its façade and is seen against and absorbed into its larger 2 storey massing. As such, it is not a strong design feature of the dwelling, and it does not mitigate the garage's harmful visual effects described above. Limited evidence is before me to demonstrate that new planting or growth of the existing hedgerow would provide impenetrable screening to views of the garage.
14. I conclude on this issue that the garage is harmful to the established character and appearance of the area. As such, it conflicts with Policies 7S, 28S, 29, 30 and 66, of the Bedford Borough Local Plan 2030, Adopted January 2020 ("the BBLP"), insofar as they require outbuildings to be in-keeping with the scale and design of a host dwelling, and for development to recognise the intrinsic character and beauty of the countryside, contribute positively to local distinctiveness, and complement the character of the area.

Change of use in Appeals A and B

15. The garden land is surfaced with closely mown grass and is visually well contained within its clearly defined boundaries. It is substantially screened in public views from The Lane and Roxton Road by a tall dense hedgerow, mostly evergreen species, along with a timber fence on its inside edge, and by the cluster of buildings to the east. There is a row of sizeable trees and planting along its southern boundary, which broadly follows the alignment of the southern boundary of the building to the east, and filters views of the garden.
16. Contained largely between Roxton Road to the west and the cluster of dwellings to the east, which extend back from The Lane for some distance, the garden land is well screened in public views and perceived in private views as part of the cluster of residential properties. Consequently, it does not constitute a harmful visual incursion into the surrounding rural landscape.
17. Domestic paraphernalia is most likely to accumulate on the parts of the garden closest to the dwelling and to the swimming pool, where the occupiers activities would be expected to be focussed. Even if paraphernalia was to spread across the land, most items would be substantially screened by the tall boundary hedgerows, with only the very tallest items visible above the hedgerow in views from the roads.
18. Whilst such tall items of paraphernalia would indicate the residential use of the land, they would be seen mostly in localised views above the hedgerow and in the context of the tall host dwelling and the tall barn style buildings in the cluster. As such, it would not be inconsistent with the garden's immediate surroundings, which include the residential cluster within the wider landscape.
19. Whilst the spacious garden in these appeals could physically accommodate outbuildings, there is limited evidence that this would occur or that it would be visually harmful. The outbuilding in Appeal A would be expected to have capacity for domestic storage. Based on my findings above, including the screening effect of the garden boundaries and the garden's visual and spatial relationship with the buildings to its east, I am not persuaded on the evidence before me that the Council's broadly expressed reasoning for removing

permitted development rights amounts to the clear justification required by Paragraph 54 of the National Planning Policy Framework ("the Framework") and the Planning Practice Guidance. Whether or not the entirety of the garden land in these appeals is curtilage would be a matter for a future decision maker. I have limited evidence why permitted development rights were removed at the cluster of buildings to the east, and I am not bound by the decisions of others.

20. Taking all the above into account, the garden land the subject of these appeals is visually well contained within its clearly defined boundaries. It has a strong visual relationship with the cluster of dwellings and extends no further south than the barn style building to its east. As such, it does not constitute a harmful visual incursion into the surrounding rural landscape when seen from the nearby roads or properties. For these reasons, I conclude in these appeals that the change of use of agricultural land to residential use is not harmful to the character and appearance of the area, consistent with BBLP Policies 7S, 28S, 29 and 30, the requirements of which are set out above.

The outbuilding in Appeal A only

21. The outbuilding appeared to be in use for the storage of domestic items and several vehicles, reflecting the written evidence of the appellant's hobbies. It is unnecessary for me to resolve whether the use is incidental or ancillary to the host dwelling. Either way, based on the Council's refusal reason, it is the effect of the building on the character and appearance of the area which is before me to consider. I have not been made aware of any policy or guidance that sets quantitative limits on the size of an outbuilding relative to its host dwelling. Therefore, it is a matter of judgement as to whether the outbuilding's size is harmful.
22. Although much lower in height than the relatively large host dwelling, the outbuilding is a sizeable structure with a disproportionately large footprint. Its appearance shares some characteristics with the garage in Appeal B, in that both are largely covered by a flat roof, whereas the roof forms of the buildings within the cluster are pitched. Furthermore, the outbuilding's wide south facing elevation has a discordant mixture of styles, consisting of an ungainly shaped section of brick wall like the garage's front and rear walls. This merges jarringly into the more conventionally proportioned part of the south elevation with its roof slope set above a cladded wall.
23. However, the outbuilding is partly 'sunken' into the land to the rear of the host dwelling and its massing is broken up into a series of different elements with varied roof heights and widths, and with a mixture of materials. The front part is narrower and the rear part wider with a taller roofline and with permeable open sides. Furthermore, the dark coloured roof slopes are recessive against the lighter painted finish of the tall host dwelling, and they largely conceal the outbuilding's flat roofs, giving the impression of it being covered by a pitched roof in keeping with the roof forms of buildings in the locality. Consequently, in private views from nearby gardens, the outbuilding's low rise massing, which is broken up into coherent elements, has a sufficiently subservient relationship with the taller elevated massing of the host dwelling.
24. Although parts of the outbuilding's north and east facing elevations can be seen from The Lane, most of its built form is heavily screened by the nearby taller buildings and boundary treatments. In this context, the modest massing of the parts of those elevations which are visible from The Lane are absorbed within

the cluster of taller buildings. Furthermore, the short roof slopes are in-keeping with the roof forms of the nearby buildings. As such, the outbuilding is not a dominant or incongruous feature in views from The Lane.

25. Public views of the outbuilding's south elevation are generally restricted to long distance views from Roxton Road through a gap in the roadside hedgerow close to a field access. In these views, the outbuilding and the discordant mixture of styles to its south elevation, are effectively filtered by the row of trees along the south facing boundary and are visually absorbed into the larger combined massing of the backdrop of taller buildings. As such, it is not particularly noticeable or visually harmful.
26. In shorter distance views from Roxton Road to the west, part of the outbuilding's roof, notably the upper parts of the short roof slopes of the taller rear element, can be occasionally glimpsed above the roadside hedgerow. However, the dark coloured roof is recessive, and the parts of the slopes are seen mostly against the backdrop of nearby taller buildings. The remainder of the building is largely hidden. As such, the outbuilding is not visually harmful in views from Roxton Road, and for the reasons given above, the pruning, thinning or reduction in the height of this hedgerow is most unlikely.
27. Overall, despite its large footprint and ungainly south facing elevation, the outbuilding's low rise massing is broken up into individual elements, mostly under a roof with slopes that conceal its flat roofed design. The parts of it that can be seen in public views are sufficiently in-keeping with the scale and style of the taller host dwelling and are effectively absorbed into the collective massing of the cluster of buildings.
28. Consequently, the outbuilding is not visually dominant or incongruous, and is neither harmful to the character and appearance of the cluster of buildings, or to the wider pastoral rural landscape. The swimming pool is largely a below ground construction that is well screened in all views and does not cause visual harm. I therefore conclude that the outbuilding in Appeal A is not harmful to the character and appearance of the area. As such, it is consistent with BBLP Policies 7S, 28S, 29, 30 and 66, the requirements of which are set out above.

Other Matters

29. I am satisfied, on the evidence before me, that the appeal developments are not causing harm to the living conditions of neighbouring occupiers, with respect to overshadowing, outlook, noise and disturbance, and exhaust emissions and odours associated with vehicles. I note that the Council's Environmental Health Service does not object to the appeal developments. However, an absence of harm in these respects is a neutral factor that does not weigh in favour or against the developments.
30. I am not persuaded on the evidence before me that the benefits of the garage in Appeal B to the living conditions of the host dwelling's occupiers could not be met in a building or buildings that do not cause the harm identified above. Given its relationship with other buildings, I have no basis to conclude that the garage enhances the living conditions of nearby occupiers. Furthermore, the support given to the garage's appearance does not make it an acceptable development. As such, the garage's harm is not outweighed by its benefits to the occupiers.

31. My determination of the appeals is based on the evidence before me and site specific circumstances. It has not been influenced by the carrying out of the developments without planning permission, nor the earlier sale of the former farm buildings. I have limited information regarding development in the area that I am advised does not benefit from planning permission. This is a matter for the Council in the first instance and it does not alter my conclusions above. The circumstances in this case are highly unlikely to be replicated on other sites and therefore my decisions on these appeals would not set a precedent for further development elsewhere.

Conditions

32. I have addressed the suggested removal of permitted development rights above, and no additional conditions have been suggested. For reasons of certainty as to the scope of the planning permissions granted, I have listed the submitted plans insofar as they show the land in residential use in both appeals and the outbuilding in Appeal A. Given my decision to dismiss the garage in Appeal B, the plans showing this garage are not listed in paragraph 2 above.

Conclusions

33. For the reasons given above, I conclude that the development in Appeal A and the change of use of agricultural land to residential use in Appeal B, are consistent with the development plan as a whole. However, the garage in Appeal B harms the character and appearance of the area, contrary to the BBLP policies referred to above, which brings the garage into conflict with the development plan when read as a whole. There are no material considerations to outweigh this conflict and indicate that a decision should be made other than in accordance with that plan.
34. Consequently, Appeal A should be allowed. Appeal B should be dismissed insofar as it relates to the detached garage, and allowed only insofar as it relates to the change of use of agricultural land to residential use.

G Sylvester

INSPECTOR