



Appeal Decision

Site visit made on 29 October 2024

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2024

Appeal Ref: APP/P0240/W/24/3343421

Brookmead Cottage, 40 Harlington Road, Sharpenhoe, Central Bedfordshire MK45 4SG

- 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 Sean Phelan, Mr Simon Phelan and Mrs Sarah Young against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/00461/FULL.
 - The development proposed is proposed erection of 1 dwelling house and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and relevant development plan policies;
 - if the proposal would be inappropriate development, the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on Brookmead Cottage, which is a Grade II listed building¹;
 - whether the proposal would be served by a satisfactory vehicular access; and
 - if the proposal would be inappropriate development, whether the 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 development.

Reasons

Whether inappropriate development

3. Paragraph 152 of the Framework explains that inappropriate development in the Green Belt should only be approved in very special circumstances. One of the exceptions to this is limited infilling in villages, as set out by paragraph

¹ List entry name: Cottage to west end of village on north side of road approximately 296 yards north west of junction with Sharpenhoe Road. List entry number: 1311143.

154(e) of the Framework. Policy SP4 of the Central Bedfordshire Local Plan 2015-2035 (LP) specifies that proposals will be determined in line with the Framework's approach to the Green Belt. Neither the Framework nor the development plan directly provide definitions for the different terms in the exception. However, supporting paragraph 8.6.3 of the LP advises that infill development can generally be defined as small-scale development in a small gap in an otherwise built-up frontage, utilising a plot in a manner which should continue to complement the surrounding pattern and grain of development. It goes on to say that there should be no adverse impact on the setting of the site, the character of the area, and surrounding properties and uses.

4. Brookmead Cottage is located at the end of a short row of residential properties along a crescent-shaped part of Harlington Road that joins up with the principal part of the highway running through Sharpenhoe. The site is also adjacent to a paddock, with other residential properties located on the opposite side of both the crescent-shaped and principal parts of the highway.
5. It is common ground that the site is in a village for the purposes of considering the Green Belt exception. I see no reason to disagree having regard to the situation on the ground as necessitated by case law². The appellant argues that the proposal would constitute infilling between the cottage and the principal part of Harlington Road, its verge and the properties along it. However, it is clear both from the drawings and on the ground that the scheme would be next to undeveloped open space and constitute an extension of the row of properties along the crescent-shaped part of the highway, rather than development in a gap in an otherwise built-up frontage, or infilling more broadly, with the properties along the principal part of the highway forming a distinctly separate linear pattern of development.
6. A residential property was recently permitted³ and constructed between the cottage and Brookmead Farm House, which is allegedly comparable to this appeal scheme. It has also been put forward that the proposal is comparable to a scheme in a different administrative district that was found to constitute limited infilling in the Green Belt at appeal⁴. However, it is clear from my visit to Sharpenhoe and the drawings provided that those schemes were infilling obvious gaps between properties. The circumstances of this case are not comparable as the site is adjacent to open space, and hence my findings are unchanged.
7. The proposal would not constitute limited infilling in a village. It is not alleged that any other exceptions to inappropriate development are applicable. Consequently, the proposal would be inappropriate development in the Green Belt. Very special circumstances must therefore exist in order to justify the development. I return to this matter later in this letter.

Openness

8. The proposed two storey dwelling would substantially increase the amount of built form on the site, such that the scheme would have a significant impact on the openness of the Green Belt spatially. Furthermore, the dwelling would be visible on approach to the site from both the crescent-shaped and principal

² Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

³ Council reference: CB/20/03123/FULL

⁴ Appeal reference: APP/X1925/W/21/3274409

parts of the highway, including above and behind vegetation particularly in winter months. Supplementary landscaping would not address this issue. The scheme would also therefore have a significant impact on the openness of the Green Belt in visual terms.

Listed building

9. Brookmead Cottage is a 17th century, timber framed cottage that has been refaced in whitewashed brick and features an old clay tile roof. Although it has been subject to alterations, including a 19th century porch, a rear range and a modern single storey side extension with a roof lantern, its timber frame is partially exposed to the rear and side externally. Its special interest and significance are derived in large part by its architectural and historic interest as a traditionally constructed, vernacular cottage with surviving fabric and features. The paddock and the wider countryside help to contextualise the cottage's rural origins and thereby contribute to its significance. The open, spacious and verdant garden on which the proposed dwelling would be located provides relief to the cottage and views through to the countryside, and thereby contributes to its setting. This endures despite the area being otherwise characterised by much more modern housing in comparison.
10. The proposed dwelling would reflect many properties in the vicinity, including the recently constructed one identified above. Nevertheless, it would compete with and detract from views of the cottage from the highway as a result of its size and position. Exposed timber framing near the modern side extension would also be largely hidden by the dwelling. In addition, it would reduce the openness provided by the garden and screen views of the countryside and therefore erode the legibility of the cottage's historic rural context. Again, further landscaping of the site would not overcome these issues.
11. The proposal would harm and thus fail to preserve the setting and special interest of the listed building. Consequently, it would conflict with LP policies HQ1 and HE3, which set out that development should respond positively to its context and preserve the special character, significance and setting of heritage assets. It would also be contrary to the expectations under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Similarly, there would be harm to the significance of the listed building, which would be less than substantial for the purposes of the Framework.

Vehicular access

12. The site is served by a vehicular access onto the crescent-shaped part of Harlington Road and is only wide enough for a single car to enter or exit at any one time. Both the existing and proposed properties would be served by the access. However, it offers good intervisibility for those using it and travelling on the highway. In addition, vehicles are highly likely to move slowly in the immediate vicinity of the access due to the 30 miles per hour speed restriction in Sharpenhoe and the site's proximity to the highway junction. Furthermore, it is unlikely that high volumes of vehicles would travel along the crescent-shaped part of the highway as it serves few properties. In that context, I see no reason to conclude that highway safety or network issues would arise.
13. The proposal would be served by a satisfactory vehicular access. In this respect, I find no conflict with LP Policy T2 which requires that development does not have a detrimental effect on highway safety or patterns of

movement, and provides appropriate access having regard to the Council's standards. It would also be consistent with paragraph 115 of the Framework, which says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other considerations

14. The proposal would bring about benefits by contributing to the Council's housing supply position and the vitality of the area as a result of the construction process and from the occupiers of the dwelling spending money and engaging with services and facilities in the area. I also do not doubt that the proposal could provide a net gain in biodiversity.
15. Paragraph 208 of the Framework advises that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing an asset's optimum viable use. Furthermore, paragraph 153 of the Framework explains that the very special circumstances required to justify inappropriate development in the Green Belt will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. Public benefits would arise from the scheme as identified above. However, the scale of those is limited by the small amount of housing proposed, and weigh modestly in favour of the development when aggregated. In contrast, even less than substantial harm to a listed building must carry great weight. Taken together, the public benefits are insufficient to outweigh the harm to the significance of the listed building. Moreover, the considerations identified do not clearly outweigh the substantial weight that must be attached to the harm to the Green Belt by reason of inappropriateness and to openness, together with the weight of the harm to the significance of the listed building. Very special circumstances do not therefore exist. Consequently, the Framework does not indicate in favour of the development, and there is conflict with LP Policy SP4, the purposes of which are set out above.

Conclusion

17. For the reasons given, the proposal conflicts with the development plan as a whole. Material considerations do not indicate that a decision should be taken otherwise than in accordance with the development plan.
18. Accordingly, the appeal should be dismissed.

Mark Philpott

INSPECTOR