



Appeal Decision

Site visit made on 5 November 2024

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/K0235/W/24/3344307

109 Bedford Road, Willington, MK44 3PR

- 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 Shayan Hayat against the decision of Bedford Borough Council.
 - The application Ref is 22/02720/COU.
 - The development proposed is change of use from storage area of garden centre to car sales and storage (sui generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The plans submitted indicated two differing application sites. One comprised the 345 square metre area for car sales (scale 1:500) and the other (scale 1:1,250) which included this site in addition to an access leading to the highway. For the purposes of this appeal I have treated the latter as the red edge of the application site as it includes the access to the public highway but I am mindful of the other plan. The appeal documentation includes reference to the site being within the same ownership as the adjoining garden centre, but the garden centre is not identified as falling within the blue edge of the application site.

Main Issues

3. The main issues are:
 - 1) whether the proposed employment use is suitable or necessary in the open countryside and whether this use would harm the character and appearance of the area, and
 - 2) the effect of the proposed development on access and highway safety.

Reasons

Location of development

4. The appeal site is set within the countryside as defined in the Bedford Borough Local Plan 2030 (adopted 2020) (BLP). Policy 3S of the BLP seeks to guide new development to the identified settlements, whilst also safeguarding the countryside. Policy 3S seeks to resist new development in the countryside to help balance the need to accommodate growth and conserve and enhance the countryside.

5. Policy 7S of the BLP sets out various criteria where development in the countryside will be permitted and it is agreed between the parties that none of the criteria at i. – x. are applicable to this case. The criteria at xi. – xiii. are related to all development in the countryside and are unrelated to the general principle of development. Criterion v. does not apply as the Willington Neighbourhood Development Plan (WNDP) has not identified the site to be developed in any particular manner.
6. Policy 75 of the BLP relates to employment development in the countryside and the parties agree that, as previously developed land, the proposal meets either criterion ii. or iii. of this policy. Policy 75 of the BLP further sets out, at criterion vi., that it should be demonstrated that the proposed use needs to be in the rural area and cannot be located within a Settlement Policy Area or within a designated Small Settlement. This policy is consistent with paragraph 89 of the National Planning Policy Framework (the Framework) insofar as it supports the re-use of previously developed land and business and community needs in rural areas, but is qualified insofar as development should be sensitive to its surroundings.
7. In this instance, a car sales garage does not need to be in the countryside and this point is agreed by the appellant. It would be located on land currently used as a garden centre which is already laid to hardstanding. There is, in my judgement, a distinct difference between using the land for an activity associated with an existing garden centre and for car sales. A car sales use would infer numerous vehicles being parked permanently on the site. Whilst changes to the land itself may be minimal, there would be a clear change in the nature and intensity of the use and this would have an urbanising effect.
8. The appellant may have found it difficult to find an appropriate site within a Settlement Policy Area or within a designated Small Settlement, although no indication of the extent or area of search have been provided. The development does offer some additional employment; however, this would be relatively modest in terms of its scale and could quite easily be comparable to the same area being actively used as part of the garden centre.
9. The proposal would result in an intensification of use of the site and, whilst I do note the current use of the land, its use for car sales would be visually intrusive through the proliferation of vehicles in the countryside and would be detrimental to the rural character of the area. It is not a form of development that is suitable for, or needs to be in, this rural area and would therefore conflict with policies 3S, 7S, 28S, 29, 30 and 75 of the BLP and policies W1 and W9 of the VNDP.

Highway safety

10. The access to the area for car sales is unclear in the submitted documentation. Its route from the junction with Bedford Road contradicts the site layout of the garden centre. No indication has been given as to the extent of control of the garden centre car park. Limited detail has been provided of the number of movements to and from the site with the only evidence being that 2 to 3 vehicles would be delivered individually to the site in a typical week. Although additional parking may be able to be accommodated within the garden centre site, I do not accept the argument that the proposed use would create no additional demand for parking.

11. There is ambiguity regarding the extent of the application site, the manner in which the proposed use would reach the access with the highway, a lack of information on staff and customer movements and absence of clarity on the layout of the car sales area. This lead me to conclude that insufficient information has been made available to form a reasoned assessment on the practicalities and safety of the access to the site. Policy 31 of the BLP requires development to give consideration to matters including access to, and within, the development which includes pedestrians, people with disabilities and emergency vehicles.
12. Whilst I recognise that the junction with Bedford Road is not under scrutiny; this does not reconcile the ambiguity as to the approach to the layout within the site and its effects on the users of the premises. This inadequate provision of information means that the development fails to comply with policy 31 of the BLP insofar as this policy requires that development proposals should not have any significant adverse impact on access to the public highway.

Conclusion

13. The proposed development would result in a use which would be unsuitable and unnecessary in this rural location, it would be harmful to the character and appearance of the area and harmful to access and highway safety. That the development could occur without causing other harms including resulting in no detriment to the living conditions of neighbours is a neutral factor that weighs neither for, nor against, the proposal.
14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR