



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: 3rd December 2024

Appeal Ref: APP/P0240/W/24/3345940

Mouse Farm, Shefford Road, Clophill, Central Bedfordshire MK45 4BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr M Hawkins against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/00491/VOC.
 - The application sought planning permission for change of use of part of former paddock to residential garden and the construction of a garage/ maintenance/ storage barn without complying with conditions attached to planning permission Ref CB/22/04876/FULL, dated 19 October 2023.
 - The conditions in dispute are Nos 2 and 7 which state that:
 - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number L-02 rev C.
 - 7) The building hereby permitted shall only be used for the storage of domestic and agricultural vehicles and for no other purpose and shall, at no time, provide additional living accommodation unless otherwise agreed in writing by the Local Planning Authority beforehand.
 - The reasons given for the conditions are:
 - 2) To identify the approved plan/s and to avoid doubt.
 - 7) To maintain control over the built environment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Planning Practice Guidance makes it clear that, in relation to applications or appeals made under S73 of the Act, a decision maker shall only consider the question of the conditions subject to which planning permission should be granted. It is not a complete re-consideration of the original application. In this regard, this decision is confined to the effects of the increase in height and change in design of the building including the extent of residential accommodation as is explored further below.

Background and Main Issues

3. Planning permission was granted for a detached building to be partly used as a residential garage for the existing dwelling and partly for a tractor store in connection with a paddock to the rear. The current proposal seeks to amend the plans to increase the size of the building through the introduction of a first

floor over both the garage and tractor store with the first floor of the building being in residential use as a home office and gym.

4. As such, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

5. Policy SP7 of the Central Bedfordshire Local Plan 2021 (CBLP) primarily relates to windfall development but also provides clarification on the distinction between settlements and the countryside. This is significant here because of the location of the site in this sensitive edge-of-village location. Policy HQ1 of the CBLP seeks to ensure that all developments are of the highest possible quality and respond positively to their context. Policy EE5 of the CBLP is to safeguard intrinsic character, scenic beauty and perceptual qualities of the landscape. These policies are all relevant and pertinent here.
6. The proposed alterations to the design of the building would result in its increase in height by approximately 2 metres and this is not a marginal increase considering the height of that which was permitted. The building already sits at the edge of the village, amongst an area undergoing redevelopment. The permitted garage and tractor store already projects out into the open countryside and surrounding landscape by more than any other neighbouring buildings. It is outside the defined settlement envelope. The effect of the increase in height of the building would be to render it bulkier and more prominent in the surrounding open landscape which has limited screening.
7. I accept that the building occupies the same footprint as the permitted scheme, but this is not the only matter for consideration. The proposed building would not be readily visible from nearby public vantage points, but the surrounding topography and open nature of the fields in the area mean it would nevertheless be quite apparent from many aspects which include longer range views. Whilst there are no objections to the design of the building per se, regard must be given to its context and position in this sensitive edge-of-village location.
8. The proposed first floor would be ancillary accommodation to the dwelling and this does represent a creep of the residential use into the open countryside. Whilst 'permitted development rights' for the site were excluded by the Council in previous decisions, this does not interfere with my assessment here as the removal of such rights only sets out that express permission is required for those affected forms of development.
9. There would be a creep in terms of the encroachment of residential use into the countryside. This is because it would result in a domestic use within the first floor above an agricultural use. Whilst policy SP7 of the CBLP does allow for limited extensions to gardens beyond Settlement Envelopes, that is not what is proposed as the extension of the residential use is within a new floor of the proposed building. Although the building overall would remain smaller than the host dwelling, the height and bulk would be notably increased. I recognise that there are other outbuildings in the local area of comparable size, but

these are set within a different context such that there is no direct comparison.

10. I have noted the size of the host dwelling and its comfortable exceedances in terms of floor area by reference to the Nationally Described Space Standards. However, issues of living space are not an issue here as this document requires minimum standards in the interests of living conditions. It therefore represents a neutral factor.
11. Overall, I conclude that the size, bulk and increase in height of the building in this exposed location would be such that it would be harmful to the character and appearance of the countryside and local area contrary to policies SP7, EE5 and HQ1 of the CBLP and provisions of the Central Bedfordshire Design Guide.

Other matters

12. The appellant seeks to modify condition 7 so as to allow the proposed first floor to be used for purposes other than for the storage of domestic and agricultural vehicles as per the present restriction. I recognise the appellants concerns regarding the wording of this condition and, were the appeal to be allowed, this would warrant further assessment. However, I have found the effect of the proposed development to be harmful to the character and appearance of the area, therefore further consideration on this is not needed as the appeal is to be dismissed.

Conclusion

13. For the reasons given above, I conclude that the change to the appearance of the building would be harmful to the character and appearance of the area. There are no other matters before that warrant a decision other than in accordance with the development plan. Therefore, the appeal should be dismissed.

N Bowden

INSPECTOR