
Appeal Decision

Site visit made on 3 December 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2025

Appeal Ref: APP/P0240/W/24/3347106

Knoll House, Dunstable Road, Studham, Dunstable LU6 2QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Silver Tree Care Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/23/03465/FULL, dated 26 October 2023, was refused by notice dated 18 January 2024.
 - The development proposed is residential redevelopment, demolition of existing care home and the erection of 8 dwellings with associated parking and amenity provision and alterations to existing access on Studham Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.
3. The Council's decision notice refers to the Chilterns Area of Outstanding Natural Beauty. Areas of Outstanding Natural Beauty have now been renamed as National Landscapes. I have therefore dealt with the appeal on this basis.
4. For reasons of precision and clarity, I have taken the site address and the description of development from the Council's decision notice.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposed dwelling is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposed development upon the character and appearance of the area and the scenic beauty of the Chiltern National Landscape; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

6. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The Framework identifies that the construction of new buildings should be regarded as inappropriate development in the Green Belt, other than in respect of a limited range of specified exceptions. Paragraph 154(g) of the Framework identifies one of the exceptions to be limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
8. It is common ground between the parties that the site comprises previously developed land. From my site visit and my own assessment, I have no reason to disagree with this conclusion.
9. The proposal would involve the removal of all existing buildings and structures from the site and their replacement with new buildings to serve the proposed use. On this basis, I do not consider the proposal to constitute limited infilling. In terms of Paragraph 154 (g), it therefore falls to be considered on the basis of partial or complete redevelopment.
10. Paragraph 154(g) requires such a redevelopment not to cause substantial harm to the openness of the Green Belt. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development. Planning Practice Guidance (PPG) identifies that matters to be considered include, but not limited to both spatial and visual aspects, and the degree of activity likely to be generated.
11. The existing development on the site comprises a substantial, detached building, currently in use as a residential care home, located in the northern part of the appeal site. The southern part of the appeal site comprises a large, open grassed area. Access is via a private access track taken from Studham Lane, which is also a public footpath, giving pedestrian access to the wider footpath network. Car parking is located on a hard surfaced area close to the entrance to the site, plus to the rear of the existing building, which is accessed via a tarmacked drive. The boundaries of the appeal site comprise well established landscaping and trees.
12. The appeal proposal involves the demolition of the existing care home and its replacement with 8, 3-bed dwellings, set out in two terraces of three houses, along with a pair of semi-detached houses. The existing access from Studham Lane would be widened and each property would benefit from 2 parking spaces, along with 3 additional visitor parking spaces.

13. In contrast to the existing development on the site, which is positioned predominately in the northern part, the proposed development would introduce new development across the majority of the appeal site, in particular into the southern part which is currently open and undeveloped. Whilst parts would constitute the garden areas of the proposed dwellings, these areas would be enclosed by fencing and, as a result of this, along with the introduction of new buildings, there would be a distinct change in character from the current open and undeveloped nature of this part of the appeal site. Furthermore, the proposed development would introduce new residential paraphernalia and activity into the currently undeveloped and open part of the appeal site. As a consequence, the proposed development would represent a sprawling, urbanising form of development, which would result in the loss of openness on the appeal site, causing substantial harm to the Green Belt.
14. The appellant has referred to a planning permission (CB/20/04426/FULL) which was granted in June 2021, for the erection of a two-storey extension to the south of the care home.
15. In relation to this planning permission, the Council consider the permission to have lapsed and therefore submit that no weight should be attached to this permission. In response, the appellant provided a planning application which was granted for the discharge of conditions on planning permission CB/20/04426/FULL. This was supplemented by details showing the commencement of drainage works being undertaken in associated with these details. However, no evidence is before me to show that these works were undertaken in accordance with the approved details. As such, I cannot with any degree of certainty conclude that the planning permission has been correctly implemented and therefore remains valid. That said, on the basis of the evidence before me, for the purposes of determining this appeal, I have considered this to represent a realistic fallback position.
16. The appellant has also outlined a further fallback position whereby a change of use of the existing building and associated extension would be sought for residential development, as opposed to the current care home use. To my mind however, given that the extension has yet to be constructed, along with the funding issues advanced by the appellant, I consider that such a fallback to be unrealistic. I have therefore attributed this fallback very little weight.
17. The approved extension to the building would result in an increase in the amount of built development on the site with the amount of floorspace proposed within the existing building and the approved extension, being more than the proposed development. It would also appear as a larger, single structure within the Green Belt, focusing development at the northern end of the appeal site, leaving the southern part of the site open and undeveloped.
18. However, whether the proposed development harms the openness of the Green Belt is not simply about the volume of the built development in comparison to the existing development, but its impact upon visual and spatial aspects of the openness of the Green Belt, along with the degree of activity likely to be generated from the proposed use.
19. In this instance, in contrast to the existing building and the approved extension, the layout of the proposed development would result in the spread and sprawl of development across the appeal site, including the introduction of associated residential activity and paraphernalia into the currently open and

undeveloped parts of the site. Given the amount of development proposed and its extent, I find that the proposed development would cause more harm to the openness of the Green Belt than the existing building and the approved extension. I find this harm to be substantial and contrary to the Framework where it states an essential characteristic of Green Belts are their openness. The proposal would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

20. It has not been put to me that the proposal would not be inappropriate development in the Green Belt for any other reason and I have found no reason to believe that it would. Therefore, when assessed against the relevant sections of the Framework and the adopted policies in the Central Bedfordshire Local Plan (CBLP), the proposed development would represent inappropriate development within the Green Belt.

Character and appearance

21. Policy HQ1 of the CBLP requires all developments to be of the highest possible quality, to enhance and reinforce local distinctiveness and sense of place, and to be well related to local surroundings. Policy EE5 of the CBLP requires all development to respect, retain and enhance the distinctiveness of local character in terms of scale and pattern of the surrounding landscape and existing settlement form.
22. The appeal site is located within the Chilterns National Landscape (CNL). Policy EE7 requires proposals to conserve and enhance the areas special qualities. Paragraph 189 of the Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty of these areas.
23. The appeal site lies to the east of Hollywell, which mainly comprises detached frontage properties which follow the existing road layout. Surrounding properties are set back from the road, within relatively large plots, with mature, established landscaping around the boundaries. This gives the area an open, spacious, sylvan and verdant feel, which reinforces the semi-rural character and appearance of the surroundings.
24. In contrast to the surroundings, the proposed development would result in the provision of terraced properties, along with a pair of semi-detached dwellings all set within small and relatively narrow plots. As such, the proposed development would be at odds with the semi-rural character of the surroundings and would appear as a cramped, urban form of development. It would therefore introduce a pattern of development that would be out of keeping with and harmful to the character and appearance of the immediate surrounding area and would fail to reinforce local distinctiveness and the existing character of the area. Furthermore, due to this harm, the proposed development would fail to conserve the special qualities of the CNL.
25. Access to the site would be from Studham Lane, which is a single width, treelined rural lane with no footways. Beyond the appeal site, vehicular access along Studham Lane is restricted by bollards, where it becomes a PRow, providing access to the wider countryside. The current access to the appeal site is via a single width, short, but steeply inclined access. Whilst the proposed development would involve only minor works to Studham Lane, it would involve the reconfiguration of the existing site entrance. Works would include

- widening the existing access and reprofiling the adjoining bank to provide the required visibility splays.
26. The removal of a large part of the existing embankment, along with the introduction of an engineered estate road, would represent a substantial urban feature, that would detract from the existing undeveloped, rural character of Studham Lane. Moreover, the new access road would be readily visible from Dunstable Road which, along with the proposed removal of a number of trees to accommodate the works, would further diminish the rural appearance of Studham Lane. As a consequence, I find that the proposed site entrance would detract from the character and appearance of the area.
27. The trees along the eastern boundary of the site are well-established and make a significant contribution to the overall sylvan and verdant character of the area. The proposal would retain these trees and, to protect them for the future, they would lie outside of the private gardens and would be the responsibility of a future management company. That said, the proposed development would be located in relatively close proximity to these trees. Given this relationship and the existing height of these trees, along with the relatively small plot size of the proposed dwellings, I find it is likely that the proposed rear garden space of the dwellings would be shaded by these trees. This could potentially lead to pressure for these trees to be reduced or removed in the future, which would have an adverse effect upon the character of the area.
28. I have been referred to the presence of the existing building and the approved extension, with the appellant being of the view that, once constructed, this would be more harmful to the character and appearance of the area than the proposed development. I disagree and consider that, in contrast to the proposed development, the approved development would focus the built development at the northern end of the site and would retain substantial parts of the appeal site undeveloped, thereby respecting the existing character of the area. Furthermore, no changes would be made to the existing access arrangements. As such, I do not consider the presence of the approved scheme to overcome the harm I have found. Neither do I consider the appellant's landscaping scheme to be sufficient to address the harm.
29. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and would fail to preserve the scenic beauty of the CNL and, in this respect, would be contrary to Policies SP7, HQ1, EE5 and EE7 of the CBLP, the CBC Design Guide (August 2023) and the Framework. Given the conflict with the development plan, this harm attracts substantial weight against the proposed development.

Other considerations

30. Paragraph 153 of the Framework requires decisionmakers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm.
31. My attention has been drawn to other considerations which weigh in favour of the proposals. This includes the current operating restrictions of the existing care home which, due to substandard infrastructure, the appellant submits does not comply with current regulations.

32. The appellant has also highlighted their attempts to resolve these issues through obtaining planning permission to enable significant improvements to be made. However, due to changes within the care sector, the current owners have been unable to secure the necessary funding to enable these works to be completed.
33. The appellant's view is therefore that Knoll House, in its current form is no longer financially viable and, in line with the Framework, it makes good planning sense to find another beneficial use or redevelop the appeal site.
34. Given the size of the appeal site, the appellant considers that any redevelopment could be completed relatively quickly and would have a beneficial effect in helping to meet overall housing requirements.

Green Belt Balance

35. The proposal would, due to harm to the openness, constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be accorded substantial weight. In addition, I have also found that significant harm would be caused to the character and appearance of the area and the Chilterns National Landscape. This also attracts substantial weight against the proposed development.
36. In the context of the above, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.
37. In relation to the identified operating constraints and the overall viability of the existing care home, whilst I do not seek to bring these into question, given the national importance to protecting the Green Belt, I have attributed this a little weight in favour of the proposal.
38. The proposed development would deliver additional dwellings towards the overall housing need within the area. However, there is nothing before me to suggest that the Council are currently unable to meet their requirements and as such, I have attributed this little weight in favour of the scheme. I acknowledge the policies that support the redevelopment of redundant sites, however given the current use that exists, notwithstanding the issues identified, I have attributed this little weight in favour.
39. Furthermore, I note that the Council raise no other issues in relation to ecology, highway safety, flooding and impact on neighbouring residents, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
40. I therefore find that the other considerations in this case do not clearly outweigh the substantial harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

41. The site is located within close proximity of the Ashridge Commons and Woods Site of Special Scientific Interest within the Chiltern Beechwoods Special Area of Conservation. Regulation 63(1) of the Conservation of Habitats and Species

Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Thus, given my overall conclusion on the main issues it is not necessary for me to consider this matter in any further detail.

Conclusion

42. For the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR