
Appeal Decision

Site visit made on 6 May 2025

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st May 2025

Appeal Ref: APP/P0240/D/25/3358502

27 Holywell Road, Studham, Bedfordshire LU6 2PA

- 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 Matt Abrahams against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/02556/FULL.
 - The development proposed is the erection of an outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is retrospective and I have determined the appeal on this basis, albeit that I have removed the word 'retrospective' from the description of development above as this does not describe an act of development.
3. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Parties have been given the opportunity to comment and I have taken this into account in my decision.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; 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 inappropriate development

5. The appeal site is located within the Green Belt. Paragraph 154 of the Framework outlines that development in the Green Belt is inappropriate unless it falls within specified exceptions. Policy SP4 of the Central Bedfordshire Local Plan (LP) also seeks to control development in the Green Belt, in line with the Framework.

6. The Council have stated that the proposed development would not fall within any of the exceptions listed, the appellant has not disputed this. From the information before me I have no reason to come to a different conclusion.
7. Drawing the above together, I therefore conclude that the appeal scheme is inappropriate development in the Green Belt, conflicting with the Framework and Policy SP4 of the LP insofar as they relate to this matter.

Openness

8. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt. It is epitomised by the lack of buildings or development and has, consequently, both a visual and spatial aspect.
9. The outbuilding measures approximately 6.25 metres wide by 3.9 metres deep with a roof height of 2.6 metres from ground level. The appeal site is a long narrow rear garden, similar to neighbouring properties. The outbuilding is sited towards the rear of the garden, away from the house and neighbouring dwellings. The outbuilding spans almost the full width of the garden. The garden is bound by mature vegetation that limits the visibility from neighbouring properties. It is not visible from the street scene. It therefore causes a very limited loss of visual openness.
10. Whilst the appeal site may not border, nor be visible from open undeveloped Green Belt land, there is, however, even considering the length of the garden, a reduction in spatial openness of the Green Belt, establishing development where there would have previously been none. Given the modest overall scale of the outbuilding, spatially it has a moderate adverse effect on the openness of the Green Belt.
11. Considering the above, the degree of harm would be modest in terms of its effect on the openness of the Green Belt as a whole. Nevertheless, the development overall fails to preserve the openness of the Green Belt, thereby conflicting with the aims of including land within the Green Belt when assessed against the Framework. This harm would be in addition to the inappropriateness of the scheme.

Other considerations

12. The development is within the Chilterns National Landscape (CNL), (formerly known as the Chilterns Area of Outstanding Natural Beauty), where the Framework requires great weight to be given to conserving and enhancing the natural beauty of the area. However, it has not been raised as a contentious matter and given the overall scale, nature and location of the building and that the site is protected from longer wider-ranging views, the development would conserve the scenic beauty of the CNL. The development would also not adversely affect nearby protected trees or neighbouring living conditions. However, as these are policy requirements, an absence of harm is a neutral factor that weighs neither for nor against the development.
13. The appellant opines that if the outbuilding were sited closer to the main dwelling, it would be permitted development. However, the information from the Council suggests that the height and proximity of the outbuilding to the boundary also

prevent it from being permitted development. In any case, it is not for me to determine, as part of an appeal under section 78 of the Town and Country Planning Act 1990 (the Act), whether the proposal would constitute permitted development. It is open to the appellant to apply for a certificate of lawfulness under sections 191 or 192 of the Act to demonstrate whether it is permitted development.

14. The appellant asserts that the current siting of the outbuilding prevents any overlooking. They also argue that the fallback position, where the outbuilding is located closer to the main dwelling, could result in a more visually intrusive form of development for neighbouring occupiers compared to the appeal scheme, and that this would still have the same effect on openness as the outbuilding that has been erected.
15. However, although a general location has been mentioned, limited details of the precise positioning of an outbuilding have been provided to enable a comparison to be made with the appeal scheme. Moreover, I have no substantive evidence before me, such as a lawful development certificate, to indicate that there is a more than theoretical prospect of a fallback being implemented, or that it would be permitted development. For the above reasons, I can therefore only ascribe limited weight to the alternative in the determination of this appeal.
16. In support of the appeal, the appellant has drawn my attention to two schemes at 45 Holywell Road, where planning permission was granted for an outbuilding and then later an extension to the outbuilding. With the exception of plans detailing the proposed extensions to the outbuilding, overall, I have limited information before me, such as the officer reports on the two schemes. As such I cannot be sure of the circumstances which led to the approval of the original outbuilding and latterly the extension to the outbuilding. These examples therefore carry limited weight.

Green Belt balance

17. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached to any harm to the Green Belt.
18. As I have set out, the proposal represents inappropriate development in the Green Belt to which I attach substantial weight. As part of the assessment, I have also found that the outbuilding would result in a modest effect on the openness of the Green Belt. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome.
19. I have found that moderate weight should be attached to the other considerations in this case.
20. In conclusion and on balance, the other considerations, even when taken together, do not clearly outweigh the substantial weight to be given to Green Belt harm by reason of inappropriateness, the modest harm to the openness of the Green Belt and the conflict with local and national policy. Therefore, the very special circumstances needed to justify the development does not exist and thus the appeal should be dismissed.

Other Matter

21. The appeal site is within the Chilterns Beechwoods Special Area of Conservation (SAC). I have a duty under the Conservation of Habitats and Species Regulations (2017) to consider, in the interests of the protection from harm, whether a given development would have likely significant effects on the integrity and/or special interest of the SAC either in isolation or in combination with other plans/projects.
22. The Council's evidence suggests that they have screened the appeal scheme and determined that no likely significant effects would occur. I am mindful of the fact that the proposal is for an outbuilding within an established residential curtilage and that, consequently, it is unlikely to represent an uplift in population to the effect of bringing about greater recreational pressure for the use of the SAC. That said, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Conclusion

23. 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. The appeal is therefore dismissed.

T Bennett

INSPECTOR