



Appeal Decision

Site visit made on 8 May 2025

by **K E Down MA(Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/P0240/D/25/3361963

27 Mentone Avenue, Aspley Guise, Central Bedfordshire, MK17 8EQ

- 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 Stel Theodoulou against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/03181/FULL.
 - The development proposed is a single storey two bay carport plus storage area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: firstly, whether the proposed development would amount to inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF), 2024, and any relevant development plan policies; secondly, the effect on the openness of the Green Belt; thirdly, the effect of the proposed development on the character and appearance of the appeal site and the surrounding area which lies within the Aspley Guise Conservation Area; and fourthly, if the proposed development would amount to inappropriate development in the Green Belt, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal site is located in a semi-rural enclave of dwellings in the village of Aspley Guise. The layout is spacious and mature trees and vegetation are characteristic in the street scene. The road is not metalled and this adds to the rural character of the area. The site lies within the Green Belt and the Aspley Guise Conservation Area (CA).
4. The proposed development comprises a two bay carport with enclosed store, some 7.6m by 5.6m and about 2.3m high with a flat roof. It would be located to the front of the dwelling, behind a high, dense evergreen boundary hedge.
5. Policy SP4 of the Central Bedfordshire Local Plan 2015-2035 (LP), adopted 2021, states that within the Green Belt there is a general presumption against inappropriate development. It goes on to say that in settlements that are “washed

over” by the Green Belt, such as Aspley Guise, particular attention should be paid to the openness of the site and its surroundings. Further, development in the Green Belt will be judged against the NPPF and other government guidance.

6. The NPPF states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. The NPPF goes on to explain that the construction of new buildings in the Green Belt is inappropriate except in a number of limited circumstances. One exception is the extension of an existing building, provided that the extension does not result in disproportionate additions over and above the size of the original dwelling.
7. The carport would lie some 6m from the dwelling and would be a relatively small structure. The courts have held that in some cases detached outbuildings may be considered as extensions to the host building. However, the Council’s Design Guide, 2023, states that usually extensions should be physically attached to be considered as such. Neither the Council nor the appellant have suggested that the carport should be treated as an extension to the dwelling and in the context of the Council’s guidance and the absence of any evidence to suggest otherwise, I agree that it should be judged as a new separate building. Moreover, it would not meet any of the other exceptions set out in the NPPF.
8. I therefore conclude on the first main issue that the proposed development would amount to inappropriate development in the Green Belt. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Openness of the Green Belt

9. The NPPF states that the essential characteristics of Green Belts are their openness and permanence. Openness has a spatial and visual aspect. The appeal building would not be visually prominent from the street in front of the appeal site, being screened by the boundary hedge and gate. Nevertheless, it would be clearly visible from neighbouring dwellings, interfering with the openness across the frontages. It would also be seen at an oblique angle from the street, especially from the north-west, across neighbouring frontages. Frontage buildings are not characteristic in this part of Mentone Avenue and so its effect on the openness of the appeal site would be noticeable and out of keeping with the street scene where the appeal dwelling and its neighbours are mostly set back from the street. Overall, the proposed building would therefore have a moderate effect on openness.
10. It is concluded on the second main issue that the proposed development would result in material harm to the openness of the Green Belt. Since substantial weight should be given to any harm to the Green Belt, the harm through loss of openness weighs heavily against the proposed development.

Character and appearance

11. The dwelling at the appeal site is a large, detached, contemporary house. The setting, in common with other nearby dwellings, is spacious and well vegetated. Other dwellings are also mostly detached but of mixed age, size and design. The area is well-established and plots are generally large. The appeal site lies in a row of dwellings set back a similar distance from the road behind generous frontages and verges. There is no footway. Front boundary structures are frequently absent but otherwise blend into the low density setting, maintaining the sense of space.

12. Although the proposed carport would not appear overly large in the context of the plot as a whole and its contemporary finish would be in keeping with the host dwelling it would nevertheless stand out as a significant addition on the currently open frontage of the dwelling. The appellant suggests that frontage outbuildings are not uncommon in the area. However, I did not see any similar structures in the vicinity of the appeal dwelling. The location of the building, coupled with its scale would therefore be out of character with the established character and pattern of development in this part of Mentone Avenue. As reasoned above, the outbuilding would be visible from both public and private viewpoints which would exacerbate the visual harm. Overall, it would fail to promote or reinforce the distinctive character of the area, failing to make a positive contribution to the character or appearance of the area.
13. In terms of the effect on the CA, the NPPF makes clear that conservation areas are designated heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF advises that great weight should be given to the asset's conservation. Significance can be harmed by alteration of the heritage asset or development within its setting. Statutory protection is provided by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that special regard/attention is paid to the desirability of preserving or enhancing the character or appearance of the heritage asset, including its setting. Policy HE3 of the LP accords with the NPPF in respect of heritage assets.
14. In view of the harm identified to the character and appearance of the area, I find that the proposed carport would fail to preserve or enhance the character or appearance of the CA. Nevertheless, the harm that would arise to the CA would be less than substantial within the meaning of Paragraph 214 of the NPPF. The harm must therefore be weighed against the public benefits of the proposed development. However, these would be negligible, being limited to the small economic benefit of construction.
15. Overall, I therefore find that although there would be private benefits, the public benefits would be limited and would not outweigh the great weight that should, in accordance with the NPPF, be given to the conservation of the CA.
16. It is concluded on the third main issue that the proposed outbuilding would have a materially detrimental effect on the character and appearance of the appeal site and the surrounding area and would fail to preserve the character or appearance of the Aspley Guise CA. In consequence, the proposed outbuilding would conflict with LP Policies HQ1 and HE3. Taken together and amongst other things these expect development proposals to be of the highest quality and to relate well to existing local surroundings, enhance or reinforce the distinctiveness and character of the area and where possible preserve, sustain and enhance designated heritage assets and their setting.

Other considerations

17. The appellant draws my attention to the fact that the proposed outbuilding is significantly smaller than a previous proposal and that earlier concerns about the effect on a nearby tree have been overcome by a significant reduction in the height of the proposed building. That may be so. However, the proposal must be judged on its own merits, rather than in comparison with a different proposal, which is what

I have done. Therefore, the reduction in scale and removal of risk to the nearby tree whilst positive carry only limited weight in favour of the proposal.

18. Likewise, the presence of frontage buildings in different settings elsewhere in the CA carries little weight in favour of the appeal proposal.
19. Accordingly, it is concluded on the fourth main issue that, in the final balance, the other considerations would not clearly outweigh the harm to the Green Belt through inappropriateness and loss of openness, the further harm to the character and appearance of the area and the great weight given to the less than substantial harm to the CA. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would therefore conflict with LP Policy SP4 and with national policy set out in the NPPF.
20. For the reasons set out above and having regard to all other matters raised, including the representations of a third party, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR