



Appeal Decision

Site visit made on 1 July 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/P0240/D/25/3366396

Holly End, Oldhill Wood, Studham, Central Bedfordshire LU6 2NE

- 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 Neil Westfield against the decision of Central Bedfordshire Council.
 - The application Ref is CB/25/00136/FULL.
 - The development proposed is described as the removal of existing summer house and replaced with proposed summer house.
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Decision

1. The appeal is allowed, and planning permission is granted for the removal of existing summer house and replaced with proposed summer house at Holly End, Oldhill Wood, Studham, Central Bedfordshire LU6 2NE in accordance with the terms of the application, Ref CB/25/00136/FULL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing numbers 037-PL-01-A & 037-PL-02
 - 3) Prior to the first use of the proposed summer house hereby permitted, the existing summer house shown as dotted lines on plan 037-PL-01-A must be removed in its entirety.

Appeal Procedure & Preliminary Matter

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal. In addition, the description on the application form differs to the decision notice. However, I am satisfied that the original description accurately describes the appeal development and is therefore reflected above.

Applications for Costs

3. An application for costs was made by Mr Neil Westfield against Central Bedfordshire Council. This application is the subject of a separate decision.

Main Issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons for the Recommendation

5. Policy SP4 of the Central Bedfordshire Local Plan 2021 (LP) defers to the National Planning Policy Framework (the Framework) for the assessment of development in the Green Belt. Paragraph 154 (d) explains that the replacement of a building in the Green Belt might not be inappropriate development therein, provided that it is in the same use and is not materially larger than the one it replaces. The Council have raised no objections to the proposed use remaining as a summerhouse serving the dwelling and that the replacement building is not materially larger than the one it replaces. I have no reason to disagree with their conclusions on these matters. My recommendation therefore focusses on the siting of the building and specifically whether or not it would be a replacement.
6. I appreciate that the replacement building would not sit in the exact footprint of the existing, however, it would still be within a reasonable and close proximity to the previous building and within the same curtilage. Neither the Framework nor the LP refer to a requirement for a replacement building sitting in the exact same position as the previous and it is therefore a matter of planning judgement. I am satisfied that due to the short distance between the two, as well as the proposed function and scale I believe it to be a replacement. Additionally, an appropriately worded condition can secure the existing outbuilding to be demolished prior to the first use of the new proposal. Which therefore means there is no doubt that the proposed new building is to replace the previous.
7. With the above in mind, the proposal would comply with Policy SP4 of the LP and moreover, would fall within exception 154 (d) of the Framework. As such, the proposal does not constitute inappropriate development within the Green Belt. On that basis there is no need for me to further consider its effect on the openness of the Green Belt or whether there are very special circumstances.

Other Matter

8. The appellant has advanced the consideration of the scheme as the redevelopment of previously developed land as it is set out by one of the Framework's other exemptions for the construction of new buildings in the Green Belt. Since I have found that the appeal scheme would be a replacement building under the above-mentioned exemption, there is no merit nor need to explore this matter further, putting aside the reasons for the Council's resistance of the scheme in the first instance which informed the substance of the main issue as I have set it out above.
9. The appeal site is located within both the Chilterns National Landscape and Chilterns Beechwoods Special Area of Conservation. The Council is satisfied that the scheme would not result in harm to either, given that the statutory consultees have not requested any additional information or identified any areas of concern. Due to the design, siting and nature of the scheme in that it does not provide a new dwelling or strictly uplift the local population, I have no reason to disagree with their conclusions in either respects.

Conditions

10. The time limit condition and reference to the approved plans are required for enforcement purposes. The plans provide enough detail on the materials to not require a separate condition. The main parties have been consulted on a condition

to ensure that the existing outbuilding is to be removed prior to the first use of the proposed. This is necessary to ensure and reaffirm it is a replacement building.

11. Given the description of development and the details within the plans, I have not deemed it necessary to impose a condition to secure the incidental use as a different use would require planning permission. The Council have also recommended a condition for an Arboriculture Impact Assessment for the protection of retained trees. Whilst I appreciate that the development is close to trees which are protected by a Tree Preservation Order, any works to the trees would require a separate permission and have not been proposed within this scheme. This condition would not therefore be necessary for the scale or specifics of the development permitted.

Conclusion and Recommendation

12. The proposal would not result in inappropriate development in the Green Belt. Resultantly, and for the reasons set out above, the appeal scheme would comply with the development plan. I therefore recommend it be allowed, subject to the conditions set out.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, and planning permission is granted, subject to the condition set out above.

John Morrison

INSPECTOR