



Appeal Decision

Site Visit made on 15 December 2020

by R Sabu BA(Hons), BArch, MA, PgDip RIBA ARB

an Inspector appointed by the Secretary of State

Decision date: 19th January 2021

Appeal Ref: APP/P0240/W/20/3254140

Lower Wood Farm, Sundon Road, Harlington LU5 6LN

- 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 A&E Investments against the decision of Central Bedfordshire Council.
- The application Ref CB/19/02060/FULL, dated 18 June 2019, was refused by notice dated 6 April 2020.
- The development proposed is residential development of 18 dwellings and associated infrastructure.

Decision

1. The appeal is dismissed.

Main Issues

2. While I note the reasons for refusal, from the wider evidence, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (Framework) and any relevant development plan policies including the effect on the openness of the Green Belt; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriateness and openness

3. The appeal site is situated in the Green Belt. Paragraphs 143 and 145 of the Framework indicate that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute

to meeting an identified affordable housing need within the area of the local planning authority is one of the listed exceptions.

4. From the evidence before me and my observations from my site visit, the industrial buildings that were previously on the site have been demolished and while the site is partially overgrown with low level vegetation, there is evidence of concrete hard standing and structure which remain on the site. Therefore, the site constitutes previously developed land and the issue of whether the development would be inappropriate in the Green Belt will be determined by my conclusion on the effect on Green Belt openness.
5. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The buildings on the site associated with the previous employment use have been demolished and the site cleared following the approval of a reserved matters application. Therefore, the site has no substantial built development above ground, whereas the proposal would introduce a significant number of dwellings, as well as parking areas, gardens and other domestic paraphernalia that would urbanise the site and adversely affect the spatial openness of the Green Belt.
6. Since the site lies adjacent to open countryside, given the quantity of built development proposed compared with the existing condition of the site which is largely overgrown with little built development above ground, views across the site to the open countryside would be greatly diminished. Therefore, the proposal would significantly adversely affect the visual openness of the Green Belt. Accordingly, the proposal would not meet this exception.
7. I note the evidence regard the extant planning permission for the development of 13 dwellings on the site. However, I have necessarily considered the existing extent of physical built development on the site as the basis for comparison for the purposes of paragraph 145 (g) of the Framework.
8. Since the industrial units have been demolished, the extant permission forms a fall-back position that is likely to be implemented in the event that this appeal fails. This matter forms a material consideration which I will discuss later in this decision.
9. Consequently, the proposed development would be inappropriate development in the Green Belt in the terms of the Framework, specifically paragraph 145(g) and none of the other exception criteria apply.

Other considerations

Extant permission and character and appearance

10. The extant permission included four dwellings along the southern side of the side, adjacent to open countryside whereas the proposal includes seven dwellings in this area.
11. From the evidence the difference in footprint and floorspace between the two schemes would be minimal. As such, the proposal would have a neutral effect on the spatial openness of the Green Belt when compared with the extant permission.

12. While the dwellings for both schemes are proposed to be 1.5 storeys and the internal road layout and access would remain largely unchanged, the additional dwellings and garages along the southern side of the site would result in the spaces between the buildings appearing significantly reduced. The extant permission included considerable areas of private amenity space between the dwellings which would be greatly reduced under the proposal. Therefore, given the greater number of buildings along the south side of the site that would reduce the spaciousness between the buildings and result in a more urbanised site appearance, the open character and appearance of the southern part of the site and surrounding area would be diminished by this proposal compared with the extant permission.
13. The dwellings along the southern boundary would individually have smaller footprints and therefore smaller massing than those of the extant permission. In addition, the associated garages would be smaller with a lower ridge height. However, while I note the evidence relating to green space and a broken roof line, these features of the proposal would not override the harm that would arise from the additional dwellings along the southern side of the site.
14. While the boundary with the adjacent field to the south would be softened by the boundary hedgerow and trees, given the amount and overall height of built development proposed, these are unlikely to mitigate the harm to spaciousness that would result from the additional proposed dwellings. While the difference between the two schemes would be negligible from distant views, the harm to spaciousness that would result from the greater number of buildings on the south side would be clear from the area surrounding the site including from the highway, particularly on approach to the site from the south and public footpath which runs along the site's western boundary.
15. Therefore, while I acknowledge the findings of the Landscape And Visual Appraisal dated June 2020 and that the site is not subject to any national, local or other landscape designations, the proposed development would have an adverse effect on the visual openness of the Green Belt and would harm the character and appearance of the site and surrounding area compared with the extant permission.
16. Consequently, the proposal would conflict with Policy DM3 of the Core Strategy and Development Management Policies, November 2009 (DMP) which seeks, among other things, new development that contribute positively to creating a sense of place and respect local distinctiveness through design. Therefore, for the foregoing reasons, this matter carries significant weight against the proposal.

Chilterns Area of Outstanding Natural Beauty (AONB)

17. The AONB lies to the north east of the site. The Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The main parties acknowledge that the proposal would have negligible direct impact on the AONB. From the evidence before me I see no reason to disagree. As such, this matter carries neutral weight.

Planning Obligation

18. Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations (CIL) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
19. A signed and dated S106 agreement has been submitted as part of the appeal which requires the development to be carried out in accordance with an Affordable Housing Scheme, which secures six affordable dwellings, shall be submitted to the Council prior to commencement of development. It also requires the appellant to pay an Offsite Contribution to the Council for improvements to local recreational facilities. I consider the agreement to be fairly and reasonably related to the development proposed and as such passes the statutory tests and the tests for planning obligations set out in the Framework.
20. Given the number of affordable housing units proposed, and the amount of financial contributions, I attribute moderate weight in favour of the proposal in this respect.

Conclusion

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
22. I have found that the proposal would be inappropriate development in the Green Belt, would harm the openness of the Green Belt and the character and appearance of the area. As such, the scheme would conflict with the fundamental aim of Green Belt policy. I therefore attribute significant weight to these harms.
23. For the reasons given above, the substantial weight to be given to Green Belt harm and significant weight attached to the overall harm that would result from the proposal is not clearly outweighed by the moderate weight attached to other considerations sufficient to demonstrate very special circumstances.
24. For the reasons given above the appeal should be dismissed.

R Sabu

INSPECTOR