

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



please ask for Leslie Manning
direct line 0845 849 6132
date 20 April 2009

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 29 April 2009 2.00 p.m.

Venue at

**Council Chamber, Council Offices, High Street North,
Dunstable**

Jaki Salisbury
Interim Chief Executive

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Cllrs A Shadbolt (Chairman), Mrs C F Chapman MBE (Vice-Chairman),
A R Bastable, R D Berry, M Freeman, D J Gale, Mrs R B Gammons,
B J Golby, M Hearty, R W Johnstone, T Nicols, A Northwood, A A J Rogers,
J Street, G Summerfield, Mrs C Turner, B Wells and J N Young

[Named Substitutes:

D Bowater, I Dalgarno, H T W Harper, J Kane, H J Lockey, S A Mitchell,
Mrs E Morgan, P F Vickers and N Warren]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING***

As there are no strategic planning or minerals and waste matters to be considered the meeting will start at 2.00 p.m.

AGENDA

1. **APOLOGIES FOR ABSENCE**

Apologies for absence and notification of substitute members.

2. **CHAIRMAN'S ANNOUNCEMENTS**

If any.

3. **MINUTES**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 8 April 2009.
(previously circulated)

4. **MEMBERS' INTERESTS**

To receive from Members declarations and the **nature** thereof in relation to:-

- (a) Personal Interests in any Agenda item
- (b) Personal and Prejudicial Interests in any Agenda item

5. **PETITIONS**

To receive petitions in accordance with the scheme of public participation set out in Annex 2 in Part 4 of the Constitution.

6. **DISCLOSURE OF EXEMPT INFORMATION**

To consider proposals, if any, to deal with any item likely to involve disclosure of exempt information, as defined in the relevant paragraph(s) of Part I of Schedule 12A of the Local Government Act 1972, prior to the exclusion of the press and public.

REPORTS

| Item | Subject | Page Nos. |
|-------------|--|------------------|
| 7. | Planning Enforcement Cases Where Formal Action Has Been Taken | 7.1 – 7.7 |

To consider the report of the Director of Sustainable Communities providing an update of planning enforcement cases where action has been taken covering the North and South areas and Minerals and Waste.

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule A - Applications recommended for Refusal

| Item | Subject | Page Nos. |
|-------------|--|------------------|
| 8. | Planning Application No. SB/09/00008/TP Address: The Paddocks, Springfield Road, Eaton Bray, Dunstable, LU6 2JT Erection of single storey side extension to care home Applicant: Janes Care Home | 8.1 – 8.10 |
| 9. | Planning Application No. MB/09/00189/FULL Address: Hadenham Farm, Gravenhurst Road, Shillington Residential Caravan (Retrospective) Applicant: Mr J Murtagh | 9.1 – 9.9 |

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| Schedule B - Applications recommended for Approval |
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| Item | Subject | Page Nos. |
|-------------|---|------------------|
| 10. | <p>Planning Application No. SB/09/00074/VOC</p> <p>Address: Former Trico Site, High Street North, Dunstable</p> <p>Variation of condition 20 and 31 of planning permission SB/TP/07/0248</p> <p>Applicant: J S Bloor (Northampton Limited)</p> | 10.1 – 10.8 |
| 11. | <p>Planning Application No. SB/09/00125/TP</p> <p>Address: Stockwell Farm, Fancott, Toddington, Dunstable, LU5 6HT</p> <p>Conversion and extension of existing barn to dwelling</p> <p>Applicant: Waterhouse Design Ltd</p> | 11.1 – 11.8 |
| 12. | <p>Planning Application No. SB/09/00126/LB</p> <p>Address: Stockwell Farm, Fancott, Toddington, Dunstable, LU5 6HT</p> <p>Conversion and extension of existing barn to dwelling</p> <p>Applicant: Waterhouse Design Ltd</p> | 12.1 – 12.7 |
| 13. | <p>Planning Application No. SB/09/00115/TP</p> <p>Address: Moat Hall, 36 Moor End, Eaton Bray, Dunstable, LU6 2HN</p> <p>Retention of dormer windows to front and rear roof slopes of garage</p> <p>Applicant: Mr D Provan</p> | 13.1 – 13.6 |

14. **Planning Application No. SB/09/00137/TP** 14.1 – 14.5

Address: 3 Shenley Close, Leighton Buzzard, LU7 3DG

Erection of single storey side and rear extensions,
conversion of roof space and installation of front
and rear dormer windows

Applicant: Mr and Mrs C Rooks

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| Schedule C – Any other Applications |
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| Item | Subject | Page Nos. |
|-------------|--|------------------|
| 15. | Planning Application No. MB/09/00460/FULL | 15.1 -15.4 |

Address: 4 Pyms Way, Sandy, SG19 1DD

Single storey side/rear extension

Applicant: Mr Lynch

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| 16. | Planning Application No. MB/09/00469/FULL | 16.1 – 16.5 |
|-----|--|-------------|

Address: Land adjacent to 13A Shefford Road, Meppershall

Change of use to residential garden

Applicant: Mr and Mrs King

17. **Site Inspection Appointment(s)**

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 13 May 2009 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

In the event of there being no decision to refer any site for inspection the Committee is nevertheless requested to make a contingency appointment in the event of any Member wishing to exercise his or her right to request a site inspection under the provisions of the Members' Planning Code of Good Practice.

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| DEVELOPMENT MANAGEMENT COMMITTEE |
| 29th April 2009 |

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| SUBJECT | PLANNING ENFORCEMENT CASES WHERE FORMAL ACTION HAS BEEN TAKEN (To provide a monthly update of planning enforcement cases where formal action has been taken) |
| REPORT OF | Director of Sustainable Communities |
| <i>Contact Officer: Sue Cawthra (Tel: 01462 611369)</i> | |

IMPLICATIONS

| | |
|--------------------------------------|------|
| SUSTAINABILITY | None |
| FINANCIAL | None |
| LEGAL | None |
| PERSONNEL/EQUAL OPPORTUNITIES | None |
| COMMUNITY DEV/SAFETY | None |
| TRADE UNIONS | None |
| HUMAN RIGHTS | None |

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| OTHER DOCUMENTS RELEVANT TO REPORT |
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| None |
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| RECOMMENDATION(S): |
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| To receive the bi-monthly update of Planning Enforcement cases where formal action has been taken |
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1. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
2. There are currently 17 cases in the North area, 27 cases in the South area and 5 cases for minerals and waste where notices have been served and action is outstanding. The list briefly describes the breach of planning control, dates of action and further action proposed.
3. Actions since the last report are highlighted in bold text. Three new Notices have been served in the North area, numbers 2 and 9 and 17 on the list.
4. In line with the adopted Planning Enforcement Policy which is published on the Council's web site, members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases please contact Sue Cawthra on 01462 611369.

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Planning Enforcement formal action (DM Committee 29th April 2009)

| NORTH | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|-------|----------------------|---|---|-------------|----------------|-----------------|------------------------------------|---------------------|---|--|
| 1 | ENC/04/0282 | Land at Etonbury Farm, A507, Arlesey | Unauthorised dwelling. Enforcement Notice | 6-Dec-06 | 10-Jan-07 | 10-Apr-07 | 12-Dec-06 | 5-Dec-07 | Appeal dismissed. High Court upheld Inspectors decision | Enforcement Notice has not been complied with. Full assessment made of alternative further action. Judicial review Council decision to decline to determine further planning application |
| 2 | ENC/05/0178 | Land at Maulden Garden Centre, Water End, Maulden | Enforcement Notice - change of use from nursery to garden centre, café and outdoor storage, construction of | 9-Apr-09 | 9-May-09 | 9-Nov-09 | | | | Check compliance after 9/11/09 |
| 3 | ENC/06/0078 | Tythe Barn, Wood End, Tingrith | Change of use of land to retail sales & 2 timber showrooms | 19-May-08 | 19-Jun-08 | 20-May-09 | Appeal withdrawn 3/9/08 | | Compliance period extended to 9 months. | Check compliance after 20/5/09 |
| 4 | ENC/06/0244 | Land at The Green Man, Broom Road, Stanford | Enforcement Notice - Kitchen extractor fan duct, & 2 masts supporting security cameras and flood lighting. | 9-Dec-08 | 9-Jan-09 | await appeal | Appeal received 4/2/09 | | | Await outcome of appeal |
| 5 | ENC/06/0274 | Asda, Church St, Biggleswade | Breach of condition delivery hours. Breach of Cond. Notice | 17-May-07 | 17-May-07 | 14-Jun-07 | | | Further breaches, delivery to ATM | Court Hearing adjourned to 9/4/09 - to set date for trial |
| 6 | ENC/06/0313 | Land at Hope Farm, Cobblers Lane, Ridgmont | Change of use to storage of vehicles and vehicle equipment & waste. Enforcement Notice | 2-Jan-08 | 2-Feb-08 | 2-May-08 | Appeal received. Hearing 22-Jul-08 | 30-Apr-09 | Appeal dismissed & uphold enforcement notice | 08/02063/full granted 10/2/09 for extension to storage building. Enforcement Notice still applies, outside storage to be removed by 30/4/09. |
| 7 | ENC/06/0336 | Land at Sun Valley Works, Wood End, Marston Moretaine | Enforcement Notice - change of use of land to a quad bike track and ancillary vehicular parking area. | 11-Feb-09 | 11-Mar-09 | 10-Jun-09 | | | | Check compliance after 10/6/09 |
| 8 | ENC/07/0085 | Woodview Nurseries, Shefford Rd, Meppershall | Mobile home & conservatory | 21-Jan-08 | 19-Feb-08 | 19-Aug-08 | Appeal received. Hearing 14-Oct-08 | 29-Apr-09 | Appeal dismissed & uphold enforcement notice | Check compliance after 29/04/09. Planning application received to retain mobile home. |

Planning Enforcement formal action (DM Committee 29th April 2009)

| NORTH | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|-------|----------------------|--|---|-------------|----------------|-----------------------|---------------------------|---------------------|---|--|
| 9 | ENC/07/0125 | Land at Chestnut Barn, Northfield Farm, Great Lane, Clophill | Enforcement Notice - Change of use of barn to use as self-contained residential dwelling. | 3-Apr-09 | 3-May-09 | 3-Nov-09 | | | | Check compliance after 3/11/09 |
| 10 | ENC/07/0189 | Land at Langford Road, Biggleswade | Breach of Condition Notice - Pre-commencement conditions relating to 07/01181/FULL not complied with. | 6-Mar-09 | 6-Mar-09 | 5-Apr-09 | | | | Negotiations with officers, all details to be submitted by 26/4/09 |
| 11 | ENC/07/0405 | 51 High Street, Wrestlingworth | Breach of Condition No. 3 Noise attached to planning permission 08/00412/Full | 9-Oct-08 | 8-Nov-08 | | | | | Check compliance after 8/11/08. Site now vacant, no action while vacant |
| 12 | ENC/08/0214 | Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington | Enforcement Notice and Breach of Condition Notice landscaping and outside storage, 02/00553. | 22-Nov-06 | 29-Dec-06 | 1-Mar-07 | | | some landscaping carried out | Landscaping to be re-assessed. Waste material to be removed. |
| 13 | ENC/08/0214 | Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington | Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins | 15-Dec-08 | 12-Jan-09 | 12-Feb-09 | | | Planning application 08/01465/full refused. | Not fully complied with Enforcement Notice. Prosecution case being prepared. |
| 14 | ENC/08/0373 | Land at Silver Lake Farm, Stanford Lane, Clifton | Enforcement Notice-change of use to residential and change of use as self contained dwelling. | 9-Feb-09 | 9-Mar-09 | 9-Sep-09 | Appeal received 25-Feb-09 | | | Await outcome of appeal Inquiry, enforcement and LDC |
| 15 | ENC/08/0381 | Land and Buildings on the West side of Foundry Lane, Biggleswade | Enforcement Notice - change of use to hand car wash | 22-Dec-08 | 22-Jan-09 | await appeal decision | Appeal received | | | Await outcome of appeal, not yet recorded by PINS |
| 16 | ENC/08/0404 | Land at Harlington Post Office, 8 Lincoln Way, Harlington | Enforcement Notice - change of use of part of the shop premises for keeping privately owned birds and pets | 4-Mar-09 | 4-Apr-09 | 4-May-09 | | | | Appeal submitted, to be registered by Planning Inspectorate |
| 17 | ENC/09/1001 | Kiln Farm, Ampthill Road, Steppingley | Temporary Stop Notice - demolition of dwelling | 3-Apr-09 | 3-Apr-09 | 3-Apr-09 | | | | Cease demolition of dwelling |

Planning Enforcement formal action (DM Committee 29th April 2009)

| SOUTH | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|-------|----------------------|---|---|-------------|----------------|-----------------|-----------------------------|---------------------|--|---|
| 18 | ENF/04/0002 | Land at Stanbridge Road, Billington, Leighton Buzzard | Change of Use of land for stationing of caravans and mobile homes | 10-Feb-04 | 12-Mar-04 | 12-Jun-04 | Appeal received 30/03/2004 | 31-Aug-05 | Appeal dismissed & enforcement notice upheld | Awaiting appeal decision for refusal of planning application SB/TP/76/1372. Inquiry Feb 09, decision due 19/6/09 |
| 19 | ENF/04/0003 | Land at Stanbridge Road, Billington, Leighton Buzzard | Laying of Hardcore and tarmac, erection of fencing and installation of services | 10-Feb-04 | 12-Mar-04 | 12-Jun-04 | Appeal received 30/03/2004 | 31-Aug-05 | Appeal dismissed & enforcement notice upheld | Awaiting appeal decision for refusal of planning application SB/TP/76/1372. Inquiry Feb 09, decision due 19/6/09 |
| 20 | ENF/04/0004 | Land at Stanbridge Road, Billington, Leighton Buzzard | Change of Use of land for stationing of caravans and mobile homes | 10-Feb-04 | 12-Mar-04 | 12-Jun-04 | Appeal received 30/03/2004 | 31-Aug-05 | Appeal dismissed & enforcement notice upheld | Awaiting appeal decision for refusal of planning application SB/TP/76/1372. Inquiry Feb 09, decision due 19/6/09 |
| 21 | ENF/04/0005 | Land at Stanbridge Road, Billington, Leighton Buzzard | Laying of Hardcore and tarmac, erection of fencing and installation of services | 10-Feb-04 | 12-Mar-04 | 12-Jun-04 | Appeal received 30/03/2004 | 31-Aug-05 | Appeal dismissed & enforcement notice upheld | Awaiting appeal decision for refusal of planning application SB/TP/76/1372. Inquiry Feb 09, decision due 19/6/09 |
| 22 | ENF/04/0007 | Land rear of Fancott Cottages, Luton Road, Toddington | Erection of Timber Clad Building for residential purposes & laying of hardcore surface | 8-Sep-04 | 08-Oct-04 | 08-Jan-05 | Appeal received 01 Nov 2004 | No Change | Appeal withdrawn 02 Oct 2006 | SB/TP/05/1217 & Section 106 Agreement approved 11 Aug 2006 allowing 2 years for compliance |
| 23 | ENF/04/0008 | Land rear of Fancott Cottages, Luton Road, Toddington | Change of Use from agricultural for stationing of mobile home & storage of machinery/building materials | 8-Sep-04 | 08-Oct-04 | 08-Jan-05 | Appeal received 01 Nov 2004 | No Change | Appeal withdrawn 02 Oct 2006 | SB/TP/05/1217 & Section 106 Agreement approved 11 Aug 2006 allowing 2 years for compliance |
| 24 | ENF/05/0004 | Anacapri, Harlington Road, Toddington | Construction of a roof to building on land | 9-Feb-05 | 11-Mar-05 | 11-May-05 | None | No change | Not applicable | SB/TP/06/1400 approved 01 Feb 2007 requiring completion of works within 2 months. Property since repossessed |
| 25 | ENF/05/0005 | 215 Common Road, Kensworth | Erection of a double garage and storeroom | 16-Mar-05 | 18-Apr-05 | 18-Jul-05 | 6-May-05 | 6-Aug-05 | Appeal dismissed & enforcement notice upheld | Awaiting revised planning application |

Planning Enforcement formal action (DM Committee 29th April 2009)

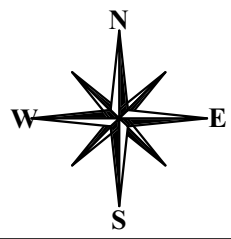
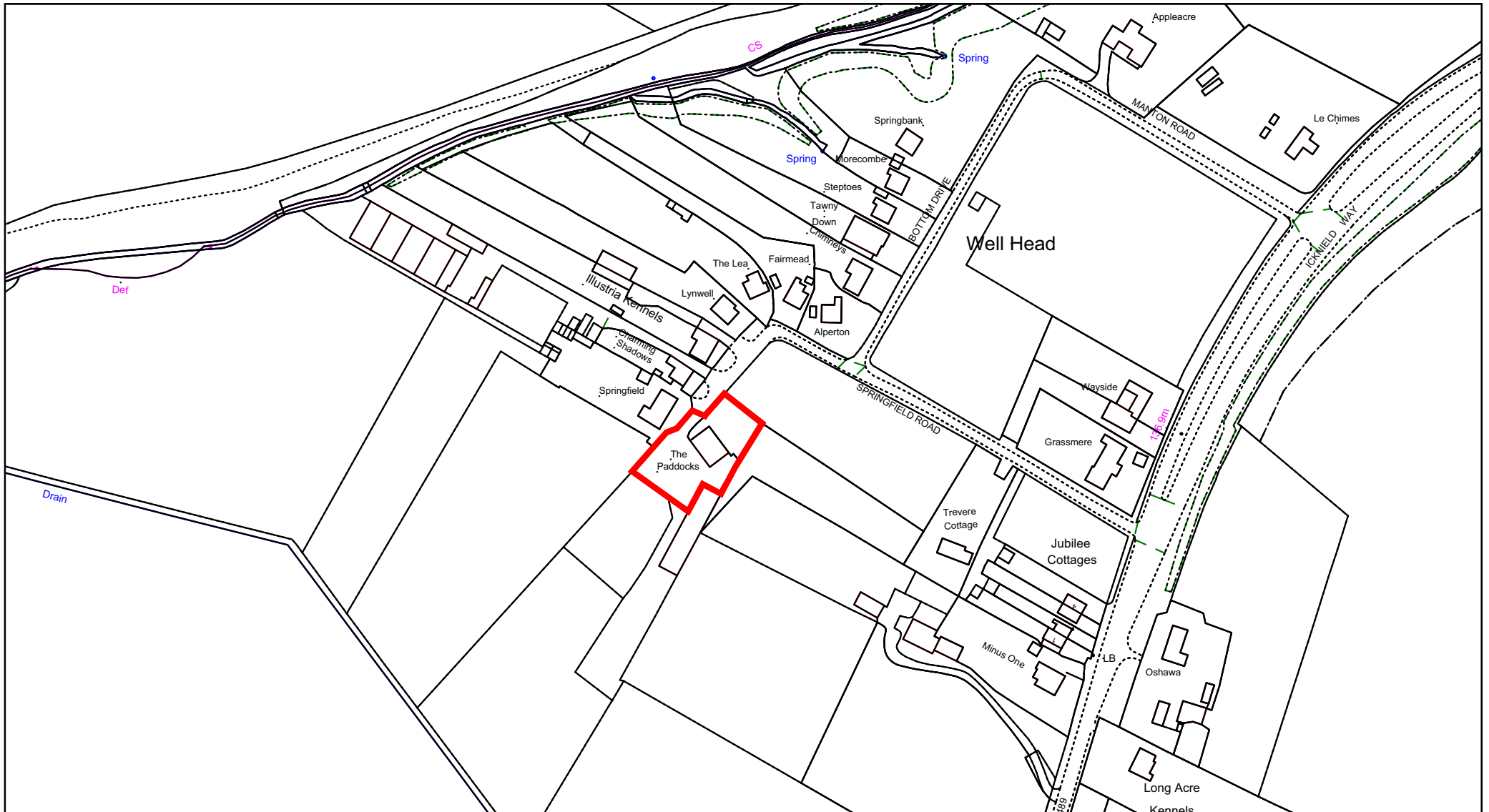
| 26 | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|----|----------------------|---|---|-------------|----------------|---------------------------|-----------|---------------------------|--|--|
| 27 | ENF/05/0007 | Long Yard, Dunstable Road, Studham | Unauthorised stationing of mobile home for residential use | 29-Jul-05 | 1-Sep-05 | 1-Dec-05 | 28-Sep-05 | 28-Dec-05 | Appeal dismissed & enforcement notice upheld | Further court hearing 18/5/09 |
| 28 | ENF/06/0001 | Land at 34 The Rye, Eaton Bray | Construction of an area of hardstanding | 4-May-06 | 6-Jun-06 | 6-Sep-06 | 25-Jun-06 | 25-Dec-06 | Appeal dismissed but period of compliance extended | Site visit to check full compliance |
| 29 | ENF/07/0006 | Dunedin, Harlington Road, Toddington | Change of use of buildings to bedsit accommodation | 10-Aug-07 | 12-Sep-07 | 4-Dec-07 | 27-Sep-07 | 9-Jan-09 | Appeal dismissed but period of compliance extended to 9/1/09 | Negotiations/further action |
| 30 | ENF/07/0007 | Dunedin, Harlington Road, Toddington | Erection of building and alteration and extension of two other buildings | 10-Aug-07 | 12-Sep-07 | 4-Dec-07 | 27-Sep-07 | 9-Jan-09 | Appeal dismissed but period of compliance extended to 9/1/09 | Negotiations/further action |
| 31 | ENF/07/0008 | Dunedin, Harlington Road, Toddington | Failure to comply with Condition 2 of Planning Permission SB/TP/98/0838 issued 31 December 1998 | 10-Aug-07 | 12-Sep-07 | 4-Dec-07 | 27-Sep-07 | 9-Jan-09 | Appeal dismissed but period of compliance extended to 9/1/09 | Negotiations/further action |
| 32 | ENF/07/0009 | 12-14 North Street, Leighton Buzzard | Installation of Shopfront on front elevation of premises | 17-Aug-07 | 19-Sep-07 | 11-Dec-07 | None | No change | Not applicable | Revised planning application SB/TP/08/0828 approved 30 September 2008. Minor modification received. |
| 33 | ENF/07/0012 | Land rear of Packhorse Place, Watling Street, Kensworth | Change of use of land for the parking of vehicles | 5-Nov-07 | 5-Dec-07 | 01 Jan 2008 & 26 Feb 2008 | 21-Jan-08 | 28 Jul 2009 & 28 Sep 2009 | Appeal dismissed but compliance periods extended | Check compliance after Sept 09 |
| 34 | ENF/07/0014 | Rear of 129 High Street North, Dunstable | Change of Use of garage building to a use for residential purposes | 10-Dec-07 | 15-Jan-08 | 11-Feb-08 | Invalid | No change | Not applicable | To be prepared for Magistrate court proceedings. |
| 35 | ENF/08/0003 | Bury Spinney, Thorn Road, Houghton Regis | Use of offices for residential purposes | 3-Mar-08 | 4-Apr-08 | 20-Jun-08 | 7-May-08 | 22-Jul-09 | Appeal dismissed but compliance period extended to 6 months | Check compliance after July 09 |

Planning Enforcement formal action (DM Committee 29th April 2009)

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|----|----------------------|---|---|-------------|----------------|-----------------|-----------|---------------------|---|--|
| 36 | ENF/08/0004 | Bury Spinney, Thorn Road, Houghton Regis | Unauthorised construction of road and erection of gates in excess of 2m height | 3-Mar-08 | 4-Apr-08 | 20-Jun-08 | 7-May-08 | 15-Apr-09 | Appeal dismissed and notice upheld | Hard surfacing deemed to be permitted development. Check gates removed after 15/4/09 |
| 37 | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
| 38 | ENF/08/0006 | Land adjacent Hillside, The Green, Whipsnade | Change of Use from amenity land to private residential & enclosure of land by fence and hedge | 9-Apr-08 | 9-May-08 | 5-Jun-08 | 13-Nov-08 | 13-Feb-09 | Appeal dismissed but compliance periods extended | Work commenced, check completion |
| 39 | ENF/08/0007 | Land adjacent Hillside, The Green, Whipsnade | Enclosure of land and laying of hedge & construction of gravel topped hardsurfacing | 9-Apr-08 | 9-May-08 | 5-Jun-08 | 13-Nov-08 | 13-Feb-09 | Appeal dismissed but compliance periods extended | Work commenced, check completion |
| 40 | ENF/08/0008 | Lavang Indian Cuisine, High Street, Eggington | Change of use from restaurant to mixed use of restaurant and hot food take-away | 14-Mar-08 | 16-Apr-08 | 13-May-08 | | | | Magistrate Court proceedings under preparation. Awaiting planning application |
| 41 | ENF/08/0009 | 21 Emu Close, Heath & Reach | Construction of single storey front and side extensions and loft conversion | 14-Apr-08 | 14-May-08 | 14-Aug-08 | 20-Jun-08 | | | Public Inquiry arranged for 19 May 2009 |
| 42 | ENF/08/0012 | Valley View, Hemel Hempstead Road, Dagnall | Change of Use of building from use for storage purposes to use for residential purposes | 25-Jul-08 | 25-Aug-08 | 5-Oct-08 | 12-Aug-08 | 18-May-09 | | Public Inquiry 25 March 2009. Notice upheld & varied, check compliance after 18/5/09 |
| 43 | ENF/08/0013 | 24 Church Road, Studham | Erection of fence and brick piers | 30-Jul-08 | 29-Aug-08 | 25-Sep-08 | 25-Aug-08 | 26-Jun-09 | Appeal dismissed with period of compliance extended to 4 months | Check compliance after 26/6/09 |
| 44 | ENF/08/0020 | 5 Albion Street, Dunstable | Change of use of ground floor unit from retail to use for a taxi business | 1-Dec-08 | 7-Jan-09 | 3-Feb-09 | 28-Jan-09 | | | Awaiting outcome of appeal |
| 45 | ENF/09/0001 | 7 Fisher Close, Barton-le-Clay | Change of use of amenity land to private residential garden, enclosure of land by removal of hedge, and erection of fence | 11-Feb-09 | 13-Mar-09 | 7-May-09 | | | | Negotiations taking place |
| 46 | ENF/09/002 | 8 Fisher Close, Barton-le-Clay | Change of use of amenity land to private residential garden, enclosure of land by removal of hedge, and erection of fence | 2-Feb-09 | 4-Mar-09 | 29-Apr-09 | | | | Negotiations taking place |

Planning Enforcement formal action (DM Committee 29th April 2009)

| Minerals & waste | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|------------------|----------------------|---|--|-----------------------|----------------|-----------------|--------|---------------------|--|---|
| 1 | 07/09 | Land at Kiln Farm, Steppingley | Material change of use of land involving deposit of waste. Enforcement Notice | 29-Sep-08 | 10-Nov-08 | 10-Aug-09 | | | Waste removed. | Land still needs to be ripped and grass seeded to ensure full compliance with notice. |
| 2 | 08/13 | Land rear of 3 - 9 The Causeway, Clophill | Breach of condition - failure to remove soils & brick rubble & reinstate ground to its previous condition. Enf. notice | 13-Mar-09 | 20-Apr-09 | 20-Oct-09 | | | | Monitoring outcome |
| 3 | 07/40 | Former BR Good Yard, Chiltern Green Road, East Hyde | 3 metre-high timber fence at waste transfer station site. Enforcement notice | 18-Mar-09 | 24-Apr-09 | 24-Jun-09 | | | | Monitoring outcome |
| 4 | 08/22 | Land at Totternhoe Lime Works / Totternhoe Quarry | Importation of wood waste. Two Temporary Stops Notices | 29 Oct 08 & 10 Nov 08 | Immediate | 8-Dec-08 | | | Not initially complied with. Activities stopped on 17 Nov 08 | Prosecution case being prepared |
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Date: 16:April:2009

Map Sheet No _____ Scale: 1:2500

ITEM NO. 8

APPLICATION NO. SB/09/00008/TP

The Paddocks, Springfield Road, Eaton Bray, LU6 2JT

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Item No. 8**SCHEDULE A**

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| APPLICATION NUMBER | SB/TP/09/0008 |
| LOCATION | THE PADDOCKS, SPRINGFIELD ROAD, EATON BRAY, DUNSTABLE, LU6 2JT |
| PROPOSAL | ERECTION OF SINGLE STOREY SIDE EXTENSION TO CARE HOME |
| PARISH | EATON BRAY |
| WARD & COUNCILLORS | Eaton Bray Cllr K Janes |
| CASE OFFICER | Mr. C. Murdoch |
| DATE REGISTERED | 18 February 2009 |
| EXPIRY DATE | 15 April 2009 |
| APPLICANT | Mr. K. Janes |
| AGENT | C. A. Emmer |
| REASON FOR COMMITTEE TO DETERMINE | APPLICANT IS A MEMBER OF THE COUNCIL |
| RECOMMENDED DECISION | REFUSAL OF PLANNING PERMISSION |

Site Location:

Wellhead comprises a small group of buildings (predominantly dwellings) on the western side of Tring Road (B489) some 1.5km east of the main built-up part of Eaton Bray village. The Paddocks is a detached chalet-style two storey residential care home for the elderly at the south-western end of Springfield Road some 230m from the junction with Tring Road. There is a row of houses to the north and north east of the site, whilst to the west, south and east of the property are paddocks and arable land. The site is within the South Bedfordshire Green Belt.

The existing ground floor accommodation comprises lounge, dining room, kitchen, bathroom and three bedrooms. There is a rear conservatory adjoining the lounge and at the south-eastern end of the building a further conservatory, used as a laundry room, encloses a lift shaft. At first floor level, there are seven bedrooms and a bathroom. The care home use extends also to part of an outbuilding (a former agricultural building) to the south of the laundry room conservatory, to which it is connected by a link corridor. The ancillary accommodation here comprises an office, storage areas and a laundry. The remainder of the outbuilding is a workshop and store.

The Application:

It is proposed to remove the laundry room conservatory and permission is sought to construct a single storey side extension that would enclose the lift shaft at the south-eastern end of the property, with its main axis running at right angles to that of the existing building. The proposal would be 8.2m wide by 13.8m deep and incorporate

a part gabled/part ridged roof with a maximum height of 6.3m. An additional four bedrooms, each with a wc en suite, would be accommodated within the new extension. Five solar panels and two rooflights would be installed in the south-eastern roof slope. It should be noted that, save for the addition of these solar panels and rooflights, the current scheme is identical to that refused permission in 2005 (reference SB/TP/05/1149).

Should permission for the proposal be granted, the number of full-time employees would increase from 8 to 12 and the number of part-time employees increase from 6 to 7. The existing on-site parking provision – 12 car spaces, 2 LGV spaces, 2 motorcycle spaces and 6 cycle spaces – would remain unaltered.

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS1 Delivering Sustainable Development.
- PPG2 Green Belts.
- PPS3 Housing.
- PPG4 Industrial and Commercial Development and Small Firms.
- PPS7 Sustainable Development in Rural Areas.

Regional Spatial Strategy

East of England Plan (May 2008)

- SS1 Achieving Sustainable Development.
- SS2 Overall Spatial Strategy.
- SS7 Green Belt.
- E1 Job Growth
- ENV7 Quality in the Built Environment.

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable & Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

South Bedfordshire Local Plan Review

- SD1 Sustainability Keynote Policy.
- BE8 Design and Environmental Considerations.

Planning History

- SB/TP/81/0888 Refusal for stockman's bungalow.
- SB/TP/83/0552 Refusal for agricultural worker's mobile home.

| | |
|---------------|--|
| SB/TP/85/0483 | Temporary permission (1985-1987) for agricultural worker's mobile home. |
| SB/TP/87/0318 | Outline permission for detached agricultural worker's bungalow. |
| SB/TP/87/1149 | Approval of reserved matters for detached chalet bungalow. |
| SB/TP/91/0168 | Refusal for change of use of part of dwelling to bed and breakfast accommodation. |
| SB/TP/94/0111 | Refusal for change of use from agricultural worker's dwelling to residential care home. |
| SB/TP/96/0766 | Refusal for change of use from agricultural worker's dwelling to residential care home. Subsequent appeal dismissed. |
| SB/TP/97/0772 | Permission for change of use from agricultural worker's dwelling to residential care home with associated parking. |
| SB/TP/98/0206 | Permission for two storey side extension, lift shaft and motor room. |
| SB/TP/99/0343 | Permission for side conservatory. |
| SB/TP/02/0228 | Refusal for single storey side extension to residential care home to provide six additional bedrooms. Subsequent appeal dismissed. |
| SB/TP/05/0103 | Permission for continued use of part of outbuilding as office, laundry and stores and retention of covered link. |
| SB/TP/05/1149 | Refusal for single storey side extension to residential care home to provide four bed spaces with wc facilities. |

**Representations:
(Parish & Neighbours)**

Eaton Bray Parish
Council

Objection:

- Site is Green Belt.
- Overdevelopment of site.
- Obtrusive to surrounding area.
- Extra pressure on an already overburdened lane due to use by scaffolding lorries and Etyres.
- Any development on this site can now be deemed excessive and inappropriate.

'Cowslips', Manton
Road, Wellhead

Objection:

- When care home conversion was originally granted it was limited to 10 beds. Subsequent additions and conversions mean that it has already been extended substantially since original.
- Proposal will make building even more prominent when viewed from top of Downs and other local locations.
- Smell nuisance from wood burner heating that undoubtedly includes burning of refuse from care home.
- Lane already subjected to excessive traffic from care home, scaffolding company and Etyres. Proposal will impose even more traffic pressure on lane.
- Permission would set precedent for various expansions by other residents.

Resident of Wellhead

Objection:

- Wellhead residents are suffering excessive traffic to site, moreover, not just to care home. Etyres are running full-time operation from rear yard and creating constant nuisance. Scaffolding company enjoys same business privileges.

Consultations/Publicity responses:

Environment Agency

Proposal has been assessed as having low environmental risk. No further comment.

Buckingham and
River Ouzel IDB

If ground conditions are found to be satisfactory, soakaways must be constructed in accordance with latest BRE Digest 365. If ground conditions are found to be unsuitable for soakaway drainage, any direct discharge to nearby watercourse will require Board's consent.

Environmental Health
Officer

No objection.

Determining Issues

The main considerations of the application are;

1. Impact on the Green Belt.
2. Sustainable development.
3. Design and impact on the surrounding area.
4. Highways considerations.

Considerations

1. Impact on the Green Belt

The control of development within the Green Belt hinges on a two-part test: (1) whether the development proposed is appropriate development; and (2) if inappropriate, whether there are 'very special circumstances' present which clearly outweigh both the harm by virtue of inappropriateness, and any other harm. The Courts have held that even if there is no other harm, for example to openness, inappropriate development is, by definition, harmful to the Green Belt. Furthermore, the harm in principle will remain even if there is no further harm to openness because the development is wholly inconspicuous.

Paragraph 3.4 of PPG2 (Green Belts) advises that the construction of new buildings inside a Green Belt is inappropriate unless it is for certain specified purposes:

- agriculture and forestry;
- essential facilities for outdoor sport and outdoor recreation;
- limited extension or replacement of existing dwellings;
- limited infilling in existing villages;
- limited infilling/redevelopment of major developed sites.

An extension to a residential care home is not one of the categories of new buildings considered to be appropriate in the Green Belt. It follows that the proposal is inappropriate development in the Green Belt.

The existing laundry room conservatory to be removed has a floor area of 33sqm and a maximum height of 2.9m. The new single storey side extension would have a floor area of 113sqm and a maximum height of 6.3m. The proposal would therefore result in an increase of some 80sqm in the area covered by buildings. This would represent an incursion of built development onto land that is currently open, and consequently it would materially detract from the openness of the Green Belt. Although there is a row of houses to the north and north east of the site, Wellhead has a distinctly rural character and the site is clearly within the countryside. Paragraph 1.5 of PPG2 makes it clear that one of the purposes of including land in Green Belts is to assist in safeguarding the countryside from encroachment. The reduction in the openness of the Green Belt that would result from the proposed extension would conflict with that purpose.

Paragraph 3.1 of PPG2 states that inappropriate development should not be permitted except in 'very special circumstances'. The applicant's 'Justification Statement for Additional Bedrooms' submitted in support of the application includes the following points.

- In the period 2005-2031, the population aged 65-74 will increase from 4.5 million to just under 8 million, the 75-84 age group from 4 million to 6 million and the 85+ age group from 1.5 million to 2 million.

- The figures for the 75+ age group will continue to rise up to 2080. Advances in medical technology mean that people are living longer. This age group comprises some of the most vulnerable of people and society has a duty to provide them with the opportunity to live as comfortably and independently as possible.
- A study by the Alzheimer's Society states that by 2025 people suffering with dementia will rise to at least 2 million. Social services also forecast a 56% increase in social services clients aged 65+ by 2021.
- It is important to bear in mind the amount of housing development currently taking place and the level of new development required by central government in the near future. Amongst in-migrants there will be a wide range of ages including people who will need some form of care. As stated in the Bedfordshire Primary Care Trust leaflet about the proposal for a new medical centre in Dunstable, with an ageing population living longer, there will be a large increase in the number of older people in Bedfordshire over the next 25 years that will create significant extra demand for healthcare.
- The proposal is modest – four en-suite ground floor rooms built to Commission for Social Care Inspection standards giving residents easier circulation access no matter what their problems are. The additional rooms will give the care home a better chance of surviving in the ever turbulent economic climate.

It is acknowledged that the existing care home fulfils a need in the area, and that if additional bedrooms were provided at the site, this would help to meet the continuing need for care home places. These benefits, however, would be outweighed by the significant harm caused to the Green Belt described above. The applicant's supporting statement does not demonstrate that any additional care home places that are needed could not be provided in other locations where harm to the Green Belt could be avoided.

Whilst national guidance in PPS3 (Housing) supports housing provision for elderly people and the provision of affordable housing in rural areas that are subject to policies of restraint, it does not suggest that this guidance overrides policies to protect the Green Belt.

Although PPG4 (Industrial and Commercial Development and Small Firms) encourages the development and expansion of businesses, including those in rural areas, it reiterates guidance in PPG2 that new commercial buildings will not normally be appropriate in Green Belts.

PPS7 (Sustainable Development in Rural Areas) states that the policies in PPG2 continue to apply in Green Belts. Whilst one of the Government's objectives for rural areas is to raise the quality of life and the environment in rural areas through the promotion of, inter alia, sustainable economic growth and diversification, of equal importance is the continued protection of the open countryside for the benefit of all. A further objective of PPS7 is to

promote more sustainable patterns of development by focussing most development in, or next to, existing towns or villages and discouraging the development of 'greenfield' land.

2. Sustainable development

Sustainable development is the core principle underpinning land use planning. PPS7 advises that decisions on the location of developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development. PPS7 further advises that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.

In the Local Plan Review's Development Strategy, the authority has ranked categories of sites required to meet the authority's development needs in an order of preference:

First: Previously developed sites and vacant land within urban areas.

Second: Sites already identified in previous plans for development or as 'white' land on the edges of the urban areas.

Third: Sites already identified in previous plans for development or as 'white' land on the edges of villages.

Fourth: Sites, including previously developed or vacant sites, within villages well served by existing facilities including public transport.

Fifth: Other sites on the edges of urban areas.

Sixth: Other sites on the edges of villages well served by existing facilities including public transport.

Seventh: Previously developed sites in open countryside well served by facilities including public transport.

Eighth: Other open undeveloped sites within urban areas.

Ninth: Other sites in open countryside e.g. to accommodate new settlements.

Local Plan Review Policy SD1 states:

“Preference will be given to proposals on sites within the first four categories of the Development Strategy.

Proposals on sites in the remaining categories of the Development Strategy will only be favourably considered where the applicant can demonstrate that:

i) there is a need that could not be met by proposals in the local plan;

ii) there are no sites in the first four categories that could practicably meet that need;

iii) the proposal would be preferable to sites in the first four categories in terms of reducing the need to travel; relationship to existing services and facilities; and accessibility by modes of transport other than the car;

- lv) there is adequate service and community infrastructure, existing or proposed, to accommodate the proposal; and*
- v) the proposal is acceptable in terms of Green Belt policy.”*

Given Wellhead’s lack of facilities and services and the very low frequency of the bus service along Tring Road (one bus to and from Dunstable on Wednesday operated by Red Kite Bus and a summer Sunday service operated by Rambler Bus), it is likely that care home employees and residents’ relatives would be reliant on the use of private cars for travel purposes. It is considered that the site should be ranked 9th in the Development Strategy’s order of preference – “other sites in open countryside”. The new scheme would fail to meet any of the criteria specified in the second part of Policy SD1. By virtue of constituting development of a site outside the first four categories of sites in the Development Strategy’s order of preference, the proposal would fail to contribute towards a sustainable pattern of development, contrary to national guidance in PPS1 and PPS7 and to Policy SD1.

3. Design and impact on the surrounding area

Local Plan Review Policy BE8 requires that the size, scale and overall appearance of development should complement and harmonise with the local surroundings. As set out above, in terms of footprint and height, the proposed extension would be considerably larger than the laundry room conservatory it would replace. Although the line of the new roof would be lower than the roof structure of the existing building, it would have a somewhat awkward relationship with the lift shaft and the gable end of the care home. The north-western and south-western elevations of the proposed scheme would not generally be seen in public views from outside the site, but from Springfield Road to the north east, across the adjoining paddock, the extension would be clearly seen projecting beyond the main north-eastern and south-eastern elevations of the existing building. In respect of its impact on the surrounding area, due to its size and bulk, the proposal would result in the care home being more intrusive in wider views from the north east and the south east.

4. Highways considerations

With regard to the traffic/highway safety issues raised by objectors, the comments of the Highways Officer are awaited. It should be noted that the County Highways Officer had no objection to the identical 2005 application (reference SB/TP/05/1149).

The objectors’ allegations of breaches of planning control in respect of business operations at the site other than the residential care home use are the subject of investigation by the enforcement officers.

Conclusion

In light of the above considerations it is recommended that planning permission be refused.

RECOMMENDATION

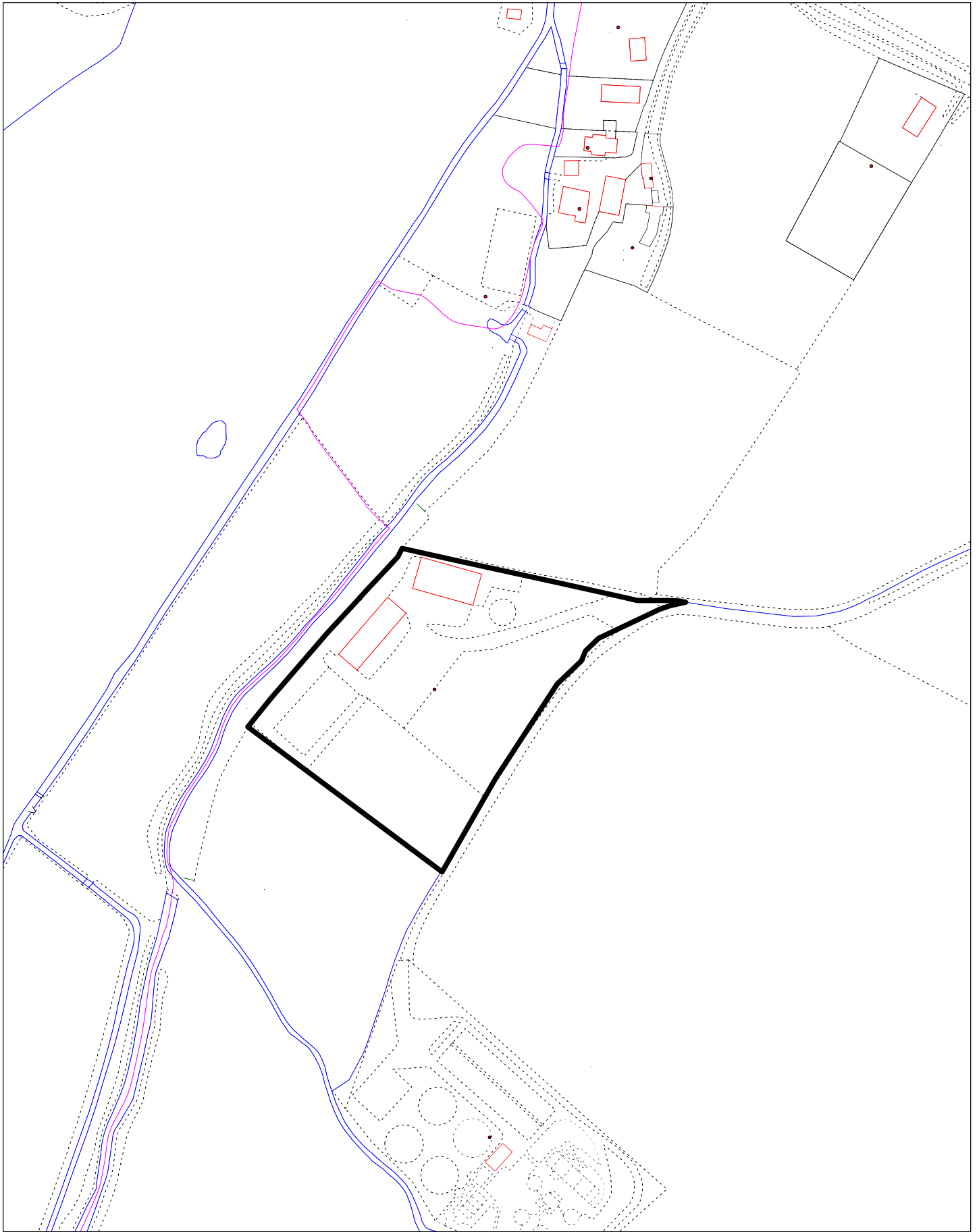
REFUSE Planning Permission for the application described above for the following reasons:

1. The site lies within the South Bedfordshire Green Belt where permission will not be granted except in very special circumstances for development for purposes other than agriculture and forestry, mineral working, essential small scale facilities for outdoor sport and outdoor recreation or other uses appropriate to a rural area which preserve the openness of the Green Belt. No very special circumstances have been established in this case sufficient to outweigh the harm to the Green Belt by reason of inappropriateness and the harm to the openness of the Green Belt. Accordingly, the proposed development is contrary to national guidance in Planning Policy Guidance Note 2 ‘Green Belts’ and Policy SS7 of the East of England Plan.
2. Planning Policy Statement 1 ‘Delivering Sustainable Development’ and Planning Policy Statement 7 ‘Sustainable Development in Rural Areas’ seek to promote more sustainable patterns of development by focusing most development in, or next to, urban areas and by strictly controlling new building development in the open countryside away from settlements. The proposed extension at a site inadequately served by facilities and services, including public transport, would fail to contribute towards a sustainable pattern of development. Accordingly, the proposal conflicts with national guidance in PPS1 and PPS7, with Policies SS1 and SS2 of the East of England Plan and with the Development Strategy set out in Policy SD1 of the South Bedfordshire Local Plan Review.
3. The proposed extension would, by virtue of its size, bulk, siting and appearance, be out of keeping with the existing residential care home and other properties in the locality and would thereby be harmful to the established character of this rural location. Accordingly, the proposal is contrary to national guidance in Planning Policy Statement 1 ‘Delivering Sustainable Development’ and Planning Policy Statement ‘Sustainable Development in Rural Areas’, to Policy ENV7 of the East of England Plan and to Policy BE8 of the South Bedfordshire Local Plan Review.

DECISION

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Date: 15 April 2009

ITEM NO. 9



Scale: 1:2500

APPLICATION NO. MB/09/00189/FULL

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Mid Bedfordshire District Council.

Hadenham Farm Gravenhurst Road Shillington

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| | |
|--|---|
| APPLICATION NUMBER | MB/09/00189/FULL |
| LOCATION | Hadenham Farm, Gravenhurst Road, Shillington |
| PROPOSAL | Full: Residential Caravan (Retrospective) |
| PARISH | Shillington |
| CASE OFFICER | Mark Spragg |
| DATE REGISTERED | 10 March 2009 |
| EXPIRY DATE | 05 May 2009 |
| APPLICANT | Mr J Murtagh |
| REASON FOR COMMITTEE TO DETERMINE | Request by Councillors Graham and Drinkwater. The circumstances have now changed as the owners have explored the possibility of installing remote surveillance and this has proved to be economically unrealistic. |
| RECOMMENDED DECISION | Refuse |

Site Location:

The site within which the mobile home is sited comprises a livery stables known as Hadenham Farm, to the north west of the village of Shillington.

The site occupies approximately 24 hectares of former arable land which has been converted to grassed paddock, a single covered block of 24 stables, a steel framed agricultural building with 5 additional stables, and an outdoor manege. Other horses are kept on the surrounding fields on a grazing livery basis, or brood mares which are brought in for breeding and training.

The Application:

The application proposes retention of a residential caravan (10.6 x 3.6m) on the site for an equestrian worker. The caravan, which has a brown and cream external appearance, provides a bedroom, toilet/shower and living room/kitchen area, accommodating up to two people. The applicants claim that the caravan is need to provide site security and for a person on site to manage the health and welfare of the animals.

This application follows refusal of a similar application 07/01191, which was subsequently dismissed at appeal in October 2008 on the grounds that a residential caravan on the site was not justified by a functional need. An appeal for an agricultural workers dwelling had also been refused in 2005 (05/00418) and a subsequent application refused in 2006 (06/00527).

A statement of justification has been provided on behalf of the applicant.

RELEVANT POLICIES

National Policies (PPG & PPS)

PPS 7

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Mid Bedfordshire Local Plan First Review 2005 Policies

| | |
|------|---|
| CS19 | Development in the Countryside |
| CS24 | Horse Related Development (Commercial) |
| H06 | Location of New Residential Development |

Planning History:

05/00418 – Erection of covered yard box, covered manege and agricultural workers dwelling. Refused. Appeal dismissed.

In respect of the proposed dwelling, the Inspector concluded that an existing functional need on the site had not been established.

06/00527 – Erection of covered box yard, covered manege and agricultural workers dwelling. Refused.

07/00649 – Change of use of part hay store to provide 10 box stables. Approved.

07/01160 – Exercise ring, 2 steel containers for secure storage of saddlery and equine equipment and portacabin. Approved.

07/01191 – Retention of residential caravan. Refused. Appeal dismissed.

A copy of the appeal decision is attached.

In summary, the Inspector concluded (Paragraphs 9 & 10) that it had not been demonstrated that the need for someone to ensure the health and welfare of horses could not be fulfilled from the applicants own nearby home by the use of remote electronic surveillance. The Inspector said that it would be premature to conclude that the need for someone to be on hand at most times could only be met by on site overnight accommodation (criterion iv test of PPS7). He concluded (para 13) that all 5 criteria of Policy CS11 and PPS7 should be satisfied and that he was “not aware of any exceptional circumstances that would justify a departure from strict adherence to this policy and advice”.

**Representations:
(Parish & Neighbours)**

| | |
|----------------------------|-------------------------|
| Shillington Parish Council | Comments to be reported |
| Adjacent Occupiers | None received to date |

Consultations/Publicity responses:

| | |
|-------------------------------|---|
| Highways | No objection |
| Environment Agency | No objection |
| Bedfordshire & River Ivel IDB | No objection |
| Agricultural Advisor | Considers that there is no justification for a residential caravan on the site. Detailed comments awaited and to be reported |
| Crime Prevention Advisor | There are a number of alternative ways of securing the site, both physically and electronically. It is not considered that all means of securing the site have been fully explored. |

Determining Issues:

The main considerations of the application are;

1. The principle of a residential caravan
2. The impact upon the character and appearance of the area

Considerations

1. The principle of a residential caravan;

The principle of this development has been dealt with in depth in consideration of the recent application and subsequent appeal and is material to the determination of this application. .

The main consideration as to the appropriateness of the proposal is PPS7, which provides 5 criteria which should be satisfied.

- i) Clear evidence of a firm intention and ability to develop the enterprise.

The site has already been developed to an extent that the Inspector in the recent appeal concluded that a full time worker is required. It is accepted that the site has been developed by virtue of additions to the facilities and provision of additional stabling.

ii) Functional need

Functional need, as set out in PPS7 is where workers are need to be on hand day and night for essential care at short notice.

In the 2006 appeal the Inspector concluded that as there were 28 horses at livery such a number did not require a worker day and night. However the number of horses now appears to have increased to over 30 including those left overnight in adjoining paddocks. The inspector in the more recent appeal was of the opinion that given the increased number of horses and the veterinary evidence put forward regarding the possible incidence of colic and other illnesses that it was important for someone to be on hand at most times. He concluded that criterion ii) was satisfied.

iii) Clear evidence that the enterprise has been planned on a sound financial basis.

The Inspector was satisfied by the evidence provided in the recent appeal that “the thrust of activities over the last 5 years demonstrates a sound financial basis to the enterprise.

iv) The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable for occupation by the workers concerned.

Of particular relevance in this application is the proximity of the owners existing dwelling to the site which as referred to in the previous appeal letter is within a few minutes away and as the Inspector considered (para 7) could satisfy the functioplal needs of the site in the event of any identified risks to animal health and welfare.

The Inspector noted (para 7) that there has been no recorded attempt to steal or harm horses at the site and that PPS7 makes clear that protection of livestock against such threats does not itself justify a dwelling.

The Inspector (para 8 & 9) concluded that a reliable remote audible alarm system would be effective and that reliance on CCTV would add significantly to costs and require constant monitoring. The Inspector was of the opinion that remote electronic surveillance had not been properly explored to justify a requirement for a person to remain permanently on site in overnight accommodation.

On the basis if the above it is necessary to consider whether the issue raised by the Inspector regarding the remote electronic surveillance has been addressed.

The applicants justification refers to theft of equipment which occurred in 2004 and 2006 and which were matters dealt with at the previous appeal and not considered sufficient justification by the Inspector for allowing a residential caravan on the site.

Paragraph 4.4 of the applicants statement refers to a quote of £70K to install a CCTV system and £49-55K for an audio only system. Whilst the above quotes are noted it is not considered that the applicant has made any serious effort to consider alternatives in particular the option of a remote audible alarm system. The Council's Crime Prevention Advisor considers that alternative security measures could be looked at without necessarily incurring the costs involved in this application. Given that the appeal considerations from October 2008 remain unchanged it is considered that the application still fails to satisfy criterion iv.

v) Other normal planning requirements eg. siting and access, are satisfied.

If the other criterion were met it is considered that the siting/appearance of the caravan and the access are acceptable.

It was agreed by the Inspector that a full time worker is necessary to support the enterprise (para 3)

2. The impact upon the character and appearance of the area.

The caravan is situated adjacent to a barn building and within the complex of buildings some distance from and in a lower position than the highway and as such is relatively well screened and does not physically harm the character and appearance of the area.

Conclusion

In conclusion taking account of the previous appeal Inspectors findings it is concluded that the application fails to provide sufficient justification for a residential caravan on the site on the basis of the criterion set out in Annex A of PPS7. Given that the appeal against the Councils refusal to allow the retention of the residential caravan was dismissed as recently as October 2008 it is considered that the limited additional justification provided since that determination is not sufficient to justify the need.

RECOMMENDATION

REFUSE Planning Permission for the application set out above for the following reason(s):

- 1 U The proposal involves the provision of temporary residential accommodation, outside any defined Settlement Envelope, and for which no satisfactory justification has been made on grounds of functional need. As such the proposal is contrary to Planning Policy Statement 7 Annex A Paragraph 12.

DECISION

.....

.....



Appeal Decision

Hearing held on 30 September 2008

by **Stuart Hall** BA(Hons) DipTP FRTPI MIHT

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email enquiries@pins.gsi.gov.uk

Decision date:
9 October 2008

Appeal Ref: APP/J0215/A/08/2069285

Hadanem Farm, Gravenhurst Road, Shillington SG5 3HQ

- 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 Mr J Murtagh against the decision of Mid Bedfordshire District Council.
- The application (Ref 07/01191/FULL), dated 6 July 2007, was refused by notice dated 3 September 2007.
- The development proposed is a residential caravan.

Decision

1. I dismiss the appeal.

Reasons

2. The caravan has been in place for around 2 years, and provides overnight accommodation for use in connection with an equestrian business conducted from adjoining buildings and land. Policy HO6 of the *Mid Bedfordshire Local Plan First Review (LP)* states that residential development beyond settlement envelopes is not permitted except for essential needs. LP Policy CS11 reflects advice in *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)*. The main issue is whether there is a special justification for the caravan with regard to criteria set out in LP Policy CS11 and paragraph 12 of PPS7 Annex A.
3. It is agreed that the enterprise requires a full-time worker. The nub of the issue concerns paragraph 12 criteria (ii) and (iv); that is, whether it is essential for the proper functioning of the enterprise that someone is on hand at most times and, if so, whether that need could be fulfilled by other accommodation. There is no other dwelling on the unit, and no evidence of suitable and available accommodation close by. Therefore, in practical terms the issue turns on whether the caravan is essential bearing in mind that the operators' home is about 1 mile away.

Functional need: criterion (ii)

4. In July 2006, when there were 28 horses at livery, an Inspector was not persuaded that the animals' welfare needs warranted a worker on hand day and night (*APP/J0215/A/05/1182861*). However, in the current case the Council did not challenge evidence given at the Hearing that now there are never less than 35 horses normally based at the site, of which only about half are at livery and primarily the responsibility of their individual owners. The remainder, some of which are in foal, are owned by the business.

5. I saw that 17 of 24 boxes in a covered box yard were in use, as well as 2 foaling boxes in the hay store where permission for 10 more boxes has been partly implemented. Allowing for a number of horses left overnight in adjoining paddocks, I have no information to substantiate interested persons' doubts as to the accuracy of the appellant's evidence. I find that the scale and nature of the enterprise has changed since the last appeal, with more horses and with direct ownership and breeding becoming significant parts of the business.
6. I give substantial weight to veterinary evidence regarding the possible incidence of colic and other illness in view of the number and type of horses present; the risk of serious consequences if colic is not tackled quickly; and the importance of hearing the sound of horses in distress. Though several individual owners have been content to stable their horses unattended, I conclude that the present size and nature of the business justify the need for someone to be on hand at most times. It follows that, at present, the criterion (ii) test is met.

Functional need: criterion (iv)

7. Police evidence (*Document 3*) is that an overnight presence is a proven major deterrent to criminal activity, and I heard that there have been no burglaries while the caravan has been on site. However, since the enterprise began there is no recorded attempt to steal or harm horses, and PPS7 makes clear that protection of livestock against such threats does not itself justify a new dwelling. Though precise timings are in dispute it is clear that it would take the operators only a few minutes to attend an incident from their home. The veterinary evidence that I have heard and read does not suggest that such a short period is likely to be critical in relation to identified risks to animal health and welfare.
8. I conclude from this that if awareness of an incident could be reliably provided at the operators' home by remote surveillance it would not be essential for someone to stay on the site overnight. Reliance on CCTV alone would require constant monitoring, thereby substantially increasing labour costs. Therefore, I do not regard it as a realistic option while business turnover is around present levels. However, the evidence suggests that a reliable remote audible alarm system would be effective, and would not incur additional labour costs except on an occasional relief basis.
9. Whilst the appellant's representatives acknowledged at the Hearing that audible alarm systems may well exist, it was submitted that they would not offer a reliable and practical solution. However, it was accepted that they had not been researched since the last appeal, and there is no evidence before me to support the submission. In view of the restrictive nature of policies associated with development in the countryside, I share the earlier Inspector's view that the alternative of remote electronic surveillance should be fully explored. As this has not happened, it would be premature to conclude that the need for someone to be on hand at most times could only be met by on site overnight accommodation.
10. I have had regard to the Council's view, in the earlier appeal, that if there were over 30 horses the functional test would be met, but as reported in that

decision the view appears to relate only to criterion (ii), the need to be on hand at most times. Bearing in mind all the above considerations, I conclude that it has not been demonstrated that the need could not be fulfilled from the operator's present home. It follows that the scheme fails the criterion (iv) test.

Other PPS7 criteria

11. The Council do not question the appellant's firm intention and ability to develop the enterprise. Though the nature of the business has altered over recent years, I find no cause to do so. Therefore, I conclude that criterion (i) of Annex A is met. The appellant's financial information (*Document 2*) is not fully explicit, and appears to omit some significant transactions mentioned at the Hearing. However, the thrust of evidence of activities over the last 5 years demonstrates a sound financial basis to the enterprise, in compliance with criterion (iii).
12. The Council are concerned that if permission were given then a permanent dwelling would be proposed. Appeal decision *APP/J0215/A/03/1107639 (Document 1)* notes their view that the site would not be suitable for a dwelling. However, the Council confirmed that their present concern relates to the functional need test rather than, for example, visual impact. With reference to paragraph 13 of Annex A, there is no current evidence to suggest that, were the Council satisfied that the other tests were met, permission for a permanent dwelling would not be granted at or close to the caravan site. I treat the appeal on its merits, and conclude that criterion (v) is satisfied.

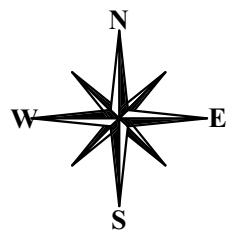
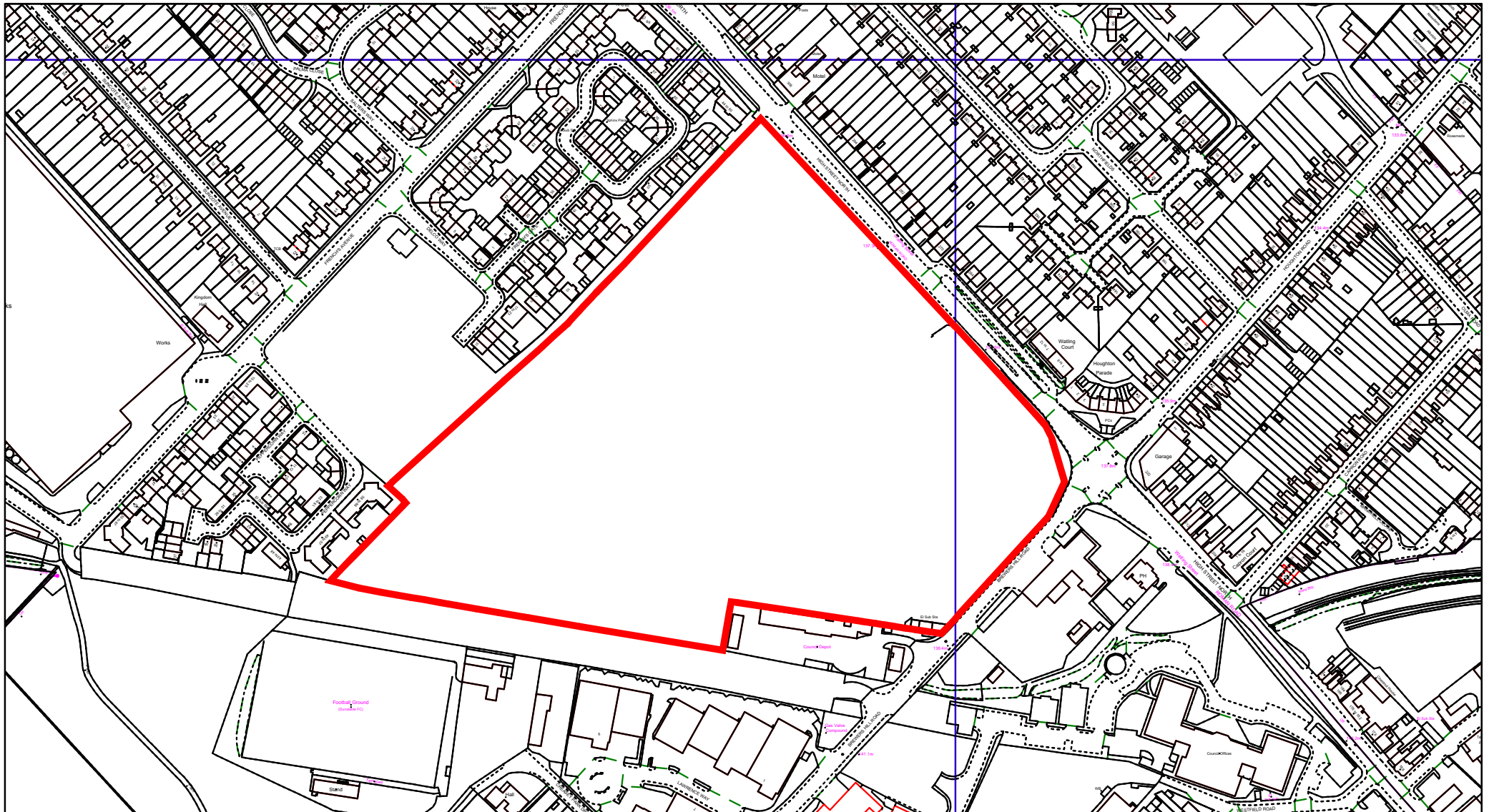
Conclusion

13. The thrust of LP Policy CS11 and PPS7 is that all 5 criteria should be satisfied if a temporary dwelling is to be permitted. I have not been made aware of any exceptional circumstances that may justify a departure from strict adherence to this policy and advice. Therefore, notwithstanding my conclusions in relation to other criteria, the failure to satisfy the criterion (iv) test remains a compelling reason why the appeal should not succeed.

Stuart Hall

INSPECTOR

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Date: 16:April:2009

Map Sheet No

Scale: 1:3500

ITEM NO. 10

APPLICATION NO. SB/09/00074/VOC

Former Trico Site, High Street North, Dunstable

10.1

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Item No. 10**SCHEDULE B**

| | |
|--|---|
| APPLICATION NUMBER | SB/09/00074/VOC |
| LOCATION | FORMER TRICO SITE, HIGH STREET NORTH, DUNSTABLE |
| PROPOSAL | VARIATION OF CONDITIONS 20 AND 31 OF PLANNING PERMISSION SB/TP/07/0248 (ERECTION OF DWELLINGS), RELATING TO ACCESS DUNSTABLE |
| PARISH | Dunstable – Northfields |
| WARD & COUNCILLORS | Cllrs M Hearty, J Murray and Mrs B Coleman |
| CASE OFFICER | James Clements |
| DATE REGISTERED | 11th February 2009 |
| EXPIRY DATE | 13th May 2009 |
| APPLICANT | J S Bloor (Northampton Limited) |
| AGENT | J S Bloor (Services) Limited |
| REASON FOR COMMITTEE TO DETERMINE | ADVERTISED AS A MEMBERS DECISION |
| RECOMMENDED DECISION | GRANT PLANNING PERMISSION |

Site Location:

The former Trico site is a 7.2ha area of land situated in north west Dunstable adjacent to High Street North (A5), to the north west of its junction with Brewers Hill Road. The site has permission for 378 dwellings (ARM/TP/07/0248) and includes an area of land to the southeast which is earmarked for employment uses. The site has been cleared of its former industrial uses and is currently undergoing remediation works.

The site is predominantly flat and has an open frontage on its boundaries with High Street North and Brewers Hill Road. To the north and north west the site is bound of by modern residential developments and bounding the west is a Council depot and the former Luton-Leighton Buzzard railway line. There is also residential development on the adjacent side of High Street North to the northeast of the site, predominately built in the first half of the twentieth century. To the southeast of the site adjacent Brewers Hill Road is the former Fire Station site.

The Application:

Planning permission is sought to vary conditions 20 and 31 of planning permission SB/TP/07/0248 (erection of 378 dwellings). Condition 20 relates to the requirement for an emergency access onto Brewers Hill Road. Condition 31 relates to design details for the main access onto High Street North.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

Regional Spatial Strategy

East of England Plan (May 2008)
Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

South Bedfordshire Local Plan Review

H2 "Fall-in" Sites

Planning History

SB/TP/01/0709 Approval of Reserved Matters for the erection of 109 dwellings.

OUT/SB/03/0435 Refusal for Outline approval for residential, business use (excluding B1), sports fields and open space. Granted on Appeal, subject to Section 106 Undertaking.

SB/TP/07/0247 Approval of Reserved Matters for the erection of 167 dwellings.

SB/TP/07/0248 Planning Permission granted for the erection of 378 dwellings, subject to Section 106 Agreement.

Representations: (Parish & Neighbours)

Dunstable Town Council Objection to both conditions. (No reasons have been given.)

Consultations/Publicity responses:

Highway Officer No objection.

Beds CC Planning No comment.

Environmental Health Officer No comments.

EEDA Considered that site will contribute to the renaissance and regeneration of Dunstable. Therefore continue to support the

delivery of the site and in principal do not object, providing relevant statutory authorities concur with access alterations.

- Highways Agency No objection subject to developer contacting Highways Agency to agree traffic management measures to be implemented during the contribution works.
- Sport England No comments at the stage. Supportive of development that will help deliver new, high quality sports facilities for community.
- Environment Agency No comments.

Determining Issues

The main considerations of the application are;

1. Principle of development.
2. Highway issues.
3. Cycle and pedestrian access via the emergency access.
4. Use of the emergency access by other users.

Considerations

1. Principles of development

The former Trico site is a residential redevelopment infill site within the settlement envelope of Dunstable. The principle of residential development on the site has already been determined. This application only relates to the variation of conditions 20 and 31 (access).

Policy H2 ("Fall-in" Sites) is the most appropriate Local Plan Policy to assess the proposed variation of the access conditions. It states that, "within built up areas excluded from the Green Belt provision of new housing by development of infill sites...will be approved where it would (amongst others) be acceptable in terms of highway safety and traffic flow". The variation of conditions 20 and 31 will therefore be acceptable provided that their variation does not detrimentally impact on highway safety and traffic flow.

2. Highway issues

Condition 31 is a pre-commencement condition and relates to the main site access onto High Street North. It states: "Before the development commences there shall be submitted to and approved in writing by the District Planning Authority a scheme including the following design details relating to High Street North (A5 Trunk Road) and the proposed access serving the development. The scheme thus approved shall be implemented in full before the access is brought into use. The design details are:

- i) how the access interfaces with the existing highway alignment and carriageway markings including lane designations;

- ii) full construction details of any alterations to the highway, to include any modification to existing structures and proposed structures;
- iii) full signing and lighting details;
- iv) an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations); and
- v) an Appraisal Summary Table (A.S.T.).

REASON: In the interests of highway safety".

The Highways Agency had no objection to planning application SB/TP/07/0248 subject to condition 31, and although the plans granted approval show that the access onto High Street North would be a right turn lane/ghost island, the Highways Agency has now objected to this method of traffic management.

Discussions between the Highway Agency and Bloor Homes have been ongoing since September 2008, however, due to the complex nature of the junction, the access arrangements have not been agreed. Bloor Homes has therefore requested variation of the condition so that the access arrangements are agreed prior to the occupation of the first dwelling, rather than, "before the development commences". This would allow development to take place whilst the junction details are finalised. The Highway Agency has no objection to the proposal.

Condition 20 relates to the requirement of the Brewers Hill emergency access and states:

"The secondary access road between Brewers Hill Road and the development and the associated junction with the highway shall be constructed in accordance with details previously agreed in writing with the District Planning Authority and no building shall be occupied until that junction and access road have been provided to the satisfaction of the District Planning Authority. REASON: In order to minimise danger, obstruction and inconvenience to users of the highway".

Bloor Homes are requesting the variation of the condition so that it would not be necessary to construct the emergency access until the 150th dwelling has been occupied. Existing highway guidance (Bedfordshire County Council) is that developments of up to 150 dwellings do not require an emergency access. The Highway Officer has stated that given this advice he has no objections to the variation of condition.

3. Cycle and pedestrian access via the emergency access

As part of the Reserved Matters application it was envisaged that the emergency access would also be used as an additional access route for pedestrians and cyclists. Although it is now proposed that the emergency access would not be provided until after the 150th dwelling has been occupied, this is not an unreasonable request in terms of pedestrian and cyclist access.

If the emergency access was constructed after the occupation of the first dwelling, the access would not actually lead anywhere because that particular part of the site would not have been developed. The developer will only construct the infrastructure on site necessary to serve properties occupied and under construction, and it would be inappropriate for potential users of the emergency access to pass over a building site. Given the economic climate, it is not known when the 150th dwelling would be built or occupied. Whilst this could affect the timing of the access being brought forward this is likely to only be in the short term.

4. Use of the emergency access by other users

The land surrounding the emergency access has been earmarked for employment uses, and there is concern that the construction of the access prior to the 151st dwelling being occupied could affect future occupiers and users.

Bloor Homes has stated that they do not own the land over which the emergency access passes, which will remain in the possession of Pedrables. Bloor Homes do however have 'step-in' rights to construct the emergency access if it has not been constructed by the time required. However, if a user requires the access before Bloor Homes the user will have to construct it. Any party that needs to construct this access must do so in accordance with the approved plans, so there is no potential for one party prejudicing the development proposals of the other.

Reasons for Granting

In light of the above considerations, and in line with highway guidance, it would be appropriate to vary condition 20 to allow up to 150 residential occupations prior to the implementation of the emergency access. Given that the Highways Agency has no objection to the variation of condition 31 this is also considered to be acceptable.

The proposal is therefore considered to be in conformity with Policies H2 of the South Bedfordshire Local Plan Review (2004) and Planning Policy Guidance PPS1, PPS3 and PPG13

RECOMMENDATION

Grant Planning Permission for the application set out above subject to the following conditions:

1. The development shall begin not later than three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The secondary access road between Brewers Hill Road and the development

and the associated junction with the highway shall be constructed in accordance with details previously agreed in writing with the District Planning Authority and no more than 150 dwellings shall be occupied until that junction and access road have been provided to the satisfaction of the District Planning Authority.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway.

3. No dwelling shall be occupied until a scheme including the following design details relating to High Street North (A5 trunk road) and the proposed access serving the development has been submitted to and approved in writing by the District Planning Authority. The scheme thus approved shall be implemented in full before the access is brought into use.

The design details are:

- i) how the access interfaces with the existing highway alignment and carriageway markings including lane designations;
- ii) full construction details of any alterations to the highway, to include any modification to existing structures and proposed structures;
- iii) full signing and lighting details;
- iv) an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations); and
- v) an Appraisal Summary Table (A.S.T.).

REASON: In the interests of highway safety.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

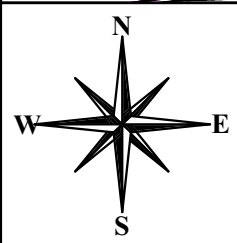
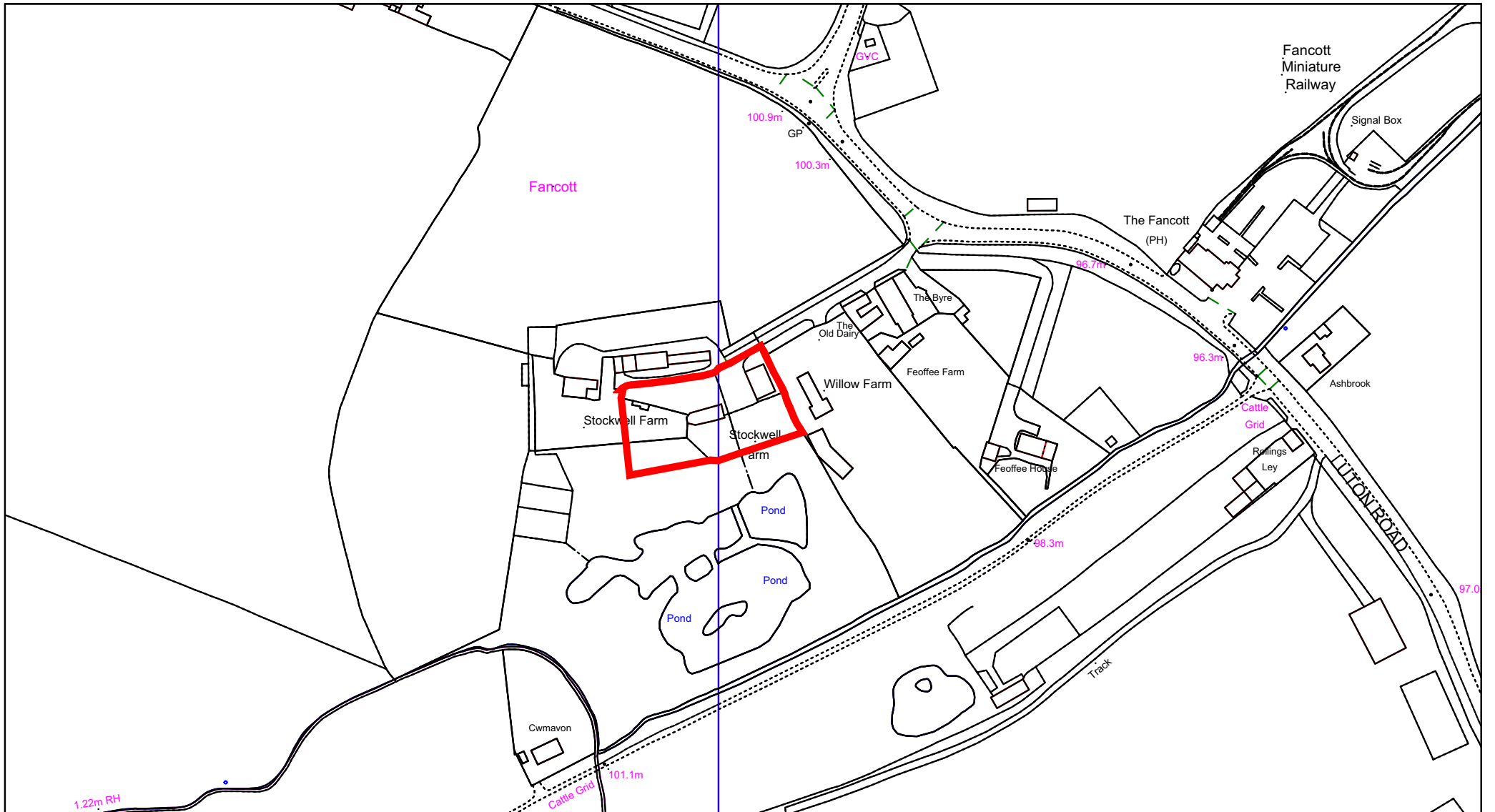
South Bedfordshire Local Plan Review

H2 (Making Provision for Housing via 'Fall-in' Sites)

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

DECISION

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Date: 16:April:2009

Map Sheet No _____ Scale: 1:2500

ITEM NO. 11
APPLICATION NO. SB/09/00125/TP

Stockwell Farm, Fancott, Toddington, Dunstable, LU5 6HT
11.1

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Item No. 11**SCHEDULE B**

| | |
|--|---|
| APPLICATION NUMBER | SB/09/00125/TP |
| LOCATION | STOCKWELL FARM, FANCOTT, TODDINGTON, DUNSTABLE, LU5 6HT |
| PROPOSAL | CONVERSION AND EXTENSION OF BARN TO FORM DWELLING |
| PARISH | TODDINGTON |
| WARD & COUNCILLORS | Toddington inc Chalton Cllr J Machin and Cllr T Nicols |
| CASE OFFICER | Alan Robertson |
| DATE REGISTERED | 23/02/09 |
| EXPIRY DATE | 20/04/09 |
| APPLICANT | Mr M Burley |
| REASON FOR COMMITTEE TO DETERMINE | OBJECTION FROM TODDINGTON PARISH COUNCIL DUE TO CREATION OF ANOTHER DWELLING IN THE GREEN BELT |
| RECOMMENDED DECISION | GRANT PLANNING PERMISSION |

Site Location:

Stockwell Farm, Fancott is located at the western end of a narrow lane which joins Luton Road some 80m to the south of its junction with The Bridleway. The original farmhouse stands within a land holding of approximately 10ha and which includes three fishing ponds and a field to the south-west of the house in respect of which planning permission has been granted for the construction of further ponds as an extension to the fishery. To the east of the farmhouse, on the north side of the access drive, is a range of former farm barns, part of which is in use as a graphic design studio. On the southern side of the drive, opposite the design studio, is a timber framed barn which is a Listed Building dating from the 16th Century. The building is at present largely unused and although essentially sound is falling into disrepair. The building has a central two storey section with single storey projections to the eastern and western sides. It is of timber frame construction, set on a brick and stone plinth with timber boarding to the sides and a roof of corrugated metal sheeting.

The Application:

Permission is sought to convert and extend the building to form a two bedroom dwelling. The converted barn would provide a kitchen, lounge/diner, study and utility room on the ground floor with a bedroom and bathroom at first floor level. The proposed extension, to be built on the western side of the barn on part of the footprint of a previously existing building, would provide a second bedroom and bathroom. The main part of the extension would measure 9.8m wide by 4.0m deep and would be of timber frame construction set on a brick plinth wall with timber boarding to the sides and a slate roof. The extension would be attached to the barn by a glazed link which would provide the main entrance to the dwelling.

RELEVANT POLICIES:

National Policies (PPG & PPS)

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|-------|---------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPG2 | Green Belts |
| PPS3 | Housing |
| PPS15 | Planning and the Historic Environment |

Regional Spatial Strategy

East of England Plan (May 2008)

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|------|----------------------------------|
| ENV7 | Quality in the Built Environment |
|------|----------------------------------|

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

South Bedfordshire Local Plan Review

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| BE8 | Design Considerations |
| NE12 | The Re-use and Adaption of Rural Buildings |
| T10 | Parking in New Developments |

Planning History

| | |
|----------------------------------|---|
| SB/TP/95/0452 | Permission granted for change of use of barn and stables to graphic design studios. |
| SB/TP/06/1041 & SB/LB/06/1040 | Permission and Listed Building consent refused for conversion and extension of barn to form dwelling, demolition of pale barn and erection of car port. |
| SB/TP/07/1274 & SB/LB/07/1275 | Applications for permission and Listed Building consent for conversion and extension of barn to form office, demolition of pale barn and replacement with car port and studio. Withdrawn. |
| SB/TP/08/0107 & SB/LB/08/0108 | Permission and Listed Building consent granted for conversion and extension of barn to form an office and replacement of outbuilding with wooden barn. |

Representations: (Parish & Neighbours)

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|------------------------------|---|
| Toddington Parish Council | Objection for the reason that the proposal would create another dwelling in the Green Belt. |
| Neighbours | No representations received. |

Consultations/Publicity responses:

| | |
|----------------------------------|--|
| Environment Agency | Assess the application as having a low environmental risk. |
| Environmental Health Officer | Comments on the potential for ground contamination. Requests the imposition of informatives. |
| Bedfordshire & River Ivel I.D.B. | Comments on method of storm water disposal. |
| Beds C.C. Highways | No objection subject to conditions. |
| Conservation Adviser | Is satisfied that the scheme strikes a reasonable balance between the functional requirements of the proposed residential use and the need to protect the special interest of the building. Comments that the condition of the barn continues to deteriorate and it is now essential that a viable long-term use is secured for the building. Considers that the proposed residential use is much more likely to secure the future of the building than the scheme for office use and recommends acceptable subject to conditions. |

Determining Issues

The main considerations of the application are:

1. Policy.
2. The retention and future maintenance of the Listed Building.
3. Impact on the character and appearance of the area.
4. Impact on neighbouring residential amenity.
5. Access and parking.

Considerations

1. Policy

The site is located in predominantly open countryside within the Green Belt where national guidance and Local Plan policy indicates general support for the re-use of rural buildings. Accordingly there would be no objection in principle to the conversion of the building for an appropriate alternative use.

South Bedfordshire Local Plan Review Policy, NE12 however, sets out various criteria which must be met for barn conversion proposals to be considered acceptable and advises that the residential conversion of rural buildings although generally considered to be the least suitable form of re-use, can be acceptable in certain circumstances. An exception to the Policy can, for example, be allowed if the applicant can demonstrate to the Council's

satisfaction that every attempt to secure a suitable business re-use has been made (Part A(ii)).

In this case the building has been advertised for sale with potential for office use since June 2007, the marketing continuing following the grant of planning permission for conversion to offices in July 2008. Although the estate agents received a number of enquiries regarding the possibility of conversion to residential use, there was no interest in the barn as offices and no offers of purchase were made. In the circumstances we consider that the applicant has made appropriate efforts to market the building for office purposes such that the requirements of Part A(ii) of the Policy are met. Part B of Policy NE12 sets various additional criteria which are considered to be met in this case, namely the following:-

- the appearance of the building is in keeping with the character and appearance of the area;
- the building is capable of conversion without extensive alteration and rebuilding, the proposed extension to provide a second bedroom being considered acceptable in order to minimize the level of subdivision of spaces within the Listed Building;
- the conversion works would be sympathetic to and would enhance the character and appearance of the building and the area in general;
- the proposed use would not have a material impact on the openness of the Green Belt, the impact of the proposed extension being off-set by the reduced footprint of the recently permitted replacement building which lies to the east of the barn;
- the conversion would not harm the character and appearance of the building but secure its long-term future.

2. The retention and future maintenance of the Listed Building

In addition to the support for the proposal in terms of Local Plan Policy NE12, there is further support from a historic buildings viewpoint. The Conservation Adviser recognizes that the condition of the barn is deteriorating to the extent that it would now be included on an updated 'Buildings at Risk' register, and therefore considers that it is essential for a viable long-term use to be secured for the property. He takes the view that the currently proposed residential conversion would be much more likely to secure the future of the building than the permitted office use which appears not to have been commercially viable.

3. Impact on the character and appearance of the area

The building in its present condition, whilst not having a derelict appearance, is nevertheless suffering from lack of maintenance. The proposed conversion scheme would secure the restoration of the building to a high standard and result in its appearance being enhanced to the benefit of the character and appearance of the area.

4. Impact on neighbouring residential amenity

The nearest adjoining property, Willow Farm, is located some 28m to the east

of the barn with screen planting between. The proposal would therefore not adversely affect the residential amenity of that property.

5. Access and parking

There are no highway objections to the proposal subject to the provision of turning and parking areas within the site.

Reasons for Granting

The proposed development complies with national guidance and having regard to the unsuccessful marketing exercise for an alternative business use also complies with Policies NE12 and BE8 of the South Bedfordshire Local Plan Review in respect of the re-use of buildings within the Green Belt, and will secure the restoration of an important Listed Building and ensure its future maintenance and long-term protection.

RECOMMENDATION

Grant Planning Permission subject to the following conditions:

1. The development shall begin not later than three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed extension and building works shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**
REASON: To control the appearance of the building.
(Policies BE8 & H8, S.B.L.P.R).
3. **Before development begins, and notwithstanding the details submitted with the application, the following details shall be submitted to and approved in writing by the Local Planning Authority:-**
 - a detailed survey, including photographs, of the structure of the barn;
 - a schedule and specification of alteration and repair works to the barn;
 - details of new external joinery (including sections, mouldings, relationship with external walls and structural timbers), brick bond, mortar mix and colour, and rainwater goods.**The development shall be carried out only in accordance with the approved details.**
REASON: To ensure that the development is in keeping with the existing building.
(Policies BE8 & NE12, S.B.L.P.R).

4. **Before development is commenced, a survey shall be undertaken by a qualified ecologist in order to determine whether bats or bat roosts are present within the building. Any measures recommended by the survey shall be incorporated within the development.**
REASON: To ensure that appropriate steps are taken to protect bats and bat roosts in accordance with the requirements of the Wildlife and Countryside Act 1981 (as amended).
(Policy BE8, S.B.L.P.R).
5. **No development shall take place until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall be undertaken by a competent archaeological organisation approved by the Local Planning Authority.**
REASON: To ensure that remains of archaeological importance likely to be disturbed in the course of the development are adequately recorded.
6. **Before the construction of the extension hereby permitted is commenced, the existing building shown hatched black on the approved Site Layout Plan shall be demolished.**
REASON: To reduce the impact of the development on the openness of the Green Belt.
(Policy NE12, S.B.L.P.R).
7. **Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**
REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
8. **Before development is commenced, details of a turning and parking area within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until those areas have been constructed in accordance with the approved details.**
REASON: In order to minimise danger, obstruction and inconvenience to users of the highway.
9. Existing materials shall be used as far as possible and any necessary variations shall first be approved in writing by the Local Planning Authority.
REASON: To ensure that the development is in keeping with the existing building.
(Policy BE8, S.B.L.P.R).
10. No existing structural timbers within the barn shall be cut, removed or altered without the prior written approval of the Local Planning Authority.
REASON: To safeguard the historic fabric of the Listed Building.

11. This permission relates only to the details shown on Drawings No's. 15/19.02.2009, 12/19.02.2009, 10/19.02.2009 and 11/19.02.2009 received 23/02/2009 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved drawings and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy
East of England Plan (May 2008)
ENV7 - Quality in the Built Environment

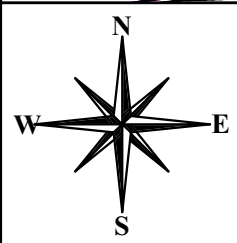
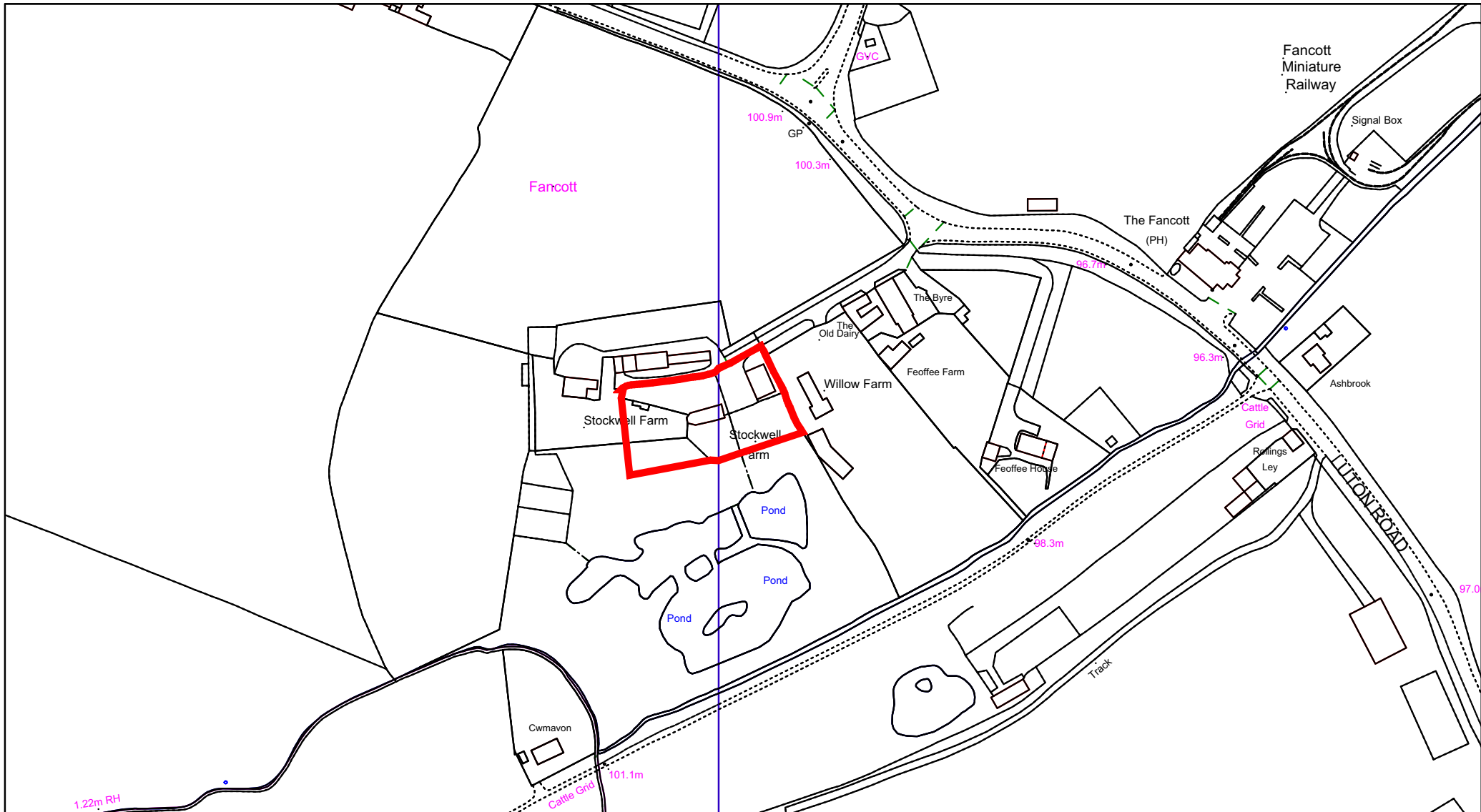
South Bedfordshire Local Plan Review
BE8 - Design Considerations
NE12 - The Re-use and Adaption of Rural Buildings
T10 - Parking in New Developments

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

DECISION

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Date: 16:April:2009

Map Sheet No _____ Scale: 1:2500

ITEM NO. 12

APPLICATION NO. SB/09/00125/TP

Stockwell Farm, Fancott, Toddington, Dunstable, LU5 6HT

12.1

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Item No. 12**SCHEDULE B**

| | |
|--|---|
| APPLICATION NUMBER | SB/09/00126/LB |
| LOCATION | STOCKWELL FARM, FANCOTT, TODDINGTON, DUNSTABLE, LU5 6HT |
| PROPOSAL | CONVERSION AND EXTENSION OF BARN TO FORM DWELLING |
| PARISH | TODDINGTON |
| WARD & COUNCILLORS | Toddington inc Chalton Cllr J Machin and Cllr T Nicols |
| CASE OFFICER | Alan Robertson |
| DATE REGISTERED | 23/02/09 |
| EXPIRY DATE | 20/04/09 |
| APPLICANT | Mr M Burley |
| REASON FOR COMMITTEE TO DETERMINE | OBJECTION FROM TODDINGTON PARISH COUNCIL DUE TO CREATION OF ANOTHER DWELLING IN THE GREEN BELT |
| RECOMMENDED DECISION | GRANT LISTED BUILDING CONSENT |

Site Location:

Stockwell Farm, Fancott is located at the western end of a narrow lane which joins Luton Road some 80m to the south of its junction with The Bridleway. The original farmhouse stands within a land holding of approximately 10ha and which includes three fishing ponds and a field to the south-west of the house in respect of which planning permission has been granted for the construction of further ponds as an extension to the fishery. To the east of the farmhouse, on the north side of the access drive, is a range of former farm barns, part of which is in use as a graphic design studio. On the southern side of the drive, opposite the design studio, is a timber framed barn which is a Listed Building dating from the 16th Century. The building is at present largely unused and although essentially sound is falling into disrepair. The building has a central two storey section with single storey projections to the eastern and western sides. It is of timber frame construction, set on a brick and stone plinth with timber boarding to the sides and a roof of corrugated metal sheeting.

The Application:

Listed Building consent is sought to convert and extend the building to form a two bedroom dwelling. The converted barn would provide a kitchen, lounge/diner, study and utility room on the ground floor with a bedroom and bathroom at first floor level. A second bedroom would be provided within an extension to be built on the western side of the barn on part of the footprint of a previously existing building. Proposed renovation works include the removal and replacement where necessary of existing timber cladding, treatment of timber frame and replacement of timbers only where necessary to maintain the structural integrity of the barn and rebuilding the existing stone and brick plinth wall. Internally the barn would retain its open plan layout with

the main structural timbers revealed. A new roof of slate or possibly thatch would replace the existing corrugated metal sheets.

The proposed extension, measuring 9.8m wide by 4.0m deep, would be of timber frame construction set on a brick plinth wall with timber boarding to the sides and incorporating a slate roof. The extension would be attached to the barn by a glazed link which would provide the main entrance to the dwelling.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS15 Planning and the Historic Environment

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 Quality in the Built Environment

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

South Bedfordshire Local Plan Review

BE8 Design Considerations

NE12 The Re-use and Adaption of Rural Buildings

Planning History

SB/TP/95/0452 Permission granted for change of use of barn and stables to graphic design studios.

SB/TP/06/1041 &
SB/LB/06/1040 Permission and Listed Building consent refused for conversion and extension of barn to form dwelling, demolition of pale barn and erection of car port.

SB/TP/07/1274 &
SB/LB/07/1275 Applications for permission and Listed Building consent for conversion and extension of barn to form office, demolition of pale barn and replacement with car port and studio. Withdrawn.

SB/TP/08/0107 &
SB/LB/08/0108 Permission and Listed Building consent granted for conversion and extension of barn to form an office and replacement of outbuilding with wooden barn.

Representations: (Parish & Neighbours)

Toddington Parish
Council Objection for the reason that the proposal would create another dwelling in the Green Belt.

Neighbours No representations received.

Consultations/Publicity responses:

Conservation Adviser Comments that the proposed works are almost identical to those which have already been approved for the scheme of conversion to office use and is satisfied that the proposal strikes a reasonable balance between the functional requirements of the proposed new use and the need to protect the special interest of the building. The condition of the barn continues to deteriorate and it is essential that a viable long term use is secured for the building. The proposed residential use is much more likely to secure the future of the building and accordingly recommends approval subject to conditions.

Determining Issues

The main considerations of the application are:

1. Policy.
2. The retention and future maintenance of the Listed Building.

Considerations

1. Policy

The Local Plan policies relevant to the consideration of this proposal are Policies NE12 and BE8. Policy NE12 however deals mainly with the wider issue of the re-use of buildings within the Green Belt and it is the principle of residential use of the building rather than the actual conversion works to which the Parish Council raise objection and this aspect of the development is dealt with in the report on application ref: SB/09/00125/TP. The criteria set out in Policies NE12 and BE8 in relation to the impact on the character of the building and the need to protect it and safeguard its future maintenance are considered to be met and are discussed in more detail below.

2. The retention and future maintenance of the Listed Building

Although the building is structurally sound, its condition is deteriorating to the extent that the Conservation Adviser considers that it would now be included on an updated 'Buildings at Risk' register. It is therefore essential that a viable long-term use is found for the property in order to ensure that its historic character and appearance are protected and its future maintenance is assured. In this connection it is considered that the proposed residential use would secure the future of the building, the proposed works of restoration, alteration and extension being sympathetic to the form and character of the barn and leading to its appearance being considerably enhanced.

Reasons for Granting

The proposed works comply with the relevant criteria set out in Policies NE12 and BE8 of the South Bedfordshire Local Plan Review and will ensure the sympathetic restoration of an important Listed Building and ensure its future maintenance and long-term protection.

RECOMMENDATION

GRANT Listed Building Consent subject to the following conditions:

1. The works shall begin not later than three years from the date of this consent.
REASON: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **Before work begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed extension and building works to the barn shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details.**
REASON: To control the appearance of the building.

3. **Before work begins, and notwithstanding the details submitted with the application, the following details shall be submitted to and approved in writing by the Local Planning Authority:-**
 - a detailed survey, including photographs, of the structure of the barn;
 - a schedule and specification of alteration and repair works to the barn;
 - details of new external joinery (including sections, mouldings, relationship with external walls and structural timbers), brick bond, mortar mix and colour, and rainwater goods.**The work shall be carried out only in accordance with the approved details.**
REASON: To ensure that the work is in keeping with the existing building.

4. **No work shall take place until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall be undertaken by a competent archaeological organisation approved by the Local Planning Authority.**
REASON: To ensure that remains of archaeological importance likely to be disturbed in the course of the development are adequately recorded.

5. **Before the construction of the extension hereby permitted is commenced, the existing building shown hatched black on the approved Site Layout Plan shall be demolished.**
REASON: To reduce the impact of the development on the openness of the Green Belt.
6. Existing materials shall be used as far as possible and any necessary variations shall first be approved in writing by the Local Planning Authority.
REASON: To ensure that the work is in keeping with the existing building.
7. No existing structural timbers which the barn shall be cut, removed or altered without the prior written approval of the Local Planning Authority.
REASON: To safeguard the historic fabric of the Listed Building.
8. This consent relates only to the details shown on Drawings No's. 15/19.02.2009, 12/19.02.2009, 10/19.02.2009 and 11/19.02.2009 received 23/02/2009 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved drawings and to avoid doubt.

Notes to Applicant

1. In accordance with Regulation 3 (5) of the Planning (Listed Buildings And Conservation Areas) Regulations 1990, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review

BE8 - Design Considerations

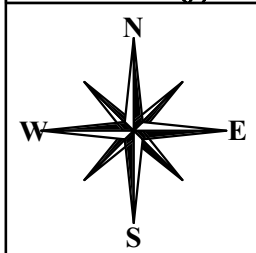
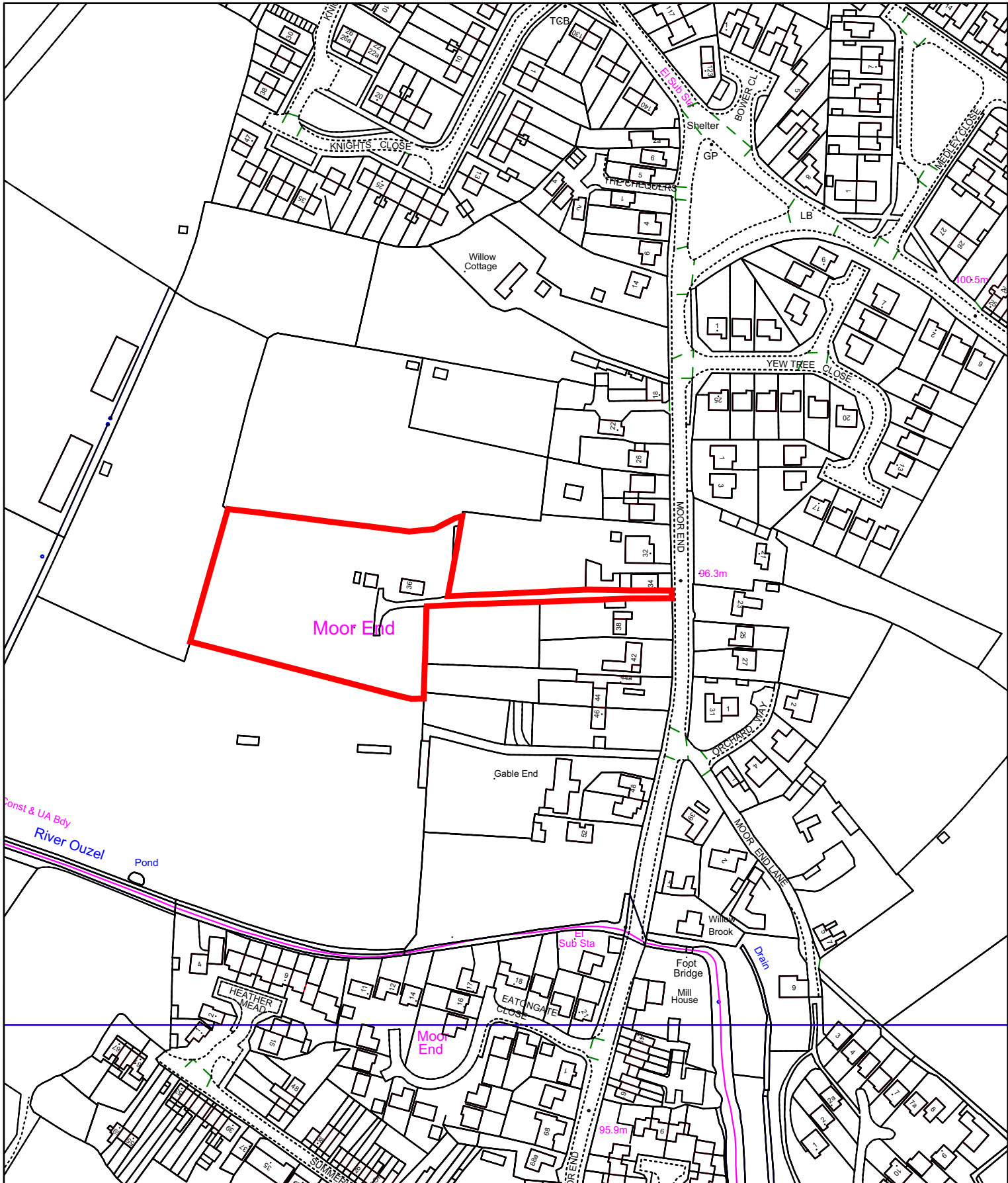
NE12 - The Re-use and Adaption of Rural Buildings

T10 - Parking in New Developments

2. This consent relates only to that required under the Planning (Listed Building and Conservation Areas) Act 1990 and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

DECISION

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Date: 16:April:2009

Map Sheet No

ITEM NO. 13

APPLICATION NO. SB/09/00115/TP

Scale: Meet Hall, 26 Moor End, Eaton Bray, Dunstable, LU6 2HN

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Item No. 13**SCHEDULE B**

| | |
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| APPLICATION NUMBER | SB/09/00115/TP |
| LOCATION | MOAT HALL, 36 MOOR END, EATON BRAY, DUNSTABLE, LU6 2H |
| PROPOSAL | RETENTION OF DORMER WINDOWS TO FRONT AND REAR ROOFSLOPES OF GARAGE |
| PARISH | EATON BRAY |
| WARD & COUNCILLORS | Eaton Bray Cllr K Janes |
| CASE OFFICER | Alan Robertson |
| DATE REGISTERED | 18th February 2009 |
| EXPIRY DATE | 15th April 2009 |
| APPLICANT | Mr D Provan |
| AGENT | Paul Lambert Associates Limited |
| REASON FOR COMMITTEE TO DETERMINE | OBJECTION FROM EATON BRAY PARISH COUNCIL – OVERDEVELOPMENT AND CONCERN AS TO WORDING ON APPLICATION |
| RECOMMENDED DECISION | GRANT PLANNING PERMISSION |

Site Location:

Moat Hall is a detached house (originally a pair of farm workers cottages) set in extensive grounds and located at the end of a long private drive off the western side of Moor End. The property was extensively altered in 1966 when a first floor extension was added, and has recently undergone further works of alteration and extension including the erection of a detached garage as replacement for a group of outbuildings which have since been demolished.

The Application:

The replacement garage recently erected as part of a scheme of alterations and extensions to the property has not been built strictly in accordance with the approved plans. Although the siting and footprint of the building are as approved, the height has been increased by 1.0m and small rooflights inserted, two within the front elevation and three within the rear elevation. Each of the dormer windows has a width of 0.9m, a maximum height of 1.9m and incorporates a pitched roof. Permission is sought to retain the unauthorised alterations to the garage.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS1 Delivering Sustainable Development.

PPG2 Green Belt.

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 Quality in the Built Environment.

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

South Bedfordshire Local Plan Review Policies

BE8 Design and Environmental Considerations.

H8 Extensions to Dwellings.

H13 Extensions to Dwellings in the Green Belt.

Planning History

SB/TP/07/0896 Permission granted for demolition of existing outbuildings, erection of single and first floor side, two storey front, and single and two storey rear extensions, alterations to roof and erection of detached garage.

Representations: (Parish & Neighbours)

- Eaton Bray Parish Council
- Objection on the following grounds:
- overdevelopment;
 - concern as to wording of the application i.e. confusion as to whether the work has already taken place.
- Adjacent occupiers
- 32 Moor End, in favour of the retention of the dormer windows for the following reasons:
- the view of the garage is beautiful and the design superb;
 - the removal of the windows would spoil the overall appearance of the house and garage;
 - the windows are very narrow, are not obtrusive, are some distance from any other neighbours house, do not overlook anybody's property and can probably only be seen from no. 32.
- 38 Moor End objects to the proposal on the following grounds:
- the dormer windows in the garage together with windows in the extended house give rise to overlooking;
 - the garage with offices above could in the future be used as a house;
 - loss of views from the road/path.

Consultations/Publicity responses

None received

Determining Issues

The main considerations of the application are;

1. Policy
2. Impact on the residential amenity of neighbouring properties

Considerations

1. Policy

The property lies within the Green Belt and it is therefore necessary to consider whether the development has an adverse impact on the openness or visual amenity of the Green Belt. The footprint of the garage as built is precisely the same as that of the building as approved and accordingly there is no additional impact on Green Belt openness and the works cannot be considered to involve overdevelopment as suggested by the Parish Council. Although the ridge height of the building has been increased and the dormer windows inserted in order to enable better use to be made of the roofspace, the alterations are not considered to have a significant impact on visual amenity.

2. Impact on the residential amenity of neighbouring properties

The nearest adjoining property, 32 Moor End, has an extensive rear garden and the garage is sited with its east facing flank wall within 1m of that property's rear boundary. It should be noted that the owner of No. 32 is fully supportive of the scheme. The dwelling at No. 38 Moor End is also set within a large plot, the rear section comprises tree and shrub planting, the dwelling being sited close to the road frontage some 75m distant from the garage. Although there are likely to be views towards the rear section of that property's curtilage, the relationship would not give rise to significant overlooking or loss of privacy such that would be likely to have an adverse impact on residential amenity. The alterations to the garage do not affect views from the road/path on Moor End which is 100m from the garage with boundary hedges between.

Reason for Granting

The development does not have an adverse impact on the openness of the Green Belt, does not involve a material increase in the visual impact of the building on the character and visual amenity of the area, and does not have a significant impact on the residential amenity of neighbouring properties. The development is therefore in accordance with Policies H8, H13 and BE8 of the South Bedfordshire Local Plan Review.

RECOMMENDATION

GRANT Planning Permission for the development set out above subject to the following conditions:

1. The building as extended shall only be used for purposes ancillary to the residential use and occupation of the dwelling known as Moat Hall, 36 Moor End, Eaton Bray.
REASON: To control the use of the building in the interests of amenity.
2. This permission relates only to the details shown on the Site Location Plan and Drawing No. 2333-01 received 18/02/2009 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 (Quality in the Built Environment)

South Bedfordshire Local Plan Review

BE8 (Design and Environmental Considerations)

H8 (Extensions to Dwellings)

H13 (Extensions to Dwellings in the Green Belt)

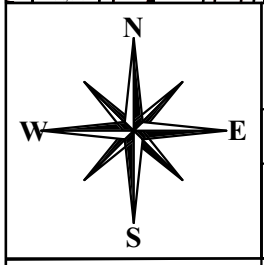
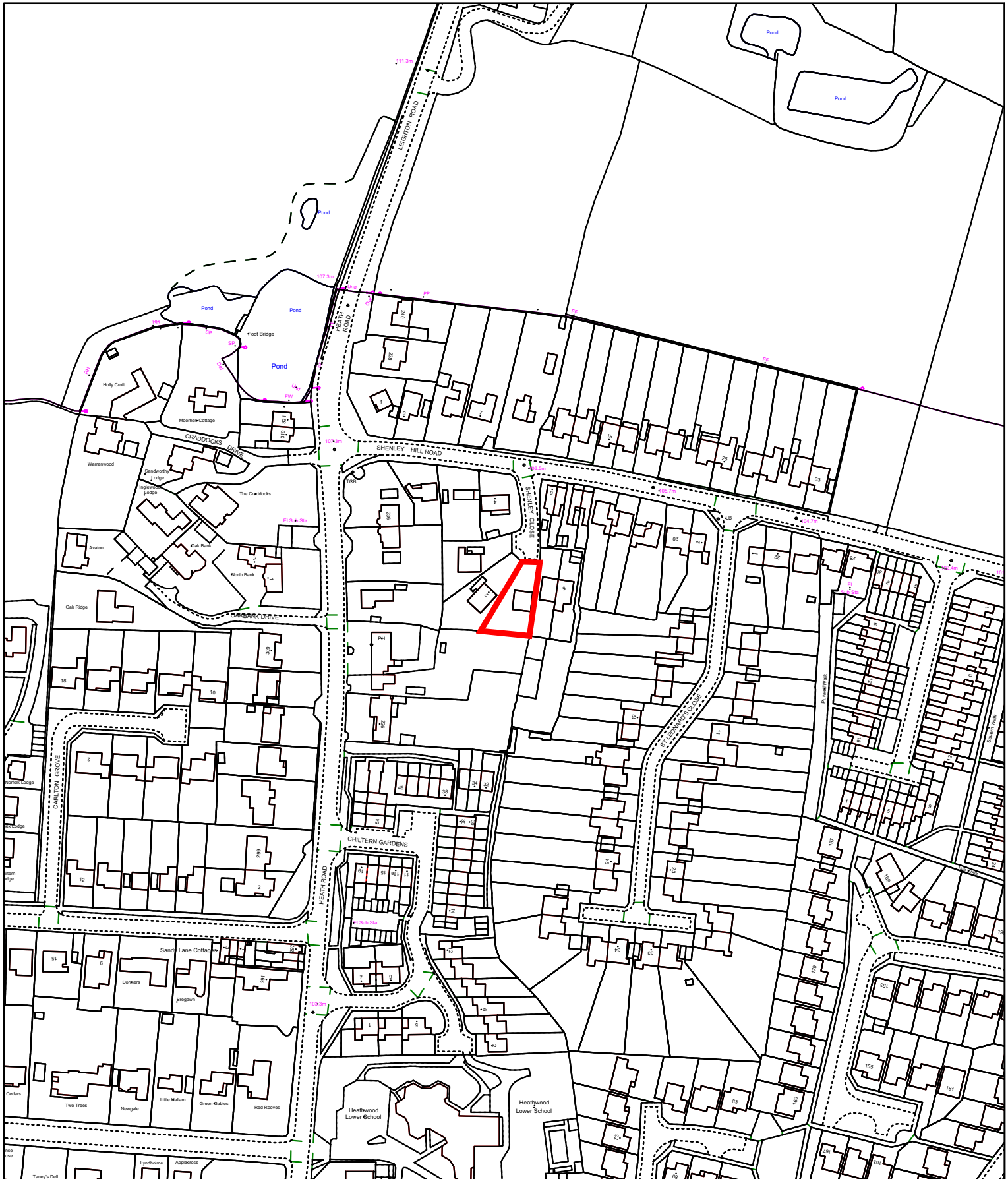
2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. This permission is granted under the provisions of Section 73A of the Town and Country Planning Act 1990.

DECISION

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Date: 16:April:2009

Map Sheet No

ITEM NO. 14

APPLICATION NO. SB/09/00137/TP

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Item No. 14**SCHEDULE B**

| | |
|--|--|
| APPLICATION NUMBER | SB/09/00137/TP |
| LOCATION PROPOSAL | 3 SHENLEY CLOSE, LEIGHTON BUZZARD, LU7 3DG ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS, CONVERSION OF ROOF SPACE AND INSTALLATION OF FRONT AND REAR DORMER WINDOWS |
| PARISH | LEIGHTON LINSLADE |
| WARD & COUNCILLORS | Leighton-Linslade - Plantation Cllrs R Berry, P Rawcliffe & J Taylor |
| CASE OFFICER | Abel Bunu |
| DATE REGISTERED | 02/03/2009 |
| EXPIRY DATE | 27/04/2009 |
| APPLICANT | Mr & Mrs C Rooks |
| AGENT | Mr Richard Onslow |
| REASON FOR COMMITTEE TO DETERMINE | OBJECTION BY LEIGHTON-LINSLADE TOWN COUNCIL IN TERMS OF DESIGN, OUT OF KEEPING AND UNACCEPTABLE LOSS OF AMENITY |
| RECOMMENDED DECISION | GRANT PLANNING PERMISSION |

Site Location:

The application property is a detached bungalow situated south of Shenley Close in Leighton - Linslade. The Close is a short cul-de-sac comprising properties of a similar style. The property is enclosed by a combination of hedge and close boarded fence approximately 1.8 metres high along the side boundaries. The rear boundary is defined by a hedge of about 3 metres height.

The Application:

The application is in three parts. The first part is for the erection of a single storey side extension to be used as a garage, adjacent to number 2 Shenley Close measuring approximately 6.5 metres deep, 3 metres wide and 3.5 metres high. The second part seeks permission to erect a single storey rear extension measuring approximately 3 metres deep, 10.2 metres wide and set back from the flank elevation of the existing dwelling by about 0.7 metre. The third part seeks permission to convert the roof space into two bedrooms by the erection of three pitched roof dormers, two in the front roof slope and one in the rear slope. The dormers would measure approximately 1.2 metres deep, 2 metres wide and 2.4 metres high.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development.

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 Quality in the Built Environment.

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

South Bedfordshire Local Plan Review

BE8 Design Considerations.

H8 Extensions to Dwellings.

Planning History

None.

Representations: (Parish & Neighbours)

Leighton-Linslade
Town Council

Objection.

- Design is out of keeping and unsympathetic to the surrounding properties in the Close.
- Rear dormer would result in an unacceptable loss of amenity for the residents of number 4 Shenley Close.

Neighbours
4 Shenley Close

Objection.

- The development is a substantial change to the present dwelling and such a large development would dominate the character of the Close.
- The rear facing dormer window would result in loss of privacy and amenity.

It is not clear whether the eastern elevation existing brickwork is to remain or cladding to be added, which may be of bright colour.

Perhaps the rear dormer could be replaced with a velux type window employed on adjacent properties.

Consultations/Publicity responses:

None.

Determining Issues

The main considerations of the application are:

1. The impact of the proposed development on the amenity of the adjoining residential property occupiers and
2. Impact on the appearance of the street scene.

Considerations

1. Impact on residential amenity

The proposed rear facing dormer would not have any openable window to the side and would be set back from the flank elevation of the existing house by about 1.7 metres such that no loss of privacy or general amenity would occur to the occupiers of number 4 Shenley Close.

2. Design

The overall height of the dwelling would increase marginally by about 0.1 metre and the roof style and fenestration of the dormers would be in keeping with the existing bungalow.

Reasons for Granting

Having regard to the foregoing appraisal, it is considered that the proposed development would not adversely affect the amenity of the adjoining property occupiers and would not detract from the appearance of the street scene. The proposed development is considered proportionate and in keeping with the existing bungalow and hence is acceptable in design terms and is in conformity with Policies BE8 and H8 of the South Bedfordshire Local Plan Review and Planning Policy Guidance PPS1.

RECOMMENDATION

GRANT Planning Permission for the application set out above subject to the following conditions:

1. The development shall begin not later than three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. New external brickwork and roofing materials shall match those of the existing building as closely as possible.
REASON: To ensure that the development is in keeping with the existing

building.
(Policies BE8 & H8 S.B.L.P.R).

3. This permission relates only to the details shown on the Site Location Plan, Block Plan, Drawing Nos. 821.3 received 02/03/09 and 821.4a received 09/04/09 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

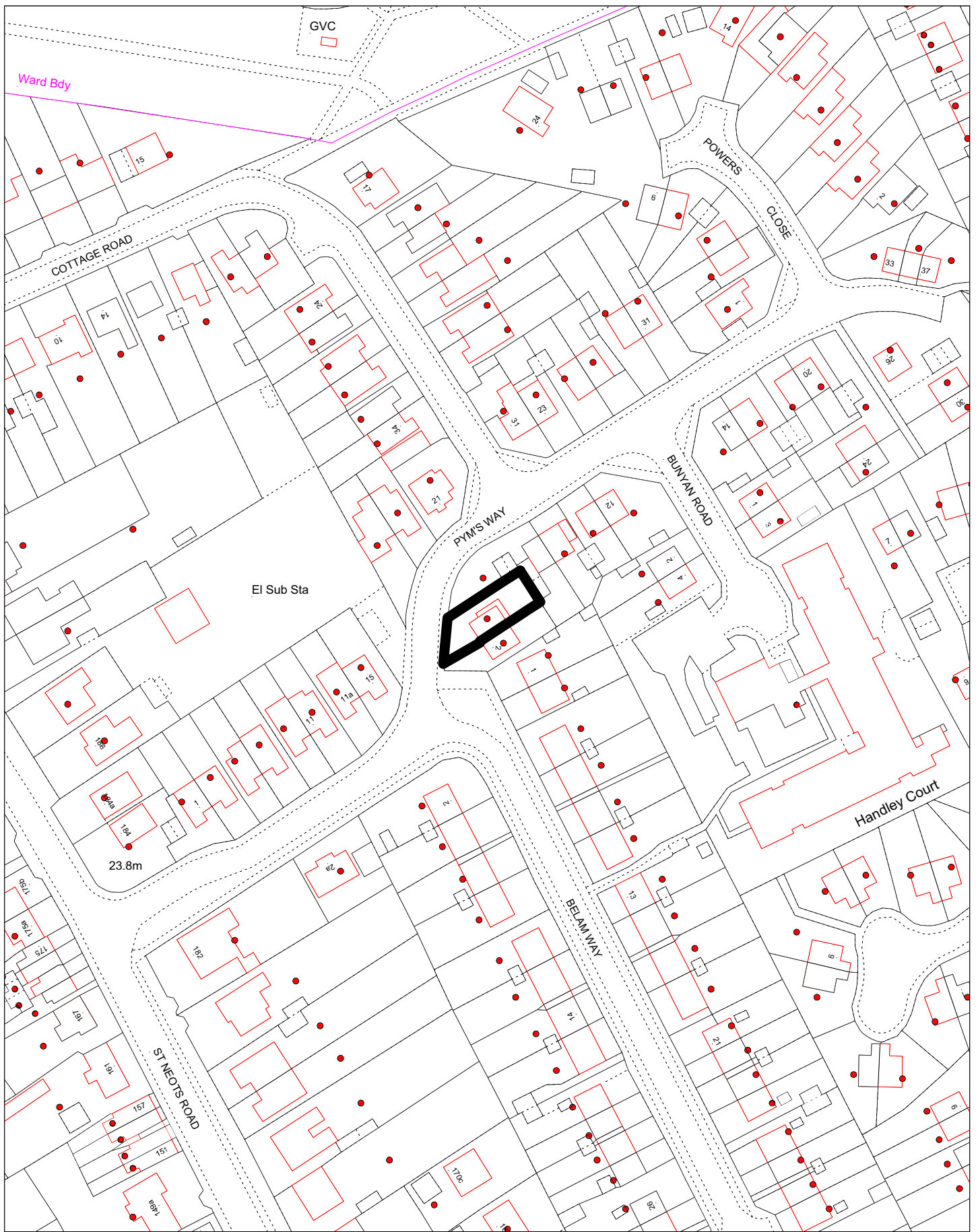
Regional Spatial Strategy
East of England Plan (May 2008)
ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review
BE8 - Design Considerations
NE12 - The Re-use and Adaption of Rural Buildings
T10 - Parking in New Developments

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

DECISION

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Date: 15 April 2009

ITEM NO. 15



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APPLICATION NO. MB/09/00460/FULL

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4 Pym's Way Sandy SG19 1DD

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Item No. 15**SCHEDULE C**

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|---|---|
| APPLICATION NUMBER | MB/09/00460/FULL |
| LOCATION | 4 PYMS WAY, SANDY, SG19 1DD |
| PROPOSAL | SINGLE STOREY SIDE/REAR EXTENSION |
| PARISH | Sandy |
| CASE OFFICER | Annabel Gammell |
| DATE REGISTERED | 17 March 2009 |
| EXPIRY DATE | 12 May 2009 |
| APPLICANT | Mr Lynch |
| REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION | THE APPLICANT IS A CENTRAL BEDFORDSHIRE COUNCILLOR |
| | FULL CONDITIONAL APPROVAL |

Site Location:

The application site is 4 Pyms Way in Sandy, which is a buff-brick, two-storey semi-detached residential dwelling that has wooden panelling beneath the ground floor windows. The property is located approximately half way down Pyms Way on a bend, the dwelling is on the east side of the street. Pyms Way is a residential road, which is located to the north of Sandy town centre and east of the A1.

The Application:

This application seeks permission for a single storey side and rear extension.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS 1 Delivering Sustainable Development (2005)
 PPS 3 Housing (2006)

Regional Spatial Strategy

East of England Plan (May 2008)
 Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Mid Bedfordshire Local Plan First Review 2005 Policies

DPS6 Criteria for extensions

Supplementary Planning Guidance

Technical Guidance Document Mid Bedfordshire District Council's Technical Guidance: 'Extensions and Alterations: A Design Guide for Householders' (2004)

Planning History

None

Representations: (Parish & Neighbours)

Sandy T C No Objections

Consultations/Publicity responses

Site notice posted 27th March 2009

Determining Issues

The main considerations of the application are;

1. The effect on the character and appearance of the surrounding area
2. The impact on the residential amenity of neighbouring properties

Considerations

1. Effect on the character and appearance of the area

The proposed single storey, pitched roof extension would be on the side elevation of the building it would be visible from the public realm. The proposed extension would have a rectangular shaped footprint measuring approximately 3.5 metres by 7.2 metres, which would adjoin the existing northern elevation. The extension would measure some 4 metres in height (to the top of the pitched roof.) Views of the addition would be seen from Pyms Way, but due to its relatively small size and the fact that materials would match the existing it is considered that the character and appearance of the area would be not detrimentally affected. This is in accordance with Policy DPS6 of the Mid Beds Local Plan.

2. Impact on the residential amenity of neighbouring properties

The side extension would extend, at most, 3.5 metres outwards (north west) from the host dwelling and would be at least 5 metres away from the eastern shared boundary with number 6 Pyms Way, where there is a close-boarded timber fence some 1.8 metres high along the northern and eastern boundary which would partially screen extension from the road and the neighbouring property.

By reason of the relatively small size of the proposed extension it is considered that the distance between the development and the neighbouring property nearest to the proposed extension, number 6, is sufficient so that the amenities of that property would experience no adverse impact as a result of the extension. The house adjoins 2 Pyms Way but the extension would not affect this property, as it would be contained on the opposite side of the site.

It is not considered that there are any other properties that might be affected by the proposals, and no letters of objection have been received.

Reasons for Granting

The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and by reason of its site, design and location, is in conformity with Policy DPS6 of the Mid Bedfordshire Local Plan First Review Adopted December 2005; Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2006), Regional policies in the East of England Plan (May 2008) and the Milton Keynes and South Midlands Sub-Regional Strategy (March 2005). It is further in conformity with the Mid Beds Supplementary Technical Guidance 'Extensions and Alterations: A Design Guide for Householders' (2004).

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

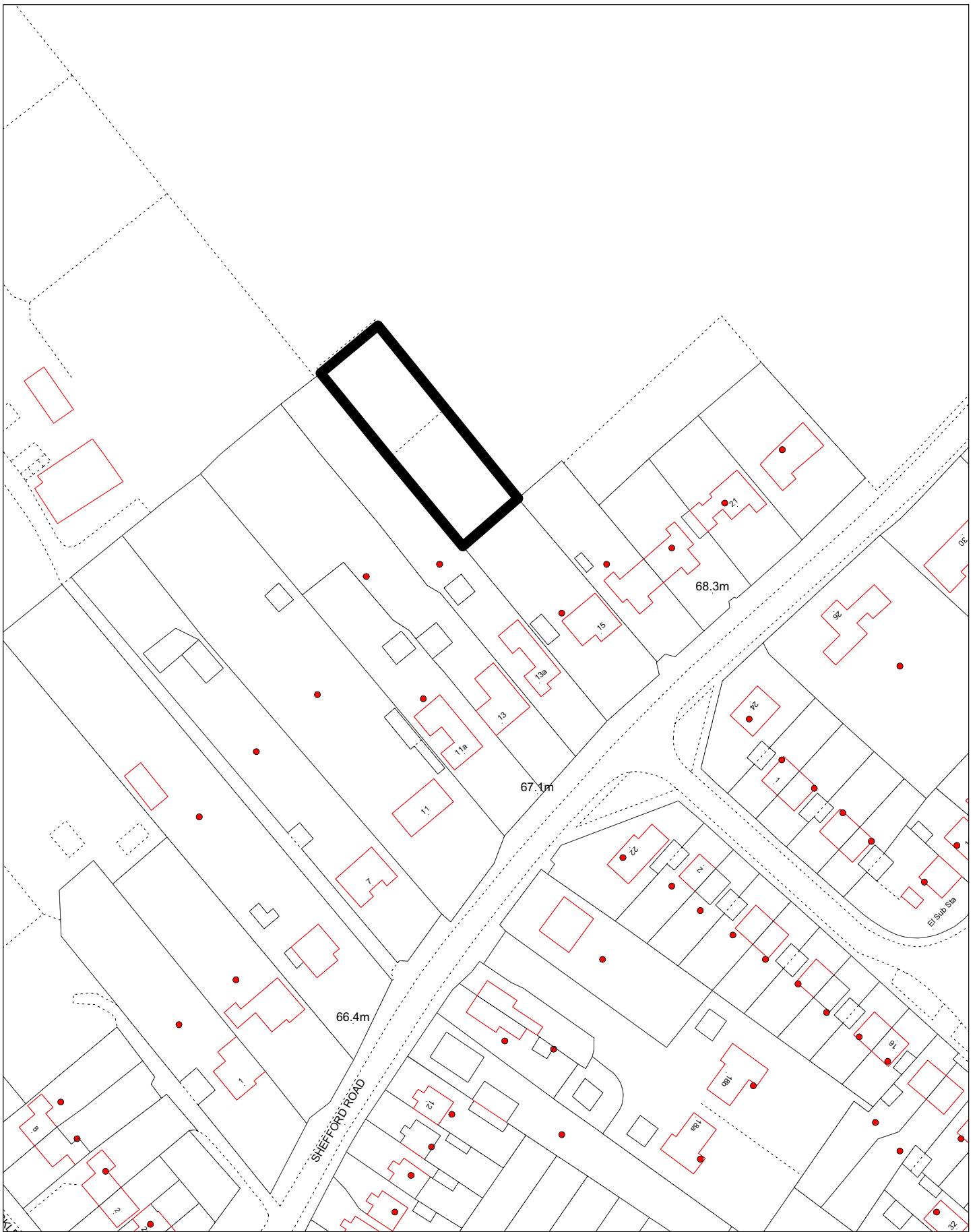
- 2 EM07 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

DECISION

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Date: 15 April 2009

ITEM NO. 16



Scale: 1:1250

APPLICATION NO. MB/09/00469/FULL

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Mid Bedfordshire District Council.

Land Adjacent to 13A Shefford Road Mennershall

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| APPLICATION NUMBER | MB/09/00469/FULL |
| LOCATION | LAND ADJACENT TO 13A, SHEFFORD ROAD, MEPPERSHALL SG17 5LJ |
| PROPOSAL | CHANGE OF USE TO RESIDENTIAL GARDEN |
| PARISH | Meppershall |
| CASE OFFICER | Kate Phillips |
| DATE REGISTERED | 13 March 2009 |
| EXPIRY DATE | 08 May 2009 |
| APPLICANT | Mr & Mrs King |
| REASON FOR COMMITTEE TO DETERMINE | THE APPLICANT IS A MEMBER OF STAFF AT CENTRAL BEDFORDSHIRE COUNCIL. |
| RECOMMENDED DECISION | FULL CONDITIONAL APPROVAL |

Site Location:

The application site is the land adjacent to 13a Shefford Road in Meppershall which is directly to the rear (north-west) of the garden belonging to number 15, outside Meppershall Settlement Envelope.

The land in question is currently divided and owned by the occupiers of number 15 and 13a and it can be accessed from the rear gardens belonging to these two properties. Although the application is to change the use of the land to residential garden there are signs that it is already being used for this purpose. For example, the grass is cut short, there are flower beds round the edge and there is a water butt in the southernmost section (nearest the garden of number 15) and a garden bench in the northern section (which belongs to number 13a).

The boundary treatment to the north and eastern sides of the site, and also down the centre to divide the two sections, is currently wooden stock proof fence, approximately 1 metre high. Along the boundaries of the existing gardens are trees and hedgerow, as one would expect to see for residential gardens in a rural location such as this.

Shefford Road, in this location, is characterised by large, detached dwellings set back from the road. To the rear, beyond the gardens, is open countryside.

The Application:

This application seeks permission for a change of use of the land to residential garden land.

RELEVANT POLICIES:**National Policies (PPG + PPS)**

PPS 1 Delivering Sustainable Development (2005)

PPS 3 Housing (2006)
Regional Spatial Strategy

East of England Plan (May 2008)
Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Mid Bedfordshire Local Plan First Review 2005

CS27 The extension of residential gardens into the surrounding countryside

Supplementary Planning Guidance

Not applicable

Planning History

None

**Representations:
(Parish & Neighbours)**

Meppershall PC No comments received

Consultations/Publicity responses

Site notice posted 2.4.09

Determining Issues

The main considerations of the application are;

1. The principle of development
2. The effect on the character and appearance of the surrounding area
3. The impact on the residential amenity of neighbouring properties

Considerations

1. The principle of development

Policy CS27 of the Mid Bedfordshire Local Plan First Review 2005 notes that the limited extension of existing residential gardens into the surrounding countryside will be permitted where they do not have an adverse impact on the character and appearance of an area. It goes on to note that where such proposals are permitted, significant landscaping/ screening may be required and permitted development rights will normally be removed.

The principle of changing the use of the land is therefore considered to be acceptable, subject to the detailed considerations below.

2. Effect on the character and appearance of the area

The proposal does not involve any significant changes to the area of land in question because the land already appears to be used as an extension to the gardens belonging to numbers 13a and 15 Shefford Road.

Although the piece of land is quite large, other gardens in the immediate area (to the west) also extend this far back and therefore it is not considered that changing the use of the land would have an adverse impact upon the character and appearance of the surrounding area.

Having said this, the gardens to the east of the application site have not been extended and therefore this piece of land would be visible in views from the open countryside towards this part of Meppershall. It is therefore considered that, if planning permission was granted to change the use of the land, the permitted development rights should be removed, as encouraged by Policy CS27 (mentioned above). This would prevent the owners from erecting structures such as garden sheds etc. that would appear incongruous and prominent against the open countryside backdrop.

It is also considered necessary to attach a condition to any planning permission granted to ensure that no changes are made to the boundary treatment without the prior approval of the Local Planning Authority. This is to prevent the owners of the land from erecting a boundary treatment unsuited to this rural location adjacent to open countryside.

To conclude, the proposal is considered to be acceptable, subject to conditions.

3. Impact on the residential amenity of neighbouring properties

The proposal would have no impact upon the residential amenity of any neighbouring properties. The proposal is therefore considered to be acceptable in this respect.

Reasons for Granting

The proposal to change the use of the land to residential garden is acceptable in principle in accordance with Policy CS27 of the Mid Bedfordshire Local Plan First Review 2005. There would be no detrimental impact upon the character and appearance of the surrounding area and there would be no impact upon the residential amenity of any neighbouring properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2006), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policy CS27 of the Mid Bedfordshire Local Plan First Review (2005).

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 U Notwithstanding any provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no buildings or enclosures or swimming pools shall be erected on the application site land unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of adjacent occupiers and the character and appearance of the area.

- 3 RR10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, gate or other means of enclosure shall be erected on the application site land unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of adjacent occupiers and the character and appearance of the area.

DECISION

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