



Appeal Decision

Site visit made on 5 July 2011

by **Peter J Golder Dip TP MRTPI**

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

Decision date: 8 September 2011

Appeal Ref: APP/P0240/A/11/2148515

Land to rear of 100 Common Road, Kensworth, Dunstable LU6 3RG

- 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 Gleneden Properties Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/10/02361/FUL, dated 28 June 2010, was refused by notice dated 15 November 2010.
 - The development proposed is erection of detached bungalow and garage.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes that issued on 15 July 2011.

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site lies within and is washed over by the South Bedfordshire Green Belt. Policy GB3 of the South Bedfordshire Local Plan Review 2004 provides for limited infilling in accordance with policy H12 within the defined boundaries of Kensworth. This approach is in accordance with the guidance at para 2.11 of PPG2 – *Green Belts*. Development which does not meet the criteria of policy H12 would be inappropriate, which by definition is harmful to the Green Belt.
3. Against this background the main issues in this appeal are:
 - whether the proposal amounts to inappropriate development within the Green Belt
 - if inappropriate whether very special circumstances exist to justify setting aside harm by reason of inappropriateness and any other harm
 - the effect of the proposal upon the character and appearance of the locality.

Reasons

4. Policy H12 has four criteria. The first requires the site to be within the defined boundaries of the village; this criterion is met. The second requires the development to be for up to two dwellings on a small gap in an otherwise built up residential frontage. The proposal is for a single dwelling and while the plot is not within a defined residential frontage the irregular built form along the northern side of the main road through the village, with building in depth in

several places, is a characteristic feature of the settlement. In principal development at the appeal site would be consistent with the prevailing pattern of building hereabouts and the spirit of criterion (ii) of policy H12 would be satisfied.

5. Criteria (iii) and (iv) require the development to have a plot size and frontage similar to those adjoining and for there to be no adverse impact upon its surroundings. Given the juxtaposition of the appeal site with others around a direct comparison of frontages serves little usual purpose. An assessment of the size of the plot and the relationship of the proposed buildings to its boundaries is a more telling analysis in this instance.
6. The application site includes the access drive beside No 100a which serves No 92 and other land in the vicinity. I note that a public footpath connecting the village to the open countryside just beyond the site also runs along the drive. For all intents and purposes the site of the proposed bungalow is that contained by the hedge line along the western side of the drive and the surrounding property boundaries. By any measure in comparison to those around the plot is limited in size and the bungalow and garage would take up a substantial part of it and both would be very tight to the boundaries. Plot sizes vary in the locality but even allowing for the generally smaller plots of the more recent dwellings hereabouts, that proposed would appear physically and visually cramped in comparison with the nearby residential environment. Further when the generally open and maturely landscaped broader setting of the site is taken into account, especially the spacious grounds of No 92, the adjoining agricultural land and the sizeable undeveloped area contained by the loop of the drive, the contrast with the meanly spaced proposal would be unacceptably accentuated.
7. The existing "nissen hut" type structure on the land is low key in form. It is very much assimilated into the landscape of this part of the village which provides a transition from the more built up parts of the settlement to the open countryside beyond. The proposed development would fundamentally erode the role which this wider area land bordering the footpath has in the setting and function of this part of the village. Its semi-rural, largely open and undeveloped character and appearance would be irreversibly harmed.
8. For these reasons the development would not meet the final two criteria of policy H12 of the local plan and I conclude that the proposal would amount to inappropriate development and hence by definition be harmful to the Green Belt. Where new housing development does not meet the criteria of policy H12 the aim, in accordance with national policy, should be to keep the Green Belt open and free of development. For the above reasons the proposal would not satisfy this requirement and would also have a seriously harmful impact upon the distinctive character and appearance of this part of the village. The proposal fails to complement or harmonise with its surroundings and would detract from rather than contribute to local distinctiveness. Consequently the scheme would also conflict with policy BE8 of the local plan which has its overall objective the protection and enhancement of the built environment. Therefore, in addition to the objections to the proposal on Green Belt grounds, I also find the scheme unacceptable for this reason.
9. While this former garden land has been severed from the development of the new houses fronting Common Road and appears to have no current beneficial use I find nothing which weighs in favour of the development to justify setting

aside the harm to the Green Belt by reason of both inappropriateness and erosion of openness and also to the character and appearance of the locality. Therefore very special circumstances are not shown to exist in this instance and having had regard to all other matters raised in the representations, including the views the Parish Council and other interested persons, the appeal is dismissed.

Peter J Golder

INSPECTOR