

Item No. 8

APPLICATION NUMBER	CB/13/03212/FULL
LOCATION	Land to the rear of The Bell Cottages, Studham, Dunstable, LU6 2QG
PROPOSAL	Erection of eight two bedroom dwellings
PARISH	Studham
WARD	Caddington
WARD COUNCILLORS	Cllr Stay
CASE OFFICER	Abel Bunu
DATE REGISTERED	16 September 2013
EXPIRY DATE	11 November 2013
APPLICANT	NV Properties
AGENT	Worth Planning and Design Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Richard Stay for the following reasons: <ul style="list-style-type: none">• The site is waste land• Cottages built in keeping with the Bell Cottages would be appropriate• Development would support the viability of the Bell Public House• Very special circumstances exist in this case
RECOMMENDED DECISION	Recommended for Refusal

Reasons for Refusal

The proposed development has been recommended for refusal for the following reasons:

1. It would be inappropriate in the Green Belt and no very special circumstances have been put forward such as would outweigh the harm by reason of inappropriateness and any other harm.
2. The proposed development is not infilling, but represents an encroachment onto the open countryside which would be harmful to its openness, character and appearance of the open countryside, Chilterns Area of Outstanding Natural Beauty and the Conservation Area.
3. In design terms, the proposed development would fail to take opportunities to enhance the character of the area and its local distinctiveness.
4. The development would be prejudicial to highway safety.
5. No section 106 Agreement has been signed to demonstrate that the development would be able to make sufficient contributions towards infrastructure provision.

The proposal is therefore contrary to the South Bedfordshire Local Plan Review, emerging Development Strategy for Central Bedfordshire and national advice within the National Planning Policy Framework as detailed in the Officers's Report.

Site Location:

The application site lies to the west of Dunstable Road and The Bell Cottages in the village of Studham and extends over an area of 0.5 hectares. The site is washed over by the Green Belt and lies within the Chilterns Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). Part of the site, currently occupied by the Bell Public House car park lies within the Conservation Area and the rest of the field on which the development is proposed falls just outside its limits. Access to the application site is directly off Dunstable Road, opposite the Bell Public House. The site is enclosed along the north western boundary by a row of mature trees and hedge, beyond which is open countryside. A public footpath defines the south western boundary of the site beyond which is the Bell Farm. The Bell Cottages form a row of 5 two storey terraced dwellings situated to the east of the site and to the north of the site access. The eastern boundary of the site is defined by a native hedgerow which abuts a public footpath that links areas of Studham Villages. The application site is currently undeveloped.

The Application:

The application seeks planning permission for the erection of 8 two storey semi-detached dwellings.

Details of the proposal have been amended by the agent to reflect that 50% of the units would be affordable dwellings are summarised below :

Open market dwellings : 4

Affordable dwellings : 4

Grand Total : 8 dwellings

Scale

All the dwellings would be two storeys high comprising pairs of semi-detached houses with rear gardens ranging in size from 94.5 sqm to 399.8sqm. The dwellings would each accommodate two bedrooms at first floor level and would measure 8 metres deep, 12 metres wide and 8.7 metres high. Each dwelling would have a garage to the side measuring 5.5 metres deep, 2.6 metres wide and 5 metres high.

Access and Parking

The development would be served by an existing access onto the Bell Public House's car park. Parking provision would be in accordance with the minimum standards set in the Local Parking Strategy and would comprise garages and driveways.

Layout

The dwellings would be laid out in a linear pattern facing towards the south east except Plots 7 and 8 which would have a south-north orientation. In addition to the rear gardens, the plots would each be provided with front amenity areas. Two communal open spaces would be provided to the north of the Bell Cottages's rear gardens and another open space would form a buffer between the dwellings and the existing footpath to the south west. Vehicular areas would be located to the front of the dwellings and would comprise hard surfaced areas for driveways, turning and visitor parking spaces. It is also proposed to re-configure the Bell Public House car

park to the south of the Bell Cottages. It is also proposed to construct an automated sliding wrought iron gate across the access to the development site behind the Public House car park.

Landscaping and boundary treatment

In addition to the retention of existing trees on the site boundary, new planting is proposed. The front boundaries of the plots would form an open plan layout.

The following documents have been submitted in support of the application:

- Design and Access Statement
- Heritage Asset Assessment
- Transport Statement
- Affordable Housing Statement
- Tree Survey Report
- Section 106 Agreement template
- Letter of support from the ward councillor

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents, PPGs and PPSs. The following sections are considered directly relevant :

Section 1 : Building a strong, competitive economy

Section 4 : Promoting sustainable transport

Section 6 : Delivering a wide choice of quality homes

Section 7 : Requiring good design

Section 8 : Promoting healthy communities

Section 9 : Protecting Green Belt Land

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them, with the exception of Policies T10 and H4, which are afforded less weight.

SD1 Keynote Policy

BE8 Design Considerations

NE3 Control of Development in the AGLV

T10 Parking - New Developments

H4 Affordable Housing

H5 Affordable Housing in Rural Areas

Endorsed Core Strategy - South

The Pre-Submission Core Strategy for Southern Central Bedfordshire was endorsed for Development Management purposes by the Executive in August 2011 following the decision of The Luton and South Bedfordshire Joint Committee's resolution on the 29th July 2011 to seek the withdrawal of the Luton and southern Central Bedfordshire Joint Core Strategy.

Development Strategy for Central Bedfordshire

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2013 and the following policies are considered relevant to the determination of any subsequent application :

- Policy 1 : Presumption in Favour of Sustainable Development
- Policy 2 : Growth Strategy
- Policy 3 : Green Belt
- Policy 8: Change of Use
- Policy 19: Planning Obligations and the Community Infrastructure Levy
- Policy 21 : Provision for Social and Community Infrastructure
- Policy 22 : Leisure and open space provision
- Policy 23 : Public Rights of Way
- Policy 24: Accessibility and Connectivity
- Policy 25: Capacity of the Network
- Policy 27 : Car Parking
- Policy 28 : Transport Assessments and Travel Plans
- Policy 29: Housing Provision
- Policy 30: Housing Mix
- Policy 34: Affordable Housing
- Policy 35: Exception Sites
- Policy 36 : Development In the Green Belt
- Policy 38 : Within and beyond settlement Boundaries
- Policy 43: High Quality Development
- Policy 45 : The Historic Environment
- Policy 49 : Mitigating Flood Risk
- Policy 50 : Development In the Countryside
- Policy 57 : Biodiversity and Geodiversity
- Policy 58 : Landscape
- Policy 59 : Woodlands, Trees and Hedgerows

Supplementary Planning Guidance

1. Planning Obligations Strategy, 23 October 2009
2. Design in Central Bedfordshire: A Guide for Development - Design Supplement 1: New Residential Development
3. Design in Central Bedfordshire: A Guide for Development - Design Supplement 7: Movement, Streets and Places

4. Central Bedfordshire Local Transport Plan: Appendix F : Parking Strategy (Adopted in October 2012 by the Executive for Development Management Purposes)

Other guidance

5. Chilterns Buildings Design Guide, First Published in 1999.

Planning History

CB/13/02686/FULL Not proceeded with. Erection of nine two bedroom dwellings

**Representations:
(Parish & Neighbours)**

Parish Council

Initial response from Parish Council received 14/10/13:

“Having reviewed the relevant documentation and proposed development plans, it is clear the applicant is relying on “Very Special Circumstances” (VSC) argument which was also used in the recent planning application for Bell Farm (CB/13/02733/FULL).

Accordingly, before the Parish Council can formally respond to the subject application, we request your formal advice as to whether or not Central Bedfordshire Council and their Planning Team believe that there is a valid VSC argument in this case, and whether or not the land in question is “land previously developed” as outlined by the NPPF (Annex 2).

I can confirm that five residents of Studham attended the meeting and raised several relevant issues which will be included in our formal response in due course.”

Neighbours

27 Bell Cottages, 3, 4,
13 Dunstable Road, 2
Church Close, Cherry
Trees, Swannells
Wood, High Beeches,
Church Road.

Objection for the following reasons:

- Inappropriate development in view of the recently approved 23 dwellings on Bell Farm.
- Quality of life would be compromised due to the movements of construction vehicles at the two sites.
- The development would create a mini-town in view of the approved scheme on Bell Farm.
- Unrestrained development would threaten coalescence with Dunstable.
- Development is contrary to policies protecting the Green Belt and Conservation Area.
- Dangerous exit onto Dunstable Road.
- No need for more houses in Studham.
- No strong very special circumstances put forward.
- Highway safety would be compromised due to three roads converging on Dunstable Road within a few metres of each other, ie the site access, Bell Farm access and Southern Way.

- Studham Conservation Area should not be allowed to exist as an island surrounded by new development.
- Character of the historic village surrounded by open green areas would be lost.
- Approving the development would set a precedent for other developers.
- Light pollution, extra traffic and noise.
- Inadequate services in the village, namely, sewerage and power. Parking is limited in the village and additional houses would worsen the situation.

Top Acre Farm

General Comment

- The application could provide an opportunity to remove poor quality trees thereby reducing local health and safety hazards.
- We are pleased that the application proposes no amendments to the existing vehicular access rights.

Consultations/Publicity responses

Conservation and Design Officer

Recommendation: **refusal**

The application, submitted on behalf of NV Properties, seeks the erection of eight two-bed houses in open grassland at the north end of Studham village.

Within the Design and Access Statement supporting the application, the proposed development is directly linked to continued efforts to buoy-up the business viability of the Bell public house, with which the applicant is associated, and which is one of two public houses in the village, and to assist the delivery of a bed and breakfast lodge within the grounds of the pub which was approved by the Local Planning Authority in 2012.

The application site forms the immediate setting to the designated village Conservation Area, which is also covered by wider AONB designation and is subject to full Green Belt protection. The Conservation Area was designated in 1973, and it should be noted that the designation document makes particular reference to the importance of the northern approach to the old village core and the distinctive village setting in *high quality countryside*.

To correct, at the outset, an inaccuracy of the submitted supporting Design and Access Statement that the current proposal follows 'early engagement' with the Local Planning Authority, I can confirm that the proposed Scheme has not been subject to Local Planning Authority pre-application consideration and advice, and I note that the applicant has validated this approach to Scheme

development in supporting documentation entitled "The Bell Inn's application to build 8 cottages".

The open grassland of the application site is an important landscape element embedding the historic built environment of the village into its essential countryside setting - it is part of the intimate, historic landscape forming the important northern 'gateway' to the village, contrasting with the open expanses of commonland that characterise the southern approaches.

It is my considered view that the essential value to village (and Conservation Area) character of the open grassland of the application site has been consistently downplayed in the application submissions, and much is made of its currently 'overgrown' state, as if to illustrate its current worthlessness - I find any conclusion of suitability for site development based on this assessment fundamentally weak.

Similarly, the impact of the proposed development in the context of local landscape and village layout is also downplayed, most strikingly in the submitted supporting Heritage Asset Assessment.

Assertions of this kind demonstrate to me a fundamental lack of understanding of *local character, significance* and *harm* in this case, all of which are set out in the NPPF as key considerations in respect of 'good design' (Section 7), and the conservation and enhancement of the historic environment (Section 12).

I also think that this lack of understanding is reflected in the *design* of the proposed development, with a baseline assertion that the proposal constitutes 'infill' and a 'rounding-off' of village layout, although the submitted Scheme layout plan clearly shows it, topographically, as village expansion thrusting beyond the existing built environment of the village into its open countryside setting.

That this is *expansion* rather than *infill* is crucial, I think, to an understanding of the reality and local impact of the proposed Scheme.

As an underlying 'development management' principle, it does not seem to be an unreasonable assumption and expectation that new development should respect and integrate with local character and context - indeed, this is a key presumption of both national planning guidance and local design guidance (including the Chilterns Building Design Guide).

A quick scout around the historic core of the village will demonstrate its architectural character and arrangement. In the face of this, the curiously chimney-less, uniformly rendered and 'serried' formality of the proposed development (complete with un-articulated, attached garage buildings) is starkly out of step.

Noting its specifically AONB and Conservation Area setting context, I confirm that I have been unable to reconcile the proposed development with either the basic (ie. location and layout) or detailed (architectural) 'tests' set out in the established design guidance.

It is my view that, beyond a (fundamental) unacceptability of development of this site, the site is simply too small to incorporate successfully a development of this scale and form, and that even the parcelling-out of domestic gardens would be a 'urbanising' (and therefore harmful) encroachment in this sensitive context.

Underscoring this point of site unsuitability for the proposed development, I am mindful of the considered comments of the Central Bedfordshire Council Tree and Landscape Officer which conclude the *unavoidable conflict* between the proposed development, as laid out, and the maintenance, in good health, of the historic boundary hedgerow separating the application site from the open farmland beyond.

The landscape character significance of this hedgerow is clear, and with this, its essential significance to local character and village Conservation Area setting.

In the application submission, much is made of the mitigating factor of natural screening - the Tree and Landscape Officer highlights that unavoidable future management resulting from the uncomfortably close positioning of the development to the hedgerow will lead to an undermining of hedgerow health, and consequent amenity and screening value.

In this, most sensitive context, I consider the resultant *harm* would be significant.

In respect of the consideration of new development within, and in the setting of, the historic built environment, the NPPF establishes that resultant *harm* should be clearly and convincingly *justified* (paragraph 132).

I am clear about the *harm* entailed in the proposed development but, as presented, I find the justification for

site development far from convincing:-

- I take fundamental issue with the promoted suitability of the application site for development
- I am unclear how an approval of this 'enabling' development could be regulated through available Planning powers to *secure* continued investment in the pub business (the objective placed at the heart of the justification).

In conclusion, I would like to make Members aware of my view that the current application raises fundamental issues about the significance and value to be attached to village character and its conservation, and the principle of village expansion justified under Green Belt 'Very Special Circumstances', particularly, as here, in the absence of an overarching, locally-focused Planning strategy provided by a Neighbourhood Plan.

I would also like to re-iterate my view that the business objective which is placed at the heart of the 'very special circumstances' justification cannot be assured and indeed carries inherent risks.

The perceived impact of the proposed development upon village character, however, will be permanent.

Highways Officer

I have concerns in relation to the proposal and the access to it (through the Bell Public House car park) is not shown to be public highway or indeed designed to the standard of a public highway.

- While the visibility splays from the existing access onto Dunstable Road is shown to be 2.4m by 43m I doubt that this can be achieved. A speed survey has not been carried out and therefore a visibility splay could not be reduced. Therefore it is considered that the proposal demonstrates an intensification of use of a substandard access.
- A 9.9m long refuse vehicle has been used to demonstrate the swept path analysis when the length of the authority's refuse vehicle is 11.4m.

I have concerns in relation to the issues raised above and as a result I could not agree that the proposals shown are acceptable on highway grounds. I am happy to discuss this further but in the meantime I am only in a position to offer a refusal.

In a highway context I recommend that planning permission be refused for the following reasons:-

The development, if permitted, would lead to the intensification of use of an existing access which provides inadequate driver / driver intervisibility and will lead to condition of danger for all road users.

And

The proposed development makes inadequate provision for a satisfactory vehicular access road to serve the development.

Tree and Landscape
Officer

Although mitigation measures in respect of tree constraints have been addressed in the report, what is clearly of concern is the close juxtaposition of the new properties with the existing trees, even if the requirements of BS5837;2012 have been accommodated.

It is noted that the edge of the canopies are almost at the edge of the new building line, and this will create conflict with the end users when the pressures of home occupancy come to bear and lead to pressure for the trees to be substantially pruned to the detriment of their health and screening value.

The boundary contains mature Ash specimens where heavy pruning will render them liable to infection from decay fungi *Inonotus hispidus*. The trees occupy a strategically important boundary, backing onto open farmland, where screening of development would become a crucial factor.

I therefore **object** to the application as I consider that the positioning of the development would lead to unavoidable conflict with the existing boundary trees and end users that will lead to pressure for the trees to be unnaturally managed, leading to a reduction in their health, amenity and screening value.

Landscape Officer

Having studied the application there appears very little information on landscape setting especially with the site located within the Chilterns AONB. The Design and Access Statement advises there will be 'no adverse effect on conserving the landscape' but this is not demonstrated in the application.

Further details are required describing the site and surrounds including:

A landscape and visual assessment describing views to and from the site based on photos with supporting text. Sections describing site levels, proposed development and relating to topography and planting structures within

and beyond the site boundary. Details of landscape mitigation informed by the landscape and visual assessment, and enhancement opportunities.

Housing Development
Officer

I support this application as it provides for 3 affordable homes which reflects the 30% current policy. The Affordable Housing Statement indicates that 71% or two units will be provided as Affordable Rent and 29% or one unit as Intermediate Tenure. This reflects the tenure split as identified in the Strategic Housing Market Assessment.

I would expect to see the units well dispersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness. I would also expect all the units to meet the Code for Sustainable Homes Level 3 and meet all HCA Design and Quality Standards.

Ecologist

The application does not appear to be supported by an ecological survey so my comments are based on aerial photos and the tree survey. The site appears to be arable with trees / hedges bordering. 1 Ash Tree is proposed for removal and I note that the tree survey acknowledges the importance of trees for protected species such as bats and birds. Therefore I would recommend that the tree is assessed for interest for these species prior to removal to allow for necessary mitigation to be undertaken.

Public Rights of Way
Officer

Public Footpath no. 1, Studham runs to the south of the proposed site and as with the Bell Farm proposal, would be impacted on to some extent by the proposed development. The matter of the private vehicular right of access of one of the adjoining landowners should also be brought to the attention of the applicants. This may have an impact on this development also.

As with the Bell Farm development, our main concern would be the width of the Public Footpath and it's treatment lying between the two developments. Despite not being mentioned in either the Transport Assessment or Design and Access Statement submitted, the Public Footpath is clearly shown on the historic maps from 1880 and 1901 and is an important local asset providing access for walkers to and from the village and the local pub. It will obviously become an important asset for the new residents of both developments as both a sustainable travel opportunity and the main dog-walking/recreational route into the wider countryside and to the local church. Our view therefore is that in lieu of a financial contribution under a Section 106 agreement, we would look for extra width to be provided to the north of the path to make this proposal consistent with the

development to the south and consistent with the overall aim of improving the amenity of the path for existing walkers, visitors, locals and the new residents of both developments.

It is unclear from the site layout plan submitted, where the intended boundary for plot 1 is and what this is proposed to be (fence, hedge etc.). This would have an impact on the Public Footpath and I would be interested to know what width has been left for the Public Footpath and private right of access. It would seem that if the area near Plot 1 is to be open space, no fencing along this section would be required. It is unclear as to what the intended purpose of the open space shown is - for whom is this for and who will manage it.

As with the Bell Farm development, should a close-boarded fence or hedge along Plot 1 be proposed, we would need additional width to be left for the Public Footpath to avoid the path become narrow, shaded and overgrown with a poor surface. We would therefore suggest an additional 2 metres along the length of the Public Footpath to the north which would also remove the pinch points which could be potential areas of anti-social gathering and behaviour due to the fact that the path is not overlooked by any of the properties on either side.

I would also need to be reassured, that there would be no issue with cars parking on the Public Footpath in the car park area. Again further information about the proposed boundary treatment in this area and the width left for the Public Footpath would be useful.

At Dunstable Road, it should be ensured that the visibility of the vehicle access is good and compatible with that proposed by the Bell Farm development and that there is good intervisibility between vehicle users and walkers exiting from the Public Footpath onto Dunstable Road and crossing to and from the pub and Public Footpath no. 2 on the other side of Dunstable Road. We would suggest that an open maintained verge area is retained next to the Public Footpath exit onto Dunstable Road to aid visibility.

If permission is granted for this development, other issues which should be taken into account are that the siting of any tree protection barriers and fencing must not obstruct or affect the Public Footpath in any way. The tree protection fencing between trees T1 and T2 in particular seems very close to the Public Footpath. Also, no materials or vehicles associated with the development should be left on or near the Public Footpath so as to

cause an obstruction, hazard or inconvenience to its users at any time. I would also advise against any additional, new tree or shrub planting near the Public Footpath which will over time grow and may encroach upon the width of the path if not properly maintained.

In conclusion, we would not object to the proposal on the basis of an agreement to the additional width being provided as suggested and would be happy to discuss a condition to the permission to secure this or allow for further discussion on the Public Footpath and any Section 106 Agreement if appropriate.

Public Protection

No comment.

Education Officer

To be reported at the meeting.

Open Spaces, Leisure and Recreation

I note the unsigned S106 offers Leisure contributions of £13576 for Indoor Sports & LC plus £1752 for Play. While it is not clear how these were calculated they are acceptable for this development. My only request would be that they are combined in the final S106 and are available for any Leisure function (i.e. indoor sp&LC, play or outdoor sport).

English Heritage

- The development would be harmful to the character of the area and should be refused unless appropriately justified.
- The Bell Cottages and The Bell Public House form an important gateway to the Conservation Area.
- The development would make a significant difference to the character of the northern part of the Conservation Area, the setting of the Bell Cottages and the wider setting of the Grade II Listed Public House.
- By developing the whole site, this side of the conservation area would dramatically change, the Cottages' relationship to the landscape would be altered and dwellings which are not complementary to the form of the historic buildings would be introduced into a prominent and sensitive site.
- The NPPF identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development.(paragraphs 6,7 and 14).
- The NPPF also states that the significance of listed buildings and Conservation Areas can be harmed or lost by alteration to them or development in their setting.(par. 132)The conservation of heritage assets, in this case, Studham Conservation Area and the Bell Public House is a core principle of the planning

system.(par. 17).

- The development of the whole field would be harmful to the setting of the Conservation Area and the fact that a wholly modern form of development at variance with the scale and form of the historic dwellings that characterise the conservation area is being proposed only compounds that harm.
- Paragraph 134 of the NPPF requires that the harm to the heritage asset's significance should be weighed against the public benefits of the proposed development. In this case, there might be some benefit through the provision of new housing. The council should weigh any benefit against the harm identified but a clear and convincing justification should be found as required by par. 132 of the NPPF. The possibility of delivering the benefit elsewhere should also be considered (we are aware that 23 dwellings were approved on a site that does not have such a harmful effect on the Conservation Area).If that justification is not made, we recommend refusal of the application.

Environment Agency

No objection.

Waste Planning Officer

Matters to be addressed by the applicant:

- Waste collection point, I assume that the through access road is not intended to be adopted by the Council. We would therefore require a collection point for the 8 cottages. This will need to be on the highway boundary.
- The 8 dwellings will need to have a location at the rear of each property in order to allow for the storage of bins when not presented for collection.

Chiltern Conservation Board

Objection.

The Board objects to the planning application for the following reasons:

- The Board considers that the proposal does not accord with the development plan, which in this case includes the saved policies of the South Bedfordshire Local Plan Review 2004 (SBLP). In addition the policies of the National Planning Policy Framework (NPPF) are important material considerations. The policies of the emerging Central Bedfordshire Development Strategy (CBDS) are also material considerations. This document has not yet reached submission stage and, therefore, the weight which can be accorded to it will depend on the relevance of its policies and the extent to which they accord with the NPPF.

- The form of development proposed is considered to be inappropriate in the Green Belt and would have a significant impact on the openness of the Green Belt. The proposal would result in the construction of two storey houses on land which is currently undeveloped and part of the local countryside. This is clearly contrary to policy and the application does not demonstrate any exceptional circumstances that would justify planning permission being granted.
- The Design and Access Statement submitted with the application lists eleven matters that it claims are very special circumstances which justify an exception being made to Green Belt policy in this case. It can immediately be seen that the majority of the claimed 'very special circumstances' are nothing of the sort. They are not special and are no more than would be expected of any planning application. The assertion that the proposal would not cause 'serious, unjustified encroachment into the Green Belt' is plainly wrong. Significant encroachment would occur, and the words used by the applicant to attempt to underplay the seriousness of that encroachment have no part in the tests set out in the Development Plan and the NPPF for inappropriate development in a Green Belt.
- Housing need can also not be convincingly argued to be a very special circumstance in this case as it applies across the whole of Central Bedfordshire, and could be equally claimed as justification for development in any other location in the Green Belt. Further, Central Bedfordshire Council has published a Development Strategy which proposes major allocations of land for housing development to meet that housing need. In any event, this proposal would make no material contribution to meeting 'district' housing need. It is noted that the application is not solely for 'affordable housing' and is not accompanied by any analysis or assessment of local housing need.
- It is clear that this proposal would do significant harm to the Green Belt and seriously undermine the purposes for which it was designated. This harm is not outweighed by the benefits claimed for the proposed development, none of which represent very special circumstances.
- The application site is in the Chilterns AONB, a nationally designated landscape where the conservation and enhancement of the natural beauty of the area is to be given priority. The proposed development would have an unacceptable adverse impact on this part of the Chilterns landscape by extending development into currently open

countryside, and through the adverse visual and landscape impact which would result from the construction of 8 substantial, two storey dwellings on an open and previously undeveloped site. The part of the application site on which the 8 houses are proposed makes a positive contribution, in its current open state, to the natural beauty of this part of the AONB and to the historic core of Studham village.

- No Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. No other illustrative material has been submitted to show the impact the proposed development would have on the landscape and views of the site from publicly accessible locations in the surrounding countryside. It can be assumed from this that no such assessment has been undertaken. This is a serious omission in this sensitive area where landscape and visual matters are a vitally important consideration.
- The site forms an important part of the landscape setting of the historic core of Studham, which is also a Conservation Area. The site can be clearly seen from a range of publicly accessible locations in the surrounding countryside. At present the site can be seen by those approaching Studham on the section of Dunstable Road north of Bell Cottages. At this point the footpath and carriageway immediately adjoin the eastern boundary of the site and offer views across it to Bell Cottages which form part of the Studham Conservation Area. This juxtaposition of open countryside and historic built form is recognised as a characteristic element of the Chiltern landscape. The retention of this juxtaposition of built and natural environment is an important material consideration which should be accorded great weight in the determination of this application. Its loss would significantly reduce the character and quality of this part of the AONB and the Conservation Area.
- It is also important to take account of the landscape and visual impact of the proposed houses when seen from Dunstable Road. Currently, the site is not fully visible from the carriageway of Dunstable Road as this is at a lower level than the adjacent footpath. However the proposed houses will be clearly seen from the carriageway. This will have a significant adverse impact on this part of the approach to the Conservation Area through the loss of the historic relationship between Bell Cottages, which marks the edge of the historic core of the village, and the mosaic of open fields which form its landscape setting. The importance of this relationship is recognised in the Studham Conservation Area Appraisal prepared by

Bedfordshire County Council as long ago as 1973, a relationship which has not materially changed in the intervening 40 years, and remains a relevant material consideration today. Its loss would be a serious matter.

- The site and adjoining buildings can also be seen from the network of public footpaths to the west of the site. In these views the buildings appear as glimpsed features in an otherwise undeveloped landscape, visible only through gaps in the intervening hedges. The proposed two storey houses would, however be much more clearly visible than the existing buildings from these areas, both above and through the intervening hedge line, and would appear as visual intrusions in the rural landscape.
- The proposed houses will be on a larger scale than existing development. The ridge heights are proposed to be 8.7m above ground level, significantly higher than that of the adjoining cottages. Further, the eight proposed dwellings, each with attached garage to side, will occupy a large part of the currently undeveloped part of the site.
- In addition, the proposed dwellings will be significantly closer to the hedgerow on the western boundary of the site than existing buildings. They will therefore appear as a more prominent feature in the landscape and views from outside the site, seen through and above the existing hedge line.
- The site layout plan submitted with the application shows the rear plots of the proposed houses extending up to the centre line of the hedge which forms the western boundary of the site. This drawing also shows that a number of hedgerow trees will be within the garden plots. It will be very difficult, should permission be granted for the proposed development, to ensure the retention, and appropriate management, of this hedgerow by the various householders. Similarly it will be difficult for the Local Planning Authority to resist proposals for the removal of the hedgerow trees, in the interests of residential amenity and occupiers' use and enjoyment of their gardens.
- The historic core of Studham, when viewed from the rising ground of Studham Common to the south, is seen as a collection of roofs and upper walls of buildings set amongst mature trees. These trees effectively serve to screen parts of the built form from views from the south. However from Studham Common, Bell Cottages, the Bell pub and buildings on Bell Farm, adjacent to the application site, can be clearly seen, even in summer when trees are in full

leaf. It follows from this that the proposed two storey houses will also be visible, and have the potential for adverse visual and landscape interest. The likelihood is that the effectiveness of the hedgerow as a screen for the proposed development will be lost and its adverse visual and landscape impact increased.

- The Board also considers that the design of the proposed buildings is bland and does not conform to the advice in the Chilterns Buildings Design Guide. It is also considered that the dominance of the proposal would be exacerbated by virtue of the fact that the design does not incorporate any chimneys (which generally help to lessen the impact of large expanses of roof covered in tile or slate).
- The Board considers that the proposed development is contrary to the Development Plan. It is inappropriate development in the Green Belt and the site is not previously developed in terms of paragraph 89 and Annex 2 of the NPPF. It would lead to significant loss of openness of the Green Belt, and encroachment into open countryside. It would contribute to the coalescence of settlements in the area.
- The benefits claimed for the proposed development by the applicant do not represent very special circumstances. They are largely unsubstantiated, unconvincing and specific to the site owner. They do not clearly outweigh the harm to the Green Belt and other harm, including that to the Chilterns AONB and the Conservation Area. They do not justify an exception to the normal restrictions on inappropriate development in the Green Belt.
- In the light of the above it is clear to the Board that planning permission should not be granted for this proposal and the Board therefore recommends that the Council should refuse this particular planning application.

Determining Issues

The main considerations of the application are;

1. Principle of the development
2. Impact on the openness of the Green Belt
3. Design appraisal
4. Impact on the character and appearance of the open countryside, the Chilterns Area of Outstanding Natural Beauty, Area of Great Landscape Value and the adjoining Conservation Area
5. Impact on residential amenity
6. Impact on access, parking provision and highway safety
7. Other material considerations

Considerations

1. Principle of the development

Having regard to the location of the application site within the designated South Bedfordshire Green Belt, the Chilterns Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV), the main issue to consider is whether the proposal amounts to inappropriate development in the Green Belt and, if so, whether there are any very special circumstances sufficient to outweigh the harm by reason of inappropriateness, and any other harm, including harm to the character and appearance of the AONB, AGLV, Conservation Area and open countryside.

Policy GB1 of the South Bedfordshire Local Plan Review which provided the principle criteria for assessing new developments in the Green Belt was deleted and replaced by national guidance now contained in the National Planning Policy Framework (NPPF) and Policy 36 of the emerging Development Strategy for Central Bedfordshire. This national advice and the emerging policy state that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this are listed in paragraphs 89 and 90 of the NPPF. If the development is considered inappropriate, paragraph 87 of the NPPF states that it is, by definition harmful to the Green Belt and should only be approved in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations (paragraph 88).

The application site is undeveloped and can be considered as 'greenfield land'. The proposed development would spread the built foot print of the existing cottages and would further encroach onto an otherwise open countryside to the north west of the site. The proposed development incorporates gardens that would extend towards the rear and hence represent further encroachment into the open countryside. The erection of garden fences would further emphasise this encroachment which would result in an urban form of development and the domestication of a large area of the countryside. Accordingly, the proposed development would be inappropriate within the meaning of the NPPF. Paragraph 87 advises that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Further advice at paragraph 88 is clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Overall, the proposed development would conflict with the five purposes of including land in the Green Belt. These purposes are listed at paragraph 80 of the NPPF as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Very Special Circumstances

In an attempt to prove the existence of very special circumstances, the applicant has submitted the following information :

Support for the continued existence of the Bell Public House

- The NPPF encourages developments that support the continued existence of community facilities such as public houses and schools.
- The development would help to raise the much needed funds to implement the planning permission for the bed and breakfast lodge which would support CBC's efforts to promote tourism. Income from tourism makes a significant contribution to CBC's economy.
- CBC recognises the vital role that shops and pubs play in supporting rural communities.
- CBC is notable for the presence of a number of significant employment facilities in the countryside and Green Belt. The council values existing businesses within CBC and supports proposals for the expansion which will contribute positively to the local economy and provide new jobs within the area. The proposed development would ensure the protection of the existing employees of which some are local residents and provide opportunities for recruiting more for the Bed and Breakfast lodge. Additionally, with the re-development of the Bell Farm, this would worsen the impact on local employment.

Size of dwellings proposed

Small properties would keep the community balanced and allow the existing residents to downsize and remain in the village. Small dwellings would attract young families to the village. There is a demonstrable need for affordable housing. Historically, there has been a shortfall of affordable housing within the rural areas partly due to the limited opportunity for infill development in the villages. The CBC development strategy, 'Affordable housing and the Green Belt', states that there is need for affordable housing in the Green Belt settlements and the council will consider favourably the provision of affordable housing on rural exception sites in the Green Belt.

Quality

The proposed development is of tasteful design and would not be a housing estate of 'sheer ugliness' or soullessness'. The dwellings would be of the same style as the Bell Cottages and would complement the surroundings.

Environment

Protecting and enhancing the environment and making the best and most efficient use of the areas's resources is key to sustainable development. The Council's strategy for environmental enhancement is to provide a 'Green Framework for Growth'. This framework includes identifying the most sustainable locations using sustainability criteria to identify where development minimises negative effects on the environment, and maximises the opportunity to deliver benefits.

Section 106 Agreement

A draft section 106 template has been submitted with the application consenting

to make financial contributions towards infrastructure provision as follows:

- Education: £24, 536
- Healthcare: £3,800
- Indoor Sports Centres: £13,576
- Recreational Open space and Children's Play: £1,752
- Waste Management: £1,184
- Police Force: £1,312

Total: £46, 160

Appraisal

The applicant's very special circumstances case has been examined in light of the national advice within the NPPF and is not considered acceptable for the following reasons :

Support for the continued existence of the Bell Public House

The applicant seeks to elevate the importance of protecting the survival of the Public house above any other policy consideration. This is considered a fundamentally flawed approach which ignores national advice. Indeed, national advice within the NPPF stresses that in pursuit of sustainable development, the three strands of economic, social and environmental roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is our view that the argument in support of sustaining the Public house is not balanced and does not justify the acceptability of the proposed development. Furthermore, there is no evidence that all possible avenues of securing alternative funding for Public House have been explored and there is no guarantee that any proceeds from the sale of the development site would be channelled to the Public House. Moreover, it is doubtful if such a requirement could be lawfully enforced. Even assuming that this could be done, there is no guarantee that the Public House's fortunes would change as a direct result of the cash injection into the business. This ignores other factors like market competition and changing consumer behaviour.

Affordable Homes

National advice within the NPPF encourages the provision of affordable houses on exception sites where appropriate to reflect local needs and circumstances. This approach is supported in Policy 35 of the DSCB and Policy H5 of the SBLPR.

Policy 35 states that:

The Council may make an exception to the usual settlement boundary constraints surrounding settlements within Central Bedfordshire under very specific circumstances. This will only apply to the development of Exception Sites which meet the following criteria:

- designed to meet local housing needs. It is recognised that a significant demographic need may arise from older persons. The local needs of all

- sections of community will be evidenced by a housing needs survey.
- subject to a Section 106 legal agreement or unilateral undertaking.
 - allocated in accordance with the Council's adopted Local Lettings Policy.
 - small-Scale development (usually 10 dwellings but in special circumstances larger developments may be considered).
 - provide affordable homes that will remain affordable in perpetuity.
 - provide only a limited number of open market dwellings subject to site specific viability testing (up to 20% of the total dwellings).
 - a mix of tenures to be made available to meet the identified local need.
 - in the case of shared ownership, 'stair-casing' or purchasing additional equity shares will be restricted to 80% of the properties' open market value. This is to ensure that the property remains affordable in perpetuity.
 - situated outside the existing settlement envelope but relates well to the existing settlement and is in-keeping with surrounding character.

Whilst the policy supports the provision of affordable housing in Green Belt settlements, this is only acceptable on 'rural exception sites' of which the application site is not. The proposed development is not predominantly for the provision of affordable homes and as such offers nothing very special in this respect. Notwithstanding the applicant's reference to the proposed development as one designed to plug the gap in the provision of the affordable homes, the development would only offer 50% of the units as affordable dwellings. Whilst it might be the case that there is a shortage in the supply of affordable housing units in the rural villages, (although this is not supported by any analysis of the situation in the village), the solution is not to build on land that should be accorded the highest level of protection against inappropriate development such as this. (NPPF paragraph 115). Furthermore, contrary to the applicant's assertion, the proposal does not constitute infill development. Policy H12 of the South Bedfordshire Local Plan Review cited in the Design and Access which deals with infill developments is therefore not relevant to this proposal. This policy does not identify Studham as a village where infill development is appropriate. Furthermore, paragraph 11.7 of the DSCB provides the following definition of infill development: 'Infill development can generally be defined as small-scale development for two dwellings in a small gap in an otherwise built up frontage, utilising a plot which should continue to complement the surrounding pattern of development. The dwelling or dwellings proposed should have a plot size and frontage length which is similar to those of adjoining frontage properties. There should be no adverse impact on the setting of the site, the character of the area, and surrounding properties and uses.'The proposed development in fact represents encroachment of built development onto the open countryside which would be detrimental to the character of the locality and the setting of the Conservation Area. The proposal therefore fails the tests laid down in Policy 35 of the DSCB and Policy H5 of the SBLPR and is contrary to national advice within the NPPF.

Quality

The applicant's conclusion regarding the quality of the design is not accepted. For the reasons detailed by the Conservation and Design Officer, English Heritage and the Chiltern Conservation Board, it is considered that the proposed development fails to respond to the character of the area. National advice within the NPPF is quite clear that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable

development, is indivisible from good planning, and should contribute positively to making places better for people.(paragraph 56). Paragraph 64 goes on to say that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposed scheme represents poor design which fails to integrate with its immediate historic and countryside setting.

Section 106 Agreement

The Agreement has not been signed and the heads of terms have not been defined. Furthermore, financial contributions are a standard requirement applicable to most new housing developments and hence cannot be given much weight as very special circumstances.

National advice requires that following an assessment of the appropriateness or otherwise of a development in the Green Belt, the LPA should also examine if there would be any other harm caused by the development.

Policy SD1 of the SBLPR states that preference will be given to the proposals on sites within the first four categories of the Development Strategy and proposals on sites in the remaining categories of the development strategy will only be favourably considered where the applicant can demonstrate that:

- there is a need that could not be met by proposals in the local plan;
- there are no sites in the first four categories that could practicably meet that need;
- 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;
- there is adequate service and community infrastructure, existing or proposed, to accommodate the proposal; and
- the proposal is acceptable in terms of Green Belt Policy.

In this case, the site falls outside the preferred categories and hence fails to satisfy the above criteria. Furthermore, having regard to the poor design, harmful visual impact and highway safety concerns, the principle of the proposed residential development is considered to be unacceptable on this site.

2. Impact on the openness of the Green Belt

The NPPF advises, at paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence. This approach is echoed in Policy 36 of the emerging Development Strategy for Central Bedfordshire (DSCB). The proposed development represents an encroachment into the open countryside beyond the built up area defined by the Bell Cottages. This harm would not be outweighed by the limited benefits to be had from approving the scheme. Furthermore, the very special circumstances case as discussed above, is considered unacceptable.

3. Design appraisal

Density of the development

The proposed development would translate to 16 dwellings per hectare which would reflect the sensitivity of the area.

Layout and scale

The proposed development would spread the built development beyond the limits of the Conservation Area defined by the Bell Cottages. Furthermore, the layout appears regimented thus failing to reflect the informal courtyard design that would be more in keeping with a rural location such as this. The development, as a result, fails to respect and integrate with the local character and context.

Visual impact

The applicant has failed to identify the key elements of the context of the application site and hence the application was not supported by a detailed visual appraisal. There is therefore no evidence that the proposed development would not have a harmful visual impact on the open countryside.

Trees and landscaping

The applicant commissioned a tree survey and the major findings and recommendations are contained in a report submitted with the application. The report identified mitigation measures to likely harm to the trees. Additional planting is proposed. The Tree and Landscape Officer however raises objections regarding the proximity of the dwellings to the boundary, which would result in the development threatening the continued existence of the trees along the western boundary which offer a vital screen beyond the application site.

Access and Parking

The access to the application site would be via the existing Bell Public House car park, next to the Bell Cottages.

Car parking would primarily be provided on individual plots and would comprise garages, and driveways situated to the side of the dwellings in accordance with the Council's minimum parking standards. The scheme would also provide 5 visitor spaces grouped in front of Plots 3 and 4. It is considered that the parking layout would afford adequate natural surveillance.

4. **Impact on the character and appearance of the open countryside, Area of Outstanding Natural Beauty, Area of Great Landscape Value and the adjoining Conservation Area**

The NPPF is quite clear at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the AONB which have the highest status of protection in relation to landscape and scenic beauty. Policy BE8 requires all development to, amongst other things, complement and harmonise with surrounding development, to carefully consider setting and to have no adverse impact upon amenity. This criterion is echoed in Policies 43 & 45 of the emerging Development Strategy for Central Bedfordshire (D.S.C.B). It is therefore considered that the proposed development would have a materially harmful impact on the character and appearance of the surrounding area mainly due to the siting and scale of the dwellings. It is considered that the proposed

development would fail to preserve or enhance the appearance of the Conservation Area and provide sufficient mitigation to any visual harm to the locality. Overall, the design solution does not demonstrate an appreciation of the constraints and opportunities of the context of the development and hence would cause irreversible damage to the character and appearance of the area.

5. Impact on residential amenity

Policy 43 of the Development Strategy for Central Bedfordshire requires new development to respect the amenity of surrounding properties and their occupiers. The proposed dwellings would maintain adequate separation distances with the Bell Cottages such that no harm would be caused to residential amenity.

6. Impact on access, parking provision and highway safety

Overall, the development would be prejudicial to highway safety as detailed in the Highways Officer's comments due to the intensification of the use of a substandard access with poor visibility on entry onto Dunstable Road.

7. Other material considerations

Objections

The objections received from third parties have been taken into account and given weight in accordance with their relevance to the determination of the application.

The Development Plan

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

It is noted that a number of policies which the applicant sought to rely on to justify the proposed development have either been deleted or are irrelevant. These policies, extracted from the SBLPR and listed in the Design and Access Statement are summarised below :

GB1 - Green Belts (Deleted)

GB2 - Major Development Sites in the Green Belt (Not relevant)

NE1 -Location and Design of Development in the Countryside (Deleted)

NE10 -Diversifying the use of Agricultural Land (Not relevant)

BE4 -Control of Development in the Conservation Areas (Deleted)

BE5 -Control of Development in the Conservation Areas (Deleted)

BE6 -Control of Development in Areas of Special Character (Not relevant)

T1 -Controlling the Location and Traffic Impact of Development (Deleted)

H1-Making Provision for Housing and Accompanying Schedule of Proposed Housing Sites (Not relevant)

H2 -Making Provision for Housing via 'Fall-in' Sites (Not relevant)

H12 -Controlling Infilling in Villages (Not relevant)

The failure to identify the correct policies might have contributed to the wrong conclusion that the proposed development would not be harmful to the character of the area.

Pre-application consultations

National advice within the NPPF encourages early engagement on development proposals in order to improve the efficiency and effectiveness of the planning application system. (paragraph 188). In this case, as outlined in the supporting documents, the applicant opted not to seek pre-application advice.

Human Rights issues

Whilst there has been opposition to the application from some local residents and other interested parties, it is not considered that the application raises significant human rights concerns.

Equality Act 2010

The development does not raise equality issues which could not be dealt with under the relevant legislation.

Recommendation

That Planning Permission be **REFUSED**.

RECOMMENDED 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 those listed in paragraphs 89 and 90 of the National Planning Policy Framework. The development would be situated on greenfield land and would be contrary to the five purposes of including land in the Green Belt. The proposal is therefore inappropriate and harmful to the visual amenity and rural character of this Green Belt location and the very special circumstances advanced are not considered sufficient to permit the development. The development is therefore contrary to national advice contained within the National Planning Policy Framework and Policies 35 and 36 of the emerging Development Strategy for Central Bedfordshire and SD1 and H5 of the South Bedfordshire Local Plan Review.
- 2 The proposal is contrary to Policy H12 of the South Bedfordshire Local Plan Review, whereby planning permission will not be granted for additional residential development in rural areas with the exception, in Category 2 villages, of infill sites which are physically contained by existing development and where infilling would not result in an adverse impact on the setting of the site and the character of the area. This proposal does not constitute infilling and Studham is not designated as a Category 2 Village in the South Bedfordshire Local Plan Review. The proposed development in fact represents an encroachment into the open countryside beyond the built up area. The National Planning Policy Framework advises, at paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence. The development would therefore be contrary to this national advice and Policies 36 & 37 of the emerging Development Strategy for Central Bedfordshire (DSCB).

- 3 One of the objectives of the Government in the rural areas is to raise the quality of life and the environment through the promotion of good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside and the continued protection of the open countryside for the benefit of all. Because of the poor design, change in the character of the use of the land and the introduction of domestic paraphernalia that would go with the occupation of the dwellings, the proposed development would fail to enhance the local rural distinctiveness of the area and would be harmful to the character and appearance of the Area of Outstanding Natural Beauty and Area of Great Landscape Value and Conservation Area and thus, would be contrary to the principles of good design set out in the National Planning Policy Framework and Policies SD1, BE8 and NE3 of the South Bedfordshire Local Plan Review and Policies 43, 45 and 50 of the emerging Development Strategy for Central Bedfordshire.

- 4 The development, if permitted, would lead to the intensification of use of an existing access which provides inadequate driver / driver intervisibility. Furthermore, the proposed development makes inadequate provision for a satisfactory vehicular access road to serve the development which would lead to conditions of danger for all road users contrary to Policy 43 of the emerging Development Strategy for Central Bedfordshire and national advice within the National Planning Policy Framework.

- 5 The supplementary planning guidance regarding Planning Obligations was adopted in January 2010 and requires that all residential development, including single dwellings, will be subject to standard charges to ensure that smaller-scale developments meet their obligations to fairly and reasonably contribute towards new infrastructure and facilities. The application fails to make contributions towards the provision of new infrastructure to sustain the proposed development thereby conflicting with the Central Bedfordshire Council's adopted Supplementary Planning Guidance: Planning Obligations Strategy for Southern Bedfordshire (2010), Policy 19 of the emerging Development Strategy for Central Bedfordshire and National advice within the National Planning Policy Framework.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through early engagement with the applicant by inviting pre-application consultations. This positive advice has however not been followed and therefore the requirements of the Framework (paragraphs 186 and 187) have been met in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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