



# Appeal Statement

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**Outline planning for the erection of two (2x) detached dwelling and two (2x)  
detached double garages at  
land at Chalton Stables, Chalton, Moggerhanger, Bedfordshire, MK44 3RA**

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- This appeal is made by Mr J White against Central Bedfordshire Council's refusal of an outline planning application (with all matters reserved except access).
  - The application ref: CB/20/01715/OUT dated 3<sup>rd</sup> June 2020, was refused by the Council on 24<sup>th</sup> July 2020.
  - The development proposed is the erection of two (2x) detached dwellings and two (2x) detached double garages (with all matters reserved except access).
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## **1.0 INTRODUCTION**

- 1.1 The appeal proposal is for the erection of two (2x) detached dwelling and two (2x) detached double garages (with all matters reserved except access) at land at Chalton Stables, Chalton, Moggerhanger, Bedfordshire, MK44 3RA.
- 1.2 The Council refused to grant outline planning permission on 3<sup>rd</sup> June 2020. A copy of the decision notice is attached to Appendix GC-1. A copy of the delegated officers report is attached to Appendix GC-2.

## **2.0 SITE DESCRIPTION AND BACKGROUND**

- 2.1 The appeal site is known as Chalton Stables and is an area of land used in part for paddocks and stabling. The site is on Blunham Road. The site is located within the policy designation of open countryside outside the settlement envelopes of Blunham and Moggerhanger.
- 2.2 Planning permission has recently been granted for a mixed use agricultural and equestrian storage building adjacent to the appeal site. The site is within ownership of the Appellant. Details are attached to Appendix GC-3.
- 2.3 Also, to the east of the appeal site, outline planning permission has recently been sought for the erection of a detached 'barn-style conversion' dwelling. This site is also within the ownership of the

Appellant. The application was submitted in April 2018 and refused by the LPA in June 2018. The proposal was subsequently allowed on appeal in February 2019. A copy of the appeal decision and associated plans are attached to Appendix GC-4 of this statement. Full planning permission was then sought for a dwelling-house in a similar position but with a number of alterations to the dwelling approved under the outline scheme (Appendix GC-4). The scheme was approved on appeal in March 2020. A copy of the appeal decision and associated plans are attached to Appendix GC-5 of this statement.

### **3.0 THE CASE**

- 3.1 The main determining issues in this case are 1) whether the proposed development is within an appropriate location for new housing; and 2) the effect of the development on the character and appearance of the area.
- 3.2 In terms of the principle of the proposed development, the appeal site is within the policy designation of open countryside. Within this policy designation, there is a presumption in favour of sustainable development that retains the rural character and appearance of the countryside. Local Plan policy DM4 has the effect of preventing any housing in the countryside except in certain limited circumstances. It reflects national guidance at the time which sought to protect the countryside for its own sake, which is now withdrawn. Current national policy as set out in a core principle of the Framework is to recognise

the intrinsic character and beauty of the countryside and to support thriving rural communities within it. That suggests a balance is to be sought between the benefit of development and any harm caused.

Paragraph 213 of the Framework says due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). It is argued that policy DM04 is out-of-date and attracts limited weight. This position was accepted in relation to the proposed development for one dwelling-house located 50m to the east of the appeal site. The matter is addressed in greater detail in paragraphs 11 to 19 of the appeal decision attached to Appendix GC-4.

- 3.3 Planning Practice Guidance confirms that all settlements can play a role in delivering sustainable development in rural areas and that blanket policies restricting housing development in those areas should be avoided. The PPG does not refer to designated settlements only or otherwise rule out hamlets.
- 3.4 Paragraph 50-001 of the NPPG emphasises the importance of recognising the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It confirms that all settlements can play a role in delivering sustainable development in rural areas, and so blanket policies restricting housing

development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

- 3.5 The strict limitation on development in the Rural Policy Area is in conflict with the aims of the Framework and Government policy as set out in the National Planning Practice Guidance which seeks to promote sustainable development in rural areas, with housing located where it will enhance or maintain the vitality of rural communities. It is contended that the Government's emphasis is for the creation of residential accommodation and this would meet the social element of sustainable development.
- 3.6 Paragraph 78 of the Framework states "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. new housing should be located where it will enhance the vitality of rural communities".
- 3.7 Paragraph 79 of the Framework states "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- The development would re-use redundant or disused buildings and enhance its immediate setting;
- The development would re-use redundant or disused building and enhance its immediate setting;
- The development would involve the subdivision of an existing residential dwelling; or
- The design is of exceptional quality, in that it:
  - Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

3.8 The site adjoins a stabling block and other residential curtilages and is within walking and cycling distance to Blunham which has a range of facilities including public houses and schools as well as Moggerhanger. A bus stop is within 450 metres of the site on Station Road. The site is also situated 50m to the west of the site discussed in paragraphs 2.3 and 3.2 of this statement which was granted outline planning

permission for a dwelling-house in February 2019 (Appendix GC-4) and full planning permission for a dwelling-house in March 2020 (Appendix GC-5). Paragraphs 15 to 19 of the appeal decision (Appendix GC-4) confirmed that the site is considered to be in a sustainable location and is not considered to be isolated given that the site is adjacent to other houses and is a short distance from the village of Blunham which is defined as a large village in policy CS1 of the local plan. Given the close proximity of this site in relation to the appeal site, there is no reason why the appeal site cannot also be considered to be in a sustainable location. Moreover, it is noted that the case officer accepts in the delegated report that the proposed dwellings would not be 'isolated' for the purposes of paragraph 79 of the NPPF.

- 3.9 In terms of the 5-year housing land supply, for decision-taking purposes, an authority needs to be able to demonstrate a 5-year housing land supply when dealing with applications and appeals. It is considered that the Council does not currently have a 5-year supply of housing and therefore the relevant housing policies in the development plan are out-of-date. The case of Green Lane Chertsey (Development) Limited v Secretary of State for Housing and Local Government [2019] EWHC 990 (Admin) (attached to Appendix GC-6) makes clear at paragraphs 25 and 26 that it is necessary for the Council to show that they have a 5-year supply of housing land to disapply paragraph 11 of the Framework. The Council have not done so and therefore the tilted balance provision set out in NPPF paragraph 11 applies to this appeal.

As indicated previously, the proposal would comply with the policies of The Framework as a whole. The application therefore should be considered with a presumption in favour of the proposal and that any adverse impacts must significantly and demonstrably outweigh the benefits of delivering additional housing.

- 3.10 In terms of the impact upon the character and appearance of the area, the appeal site is in a location characterised by sporadic built form consisting of dwellings, agricultural and industrial buildings. The proposed dwellings would be situated adjacent to a stabling block and other residential dwellings as well as the site recently granted planning permission for a dwelling-house (Appendices GC-4 and GC-5).
- 3.11 It is argued that the sympathetic design of the proposed dwellings as well as the choice of materials would compliment the rural character of the area and would not be at odds with the pattern of sporadic and domestic development seen elsewhere in the vicinity of the site. The matter of character and appearance is also discussed in greater detail in paragraphs 5 to 10 of the appeal decision attached to Appendix GC-4. In this connection, the proposal would not result in any material harm to the character and appearance of the area or the street scene.
- 3.12 In terms of the planning balance, it is argued that this is an important material consideration, especially in light of the recent and ongoing COVID-19 situation which is considered in more detail below.

- 3.13 In terms of social benefits, the proposal would contribute towards the local housing stock by delivering two dwelling-houses within the local area. This in turn would contribute towards maintaining the vitality of the existing local services and amenities in the nearby villages of Blunham and Moggerhanger as well as the nearby larger towns of Sandy and Bedford.
- 3.14 In terms of the environmental benefits, the proposal would deliver a high-quality development that would improve the visual appearance of the appeal site and would not harm the character and appearance of the site or the wider area.
- 3.15 In terms of the economic benefits, it is argued that the proposal would create access to jobs during the construction process. A significant financial investment would be required to construct, fit out and furnish the new dwellings. Future occupiers of the dwellings would also provide long term financial contributions through the purchasing of goods within the local area, future Council tax contributions etc. It is argued that the impact of these economic benefits are even more significant given the current COVID-19 and economic situation and need to be weighted into the assessment of this appeal.

## **4.0 CONCLUSION**

4.1 The Appellant contends that the principle of development is acceptable, and the scheme is in chorus with the aims and objectives of the National Planning Policy Framework and the relevant local plan policies. The scale and bulk of the proposal would be appropriate in this location and there would be no resulting material harm to the character and appearance of the area.