



Appeal Decision

Site visit made on 29 October 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2019

Appeal Ref: APP/K0235/W/19/3235798

Land Adjoining 56 Top End, Renhold MK41 0LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr K Hill against the decision of Bedford Borough Council.
 - The application Ref 18/02692/OUT, dated 22 October 2018, was refused by notice dated 14 May 2019.
 - The development proposed is outline application for the erection of 2 dwellings with all matters reserved except access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the Council's decision notice. While the appeal form indicates that the description had not changed from that stated on the application form, the above description which more concisely describes the development was nevertheless entered on the appeal form and I have determined the appeal on that basis.
3. The application is made in outline with all matters reserved except for access which is to be considered at this stage. I have had regard to the plans submitted as part of the application. However, I have regarded all elements of these drawings as indicative, apart from the details of the access.

Main Issues

4. The main issues in this appeal are (i) the effect of the proposed development on the setting of 56 and 58 Top End, a listed building and (ii) the effect of the proposed development on highway safety.

Reasons

Setting of the Listed Building

5. Top End is a loose ribbon of development comprising buildings interspersed with areas of agricultural land and woodland, with views towards open countryside in the surrounding area. There is significant variation in the design and scale of the dwellings along Top End, but the typically generous spacing around buildings adds to an overall sense of openness. This spaciousness and the leafy character provided by the mature trees and landscaping which are visible from the street scene contribute a pleasant semi-rural feel to the area.

6. The appeal site is located between a pair of 18th century semi-detached cottages at 56 and 58 Top End, and a footpath and access to Renhold Sports Field with a detached bungalow at 46 Top End beyond this access. At the time of my visit, the site was overgrown, but areas of hardstanding extending from the site's access to Top End were apparent. The front boundary of the site with Top End is set back from the edge of the pavement behind a ditch, and is marked by a hedgerow in front of post and rail fencing. Similar post and rail fencing lines the boundaries to the site's sides and there are views across the site between the hedging and trees which supplement it in places.
7. 56 and 58 Top End are together a grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
8. The attractive traditional design and materials of 56 and 58 Top End (the listed building), including the half-hipped thatched roof and architectural features, are distinctive along this part of Top End and contribute to the semi-rural character of the area. Although the building has been extended, in my view this does not inhibit an appreciation of the original form of the building or diminish to any notable degree the significance and special interest which are derived from both its aesthetic and historic interest.
9. Despite some screening by vegetation, there is a clear visual relationship between the appeal site and the listed building with views from the listed building over the site. In addition, the listed building is visible from and across the open site allowing an appreciation of its form. Moreover, and notwithstanding more recent development nearby, the lack of built form on the appeal site together with the open agricultural land beyond 58 Top End maintain a sense of separation around the listed building on this side of the road and contribute a spacious and open rural setting which is not diminished by boundary vegetation. Together with the clear contrast between the appearance of the listed building and nearby development, this separation and setting further mark the listed building apart from other development along Top End, emphasising the historic isolation of the building on this part of the street and giving a sense of the area's evolution over time.
10. While not referenced specifically within the listing description, the open setting of the listed building provided by the appeal site thus makes a positive contribution to its significance, and enhances the ability to appreciate that significance by providing views of the building from the surrounding area and affording an understanding of its historic rural setting.
11. Although the Council have raised concerns about the scale of the dwellings illustrated on the submitted plans and their relationship with the listed building, the proposal is in outline with all matters reserved except for access. Accordingly, the illustrative layout, scale, appearance and landscaping of the development is not part of the scheme before me and it is not possible to make assumptions regarding the detail of these aspects or any resulting impact. Nevertheless, the outline nature of the proposal does not prevent any consideration of the effect of the proposed development on the listed building.

12. I accept that it may be possible to locate dwellings within the site to retain views of the listed building across the site. However, in the absence of full details to demonstrate otherwise, it seems to me that regardless of their detailed design, layout or any set back from the street, the development of two dwellings would by their very presence reduce the existing open nature of the site and the setting and separation it provides around the listed building. This would be exacerbated by features such as driveways and boundary treatment likely to be associated with residential use of the site. The resulting loss of openness would erode part of the remaining historic spacious rural setting of the listed building to the detriment of the building's significance. Infilling of the visual separation around the listed building would additionally harm its significance, as well as the ability to appreciate this significance.
13. Despite some vegetation to the site boundaries, some views onto the site would continue even once hedging to the site frontage reaches maturity given the requirement for access from Top End. Furthermore, the visual impact of the presence of development on the site and loss of openness would be likely to remain from the listed building itself and other vantage points including the footpath and access to Renhold Sports Field. Screening by vegetation would not therefore mitigate the significant harm caused by the introduction of housing on the appeal site within the setting of the listed building.
14. Although it appears that historically there was some form of building on the appeal site, I do not have full details of this structure. In any event, as it is no longer present this does not alter the open character of the appeal site and the setting that it currently provides the listed building.
15. The reduction in the open and rural character of the site would seriously harm the setting of the listed building. However, the structure of the building would not be affected and there would not be a total loss of significance. Accordingly in the terms of the National Planning Policy Framework (the Framework), the harm to the significance of the asset would be less than substantial. Having reached this view, paragraph 196 of the Framework outlines that the less than substantial harm to the significance of the designated heritage asset should be weighed against the public benefits of the proposal.

Heritage Balance

16. In terms of public benefits arising, there is no disagreement between the parties that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The proposal would provide two additional dwellings which would contribute positively to the housing under-supply position and the supply of housing locally and could help to free up existing stock. The development would advance the Government's objective outlined within the Framework to significantly boost the supply of homes from a variety of sites and I further acknowledge the advice at paragraph 68 of the Framework that small and medium sized sites such as this can make an important contribution to meeting housing requirements in an area and are often built out relatively quickly.
17. There would be some further economic and social benefits associated with construction and occupation of the dwellings through opportunities for social interaction as well as support for local services and businesses through additional patronage by future occupiers, potential employees and contribution towards the provision of infrastructure in the area.

18. With regard to environmental benefits, I note the appellant's suggestion that development would not compromise natural features on the site or the character of Top End, although layout, scale, appearance and landscaping are reserved for future consideration. In any event, development would ensure future use and management of the site and occupiers would have access to a bus service and some local facilities. I have also taken into account that development would make use of this site which has previously accommodated a structure, although there is insufficient evidence before me currently to determine whether this was an agricultural building and thus whether the site would constitute previously developed land as defined within the Framework.
19. The extent of these public benefits is tempered by the small amount of development but they nevertheless carry moderate weight overall. However, as a listed building, 56 and 58 Top End is a designated heritage asset and in accordance with paragraph 193 of the Framework, great weight should be given to the asset's conservation. The harm that the development would cause to the significance of the listed building would be less than substantial, but given the importance of the setting to the significance and appreciation of the asset, I give this harm considerable importance and weight. In this context and even if I were to find that the site constitutes previously developed land, the public benefits of the proposal would not outweigh the harm to the significance of the listed building.
20. In conclusion on this main issue, the proposed development would not preserve the special interest or setting of the listed building of 56 and 58 Top End and would result in harm to its significance. It would therefore conflict with saved Policy BE21 of the Bedford Borough Local Plan 2002 (BBLP) and Policy CP23 of the Core Strategy and Rural Issues Plan 2008 (CSRIP). Together, these identify a requirement for the preservation and enhancement of the character and setting of listed buildings. The development would also conflict with the aims of the Framework as it would fail to sustain the significance of the listed building and public benefits would not outweigh the harm. Additionally, it would conflict with the duty to give special regard to the desirability of preserving the setting of the listed building as required by Section 66(1) of the LBCA and this carries considerable weight and importance in my decision.

Highway Safety

21. The existing access to the site from Top End would serve the proposed development and there is no dispute between the parties that this is appropriately located. However, sufficient space to allow turning both into and within the site has not been demonstrated. Additionally, the access would be of insufficient width to enable two vehicles to safely pass simultaneously. As a result, and given screening to the site frontage which would limit visibility between vehicles exiting and entering the site, vehicles may be caused to either wait on Top End or reverse out of the site onto the highway. Such manoeuvres would increase the likelihood of conflict between traffic associated with the site and other users of the highway and this would cause unacceptable harm to highway safety on this classified road.
22. I note that the Highways Authority have not raised an objection in principle to the development. The appellant has also suggested that detailed submissions could be made in response to conditions to address technical issues raised including those noted above. However, any amended access design to enable

turning into the site and vehicles to pass simultaneously would involve land outside of the application site boundary and would need to cross the ditch running along the site frontage which the Council advise provides drainage. These factors would be additional considerations relevant to the design and implementation of the access and could affect the ability to deliver any revised access arrangements in practice. Therefore, and in the absence of evidence to the contrary, I cannot be sure that safe access to the site would be achievable to ensure highway safety would not be adversely affected.

23. As a result, I conclude on this main issue that it has not been demonstrated that the proposed development would not cause unacceptable harm to highway safety. Accordingly, it would conflict with saved Policy BE30 of the BBLP which requires suitable access arrangements for development. It would also be contrary to the requirement outlined at paragraph 108 of the Framework for safe and suitable access to development.

Other Matters and Planning Balance

24. The Council's accepted lack of housing land supply triggers the presumption in favour of sustainable development test set out in paragraph 11(d) of the National Planning Policy Framework (the Framework). This states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
25. However, I have already found that policies within the Framework relating to heritage assets indicate clearly that development should be restricted in this case. Accordingly, and with regard to paragraph 11(d) (ii) of the Framework, the presumption in favour of sustainable development does not apply.
26. The Council advise that the Bedford Borough Local Plan 2030 which is currently at examination includes Renhold Top End as a small settlement and that emerging Policy 5 would give support to development here where it would contribute positively to the character of the settlement and be appropriate to its structure, form, character and size. This is not yet an adopted part of the development plan, and given the harm that would occur to the setting and significance of the adjacent listed building which is part of the area's character, this emerging policy does not weigh significantly in favour of the proposal.
27. I note that technical consultees did not raise any in-principle objections to the proposal and the appellant's intention to formulate detailed proposals in consultation with the Council to meet policy requirements. However, these factors do not outweigh the harm that would arise to the setting and significance of the listed building and highway safety and the resulting conflict with the development plan.

Conclusion

28. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR