
Appeal Decision

Site visit made on 3 October 2019

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2019

Appeal Ref: APP/K0235/W/19/3230033

West End Farm, West End Road, Kempston, MK43 8RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs N & C Gauntlett against the decision of Bedford Borough Council.
 - The application Ref 19/00245/FUL, dated 25 January 2019, was refused by notice dated 29 March 2019.
 - The development proposed is erection of education and training centre (D1).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - The effect of the provision of the education and training centre on (a) the character and appearance of the area, having particular regard to the provision of the access point and the need for the facility in this location; (b) highway safety; (c) the living conditions of the occupiers of existing dwellings nearby, with particular regard to noise and disturbance and (d) ecology;
 - The effect of the proposed development on the setting of the nearby listed building, West End Farmhouse.

Reasons

Location, character and appearance

3. The site is located in the countryside for the purposes of the application of planning policy where policies CP13 and CP14 of the Core Strategy and Rural Issues Plan (CS) apply. These policies support new development that is 'consistent with national policy' and where there is a proven need for such development seeks to focus it in or around the edge of key service centres.
4. I understand that the appellants suggest that limited weight should be attached to CP14 as it flowed from now withdrawn East of England Plan. Nonetheless, it is broadly consistent with the objective set out in paragraphs 83 and 84 of the National Planning Policy Framework (the Framework) which seeks to support a prosperous rural economy. The Framework also requires new development in rural areas to respect the character of the countryside and to ensure that new development is sensitive to its surroundings. As such, whilst I note the appellants position, I consider that it is reasonable to take CP14 as one of the

suite of policies relevant to consideration of the principle of the scheme and that govern the location of development in the countryside along with matters of character and appearance. This would also include policy AD1 of the Allocations and Designations Plan which reflects the presumption in favour of sustainable development set out in the Framework and CP2 which seeks to preserve and where appropriate enhance the character and quality of local landscapes.

5. The site is located in the Cranfield to Stagsden Clay Farmland Landscape Character Area. The wider area is a rolling arable landscape and contains long distance views. In particular when approaching from the west along Spring Lane. Within this view the site is prominent and visible. At present the site is located within this wider countryside setting. It is enclosed by mature hedgerows especially to the road and is open beyond. It therefore contributes to the open nature of the countryside in this location. The appeal scheme would include the provision of a substantial new detached building toward the front of the site, an access point, plot area and orchards. It would introduce an additional permanent building to this location to provide the education facility.
6. The provision of a new access point would lead to the loss of a portion of the existing hedgerow. This is shown on the plans along the length of the visibility splays. The appellants submit that the scheme would allow for hedgerow re planting along the site frontage behind the visibility splays and this is shown on the plans. There would also be additional hedgerow planting and enhancement. Furthermore, I understand that this has been discussed with the Forest of Marston Vale and that the Hedgerow Assessment (HA)¹ document confirms that the hedgerow to be removed would not be legally protected. Nonetheless, noting the comments made in the HA regarding species and sparse sections, the hedgerow is firmly part of the rural character of the site and its rural location along Spring Lane. As such I consider that it contributes positively to the character and appearance of the area.
7. I appreciate that the existing buildings are visible. However, those buildings have a very simple form and appearance. The appellants submit that the building would take a design reference from the existing buildings, with a traditional front and that the material finish could be controlled by condition for both the building and the parking areas. However, the application form suggests that the appeal scheme would utilise timber cladding and grey powder coated windows. To light the building, it would contain large domestic styled windows across the lower portion of the elevations. As a result, even located in the flat lower area of the site, it would appear at odds with the existing buildings in the locality. It would not sit comfortably with the existing cluster of farm buildings in the wider landscape. Moreover, the new access and parking areas would divorce it further from these buildings and as such I do not consider that its orientation would be particularly beneficial as the appellants suggest. Therefore, I consider that even from glimpsed views along the lower end of Spring Lane and from West End Road through trees and hedgerow the building would appear alien and out of character. This would be compounded by the introduction of parking, new access point and road.
8. The appellants consider that the Framework offers support for the scheme. More specifically that it supports a prosperous rural economy and that sites to

¹ ECO-Check submission 29 January 2019

meet local business and community need in rural areas may have to be adjacent to or beyond existing settlements in locations that are not well served by public transport. In addition, I agree with the appellant's submission that planning policy does not require the location for such a facility to be the subject of sequential style test and that it may be possible for schemes such as this to be located outside of settlement boundaries. It is submitted that the scheme seeks to provide a community facility in the form of a new education centre. It would be used primarily by schools to support the national curriculum through outdoor learning, provide professional development for teachers and also NHS professionals. This is supported by a demand and need paper² which outlines how the learning centre would meet local and regional community need. Furthermore, the Written Ministerial Statement Planning for Schools August 2011 supports educational infrastructure and a sufficient choice of school places. There is also support from the Borough Council as there is currently no similar provision. In this regard the concept of the scheme would meet a community need.

9. However, both local and national policies require new development in rural areas to respect the character of the countryside and to ensure that new development is sensitive to its surroundings. In this case I have found that the scheme would have a harmful effect on the character and appearance of the area. Therefore, even taking into account the provision of the specific facility, I consider it would conflict with both local policies and paragraphs 83 and 84 of the Framework on this point. It would therefore be in conflict with policies BE30, E21, E23 Bedford Borough Local Plan (LP) CP2, CP13, CP14, CP21, CP24, CP29 of the Core Strategy and Rural Issues Plan (CS) and AD1 of the Allocations and Designations Plan.

Highway safety

10. The Council's decision lists three highway issues. Specifically, that the visibility proposed for the new access would be substandard, the intensification of the existing access point onto West End Road and the provision of turning space within the site.
11. The new access point would be taken from Spring Lane. The appellants have used a design speed of about 36mph to arrive at visibility splays of 56m as being adequate for all traffic. Spring Lane is subject to a 60 mph speed limit. As such the Council consider that the splay of 2.4 x 56m shown on the plans would not be acceptable. More specifically that the speed surveys demonstrate that greater visibility splays would be required. The submitted Transport Assessment sets out that the Borough Council's design guidance allows for the use of Manual for Streets. However, I have not been provided with this guidance and this has not been referred to by the Local Highway Authority (LHA). The appellants submit that provision of 56m would accord with Manual for Streets and be acceptable in this case. I understand that the appellants reasons for this is due to the absence of buses, other goods vehicles and Spring Lane being unsuitable for HGVs. However, this is not the only highway matter raised by the Council. Therefore, even if I were to accept the appellants position on this point regarding the specific circumstances of this access point this would not address the other matters I consider below.

² Demand and Need Paper January 2019

12. The appeal scheme would utilise the existing access onto West End Road. This is currently used by the farm operations. No changes are proposed to the position or dimensions of this access. The Council's concern is focussed on the increased use of this access on a daily basis when it considers that the available visibility would not be satisfactory. In particular that to the north a 60 mph speed limit would require a splay of 215m. The appellants have undertaken a further speed survey on West End Lane which observed the existing speeds. The view of the LHA is that for this access to be used as an exit then the speed survey would need to demonstrate that that vehicles are travelling at 30 mph or less for a 65m splay on a category B road. I understand that the plans show that splays of 85m could be achieved. In addition, the appellants have conflated the requirements of manual for streets and the design manual for roads and bridges and suggests that the average splay would be 77m. However, West End Road is a B class road with a national speed limit in place. Furthermore, the speed survey does not demonstrate speeds of 30mph or less. Therefore, the requirements of the LHA should be met.
13. In addition, the access is already in use for the activity associated with the farm operations in the existing buildings. These vehicles can enter and exit from West End Road. The appeal scheme would introduce additional vehicle movements at this access point, albeit in one direction only. Nonetheless, there would be increased use of the access and potential for conflict of vehicle movements at a point where visibility is below the requirement for the 60 mph speed limit that is in place.
14. The plans show that there would not be a specific turning facility within the site itself. The appellants submit that the expectation would be that cars or light vans would turn within the access road. The occasional large vehicles are shown as travelling one way through the site. This would include a refuse vehicle and tracking for this is shown within the appeal documents³. Therefore, I am satisfied that this information demonstrates that these larger vehicles could move through the site. However, this vehicle movement would be utilising and increasing the use of the West End Road access point, where visibility would be below the required standard.
15. Therefore, I consider that overall, the combination of highway arrangements proposed would have the potential to create conflict of vehicle movements and lead to danger and inconvenience to highway users that would have a harmful effect on highway safety in conflict with LP policy BE30 which amongst other things considers the suitability of access arrangements to and within new development.

Setting of listed building, West End Farmhouse

16. West End Farmhouse is a Grade II listed building. The listing describes it as a timber framed house with a clay tiled roof dating from the 16th century with alterations in the 18th and 19th century. Its setting and significance is derived from the space around it and its relationship to the wider landscape. The significance is experienced from within the site and also from the road outside of the site.

³ Appendix D Appellants' statement of case

17. The appellants identify that the appeal site itself would be about 60m from the listed building. The closest existing buildings to the listed building are the farm buildings adjacent to the appeal site. I appreciate that these are substantial in terms of their coverage, scale and height. Nonetheless, due to their position, design and materials they do not appear intrusive when seen in combination with the listed building. In particular being simple and non-domestic in form they in fact read as subservient to the listed building, particularly in views from the north and west from both the Public Right of Way and Spring Lane. This would also be the case from West End Road. By contrast the application forms indicate that the appeal building would have a material finish of timber cladding and powder coated windows. It would also contain domestic scale and styled windows across the lower portion of the elevations. As a result, even though it would be lower than existing buildings, it would appear at odds with the existing farm buildings in the locality. As such, and more specifically, it would not form a coherent part of the farm building group when considered in context with the listed building. Therefore, it would not preserve the setting of West End Farmhouse.
18. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The Framework advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.
19. Accordingly, taking into account all of the above, I consider that the new building would not preserve the significance and special interest, including the setting, of the listed building. In the language of the Framework it would result in less than substantial harm to West End Farmhouse. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect.
20. Paragraph 196 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would provide an education and community facility, learning centre and training kitchen which would represent social and health benefits. There would be cultural, social and economic, education benefits derived from that provision both during construction and once built and occupied. However, these benefits would be likely to be moderate in scale. Therefore, even though I have found that the harm to the designated heritage asset is less than substantial it is not to be treated as a less than substantial objection to the proposal. The public benefits attributable to the proposal in my judgement would not outweigh the great weight to be given to the harm to the designated heritage asset. As such, the proposal would be in conflict with the Framework. It would also be in conflict with LP policies BE21 and BE30 and CS policies CP21 and CP23.

Living conditions of existing occupiers

21. There is no objection from the Council's Environmental Health Officers. Nevertheless, the Council's report specifically considers the impact of the scheme on West End Farmhouse and Horseshoe Cottage. In particular from movements on and off the site and the use of the outdoor areas of the scheme.
22. I understand that the Council consider that the area is currently relatively tranquil. The appellants own information acknowledges that there would be an increase in traffic from visitors to and from the site if the scheme went ahead. The transport assessment identifies about a 5% increase on West End Road on a typical week day. I appreciate that for Horseshoe Cottage it is reasonable to consider this increase within the existing noise environment of West End Road and Spring Lane, the associated junction and activity already in and around the West End Road Access point.
23. However, the situation for West End Farmhouse would be different. The scheme would introduce an addition to the existing access road which runs along the side of part of the garden area of this dwelling. This route is intended for use by occasional larger vehicles visiting the site. Much of the parking area, bin store and associated turning movements from these areas would generate movements. Taken together I consider that these aspects of the scheme would lead to noise and disturbance over and above the existing situation that would harm the living conditions of the occupiers of West End Farmhouse. This is not something that could be overcome by conditions.
24. The outdoor learning and growing areas would be in the western most areas of the site and I appreciate that the use of this area would be timetabled. I have no evidence that these areas would not be properly managed I do not consider that these areas would lead to noise and disturbance that would harm the living conditions of nearby occupiers. However, this does not alter my concerns regarding the relationship of the new access and parking areas to West End Farmhouse and as such I conclude that the scheme would have a harmful effect on the living conditions of the occupiers of existing dwellings nearby, with particular regard to noise and disturbance. It would therefore be in conflict with LP policy BE30 which considers any factors which might give rise to disturbance to neighbours and the surrounding community in new development.

Ecology

25. The Council's reason focuses on the effects from the loss of the boundary hedgerow. The officer report identifies that the site would be within 600m of the Astey Wood and Hanger Wood Sites of Special Scientific Interest (SSSI). It also provides comments of support from the officers of the Forest of Marston Vale. This sets out that the proposal would result in the creation of a wildlife corridor between Astey and Hangar Woods.
26. The scheme is supported by a hedgerow assessment that considers the impacts of the removal of a section of hedgerow and provision of a replacement on the ecology on the site. I understand that the appellants have considered the value of the section of hedgerow to be removed and come to the view that it would not be legally protected. In particular that its loss would be offset by new planting that would be connected to the retained hedgerow. Retained sections would also be enhanced with infill hedge planting and hedgerow trees.

In addition, the officer report highlights that the existing site is not identified as being of significant ecological value. The assessment identifies that any new or enhanced landscape scheme could support insects and provide habitat for a range of birds and mammals and that management of boundaries supports wider diversity of wildlife. I note that the Council are concerned about lighting. However, had I been minded to allow the appeal this could have been carefully controlled by condition.

27. Overall, there is no evidence that the scheme would have a harmful effect on protected species. Further, the proposal includes a scheme for enhancement. I therefore conclude that the scheme would not have a harmful effect on ecology and would not be in conflict with CS policies E21, E22 and CP25 which amongst other things seek to protect the biodiversity and geodiversity of the borough.

Other matters

28. The appellants have referred to a decision made by the Council for the approval of a wellbeing centre⁴. They consider that the Council has not acted consistently in approving that scheme and refusing the appeal scheme. I have limited information about this scheme and I have in any event judged the appeal before me on its individual merits.

Conclusion

29. I have found that the scheme would harm the character and appearance of the area, the setting of the nearby Listed Building, highway safety and the living conditions of existing occupiers. In this regard the scheme would be in conflict with the policies of the development plan to which I attached significant weight. I appreciate that this is a scheme for a food and nutrition focussed learning centre for children and adults that would provide education, social and health benefits. However, none of these matters alone or collectively would amount to material considerations that would justify making a decision other than in accordance with the development plan.
30. Therefore, for the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR

⁴ LPA Ref 18/02082