
Appeal Decisions

Site visit made on 9 December 2019

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2020

Appeal A: APP/K0235/W/18/3214799

The Five Bells, 1-3 Northill Road, Cople MK44 3TU

- 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 Ian Newman, REL Group Ltd against the decision of Bedford Borough Council.
 - The application Ref 18/00290/FUL, dated 31 January 2018, was refused by notice dated 11 May 2018.
 - The development proposed is described as 'The development of surplus land to the rear of The Five Bells, Cople, to provide a small terrace of three homes, plus two bungalows. This will be done whilst still retaining adequate outside amenity spaces, individual garden areas, with no loss of the existing pub car parking, and retaining the large outside trading area, and additional space for special events.'
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Appeal B: APP/K0235/W/18/3214811

The Five Bells, 1-3 Northill Road, Cople MK44 3TU

- 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 Ian Newman, REL Group Ltd against the decision of Bedford Borough Council.
 - The application Ref 18/01403/FUL, dated 31 May 2018, was refused by notice dated 28 September 2018.
 - The development proposed is described as 'The development of surplus land to the rear of The Five Bells, Cople, to provide four 'over 55s' bungalows. This will be done whilst still retaining adequate outside amenity spaces, individual garden areas, with no loss of the existing pub car parking, whilst also retaining the large outside trading area, along with space for the pub's special events'.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The two appeals concern the same site but comprise of slightly different schemes; Appeal A is for 5 properties, with 3 terraced units and 2 bungalows, whereas Appeal B is for 4 bungalows, restricted to people aged over 55. I have considered the appeals on the same basis and my comments concern both schemes, except where otherwise indicated.

Main Issue

4. A main issue for both cases is whether or not the proposal would provide a suitable site for housing, having regard to the principles of sustainable development and the effect of the proposal on nearby heritage assets.
5. A further main issue for Appeal B is the effect of the proposal on highway safety.

Reasons

6. Cople is a primarily linear village sited along and around the junction of Northhill/Willington Road and Grange Lane, with 'backland' development relatively rare and limited to a few examples, such as Burrsholt close to the centre of the settlement, Woodland Close towards the southern end, and Rye Crescent towards the northern end of the village. The Grade I listed All Saints Church forms the visual centre of the village, located on the north west side of the Grange Lane/Northhill Road junction; the Grade II listed Five Bells public house lies on the east side of this junction.
7. The appeal site lies to the rear of the public house (pub) on a grassed area described by the appellant as 'surplus land', but which appears to be the extended rear garden of the pub. The rear, eastern boundary of the appeal site has the same rear boundary as the last houses on the cul-de-sac of Burrsholt immediately to the north. To the east are open fields, which also encircle the rear boundary so that part of the southern boundary also borders open fields. The Grade II listed No 5 Northhill Road borders the site to the remainder of the southern boundary.
8. The appeal proposals share the same basic proposed layout, with access to be taken from the north side of the existing car park to the side and rear of the Five Bells, with this access running along the northern boundary of the site and two spurs leading off it; with the one closer to the public house servicing a terrace of 3 units (Appeal A) or 2 bungalows (Appeal B) and the rear spur at the back of the site serving 2 bungalows.
9. The Five Bells is an attractive 17th century building, with a 2-storey cream rendered/rough cast façade set under a red tiled roof and a slightly inset and lower extension to the south. To the rear there are various later extensions dating from the 19th and 20th centuries. The setting of the pub extends to the road junction in front of the building, where it overlaps with the setting of the Church and No 5 Northhill Road, but also encompasses the appeal site to the rear of the pub. The special interest and significance of the heritage asset derives from the age of the building, its historical interest, and its prominence in the heart of the village as a rural pub.
10. All Saints Church dates from around 1430 according to the listing, with additions in the 16th and 18th century. The coursed limestone rubble and ironstone church has a west tower and noticeable embattled parapets. The Church faces southwards onto Grange Lane, with the surrounding churchyard bordering Grange Lane and Northhill Road. The setting to the Church covers much of the village and the building is a noticeable centre point to the settlement.
11. No 5 Northhill Road is a 17th century thatched cottage with a cream façade and noticeable catslide/sloping dormers set in the recent thatch (not tiled as the

listing suggests). To the rear there is a red brick outrigger with tiled roof. The setting of No 5 extends to the front of the property, encompassing the central village road junction.

12. The Local Plan¹ defines settlement policy areas (SPA); outside of such areas is defined as open countryside. The SPA for Cople is drawn across the appeal site, so that the initial access road lies within the SPA but the majority of the site lies outside. Policy H26 of the Local Plan states that planning permission will not be granted for housing in the open countryside except as provided for under policies H27, H28 and H30. These policies essentially allow for agricultural or forestry workers, extensions to existing dwellings, and housing for local needs; low cost housing for local people, particularly for the young and the elderly. The appeal proposals would not meet such exceptions; even though Appeal B is aimed at residents aged over 55 there is no indication that such housing would be low cost.
13. Policies CP13 and CP14 of the Core Strategy² confirms that development in the countryside will only be permitted if it would be consistent with national policy or where there is a proven need for development that such development should be focused at 'key service centres'. Cople is not defined as a key service centre; in such settlements policy CP14 states that development will be restricted to that which is required to meet local business and community needs and to maintain the vitality of those communities. The proposals would therefore be contrary to policies CP13, CP14 of the Core Strategy and policy H26 of the Local Plan.
14. Paragraphs 78-79 of the National Planning Policy Framework (the Framework), states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that the development of isolated homes in the countryside should be avoided unless certain exceptions would apply.
15. While outside the designated policy area for Cople, the proposals would not constitute isolated homes in the countryside, being located adjacent to other development in the village. Furthermore, in their statement of case the Council acknowledge that they cannot demonstrate a five-year supply of deliverable housing land and that Core Strategy policies CP13, CP14 and Local Plan policy H26 are out of date.
16. In such circumstances for applications involving the provision of housing paragraph 11 of the Framework states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance (including those concerning heritage assets) provide a clear reason for refusing the development proposed, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.

¹ Bedford Borough Local Plan 2002, adopted

² Bedford Borough Council Development Plan Document Core Strategy & Rural Issues Plan, adopted

18. The proposed developments would provide backland schemes at odds with the character of much of the village, aside from the examples mentioned above. The example of Burrsholt adjacent to the site's northern edge appears as an anomaly when in the centre of the village. However, the applicant's Heritage Settings Assessment shows that this cul-de-sac appears to have been built on the site of a former garage and thus would have been significantly different in character to the site for the appeals.
19. Evidence within the Heritage Settings Assessment demonstrates that the majority of the land to the rear of the Five Bells has largely been free of development since at least 1779, with previous development behind the pub being sited fairly close to the pub and potentially having agricultural uses. The development of the site would alter the character of the site significantly from that of a garden and surplus garden of a rural pub to a more developed character, at odds with the character of the village and adversely affecting the setting and significance of the public house.
20. In this context I disagree that the location of fields to the east is incidental and does not contribute to the significance of the public house. The open land to the east, including the site and the fields beyond make a positive contribution to the significance of the heritage asset, contributing to the essential character of the building as a rural pub. While the rear of the public house, with the later extensions, may be of less historical importance than the façade of the building, the gabled designs and functions of such extensions all add to the public house and do not detract from the significance of the asset.
21. The design of the proposals, including the proximity of the proposed development to the rear of the public house, with the small access road sited adjacent to the retained section of the garden, adjacent parking spaces and proposed houses would cause harm to the setting of the public house, altering the rural setting of the pub to a suburban character; in this context I do not agree that the garden or its planting gives it a suburban character at present. While the effect of Appeal A's proposed 3 terraced units would present more of a solid block of development, the proposed bungalows for Appeal B would also have an adverse effect, being of a development type not characteristic of the local area.
22. The open land to the rear of the public house is visible from All Saints Church, with the open car park being visible from the south east corner of the Church and part of the site visible from the Churchyard gate on to Willington/Northill Road. The proposals would adversely alter the setting of the Church by introducing a new visible form of built development at odds with the character of the village to the environs of the heritage asset. Such harm would not be as substantial as to the Five Bells, but nevertheless harm would still arise.
23. The rear of No 5 Northill Road is dominated by the rear brick extension, and the significance of the heritage asset is largely defined by the original property fronting Northill Road. In this context, and the separation of the property from the appeal site, I do not consider that the proposals would cause harm to the setting or significance of No 5 Northill Road.
24. The Framework states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm, with any

harm to the significance of a designated heritage asset requiring clear and convincing justification. Given that the proposals would not affect the historic fabric of the Five Bells and its location at the rear of the public house, I am satisfied that the degree of harm that both schemes would cause to the heritage asset would be less than substantial. Although of a lower order than that caused to the Five Bells, less than substantial harm would also be caused to the setting and the significance of the Church.

25. In such circumstances the Framework states that such harm should be weighed against the public benefits of the proposal. The schemes would provide 4 or 5 houses in an area with an acknowledged lack of five-year housing land supply. The construction and residence of the proposed homes would provide local economic benefits and social benefits to the village.
26. The appellant states that the proposal would provide benefits to the future viability of the pub, by providing resources to improve the remaining garden area and refurbishment of the internal areas of the pub, helping to secure its future viability in line with local community objectives. However, there is no mechanism advanced that would secure such resources to the pub within the application, nor is there any evidence of the current viability of the pub. As such, I place limited weight on these benefits.
27. Appeal B would provide 4 bungalows for the over 55s. The appellant notes that there is a distinct lack of bungalows for sale in Cople and that therefore the scheme would provide dwellings to meet the needs of local people, referring to Council evidence over the importance of providing accommodation suitable for elderly and less mobile people. However, the proposal would appear to provide 4 open market dwellings for sale. While these may be able to be restricted to the over 55s, there is no mechanism that such houses would be for local people and this reduces the weight I give to such measures.
28. I am required to give great weight to the harm that I have found that the proposals would cause to the identified heritage assets. While the schemes would provide some benefits, particularly in an area with an acknowledged lack of housing supply, I do not consider these to provide clear and convincing justification sufficient to justify the harm that the proposals would cause. The proposals would therefore be contrary to the Framework.
29. Policies BE21 of the Local Plan and CP23 of the Core Strategy together state that the Council will seek to preserve and enhance the setting of listed buildings by appropriate control over the design of new development in their vicinity, and that development will be required to protect and where appropriate enhance the character of listed buildings. The proposals would both be contrary to these policies, and the application of policies in the Framework relating to designated heritage assets provide a clear reason for refusing the developments proposed. In this respect I note that both parties consider that paragraph 11(d)(i) of the Framework does not apply; however for the reasons given above I consider that policies relating to designated heritage assets as identified in footnote 6 of the Framework do apply in this instance. The proposals would also be contrary to the Act.
30. Consequently, the schemes would not contribute to protecting and enhancing the built and historic environment and do not therefore constitute sustainable development. I therefore conclude that the proposal would not provide a

suitable site for housing, having regard to the principles of sustainable development and the effect of the proposal on nearby heritage assets.

Appeal B - Highway Safety

31. The site is located opposite to a reasonably busy T junction; although in a fairly quiet village I noted on my site visit the number of local movements generated by the garage located opposite to the public house. However, I note that Appeal B is for 4 bungalows and as such traffic generated by the proposal would be relatively light and would not realistically add significantly to the traffic already generated by the public house. I also note that the County Highways Engineer raises no objection to the scheme and that Appeal A did not have this reason for refusal
32. The Council raise concerns that only a small part of the pub car park forms part of the application site and that only four parallel spaces proposed on the north side of the car park could be controlled by any potential consent. However, the existing car park shown on the plans would be retained for parking purposes and it seems unlikely to me that a significant shortfall in car parking spaces would arise from the scheme.
33. While I note the evidence submitted by the appellant over the potential for new business generated by a refurbished pub garden, given that, as noted above, this element of the scheme would not be secured by a permission granted for the development I have not taken this into account in highway terms. The proposal would comply with Policy BE30 (iv) of the Local Plan, which states that the Council will have full regard to any additional traffic expected to arise from the development, either in relation to highway safety or general disturbance, and provision made for car parking. I therefore conclude that Appeal B would not have an adverse effect on highway safety.

Conclusion

34. While I have found that Appeal B would not have an adverse effect on highway safety, I have concluded that the proposal would not provide a suitable site for housing, having regard to the principles of sustainable development and the effect of the proposal on nearby heritage assets.
35. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Jon Hockley

INSPECTOR