
Appeal Decision

Site visit made on 16 March 2020

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 April 2020

Appeal Ref: APP/K0235/W/19/3242367

**Former Sewage Pumping Station, Bromham Road, Biddenham,
Bedfordshire MK40 4AH**

- 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 T Lettman against the decision of Bedford Borough Council.
 - The application Ref 18/03253/FUL, dated 28 November 2018, was refused by notice dated 13 September 2019.
 - The development proposed is demolition of the existing pumping station and erect a new 5 bedroom contemporary style house.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was refused by the Council, they have adopted the Local Plan 2030 (LP). I have been provided with relevant policies and the appellant has had the opportunity to comment. At the time that the decision was made, the Council were unable to demonstrate a suitable supply of housing sites; with the adoption of the new LP, this no longer appears to apply.

Main Issues

3. The main issues in this appeal are;
 - Whether the location of the site is appropriate for a new dwelling
 - The effects of the proposal on highway safety
 - The effects of the proposal on the nearby Scheduled Monument and on the character of the area
 - The effects of the proposal in relation to flooding.

Reasons

Location of the site

4. The appeal site sits outside the Settlement Policy Area boundary for Bromham and Biddenham. For planning policy purposes, the site is therefore within the countryside. Policy 7S of the LP relates to development in the countryside and states that only certain categories of development will be allowed, none of which is claimed to apply by the appellant and none appear directly relevant to me. Therefore, the proposal is contrary to Policy 7S.

Highway Safety

5. Land between the appeal site and the carriageway is said to form highways land. It would appear that parking takes place on this section of land, perhaps by users of the adjacent footpath. The appellant appears to acknowledge that visibility for vehicles emerging from the site cannot be currently provided and the Council refer to vegetation obscuring views to the right and a combination of vegetation and the structure of the bridge obscuring views to the left.
6. The appellant indicates that vegetation to the right could be cut back but accepts that this is on land outside his control. He states that this would require the agreement of the landowners, one of whom appears to be the Council; this implies that there is another landowner who controls part of the visibility splay in this direction. From the evidence before me, it would appear that the appellant has no control over the land in this direction and cannot rely on a third party to provide visibility over part of their land.
7. In relation to visibility in the direction of the bridge, the Council indicates that it is the structure of the bridge that primarily restricts visibility and from my observations, I agree. Taking account of the observed vehicle speeds, I consider that the inability to provide sufficient visibility for emerging vehicles, is a matter which would compromise highway safety. I acknowledge that the frontage is sometimes used for car parking but this appears to be on an ad hoc basis. Although it may result in some unsafe vehicle movements, as suggested by the appellant, that is no reason to allow a permanent home with an unsafe access point.
8. In relation to parking, the proposal indicates 2 open spaces and a car port. The Council indicates that the required width for parking spaces is not met by the proposal. In addition, it would appear that a vehicle using the car port would not be able to turn within the site; this would give rise to the prospect of a vehicle reversing out of the site which would not be acceptable in safety terms. The appellant suggests that he could rely in some way on the highway land in front of the dwelling. As this is not in his ownership, I give this prospect little weight. Taking these matters together, I consider that the proposal would have a prejudicial effect on highway safety.

Effects on the Scheduled Monument and Character of the Area

9. The adjacent Bromham Bridge is said to be a Scheduled Monument. The appellant's submitted Heritage Statement acknowledges that there would be a 'slight' degree of harm, although the submitted appeal statement appears to consider that no harm would result. As the Heritage Statement has been prepared by a suitably experienced specialist, I shall accept the expression of harm set out therein.
10. The proposal would replace the very run down remains of the pumping station with a more substantial building of 2 storeys in height. I have noted that there are other houses close to the bridge on the opposite side of the road. However, on this side, the appeal site is surrounded by open land which provides an attractive rural setting for this part of the bridge. Although views of the proposed dwelling from the bridge may be filtered by vegetation, at the time of my site visit it was clear that some views between the bridge and the proposal would be possible. The proposal would have some measure of a negative effect on the attractive a rural setting of the bridge here and I agree

with the appellant's specialist assessment that this would be slight and so amount to 'less than substantial' harm, as set out in the National Planning policy Framework. This harm should be weighed against any public benefits and I have considered the appellant's case in this respect but I find nothing of sufficient weight to do so.

11. In relation to the general character of the area, consistent with its identification as countryside, the existing condition of the site means that the remnants of the building have a small negative effect on the rural surroundings. The proposal would result in a more formal appearance, with a larger building and domestic character. In my judgement, this would have a negative effect on the character of the area, notwithstanding the presence of houses on the opposite side of the road.

Flooding

12. The site falls mainly within Flood Zone 3 (as set out in the Planning Practice Guidance (PPG)) with a small part of its northern section within Zone 2. Accordingly, the appellant's submissions conclude that the site has a high probability of flooding. The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The appellant has submitted a site specific Flood Risk Assessment (FRA) and the Environment Agency (EA) has commented that it is deficient as it fails to: demonstrate that there will be no increase in flood risk elsewhere due to a loss of floodplain storage at the site; include an assessment of the impact of climate change on flood risk; demonstrate that adequate flood risk mitigation measures will be included in the design of the proposed development to ensure the development will be safe for its lifetime.
13. In addition, the appellant has failed to undertake a sequential test in order to demonstrate that there are no other satisfactory sites with a lower level of risk available. The appellant considers that a sequential test is not appropriate to this case. For housing, the extent of the sequential test should not be constrained by land ownership and realistically will often extend across a town or district area. This has clearly not been undertaken and the implication of the appellant's comments is that his ownership of this site alone means that extending a sequential test to other sites outside his ownership is unrealistic. Such an approach is clearly contrary to the advice in the PPG.
14. As a result of these matters, I conclude that the proposal would involve development at a high risk from flooding and it has not been demonstrated that there are no other sites available with a lesser risk of flooding.

Conclusions

15. For the reasons set out, I find that the proposal would be contrary to the provisions of the up-to-date development plan, raising conflict with Policies 7S, 28S, 29, 31, 37, 41S, 51S and 92 of the Local Plan 2030. I find no matters which are capable of outweighing that conflict. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR