



Appeal Decision

Site visit made on 23 March 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2020

Appeal Ref: APP/P0240/W/19/3243686

Land to the rear of 7-8 Moat Farm Close, Greenfield MK45 5DP

- 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 M Callanan, Status Homes Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/01728/FULL, dated 22 May 2019, was refused by notice dated 19 September 2019.
 - The development proposed is residential development comprising of 21 dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A signed and dated Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 was submitted by the appellant. This ensures the provision of infrastructure which would offset the impacts of the proposal as well as making provision for affordable housing. I return to these matters below.
3. In the light of the provisions of the UU the Council has confirmed that there is an appropriate mechanism in place to provide the infrastructure required, including affordable housing, to mitigate the impacts of the development. The UU undertaking therefore addresses the second reason for refusal. I have dealt with the appeal on this basis.
4. The Council has prepared a new Local Plan for Central Bedfordshire which is currently the subject of examination (LP). The Council refer to emerging Policy SP7 in their first reason for refusal. This policy updates and carries forward the approach on settlement envelopes indicating that the review of those envelopes would be reflected in the submitted version of the emerging LP. However, in the light of the stage of preparation of the LP, and the level of objections raised, only limited weight can be attributed to its policies in this appeal.
5. The response to consultation on the planning application by the Flitton and Greenfield Parish Council refers to the emerging Neighbourhood Plan for Flitton, Greenfield and Pulloxhill (NP). The Parish Council indicate the emerging NP is nearing completion following a period of public consultation on the draft version in June 2019. Notwithstanding this and, given the emerging plan has only been

published in draft form, means at this point the emerging NP has little weight in the determination of this appeal.

Main Issue

6. The main issue for this appeal is the effect of the proposal on the character and appearance of the village and the wider landscape.

Reasons

Character and appearance

(i) The relationship of Greenfield with the surrounding countryside

7. The appeal site is located at one of the main entrance points to Greenfield. At present the transition from open countryside to urban area is gradual with residential development on the northern side of High Street opposite the low-lying open grazing land. It is not until No 33 High Street, opposite the entrance to Moat Farm Close, that development is to be found on both sides of High Street. The effect of developing the appeal site would be to significantly alter this situation. The transition from countryside to built-up area would be much starker, resulting in a near instantaneous transition for a traveller approaching Greenfield from the south-west and vice-versa for anyone leaving the village. From the edge of the village at the north-east corner of the appeal site, views across the paddock into the open countryside beyond are extensive. Similarly, the effects of the development on views from the frontage of the northern side of High Street and from dwellings facing the appeal site on Moat Close would be dramatic and urbanising in nature.
8. The proposed retention and reinforcement of the existing site boundaries would help to mitigate the effects to some degree, but they would still be significant. On the northern side of High Street, the depth of existing development at the settlement edge is initially one dwelling, extending to 2 dwellings whereas the appeal site would be of a depth of 7 dwellings. Accordingly, the extent of the visible development proposed would also be of a scale that would not sit comfortably with Greenfield's 'Small Village' designation within the settlement hierarchy of the Central Bedfordshire North Core Strategy and Development Management Policies (CSDMP) (2009).
9. The appeal site lies outside the defined settlement envelope. Therefore, in policy terms, it falls within open countryside. It is in use as grazing land which does give it some characteristics as a site on the urban fringe. However, this is not especially surprising or uncommon given its edge of village location. The 21-dwelling capacity of the appeal proposal, comprising a mix of dwelling sizes and types, would be significantly larger than anticipated by CSDMP Policy DM4.
10. On this sub-issue, I conclude that the proposed development would have a harmful effect through encroachment into the countryside resulting in a stark transition from rural to urban character. This would arise from a scale of development that lies outside the identified settlement envelope where only small-scale of infill development is envisaged. As such the proposal is contrary to the provisions of CSDMP Policy DM4, which, as part of the development strategy, seeks to steer the bulk of new development towards larger settlements and strategic allocations. The policy allows for some limited exceptions, but these would not apply in relation to the appeal proposal.

(ii) The form of the development proposed in relation to the existing pattern of development

11. The reason for refusal refers to the appeal proposal introducing a swell of proposed development within a settlement characterised by a more linear form.
12. Perusal of mapping of Greenfield shows that much of the village is characterised by linear development of single property depth on one or both sides of the roads that form the main spine of the settlement. This form has been supplemented by deeper estate-style developments in several locations. However, in close proximity to the appeal site, the developments at Moat Farm Close which is a cul-de-sac 3 dwellings in depth off the High Street and Moors View, a cul-de-sac 2 dwellings deep are indicative of the prevailing character.
13. The appeal scheme would introduce new development at its western boundary to a depth of 7 dwellings (comprising 4 semi-detached and 3 detached houses). This would represent an exceptional pattern of development out of proportion in comparison to the existing built form in this part of Greenfield and lead to the construction of new buildings significantly further away from High Street than the existing buildings on either of the Moat Farm Close or Moors View developments. In this way the appeal proposal would lead to a swell of urban development in comparison to the existing form of the settlement. Given its location at the entrance to Greenfield, this would lead to a stark and unacceptable rural-urban transition that fails to respect its context at the gateway to this small village.
14. On this sub-issue, I conclude that the form of the proposed development would result in a scale of development in an edge of village location that would be atypical and out of proportion to the nature of the surrounding pattern of growth village development. As such the proposal is contrary to the provisions of CSDMP Policies DM3 and DM4, which, as part of the development strategy, seek to encourage new development appropriate in scale to their setting and to limit the scale of development associated with small villages to infill development. In coming to this conclusion, I note that the reason for refusal does not refer to Policy DM3. However, I consider this policy is important in relation to the determination of this appeal.

(iii) Effect on landscape setting

15. The Landscape and Visual Impact Assessment (LVIA) (May 2019) suggests the proposed development is acceptable since the site already has the character of an urban fringe site, but also because it is well contained by existing landscape on its southern and western boundaries, effectively divorcing the site from the more rural landscape beyond. Views of the site from a distance are constrained by foliage associated with the existing field pattern. In addition, it is suggested the design of the proposed development would complement those existing in adjoining developments.
16. The LVIA suggests there would be; no impact on the wider landscape, moderate impact on the localised setting because the scheme would not introduce substantially differing elements to the adjacent natural and built environments, and moderate impact within the site due to the design of the scheme such as retention of existing vegetation and appropriate mitigation. The overall conclusion is of no significant harm to the receiving visual environment.

17. Based on my site visit and from the evidence, the appeal scheme would have mainly localised impacts as a result of the topography, in particular the raised ridge line to the south of the site and, the small field pattern with the extensive planting in hedgerows. However, I would not agree there is *no* impact on the wider landscape. While the site may well have some features of an urban fringe location this does not mean that it does not continue to form part of the open countryside. The area of countryside to the south of Greenfield lies in the transitional and sensitive area between the Greensand Valley, the Greensand Ridge and Pulloxhill Hills. Development of the site would have some impact on views of which the most noticeable would be for those entering the village along the High Street.
18. In terms of localised impact, the size and shape of the site would have the appearance of a suburban housing development which would transform the character experienced at the existing gateway to the village. I would not agree that the effects of the smaller Moat Farm and Moor View estates are directly comparable because their scale and depth when viewed from High Street are at a considerably lesser scale without the abruptness of the western facing row of buildings proposed on the appeal site. The proposals to mitigate the effects of the development through further landscaping, open space and green infrastructure, while welcome, would not, in my view, be sufficient in themselves to overcome these concerns. I do not share the appellant's assessment of 'moderate adverse' effects and consider the localised impact would be harmful.
19. At the site level there are several aspects of the design that stand out. First, while the proposal seeks to reduce the visual impact through retention and strengthening of existing hedgerows, including the boundary facing High Street, the layout requires that boundary to be broken to provide access into the site. This would result in a significant proportion of the existing hedgerow being affected, by breaking its link to the countryside beyond. Second, the dwellings proposed on plots 7, 8, 9 and 10 would be constructed beyond the furthest extent of buildings on Moat Farm Close. This highlights how the proposed development appears out of proportion in its context. If allowed, it could also add pressure for the development of further open areas to the rear of existing developments.
20. On this sub-issue, I conclude that the proposed development would have a harmful impact on the character and appearance of Greenfield and its landscape setting. As such, the proposal is contrary to the provisions of CSDMP Policies DM3, DM14 and CS16 which seek amongst other things to encourage development that is appropriate in scale and design to its setting and not permitting developments with an adverse impact within the Greensand Ridge or Flitt Valley.

Other Matters

Unilateral Undertaking

21. A UU has been completed (signed and dated 12 March 2020) which would provide for 7 of the proposed dwellings to be affordable, with additional financial contributions for early years, lower, middle and upper schools in the area, indoor and outdoor sports facilities, improved facilities at Greenfield Parish Council's Recreation Ground, and traffic calming in the High Street.

These provisions mirror the requirements of the Council set out in the officer's report to the Planning Committee.

22. On this basis, I conclude that the UU meets the requirements identified by the Council and is compliant with Policies CS2 (Developer Contributions) and CS7 (Affordable Housing) of the CSDMP. Both of these policies remain consistent with the requirements of the Framework. The UU is also compliant with the Community Infrastructure Regulation Section 122(2) tests.

Benefits

23. The proposed development, including provisions of the UU would provide a range of benefits which should be taken into account in the planning balance including financial contributions for early years, lower, middle and upper schools in the area, indoor and outdoor sports facilities, improved facilities at Greenfield Parish Council's Recreation Ground, and traffic calming in the High Street. Although these improvements would be intended to mitigate the impacts of the proposed development it is likely there would be some benefits to the wider community. In these circumstances, therefore, I give them limited weight in the planning balance.
24. The UU also includes the provision of 35% affordable homes (7 dwellings) which represents full compliance with Policy CS7 of the CSDMP. The provision of affordable housing has been regarded as a social benefit carrying considerable/ significant weight in recent appeal decisions (APP/P0240/W/18/3211229 and APP/P0240/W/17/3175605). I have also noted that of the extensive range of comments made during public consultation the provision of smaller housing units and affordable housing would be welcomed by some in the local context.
25. I recognise the significance of the proposed affordable housing provision as part of the appeal proposal but note, that since the provision would meet but not exceed the policy requirement, then it should have limited weight in the planning balance.

Housing Land Supply

26. The parties dispute if the Council can demonstrate a 5-year supply of housing land. This matter was considered recently following a public inquiry relating to APP/P0240/W/19/3236423, Land west of Langford Road, Langford. This appeal was determined as recently as 24 February 2020
27. That Inspector concluded that the Council would still be able to provide a 5-year supply even after the most extreme assumptions on reductions to future capacity within the trajectory were taken into account. This led the Inspector to the conclusion that, in line with paragraph 11d) of the Framework, the tilted balance would not be engaged in respect of housing land supply. I can see no reason to depart from the conclusions of the Inspector from the Longford appeal in respect of housing land supply in relation to this appeal.

The Development Plan

28. The development plan for the area comprises the (CSDMP), Site Allocations DPD (2011) and saved policies from the former North Bedfordshire Local Plan (2005). Paragraph 213 of the Framework indicates that existing policies should not be considered out-of-date simply because they were adopted or made prior

to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework.

29. The basket of policies from the CSDMP I consider most important to the determination of this appeal comprise CS1 (Development Strategy), CS2 (Developer Contributions), CS7 (Affordable Housing), CS16 (Landscape and Woodland), DM3 (High Quality Development), DM4 (Development Within and Beyond Settlement Envelopes), and DM14 (Landscape and Woodland). The Council also identified DM16 (Green Infrastructure) in its list of relevant policies in its officer's report but made no further reference in its analysis of the proposal. All of these policies will be subject to review as part of the emerging LP, but the fact that they were adopted in 2009 does not necessarily mean they are out of date.
30. In relation to the first reason for refusal I consider that Policies CS1, DM3, DM4 DM14 and CS16 are the most relevant. Policy CS1 establishes how the District should develop and includes the definition of the development hierarchy in the rural areas. This includes the designation of Greenfield as a 'small village'.
31. Policy DM3 seeks to achieve high quality development and is therefore both highly relevant in relation to the determination of this appeal. This policy is also broadly consistent with the approach in the Framework. While the Council have not referred to this policy in their reasons for refusal, I note that it has been highlighted in the consultation response by Flitton and Greenfield Parish Council.
32. Policy DM4 provides a rationale for the identification of settlement envelopes based on predominant land use and in so doing distinguishes between the settlements within which development could occur and the rural areas of the District where it would be resisted. The consistency of Policy DM4 with the Framework has been the subject of much deliberation in earlier appeals including a High Court judgment¹ due to its blanket protection of the countryside. Policy DM4 is regarded by the Council as a 'gateway' policy to other policies which deal with, and are in-line with, the more nuanced approach of the Framework. However, development has been permitted outside settlement envelopes by both the Council and on appeal which confirms that the policy has not prevented all new development outside of settlement envelopes. In these circumstances, Policy DM4 has moderate weight.
33. Policies DM14 and CS16 remain generally in accordance with the approach in the Framework (in particular, paragraph 170b)) providing the additional clarification regarding the value of different landscape areas. In combination, these policies help address the identified deficiency of Policy DM4 and, as such, have significant weight.
34. The second reason for refusal relies on Policies CS2 (Developer Contributions) and CS7 (Affordable Housing) of the CSDMP. I have taken account of these policies in my assessment of the UU above.
35. Taken as a whole, therefore, I find that the basket of policies in the CSDMP remains relevant and up to date for the determination of this appeal and that paragraph 11d) of the Framework is not engaged in this respect.

Planning Balance

¹ Gladman Developments Limited v SSHCLG & Central Bedfordshire Council [2019] EWHC 127 (Admin).

36. In view of my analysis of the main issue and other matters I find that the proposed development would have significant harmful effects on the character and appearance of Greenfield and its landscape setting through encroachment into the countryside resulting in an abrupt transition from rural to urban character. This would arise from a scale of development in an edge of village location that lies outside the identified settlement envelope out of proportion to the nature of the surrounding pattern of development.
37. The proposals would be accompanied by a range of infrastructure improvements including the provision of 35% affordable housing. The matters covered by the appellant's unilateral undertaking match the requirements identified by the Council during discussions prior to determination of the planning application. While these benefits would be welcome, they would not outweigh the harmful environmental impacts of the scheme I have identified.
38. Accordingly, I find that the harm arising would not be outweighed by the benefits and there are no considerations that would lead me to make a decision otherwise than in accordance with the development plan.

Conclusion

39. While I note that the scheme was submitted following discussions with the Council and that the officer's report recommended approval, I nevertheless conclude, for the reasons given above, that the appeal should be dismissed.

David Carter

INSPECTOR