



Appeal Decision

Site visit made on 7 August 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/P0240/W/20/3252574

1 and 2 Lower Farm Cottages, Lower Farm Road, Edworth SG18 8RB

- 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 & Mrs Smyth against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/02578/OUT, dated 1 August 2019, was refused by notice dated 20 November 2019.
 - The development proposed is demolition of two existing semi-detached houses and associated outbuildings, followed by the erection of four detached dwellings, associated garages, parking provision and access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal is for outline planning permission with all detailed matters reserved for future approval. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of access, appearance, landscaping, layout and scale as a guide to how the site might be developed.
3. The Pre-Submission version of the emerging Central Bedfordshire Local Plan 2015-2035 (the CBLP) was submitted to the Secretary of State in April 2018. There is nothing before me to indicate that the CBLP is currently at a stage that should attract anything more than limited weight. I shall consider the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether or not the site represents an appropriate location for housing, having particular regard to access to facilities and services;
 - The effect upon the character and appearance of the area; and
 - The effect upon habitats and biodiversity.

Reasons

Facilities and services

5. The National Planning Policy Framework (February 2019) (the Framework) states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
6. Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (November 2009) (the CBCSDMP), through the identification of Settlement Envelopes, differentiates the built-up areas of settlements from areas of countryside situated beyond. The site is located at Edworth, a hamlet that does not make up part of the Settlement Hierarchy (as set out under Policy CS1 of the CBCSDMP) and that is not the subject of a defined Settlement Envelope. Thus, under the terms of Policy DM4, the site is located within the countryside.
7. Policy DM4's supporting text confirms that Settlement Envelopes are not an attempt to define the extent of a particular town or village community. Indeed, the policy does not explicitly prevent all types of development outside of defined envelopes where no land is available within a settlement and proposed development adjacent to it would make best use of available land and lead to more sustainable communities. Whilst restrictive in its nature, Policy DM4 accommodates rural development based on objectives that are broadly consistent with the Framework.
8. The appeal site is situated in proximity to existing development such that it does not occupy an isolated location in a purely physical sense. Even so, Edworth contains a very limited range of facilities and services and is positioned such that the nearest settlements potentially capable of meeting the full day-to-day needs of future occupiers of the proposal are located considerable distances away. Such settlements would include the towns of Biggleswade and Stotfold and the villages of Ashwell and Langford.
9. A network of interlinking bridleways and footpaths is in place local to the site, which offers connectivity to Biggleswade. However, the distances involved raise significant doubts as regards Biggleswade's realistic suitability for being walked to and from. The same finding applies to Stotfold, Ashwell and Langford. These settlements also do not lend themselves to being conveniently cycled to and from, particularly when again noting the distances involved and the apparent lack of specific facilities for cyclists (such as defined cycle paths/lanes). Edworth is also not served by local bus services.
10. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Furthermore, the Framework sets out that where there are groups of smaller settlements, development in one village may support services in a village nearby.
11. I have noted reference to Edworth forming part of a network of surrounding villages, which, it has been suggested, contain a wealth of community facilities, services and employment opportunities. The nearest neighbouring settlement of Hinxworth contains some facilities and services including a public house, a

church, a village hall and a recreation ground. I have been made aware of various community groups that utilise the village hall and I understand that it has a sizable capacity.

12. Other locally located rural settlements are referred to within the evidence before me. These include Millow, Dunton, Eyeworth, and Steeple Morden, which each provide varied yet limited arrays of services and facilities that include schools and public houses. It is also the case that various rural businesses have been pinpointed across the local network of villages. These include a small number of businesses based at Edworth itself, in addition to numerous others located at such settlements as Hinxworth and Millow.
13. With respect to a previous appeal¹ at the site that related to the intended construction of six dwellings, it is my understanding that the Inspector had not been provided with the level of detail (with respect to existing local facilities and services, including businesses) that is now before me. Nevertheless, having visited each of the rural villages referred to in the evidence before me and fully considered observations received from local residents, I am unpersuaded that the local rural area is particularly vibrant in either an economic or social sense. Indeed, it was observable that the group of rural settlements that surround Edworth tend to be of small size and sparsely spaced.
14. The highway routes leading out of Edworth do not tend to be lit or served by footways. The proposal would inevitably increase travel by private modes of transportation, which sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner. This is even when noting the limited quantum of development under consideration.
15. Various other appeal decisions² relating to sites elsewhere in the District have been drawn to my attention and submitted in evidence. There are differences that exist when these other sites/proposals are compared to the appeal scheme that is before me. This is not least due to them being positioned in locations where the specific makeup and accessibility of surrounding facilities and services would have been different. It is also the case that each proposal related to the intended provision of merely a single additional dwelling, which further differentiates these schemes from the case that is before me now. The other appeal decisions, as referenced in footnote 2 below, are thus of limited relevance to my considerations. In any event, I must consider the proposal upon its own individual merits.
16. A further appeal decision³ has been submitted and referred to by the appellants where the Inspector found that the site in question, whilst not in an optimum position to maximise/encourage sustainable travel modes, was not located remote from the services and facilities contained within the village of Gamlingay. To the contrary, the appeal site before me would be remotely located relative to various facilities and services realistically required to meet the day-to-day needs of future occupiers of the development. In any event, the Gamlingay appeal decision relates to a site located outside of the District

¹ APP/P0240/W/17/3185404

² APP/P0240/W/18/3228044; APP/P0240/W/19/3243693; APP/P0240/W/20/3245995; APP/P0240/W/3245950

³ APP/W0530/W/18/3194200

where a different development plan would have been in place. The decision is of limited relevance.

17. Another appeal decision⁴ relating to a site at Hawkspur also appears in the evidence before me, which again relates to a local authority area elsewhere. The Inspector did not find conflict with the development plan in that case, which differentiates it from the proposal that is before me here. The Hawkspur decision is of limited relevance to my considerations.
18. For the above reasons the proposal would cause harm by virtue of the site not representing an appropriate location for housing, having particular regard to access to facilities and services. The proposal conflicts with Policies CS1 (Development Strategy) and DM4 (Development Within and Beyond Settlement Envelopes) of the CBCSDMP.

Character and appearance

19. The appeal site is spacious and approximately rectangular in shape. One of its longer sides abuts Lower Farm Road (the road). Whilst the site contains a pair of modestly sized semi-detached dwellings as well as several outbuildings, it is predominantly undeveloped. The site contains a plentiful array of planting, including to its boundaries. Whilst there are numerous other properties served by the road, that in some cases are positioned in proximity to the site, buildings tend to be loosely and sporadically positioned and interspersed by soft landscaped features. The site's wider surroundings are inherently rural in their makeup and a streetscene of green and semi-rural character and appearance was very much in evidence during my inspection.
20. The illustrative plans that have been submitted offer an indication of how four detached dwellings could be designed and accommodated upon the site following the intended demolition of the existing on-site dwellings. I nevertheless acknowledge that their appearance, layout and scale are not for determination at this stage. Indeed, the dwellings could ultimately come forward in a different formation, on smaller footprints and at lower heights to what has been indicated.
21. I have noted reference to the findings of the previous Inspector when considering the merits of the six-unit scheme at the site in February 2018. It was identified that a self-build scheme would likely lack cohesion, which influenced that Inspector in coming to the finding that the proposed dwellings would have failed to respond or integrate successfully with each other and their rural surroundings. A self-build scheme is now not proposed, and a reduced number of units is intended.
22. When compared to the previous six-unit scheme, the appeal proposal would offer greater flexibility in terms of how the intended dwellings could ultimately be laid out and positioned on the site. It is also reasonable to expect that any future scheme would be designed in a cohesive manner. Indeed, a single point of access from the road and a courtyard arrangement could be achieved alongside consistent architectural treatments and integral garages.
23. Nevertheless, in a location where I have found a semi-rural character to exist, the provision of four detached dwellings across a site that currently contains spacious undeveloped expanses would lead to a noticeable intensification in the

⁴ APP/C1570/W/18/3197857

amount of residential development contained upon the site. This is even should the dwellings be of modest size. Indeed, the scheme would not be suitably respectful of the sporadic loose-knit pattern of development that exists locally.

24. Whilst the full details of actual planting losses and of intended new landscaping would only become apparent at reserved matters stage, any replacement planting would take time to properly establish and would not, in character and appearance terms, provide adequate mitigation against the realistically envisaged harmful urbanising effects of the scheme.
25. For the above reasons, the proposal would cause harm to the character and appearance of the area and would conflict with Policy DM3 of the CBCSDMP in so far as it requires all proposals for new development to be appropriate in scale and design to their setting and to contribute positively to creating a sense of place. The proposal also fails to accord with the guidance contained within the Central Bedfordshire Design Guide (September 2014) in so far as it requires development to be sympathetic in terms of the surrounding built form.

Biodiversity

26. An Ecological Appraisal (May 2020) (the EA) has been undertaken and submitted at appeal stage in response to the Council's third reason for refusing planning permission, which asserts that insufficient information was provided at planning application stage to demonstrate the scheme's ecological impacts or a net-gain in biodiversity. It has been noted by the appellants that a biodiversity-related reason for refusal was not imposed with respect to a previous development proposal at the same site. Nevertheless, this did not prejudice the Council's ability to take the approach that it has done with respect to this latest proposal. Indeed, I must consider this main issue of the appeal in accordance with the related evidence that is now before me.
27. The EA sets out that the site's various habitats, which include existing trees, scrub and grassland, do not form important ecological features. Indeed, my own inspection of the site's external areas did not offer any clear indication otherwise. For example, whilst a detailed tree survey is not before me, I did not observe any individual tree specimens of obvious veteran categorisation. Furthermore, some areas of the site were formed of mown grassland. Whilst the proposals would realistically be anticipated to lead to a not-insignificant extent of existing on-site planting being lost, there would be scope for areas/elements of planted habitat to be retained and supplemented alongside future development.
28. Notwithstanding my above finding, as confirmed in the EA, potentially suitable habitat is present upon the site for Great Crested Newts (GCNs), which includes areas of dense vegetation and wood piles. Whilst no permanent standing water bodies and thus potentially suitable breeding opportunities are present upon the site and no formally confirmed sightings have, to my knowledge, occurred, ponds do exist near to the site. Indeed, as confirmed in the EA, protective measures would likely be required with respect to GCNs.
29. Different potential approaches to securing protective measures are set out within the EA, which include registering the scheme under the Council's district-level license that is administered by Nature Space. Confirmation from Nature Space that such an approach could, in principle, be followed at reserved

matters stage has been provided. To my mind, with respect to GCNs, an appropriate level of survey work and assessment has been carried out to provide adequate assurances at this outline stage. Furthermore, in the event the appeal be successful, a condition could be applied requiring that an appropriate license, if ultimately required, is issued and in place before the commencement of works.

30. In terms of the proposal's effect upon bats, the EA confirms the presence of a bat roost within the main building on-site. This building, which was surveyed externally and found to offer high roosting potential, is intended to be demolished and a mitigation license would need to be obtained from Natural England. As confirmed in the EA, no internal access to the main building has been gained for the purposes of survey work. This is a notable shortcoming that means that the extent and nature of the roost is currently unclear. I note that the Council's Ecologist has also raised concerns in this context.
31. It has been suggested by the appellants that alternative roosting opportunities could be appropriately designed into the structure of new buildings and that precautions would be taken to ensure that retained trees with the potential to provide roosting opportunities for bats are safeguarded. However, in the absence of a full understanding of the existing roost, it is unclear that suitable mitigation/compensation measures could be incorporated at detailed design stage in order to maintain the favourable conservation status of bats. Indeed, whilst the planning and licensing regimes sit separate to one another, without the results of an internal survey, I am also unable to gauge the potential likelihood of a mitigation license being granted by Natural England.
32. I acknowledge that, as stated in the EA, the extent of bat survey work undertaken was guided by limitations associated to the Covid 19 pandemic. However, such constraints do not, to my mind, legitimise the approach taken with respect to a legally protected species. Indeed, the extent to which bats could be affected by the proposal has not been clearly established in advance of any planning permission being granted.
33. Therefore, notwithstanding the various intended mitigation and enhancement measures set out at Section 7 of the EA, it has not been clearly demonstrated that the proposal would have an acceptable effect upon habitats and biodiversity and I thus find harm. The proposal conflicts with the Framework in so far as its policies set out that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
34. Whilst Policies CS18 and DM15 of the CBCSDMP are not referenced in the Council's third reason for refusing planning permission, I also find that the proposal conflicts with these policies in so far as they promote the protection of biodiversity and set out that proposals considered to be harmful to wildlife will be refused.

Other Matters

35. I have noted objections/concerns raised by interested parties with respect to matters including drainage, parking, highway safety and the construction phase of development. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

36. References have been made in the Council's officer report to the development plan in the neighbouring district of North Hertfordshire. For the avoidance of doubt, this neighbouring development plan does not apply to the appeal proposal and is of very limited relevance to the outcome of this appeal.

Planning Balance

37. It is the appellants' position that the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, applies. This is because, they consider, the policies most important for determining the appeal, most particularly Policies CS1 and DM4 of the CBCSDMP, are out-of-date. Nevertheless, as set out in my reasoning above, I have found Policy DM4 to be broadly consistent with the Framework and I attach moderate weight to the proposal's conflict with it. Furthermore, I am unpersuaded that Policy CS1, which sets out a broad development strategy and does not rule out development within the District's rural part, is inconsistent with the Framework. I find that the policies most important for determining this appeal are not out-of-date. I have thus not applied the presumption in favour of sustainable development as set out in the Framework.
38. In terms of the scheme's benefits, it is the case that two additional residential units are proposed, and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making effective use of land. Nevertheless, the provision of two additional units would not make a noticeable difference to the District-wide housing supply situation and is thus a benefit that attracts limited weight. The scheme would also create jobs during the construction phase and provide support to the local economy and local community facilities once occupied. However, these benefits also attract limited weight due to the scale of development under consideration.
39. Thus, the contributions associated with the delivery and subsequent occupation of the proposal would be modest and would not outweigh the various harms and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

40. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR