
Appeal Decision

Site visit made on 17 August 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/P0240/W/20/3249426

193 and Land To The Rear Of 189-195 Biggleswade Road, Upper Caldecote SG18 9BJ

- 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 J Thomas against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/04063/OUT, dated 29 November 2019, was refused by notice dated 13 February 2020.
 - The development proposed is outline application for the erection of nine dwellings with new vehicular access following demolition of existing bungalow.
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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 except for access 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 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 Issue

4. The effect upon the character and appearance of the area.

Reasons

5. 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.
6. The site sits outside of Upper Caldecote's defined Settlement Envelope and currently contains a bungalow and associated private garden as well as, to the rear, a sizeable expanse of open grazing land that contains a single-storey outbuilding as well as sheltering facilities for livestock. The various fields and

paddocks/enclosures that border or sit close to the site (including to the rear of Biggleswade Road-fronting development) contain a limited array of structures/outbuildings and are predominantly undeveloped. Whilst A1 traffic could be heard from distance during my inspection, I observed the site and its surroundings to exhibit a generally peaceful and predominantly rural character and appearance befitting of the site's countryside designation.

7. The National Planning Policy Framework (February 2019) (the Framework) does not imply that protection from development be given to the countryside in its totality, rather that valued landscapes be protected and enhanced and that recognition should be given to the intrinsic character and beauty of the countryside.
8. When compared to the approach set out in the Framework, Policy DM4 is more restrictive in seeking to control development beyond the District's Settlement Envelopes. Nevertheless, Policy DM4 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 noting that the loss of undesignated countryside is capable of being harmful and attracting of weight in the planning balance, I find that Policy DM4 accommodates rural development based on objectives that are broadly consistent with the Framework.
9. Policy NP5 of the Northill Parish Neighbourhood Plan (October 2019) (the NPNP) states that proposals for development of back-land sites will not be supported where it would result in significant harm to the character and appearance of the local area. As confirmed within the policy's text, back-land sites include residential garden land and any land which sits behind existing development with little or no frontage onto a public highway. Notwithstanding the intended demolition of the existing bungalow on-site, when noting the generous depth and coverage of the appeal site and the existence of neighbouring frontage development, the appeal site represents a back-land site under the terms of Policy NP5. It remains for me to consider the scheme's effect upon the character and appearance of the local area.
10. The proposal is supported by a Landscape and Visual Impact Assessment (November 2019) (the LVIA), which considers existing landscape character and the potential landscape and visual effects of the proposal. The site falls within the Lower Ivel Clay Valley landscape character area, the key characteristics of which include a level open river valley, a mix of arable and pastureland and settlements generally being constrained to linear forms along roads. Whilst the River Ivel does not have a particularly close physical relationship in this case, the site and its immediate surroundings are largely reflective of these typical characteristics. Indeed, a flat topography and mixed array of agricultural land endures and, adjacent to the site, linear development can be observed to Biggleswade Road's northern side.
11. Consistent with the LVIA's findings, views of the site are generally somewhat localised due, in part, to the level nature of the surrounding topography. It is also the case that existing development and planting situated adjacent/close to the site would act to contain/filter views of the proposed development from various vantage points. However, this finding does not apply to all publicly accessible viewpoints. Indeed, a prominent and important view of the

proposed development would be available from Biggleswade Road at the point where it meets a public footpath (FP26) close by to the west. From there I observed a clear view of the appeal site against a predominantly undeveloped and rural backdrop. Furthermore, similar such interrupted views continued to be available as I advanced northwards along FP26.

12. It was also apparent from inspection that open views towards the site, across various intervening fields/paddocks/enclosures, were available from a not insignificant stretch of the A1 corridor situated to the east. Notwithstanding the distances involved and the interspersed elements of planting that currently exist, the proposal would inevitably have an urbanising influence upon these views due to the considerable depth of development that is intended. I consider that the proposal's anticipated visual effect from A1 viewpoints has been somewhat underplayed in the LVIA.
13. I acknowledge that existing development that fronts the northern side of Biggleswade Road would, to a notable extent, guard against clear views of the site being obtainable from southern vantage points (including from the road itself). These properties would also provide a backdrop against which views of the proposal would be experienced from northern vantage points including relevant stretches of public footpaths FP10 and FP11. However, as described above, the proposal would have the effect of urbanising a range of available views from the site's eastern and western sides.
14. I do not consider that existing or future instances of back-land development on the opposing southern side of Biggleswade Road strongly influence the character and appearance of the appeal site and its immediate surroundings. This is not least due to the lack of a clear visual or physical connection with the main body of the appeal site. Furthermore, the site sits distinct and separate from the settlement of Upper Caldecote to the west such that the precise form and layout of development at the settlement's eastern end is of limited relevance to my considerations here. Indeed, a recent grant of outline planning permission¹ with respect to an emerging allocation to Upper Caldecote's western end is also of limited relevance.
15. As set out upon the illustrative masterplan that has been submitted, it is the intention that at least some bungalows be provided and that properties would be setback from the outer boundaries of the site. It is anticipated that a buffer of planting would be provided to the northern edge of the site as part of a wider comprehensive scheme of soft landscaping. However, any supplemental landscaping ultimately proposed to the site's boundaries in the interests of providing visual mitigation would take time to properly establish, would be reliant on continual management to maintain a consistent buffer to views and, if substantial in extent, would be unlikely to allow the development to integrate effectively with its receiving environment.
16. Whilst the proposal is in outline form such that the layout and precise composition of the scheme is not yet known, the development of nine dwellings across the site, even if of single storey height, would appear out of character with the area's typical linear development pattern. This is particularly when considering the site's depth. A residential development of the site, at the quantum proposed, would appear as an urbanising intrusion into the open countryside causing significant harm to the character and appearance of the

¹ CB/19/01024/OUT

local area. For the avoidance of doubt, I disagree with the LVIA's finding that the proposal would not result in significant harm to the local landscape character.

17. From inspection, I observed the site to be connected to Upper Caldecote via a short stretch of Biggleswade Road that is both lit and pathed. A variety of facilities and services capable of serving the day-to-day needs of future occupiers of the development are contained within the settlement and local bus services stop near to the site. I also note that the wider area is predominantly rural such that car travel would often be essential and, at times, unavoidable for local residents. In this context I am satisfied that the appeal site has acceptable access to surrounding facilities and services.
18. However, for the above reasons, the proposal would, by projecting into the countryside and by contrasting with the local pattern of development, cause harm to the character and appearance of the area. The proposal conflicts with Policy NP5 of the NPNP and Policies DM3, DM4, DM14, CS14 and CS16 of the CBCSDMP in so far as these policies require that proposals for development of back-land sites will not be supported where it would result in significant harm to the character and appearance of the local area and that any proposals that will have an unacceptable impact on the landscape quality of the area will be refused.

Other Matters

19. I have noted objections/concerns raised by interested parties with respect to matters including the effect upon neighbouring living conditions, the loss of agricultural land and highway safety. 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.

Planning Balance

20. Whilst Policy DM4 of the CBCSDMP is a restrictive policy, I have found it to be based on objectives that are to be broadly consistent with the Framework. I have considered various appeal decisions² that have been submitted in evidence by the appellant, which relate to the application of Policy DM4 elsewhere, but have read nothing to convince me that anything other than moderate weight should be applied to the proposal's conflict with Policy DM4. The policies most important for determining this appeal, which include Policy DM4, when taken as a whole, are not out-of-date. Furthermore, the appellant has not challenged the Council's ability to demonstrate a 5-year supply of deliverable housing sites. I have thus not applied the presumption in favour of sustainable development, as set out at paragraph 11 of the Framework.
21. The proposal would deliver eight additional housing units in a location with acceptable access to surrounding facilities and services (including local bus services) and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and promoting an effective use of land. However, eight additional dwellings would not make a clear and noticeable difference to the overall housing land supply position in the District and, as such, I afford this benefit of the scheme moderate weight. Recent

² APP/P0240/W/17/3190584; APP/P0240/W/18/3197148; APP/P0240/W/18/3218088; APP/P0240/W/19/3223970; APP/P0240/W/19/3228837

Secretary of State decisions³ relating to sites elsewhere have been submitted in support of the appellant's case, where significant weight was afforded to the benefit of housing delivery. However, both these other proposals related to significantly greater levels of development.

22. The scheme would also provide jobs during the construction phase and support for the local economy and local community facilities once occupied. Even when noting the economic implications of the Covid 19 pandemic, given the relatively limited scale of development under consideration, I afford these benefits somewhere between limited and moderate weight. Any habitat/biodiversity enhancements ultimately delivered would realistically be anticipated to be modest and, as such, attract limited weight.
23. The Council has suggested that a planning condition be imposed to secure upgrades to bus stops situated close to the site, which would primarily be geared towards encouraging the use of sustainable modes of transport. This is consistent with a request made by the Council's Highways Officer. Nevertheless, the appellant has challenged this request and it has not been clearly or rigorously demonstrated by the Council that such a requirement would be both reasonable and necessary to accompany this proposal for eight additional dwellings. Thus, for the avoidance of doubt, I do not apportion weight in the planning balance to any public benefits that could ultimately be brought about by the requested bus stop upgrades, which, in any event, would be limited in extent.
24. The scheme's benefits, when considered in cumulative terms, would not outweigh the significant harm to the character and appearance of the area and the associated policy conflict that I have identified. The development conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

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

Andrew Smith

INSPECTOR

³ APP/D3505/W/18/3214377; APP/R0660/A/13/2197532 & APP/R0660/A/13/2197529