
Appeal Decision

Site visit made on 16 September 2020

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/K0235/W/20/3253056

Land at Forty Foot Lane, Souldrop MK44 1HB

- 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 Jonathan Julyan against the decision of Bedford Borough Council.
 - The application Ref 19/02743/FUL, dated 12 December 2019, was refused by notice dated 14 February 2020.
 - The development is a proposed 3-4 bedroom eco dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development cited on the planning application form includes the site address. This is omitted for the purposes of the banner heading above as it is unnecessary repetition.

Main Issues

3. The main issues are:
 - the effect on the character and appearance of the open countryside; and
 - whether or not the future occupiers of the proposed dwelling would have access to day to day services by a choice of modes of travel.

Reasons

Character and Appearance

4. The appeal site is a field served off the leafy and somewhat secluded Forty Foot Lane. It is located beyond the built-up framework of the village of Souldrop and is detached from it, being surrounded by grazing and agricultural land. There is a scattering of other existing buildings on sites further along the lane.
5. At the time of my site inspection the appeal site was occupied by a field shelter, small shed, as well as a poly-tunnel and open sided shelter structure. These represented the development of only a small part of the site overall and reflected the countryside character of the locality. There is a scattering of other existing buildings on sites further along the lane, away from the village.

6. Policy 3S sets out the scale and distribution of new development across the area covered by the recently adopted Bedford Borough Local Plan 2030 (the Local Plan). Furthermore, the supporting text to Policy 4S of that Plan confirms that a distinction between settlements and areas of countryside has been established by defining Settlement Policy Areas (SPAs). The appeal site falls beyond those designated SPA boundaries for Souldrop. Therefore, in policy terms it enjoys a countryside location. In terms of the National Planning Policy Framework (the Framework), main parties have agreed that the appeal proposal would not constitute an isolated dwelling. I have no reason to disagree with that assessment.
7. The Council's stated policy approach is to direct development to within SPAs and specific land allocations and maintain the existing open nature of the countryside, unless the development meets particular circumstances or exceptions criteria set out in Policy 7S. The appeal proposal would not accord with any of the prescribed circumstances given it would be a new build, would not constitute affordable housing and is not supported by a rural worker's justification. Furthermore, support is not given by a 'made' neighbourhood plan.
8. Moreover, there is an absence of substantive evidence which would demonstrate that the proposal would accord with any of the exceptions criteria set out in Policy 7S. The appeal proposal would not be well-related to the SPA. Neither would it respond to an identifiable community need. The appeal proposal has not been the subject of identifiable community support and there is an absence of evidence to substantiate that it would be of a scale appropriate to meet local needs or support local facilities. Furthermore, it would not relate to a community building.
9. In addition, under the terms of Policy 7S, the appellant has not demonstrated how the appeal proposal would contribute positively to the character of the settlement. Neither has the appellant adequately evidenced how this particular scheme would be appropriate to the structure, form, character and size of the settlement. Although it has been advanced that the appeal scheme would blend in with its context in terms of scale, height and materials, this would only constitute a neutral impact.
10. I acknowledge that there is a sporadic scattering of buildings along the lane. Paragraph 13.3 of the Council's Allocations and Designations Plan (July 2013) indicates that buildings outside the SPA should not be taken as not being part of the village, rather they are not within the main built up part. In this case, these existing buildings tend to relate to countryside uses and respect the prevailing rural character of the area. However, the appeal proposal by its very nature would serve to undermine the existing open countryside by the domestication of the site and the weakening of the sporadic form of development which is characteristic of the area.
11. Although there is some vegetation providing an element of screening of the site and its boundaries, the proposed dwelling would be visible from immediate vantage points on the lane. It would also be visible from the local bridleway network which runs across land located between it and the village and from a greater distance along the A6. From these points the appeal proposal would be read within a wider open countryside setting as a domestic property.

12. I conclude that the appeal proposal would harm the character and appearance of the open countryside. For the reasons given, the appeal proposal would conflict with Policies 3S and 7S which seek to protect the character and appearance of the open countryside.

Accessibility

13. My site inspection corroborated both main parties' acceptance that Souldrop itself has very limited services and facilities. The contention between parties is the level of accessibility to employment, services and facilities to meet daily needs.
14. The appeal site is served directly off Forty Foot Lane, a narrow vehicular carriageway that links to the village. The site is within a relatively short walking distance to the village via that route. However, this lane has no footway or lighting to serve pedestrian movements that would be generated from the site.
15. Furthermore, the lanes that lead out of the village do not have footways or lighting and are therefore not conducive to encouraging pedestrian movements. Additionally, the local public rights of way network rely upon crossing unmade routes. I concur with the Council's assessment that neither would be likely to be attractive to pedestrians in darkness or in poor weather conditions.
16. Although a bus service serves Souldrop, the bus stops are located at the opposite end of the village to the appeal site. Moreover, the Council has advised that this service is limited, and the appellant has not provided evidence to the contrary.
17. Consequently, the proposed site offers little in the way of opportunities for sustainable alternatives to access jobs, services and facilities. The proposed dwelling would be likely to generate regular, frequent trips by motor vehicle to access even the most basic of services and facilities beyond the village.
18. The appellant has advanced that there would be economic benefits, however these claims have not been sufficiently substantiated through the submitted evidence. In any event, the effect on sustaining existing local services would be limited given the scheme relates to only one dwelling.
19. For these reasons, I conclude that the future occupiers of the dwelling would not have access to day to day services by a choice of modes of travel. Consequently, the proposal would conflict with Policies 3S and 4S which seek to direct new development to areas that have good levels of accessibility to jobs, services and facilities.

Other Matters

20. The appellant has advanced that the appeal proposal would contribute to the mix of housing in the area. However, the existence of a 5 year supply of housing land has not been disputed and the provision of one dwelling would not change the housing mix to an extent that would out-weigh the identified harm.
21. Through its design, the appeal proposal is intended to be an eco-style dwelling using a 'Fabric First Approach' and the appellant has advanced that the scheme would offer potential for some biodiversity gains. However, these would not

out-weigh the harm that I have found and the conflict with the development plan.

Conclusion

22. For the reasons given the appeal should be dismissed.

C Dillon

INSPECTOR