



Appeal Decision

Site visit made on 6 October 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/K0235/W/20/3254300

Woodland Manor Hotel, Green Lane, Clapham MK41 6EP

- 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 K C Suri on behalf of the Woodland Manor Hotel against the decision of Bedford Borough Council.
 - The application Ref 19/01067/FUL, dated 9 May 2019, was refused by notice dated 7 February 2020.
 - The development proposed is erection of 4no. dwellings and relocation of overflow car park.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since determination of the original application, an ecological survey has been provided. On this basis, the Council does not wish to defend the second refusal reason and based on the evidence before me, I have no reason to disagree.

Main Issue

3. The main issue is whether the appeal site is suitable for residential development having regard to the locational requirements of the development plan.

Reasons

4. The National Planning Policy Framework (the Framework) requires strategic policies to set out an overall strategy for the pattern, scale and quality of development. These should include planning for and allocating sufficient sites to deliver the strategic priorities of the area. Accordingly, Policy 3S of the Bedford Borough Local Plan 2030 (2020) (LP) establishes the spatial strategy for sustainable development and growth within the borough, and Policy 4S identifies the amount and distribution of housing development. This policy identifies that 500 homes should be provided in Clapham, with sites allocated in Neighbourhood Development Plans (NDP).
5. Based on the evidence before me, the Parish Council is in the process of preparing a NDP. I do not have the full details of the emerging plan before me, however, the evidence confirms that the appeal site is not a suggested allocation. Despite this, the plan is yet to be examined and as a consequence, I can only afford it very limited weight in my assessment of the appeal.

6. Although the NDP is still being drafted, there is nothing in the evidence before me to suggest that the Council's approach to the delivery of housing is inconsistent with the requirements of the Framework that are identified above. It is apparent that a hierarchy has been established by the Council and that housing in all types of settlements is being positively planned for. Although settlement boundaries are used, there is nothing in the Framework that would specifically preclude this. As a consequence, despite the status of the Neighbourhood Plan, I do not find the Council's spatial strategy for the location of housing has a blanket approach which restricts development. The fact that I have no evidence before me to suggest that the Council is not meeting its housing land supply requirements also lends weight to this finding. Accordingly, I give the relevant policies full weight in my assessment of the appeal.
7. For the purposes of the LP, the site is located within the countryside whereby Policy 7S of the LP establishes a series of development types that may be acceptable. The proposal would not comply with criteria 'i' to 'v' as these relate to specific development types. However, the policy also states that, exceptionally, development proposals will be supported on sites that are well-related to a defined Settlement Policy Area if it complies with other requirements.
8. The red line of the appeal site includes all of the grounds associated with the hotel and the southern boundary of this land is located adjacent to the settlement boundary. However, the proposed development would be located to the north west of the hotel and the space between the hotel complex and the settlement boundary hosts a substantial level of mature landscaping. As a consequence, the hotel itself is difficult to appreciate from within the public realm, and especially so from within the Settlement Policy Area.
9. The location would be relatively well served by services and facilities and this attracts some moderate weight in favour of the proposal. It would also relate well with the houses in Church View. However, these houses are also beyond the settlement boundary and as a consequence, this matter attracts limited weight. Nevertheless, due to the siting of the proposed houses beyond the hotel, and with intervening dense landscaping, I am not satisfied that the location of the proposed houses would be well-related to the Settlement Policy Area. It would not be isolated, but it would be experienced as being distinctly removed from the area to which the Council seeks to direct sustainable housing growth.
10. Even if I were to consider that the location was well-related, as with the first section of this policy, the second section is also clear in its requirements, all of which are required to be met, other than that which relates to a community building. In this regard, although there is clearly a housing need, I have no evidence before me that the proposal would respond to an identified community need. I also have no evidence before me to suggest that there is identifiable community support for the proposal. Accordingly, due to the relationship of the site with the settlement boundary, as well as the nature of the proposal, the development would fail to meet the necessary requirements of Policy 7S. This is a matter to which I attach substantial weight.
11. The appeal has been supplemented with examples of other housing developments that have been approved outside of settlement boundaries at appeal. However, as acknowledged by the appellant, these decisions were

made before the adoption of the current LP. Moreover, they pre-date the most recent version of the Framework. Accordingly, they are based on a materially different policy context and as a consequence, I am not bound by their conclusions in relation to this proposal. I therefore attach limited weight to these decisions in my assessment of this appeal. My attention has also been drawn to two other decisions within the borough that relate to housing development in the countryside. However, I do not have the full details of these cases before me and as a consequence, I can only attribute them very limited weight.

12. The wording of Policy 7S of the LP does not specifically preclude other forms of development. In addition, the appellant does not consider that the Council have suitably articulated any harm that would derive from development being located beyond the settlement boundary. However, the Framework confirms that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area. In addition, Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
13. In this regard, I note that permission exists for additional hotel accommodation in the same location of the appeal site and that the Council have raised no concerns in relation to character and appearance. Based on the evidence before me, I have no reason to disagree, however, the absence of harm does not represent a benefit of a proposal and consequently, this matter does not weigh in favour of the appeal.
14. The proposal would generate jobs associated with construction and future residents would be able to invest in the local economy. In addition, it would make a small contribution to local housing supply and would also have the potential to provide a net biodiversity gain. Cumulatively, these economic, social and environmental benefits weigh in favour of the proposal, however, due to the limited scale of the development, the weight is also limited.
15. The LP does not create a moratorium on new housing outside settlement boundaries but it does establish a suitable development hierarchy. As a consequence, it is entirely consistent with the requirements of the Framework and therefore I give it full weight in my assessment of the appeal. For the reasons identified above, I have found that the proposal would fail to accord with the relevant policies and that other material considerations are not substantial enough to indicate a decision contrary to the development plan. Accordingly, having regard to the locational requirements of the LP, I conclude that the appeal site would not be suitable for residential development. It would therefore fail to comply with Policies 3S, 4S and 7S of the LP. Taken together, these establish the Council's strategic approach for the delivery of housing, including within the countryside.

Conclusion

16. For the reasons identified above, the appeal is dismissed.

Martin Chandler

INSPECTOR