
Appeal Decision

Site visit made on 24 August 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2020

Appeal Ref: APP/K0235/W/20/3246677

Land adj 140 Cotton End Road, Wilstead MK45 3BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Dibden against the decision of Bedford Borough Council.
 - The application Ref 19/01836/PIP, dated 19 August 2019, was refused by notice dated 20 December 2019.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal relates to a proposal for permission in principle (PIP) for residential development of up to 2 dwellings made under the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The application was refused by the Council. Under the terms of the order, the permission in principle stage deals only with the location, land use and amount of development. Matters of detail are dealt with separately through a technical details consent. However, according to the Council, a further plan depicting the required visibility splays was submitted in order to overcome the original concerns expressed by the highways officer. Notwithstanding this, I have determined this appeal on the basis of the principle of the proposed development alone.
3. The description of the proposed development used by the Council on its decision notice and adopted by the appellant on the appeal form was, "application for permission in principle for residential development for up to 2 dwellings". Since this description is clearer than that used on the application form, I have determined the appeal on the basis of the revised description.
4. The Bedford Borough Local Plan 2030 was adopted on 15th January 2020 (LP) replacing the policies formerly set out in the Bedford Borough Local Plan (2002) and the Core Strategy and Rural Issues Plan (2008). The Council officer's report and the decision notice refer to the policies in the replaced plans. Notwithstanding this, both the Council and appellant have referred to the new LP policies in their statements. I have determined the appeal on the basis of the policies set out in the recently adopted LP. The Council have commenced work on a review of the LP looking at growth beyond 2030 but this is at the early stages of the process.

5. As part of the appeal, I sought observations of the main parties in relation to housing land supply including a recent appeal decision (APP/K0235/W/19/3243154). I consider this aspect further below.

Main Issues

6. The main issues are:

- (i) whether the appeal proposal would be suitably and sustainably located in respect of the accessibility of local services and facilities, and,
- (ii) the effects of the appeal proposal on the character and appearance of the area.

Reasons

Access to local services and facilities

7. The appeal site comprises a small paddock area lying between 140 Cotton End Road and The Stables Equestrian Centre. The site lies about 200m outside the Settlement Boundary for Wilstead (LP Policies Map Inset 38). The main facilities and services serving Wilstead are located approximately 1 to 1.6km to the west, along Cotton End Road. Existing development at the eastern end of Wilstead, within the settlement boundary, comprises single depth development of c10 properties on either side of Cotton End Road. Beyond the development limits there are short runs of more sporadic development on both sides of Cotton End Road but, overall, fields and paddock areas increasingly dominate the frontage with views into the open countryside beyond.
8. There is no doubt that the appeal site is located outside the established settlement hierarchy and therefore, for planning purposes, forms part of the open countryside. Notwithstanding this, it is suggested that the appeal site could usefully contribute to meeting housing need. Cotton End Road has an illuminated footpath to local facilities. There is a bus stop outside the appeal site although only one service stops there each week. However, additional, more frequent services are available in Wilstead.
9. The adoption of the new local plan provides an up-to-date policy basis for consideration of this appeal. The Council have indicated that Policy 7S of the new LP has replaced Policy CP13 of the Core Strategy and Rural Issues Plan (2008) as referred to in the decision notice. Policy 7S deals with development in the countryside. The first element of the policy identifies the circumstances where development might be permitted. None of the circumstances apply to the appeal site since it does not propose; the reuse of buildings, replacement dwellings, affordable housing, housing for rural workers or is an identified site within a made Neighbourhood Development Plan.
10. The second element of Policy 7S identifies the circumstances where a development will be supported where it is well-related to a defined Settlement Policy Area. However, since the appeal site is located 200m from the established settlement boundary, it could not be considered well-related to Wilstead and it is noteworthy that the proposal does not have the identifiable support of the local community, which is central to this element of the policy.
11. Accordingly, I find that the location of the appeal site would not encourage access to local facilities and services more than 1km away by sustainable modes. While I accept these facilities and services would be within

walking/cycling distance, the likelihood is that future occupiers would be much more likely to rely on the use of private motor vehicles to access them for day-to-day needs. The footpath is also very narrow in places and in those sections would not be safe for wheelchairs and buggies. As such, the appeal proposal conflicts with Policy 7S of the LP which seeks to support the provision of new homes where they will enhance or maintain the vitality of rural communities and meet identified needs. The LP is recently adopted and its approach is consistent with the Government's policies set out in the National Planning Policy Framework (the Framework).

Character and appearance

12. The existing character in the vicinity of the appeal site is a mix of rural and urban elements. It represents an area of transition. The parts of Wilstead within the settlement boundary are unquestionably urban in nature whereas, beyond the boundary, there are a number of breaks in development which contribute to a more rural character by providing views into the countryside. Most of the buildings are dwellings but some relate to rural uses such as the equestrian centre on the adjacent property. The appeal site represents one such break in development along the frontage.
13. It is suggested that development of the appeal site would represent the infilling within an existing ribbon of development. The parties dispute whether this would be appropriate, or not. It appears to me that a key feature of the settlement boundary to the Wilstead Policy Area is that it differentiates between uninterrupted ribbons of development within the settlement to more sporadic developments within the transitional area. This must mean that the intention is to prevent the extension of the settlement in the form of an ever-extending ribbon-type of development. Thereby, the retention of breaks in the street scene is afforded a high priority.
14. The appellant makes the point that the proposal only concerns the principle of development and, for example, by providing 2 dwellings in tandem, rather than on the road frontage would reduce the impact on views into the countryside. I am not convinced since the introduction of a tandem-style development on this site would appear incongruous in this location where, from what I could observe, all nearby dwellings are single depth only.
15. Further points made by the appellant are that the countryside at the appeal site is not covered by any special landscape designation and the proposed development would not look out of place as it is located between 2 groups of existing development. These points do not take account of the intrinsic value of the countryside and the importance of views into open countryside contributing to the setting of the settlement of Wilstead and the character of the area.
16. Therefore, I conclude that the development of up to 2 dwellings on the appeal site would have harmful effects on the transitional character and appearance of the area as well as on the rural setting of Wilstead. As such, the proposed development would conflict with Policies 3S, 28S, 29 and 30 of the LP. Policy 3S safeguards the intrinsic character of the countryside, Policies 28S, 29 and 30 seek amongst other things to ensure that new development contributes to good place-making through high quality design respecting the townscape and landscape quality of the area and local distinctiveness.

Other Matters

Living Conditions

17. While I accept that the technical details are not for consideration by this appeal, I note that the residents of the adjacent dwelling at the equestrian centre have objected to the application on the grounds that due to the orientation of the property, the windows of habitable rooms on both ground and first floors face directly onto the appeal site. It appears to me that this would be an important consideration if the principle of residential use were established on the appeal site, but these matters are currently not before me.

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18. Both parties refer to the above appeal decision from 2016. It relates to a proposal for a single dwelling on a site the opposite side of No 140. While many of the arguments are common to both cases, I have attached limited weight to the earlier appeal as I do not have access to all the detail and, most importantly, it preceded the adoption of the new LP. Accordingly, I have determined this appeal on the merits of the case.

Housing Land Supply

19. The appellant's statement of case argues that the Council is unable to demonstrate a 5 year housing land supply (5YHLS) and, therefore, that paragraph 11d) of the Framework should be engaged. During consideration of this appeal the appellant identified a recent appeal decision (issued 15 September 2020) that addressed the 5YHLS in Bedford District (APP/K0235/W/19/3243154). In that appeal the Inspector determined that Covid-19 had impacted on the construction industry and, thereby, on the Council's ability to identify a 5YHLS. Nonetheless, in that appeal, even though the shortfall was small and the effect likely to be short-term, the Inspector felt the provisions of paragraph 11d) of the Government's National Planning policy Framework would be engaged, effectively backing up the position of the appellant in this appeal.
20. The Council's statement of case is silent on matters relating to the 5YHLS so, I wrote to the Council seeking their views on this and on the implications of the recent appeal decision. Following receipt of the Council's response an opportunity was given to the appellant to make any final observations.
21. The Council do not accept either the position adopted in the appellant's statement of case or the conclusions of the appeal inspector and maintain they are still able to maintain a 5YHLS. They also refer to a planning inquiry which is scheduled to consider the topic in depth during November 2020. Provisionally, they consider the supply to have reduced to 5.53 years based on 2019 data although, this does not take account of new LP allocations. Therefore, I recognise that some uncertainty remains over the position on the 5YHLS and this will not be resolved by this appeal.

Planning Balance

22. If I were to accept there is not currently a 5YHLS then paragraph 11d) of the Framework would apply. The benefits of the appeal proposal would include the provision of up to 2 new dwellings leading to economic benefits through construction and social benefits through the potential to use local facilities.

23. However, the LP policies referenced under the main issues are recently adopted and are up to date against the approach in the Framework. Accordingly, I find that the proposed development would be contrary to the LP as a whole and the benefits of the proposal arising from the construction of up to 2 dwellings would be limited, and would be significantly and demonstrably outweighed by the totality of harm identified above.

Conclusions

24. From my analysis of the evidence in relation to the location, land use and amount of development as part of this appeal seeking permission in principle, I conclude that the appeal should be dismissed.

David Carter

INSPECTOR