



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: 3 December 2020

Appeal Ref: APP/P0240/W/20/3246932

Land East of Plummers Lane, Haynes MK45 3PL

- 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 Land Allocations Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/01558/OUT, dated 3 May 2019, was refused by notice dated 21 October 2019.
 - The development proposed is outline application including access, with all other matters reserved, for up to 25 (maximum) residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application seeks outline planning permission with all matters reserved other than access. Accordingly, I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - i) whether the location of the appeal site is suitable for housing, having regard to pedestrian connectivity;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) whether the proposal makes suitable provision for affordable housing, and other infrastructure requirements, having regard to local plan policy.

Reasons

Location

4. Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) (CS) establishes the development strategy for the district as well as a settlement hierarchy whereby Haynes is classed as a Large Village. Policy DM4 of the CS confirms that small-scale housing will be permitted within Settlement Envelopes in Large Villages, however, the appeal site is not located within the Settlement Envelope. Accordingly, for the purposes of the development plan, the appeal site is located within the open countryside.

5. Access to the appeal site would be provided from a narrow carriageway without footpaths, typical of its immediate rural surroundings. The carriageway is bounded by highway verges of varying heights and as a consequence, pedestrians are required to walk along the road at this point on Plummers Lane. There is a footpath further to the north, however, the appeal site would be removed from this feature. In addition, based on the evidence before me, the site would not be well connected with alternative public rights of way. Accordingly, pedestrian connectivity to the wider settlement would be poor. This would have the effect of causing pedestrians to walk in the road which would be to the detriment of the free flow of traffic as well as an inherent safety risk. Moreover, the poor connectivity would increase reliance on the private car, a further indication of the locational shortcomings of the appeal site.
6. I note that existing residents would have a similar reliance on the private car. However, the National Planning Policy Framework (the Framework) is clear that opportunities to promote walking, cycling and public transport should be identified and pursued. Although it also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the location of the appeal site is such that opportunities are demonstrably very limited. As a consequence, future residents would have little alternative but to rely on the private car, a matter that would fail to accord with the requirements of the Framework to promote sustainable travel. This is a matter to which I attach substantial weight.
7. Accordingly, for the reasons identified above, having regard to pedestrian connectivity, I conclude that the appeal site would not be a suitable location for housing. It would therefore fail to comply with Policies CS4, CS14 and DM3 of the CS, which taken together, promote high quality development and sustainable travel patterns, amongst other things.

Character and appearance

8. The appeal site is a large open parcel of land. It is primarily located to the south of the ribbon development found along Plummers Lane, however, it is irregular in shape with a northern spur projecting behind a number of houses which front onto the main road. The topography of the site is such that it slopes away from the existing built form and to the south and east, the site is bounded by open fields and expansive countryside. The western boundary is formed by a well-established mature hedge, and other field boundaries are also formed by hedgerow.
9. Opposite the site, the ribbon development of Plummers Lane continues south. However, the grain of this run of houses is varied with the properties differing in appearance and plot size.
10. The appeal site is located within the Greensand Ridge Character Area. Based on the evidence before me, the Ridge has a predominantly quiet, rural character with attractive market towns and villages which provide popular dormitory settlements for commuters. However, the evidence also states that an intimate rural character remains in many areas. Due to its location within the rolling countryside, I find that Haynes and its immediate surroundings are typical of the character described above. In addition, due to its open nature, the appeal site helps frame the settlement character of Haynes, thereby helping to define the transition from ribbon development to open countryside. Accordingly, the

appeal site makes a significant contribution to the setting of the village and makes a positive contribution to the character and appearance of the area.

11. The proposal is in outline form and as a consequence, the suggested layout is purely indicative. However, it is clear from the evidence that a proposal to introduce up to 25 dwellings on to the site would result in a substantial level of built form. This would result in a significant and demonstrable change to the open nature of the site.
12. I note the reference to careful site analysis and evaluation as well as the additional mitigation measures that have been considered to help the development be sympathetic to local character. However, the local character is defined by its rural form and appearance. Moreover, as identified above, the appeal site helps define the built form of Haynes in a positive manner. In my view, development of the scale proposed would result in an overly intensive use of the site which would result in significant and demonstrable harm to the rural character and appearance of the surrounding area. This is a matter to which I attach substantial weight.
13. In refusing planning permission, the Council have also made reference to the effect of the proposal on the heritage value of the area, including the setting of the Grade II Old Mill House, as well as the setting of a number of non-designated heritage assets within Plummers Lane. The setting of these buildings is enhanced by the rural environment within which they are located. As a consequence, for the same reasons as identified above, the proposal would have a detrimental effect on the setting of these buildings.
14. Accordingly, the proposal would fail to meet the requirements of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the setting of the listed building would be less than substantial and therefore Paragraph 196 requires it to be weighed against the public benefits of the proposal. In terms of benefits, economically, the proposal would create jobs through the construction phase of the development as well as bringing additional expenditure into the local economy. The proposal would also make a helpful contribution to the housing needs of the district in the short to medium term, which include a varied choice of homes in size, type, and tenure. The inclusion of affordable housing is also an important benefit of the proposal. Environmentally, the proposal would bring with it opportunities for significant landscaping and would utilise a sustainable drainage system.
15. Cumulatively, these matters attract a moderate level of weight in favour of the proposal. However, Paragraph 193 of the Framework confirms that great weight should be given to the asset's conservation. As a consequence, the benefits of the proposal would not outweigh the harm to the setting of the Grade II listed building.
16. In relation to the non-designated heritage assets, Paragraph 197 requires a balanced judgement to be made having regard to the scale of any harm or loss. In my view, the harm to these buildings would be less significant to that of the listed building and accordingly, I am satisfied that in isolation, the benefits of the proposal identified above would outweigh the harm to the setting of the non-designated heritage assets. However, this does not alter my overall concerns that have been identified above.

17. In addition, Paragraph 170 of the Framework confirms that decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems, including the economic and other benefits of the best and most versatile agricultural land. Based on the evidence before me, the appeal site consists of such land. Accordingly, its loss through development would be at odds with the Framework. This adds weight to the harm identified above.
18. Consequently, for the reasons identified above, I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would therefore fail to accord with Policies CS14, CS15, CS16, CS18, DM3, DM4, DM13 and DM14 of the CS. Taken together, these seek amongst other things, high quality development that respects local context, protects, conserves and enhances the district's heritage, and conserves and enhances the varied countryside character.

Affordable housing and other infrastructure requirements

19. Due to the scale of the proposal, Policy CS7 of the CS would require at least 35% of the number of dwellings provided to be made available for affordable housing. Accordingly, the appeal has been accompanied by a Unilateral Undertaking (UU) to provide this policy requirement.
20. I am satisfied that the provisions relating to affordable housing are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. They would therefore be compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations). In addition, although I note the discussions between the parties in relation to the content of the UU, based on the evidence before me, I am satisfied that it would be an adequate document. Consequently, the proposal would make adequate provision for affordable housing, a matter which weighs in favour of the proposal.
21. Matters in relation to education, healthcare, transport, recreation and sport, libraries, and waste have also been addressed through the submitted UU. For the same reasons identified above, I am satisfied that these provisions are compliant with the CIL Regulations.
22. As a consequence, I conclude that the proposal would make suitable provision for affordable housing and other infrastructure requirements. It would therefore accord with Policies CS2, CS7, and DM10 of the CS. Taken together, these policies establish the requirements for housing mix, affordable housing provision, and other developer contributions due to the need for additional or improved infrastructure.

Other Matters and Planning Balance

23. The appellant contends that due to the age of the plan, the approach to housing supply is out-of-date. In addition, it is suggested that the development strategy and its use of Settlement Envelopes is overly restrictive in its approach to development within the countryside.
24. The appeal has been accompanied by many appeal decisions provided by both main parties which seek to support the relevant views in relation to the weight that should be attached to Policy DM4. I have reviewed these decisions and

note the different approaches that have been taken by other Inspectors. However, regardless of the previous decisions, there is nothing in the Framework which specifically precludes the use of settlement boundaries as a means by which to focus sustainable growth.

25. Beyond Settlement Envelopes, Policy DM4 states that limited extensions to gardens may be permitted, but it makes no reference to other development. Although it could be argued that the policy seeks to protect the countryside for its own sake, I note that the Council do not use the policy as a moratorium against development within the countryside. In addition, although I note the appellant's concerns in relation to the Council's approach to housing land supply, no alternative evidence has been provided to suggest that the Council is not meeting its requirements as established by the Framework. Accordingly, although the plan was adopted prior to the publication of the Framework, there is nothing in the evidence to suggest that it is out-of-date.
26. Instead, I am satisfied that the CS provides a plan-led approach to delivering sustainable development which is broadly consistent with the Framework. As a consequence, I find that although full weight should not be given to Policy DM4, it is appropriate to attach moderate weight to this policy. Accordingly, I am satisfied that the most important policies for the determination of this appeal are not out-of-date. Therefore, Paragraph 11 of the Framework is not engaged and the presumption in favour of sustainable development is not applicable to this appeal.
27. On this basis, it falls for the appeal to be assessed against the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004. This being that proposals are determined in accordance with the development plan unless material considerations indicate otherwise.
28. I have already identified the benefits of the proposal above and have established that, cumulatively, moderate weight should be attached to these matters. However, this does not outweigh the fundamental concerns in relation to connectivity and character and appearance and there are no other material considerations that indicate a decision contrary to the development plan.

Conclusion

29. I have found that the proposal would fulfil its requirements in relation to affordable housing provision and would mitigate its harm in relation to other infrastructure requirements. This attracts moderate weight in favour of the proposal. However, I have also found that the proposal would fail to provide suitable pedestrian connectivity to the adjacent settlement thereby increasing the reliance on the private car. In addition, I have found that the proposal would harm the character and appearance of the surrounding area. These are substantial shortcomings of the proposal which attract significant weight, and which outweigh the benefits identified above.
30. As a consequence, in accordance with Section 38(6), and for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR