



Appeal Decision

Site visit made on 16 November 2020

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2020

Appeal Ref: APP/P0240/W/20/3256911

Land at London Lane, Houghton Conquest MK45 3LP

- 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 L Wilson against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/01727/OUT, dated 23 April 2018, was refused by notice dated 30 March 2020.
 - The development proposed is Outline application seeking detailed approval of vehicular and pedestrian access only, with all other matters reserved, for the creation of 5 self-build homes and all associated works including surface water attenuation, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved for future consideration except for the vehicular and pedestrian access. Two options for a pedestrian access have been submitted with the appeal that would create that access either via London Lane or through Conquest Wood. Both options were before the Council. Therefore, I have considered the appeal on this basis.
3. During the consideration of the application a revised plan was submitted for the vehicular access and pedestrian footway on London Lane (plan/drawing no. 24952_08_020_01 Rev C). The Council based its decision upon the revised access plan and so shall I.
4. A signed and dated Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted with the appeal. The UU contains obligations relating to the provision of self-build and custom-build dwellings. Additionally, the heads of terms for an easement for an electricity cable and a pedestrian access across land at Conquest Wood have been submitted. The Council has had the opportunity to comment upon the documents and I have had regard to them in reaching my decision.

Main Issues

5. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area; and,

- whether the proposed development would provide safe and convenient access to local services and facilities.

Reasons

Character and appearance

6. The appeal site comprises a grass field to the south of a permitted scheme of 16 self-build dwellings outside the settlement boundary of Houghton Conquest under Policy CS1 of the Core Strategy and Development Management Policies (2009) (the CS). Outside the settlements, to protect the countryside Policy DM4 of the CS and SP7 of the emerging Central Bedfordshire Local Plan (2018) outline certain development that may be acceptable, of which dwellings proposed by this appeal scheme are not expressly listed.
7. The appeal site comprises part of a small field which has retained some perimeter hedgerows on three sides. It is separated from the adjacent 16 dwelling development by a thick mature hedgerow. This provides a strong demarcation between the approved development and open countryside of which the appeal site forms a part. The pleasant verdant rural character of the appeal site and this part of London Lane makes a positive contribution to the character and appearance of the countryside in this part of the North Marston Clay Vale.
8. Occupying approximately half of the field and as a result of removing a section of at least one hedgerow, the scheme would result in the harmful urbanisation of the appeal site. It would result in the loss of vegetation and encroachment of a significant amount of built development and associated hardstanding, vehicular access, a new pedestrian access, boundary treatments, residential paraphernalia and the introduction of additional vehicles and associated movements.
9. While the hedgerows provide some enclosure and the scheme to the north provides a partly screened backdrop of some dwellings, the site is in a sensitive location. There are short and longer distance open and filtered views into and out of the appeal site to the south. It is visible from some parts of routes through the Conquest Wood public open space to the south and west. The land is elevated from the adjacent London Lane, so dwellings would be elevated when viewed from the lane when approaching or leaving the village, which would increase when the hedgerow is not in leaf. The provision of the access or accesses would increase visibility at certain points as a consequence of the loss of some perimeter vegetation.
10. The appeal scheme is in outline with the suggested parameters for two storey dwellings with no more than 50% of each plot to be hard surfaced. Even if there was some significant reduction agreed by means of the Council's suggested condition, the development would still be inherently harmful to the character and appearance of the area. If the London Lane footway option were pursued and approved this would formalise and further detrimentally erode the rural informal character of the Lane, increasing the harm.
11. The perimeter hedgerows would provide some screening and matters such as siting, scale, plot layout and landscaping would be reserved. However, even with significant further landscaping and the suggested southern boundary planting, this would not sufficiently mitigate the harm from the development.

There is no substantive evidence to demonstrate that suggested further landscaping could provide an overall landscape enhancement.

12. The shape and form of the village, local farmsteads, developments along Chapel End, and dwellings along Rectory Lane were noted at my visit. Having regard to this wider character, the informality of this part of London Lane, Conquest Wood and nearby farmsteads, like the appeal site they clearly form part of and contribute to the rural character of the countryside. The appeal site and those surrounding features do not appear as marking any form of distinction or forming part of a transitional character, between the rural landscape into the built form of the village, and do not justify allowing the proposal.
13. Therefore, for the reasons I have set out above the proposed development would be significantly harmful to the character and appearance of the area. The development would conflict with Policies CS16, DM3 and DM14 of the CS. In combination and amongst other things these require development is appropriate in design and scale to its setting, and seeks to protect and enhance the character and appearance of the countryside and landscape.
14. The development would conflict with paragraphs 127 and 170 of the National Planning Policy Framework (2019) (the Framework). These expect development to be sympathetic to local character and landscape setting, and decisions to contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside. The development would also result in a degree of conflict with the design advice in the Central Bedfordshire Design Guide (2014) insofar as section 1.02.06 requires development to be complementary to the landscape setting in the immediate proximity and longer views.
15. Policy DM4 seeks to protect the countryside from development in a manner not entirely consistent with the Framework, so it attracts only moderate weight. Furthermore, the policy text reference to character and appearance is in relation to extensions to gardens. Therefore, it is of only limited relevance in relation to this issue.

Access to services and facilities

16. Houghton Conquest has a number of facilities such as a primary school, church, pubs, outdoor play facilities, bus services, a post office and convenience shop. With the provision of adequate pedestrian facilities, many of the services and facilities are within a reasonable walking distance for many abilities. One pedestrian access route option is for the development to provide a 1.5m wide approximately 175m long footway along London Lane. This is narrower than the 2m width required by the Council's Highway Officer. At my visit this part of London Lane had a steady flow of vehicles, which is also reflected in the appellant's Automated Traffic Count (ATC). The ATC shows a significant proportion of vehicles recorded as travelling at speeds of between 30 – 45mph.
17. Having regard to the width of 1.2m to accommodate a child and adult holding hands and 1.5m width for a buggy and child/adult beside them, the development would be likely to result in a small number of instances of conflict with pedestrians walking in opposite directions. Therefore, it would result in an increased risk of highway conflict and therefore an increased risk to safety, whether during or outside daylight hours. Given the number of dwellings and

households served, the number of such conflicts may be small on a daily or weekly basis but would add-up over a period of time.

18. The limited highway and footway width, the speed, volume and noise of vehicles along the mostly national speed limit section of London Lane suggests while the route could be used by some, it would not be an attractive or convenient route for some future residents. This would particularly be the case for groups of people or those with younger children. While the number and distance of the trips would be likely to be limited, the lack of comfort and risk of conflict with other users, would for some future residents, make use of a motor vehicle appealing for some trips to the village.
19. The circumstances and considerations in relation to application CB/20/00448/VOC and the context of the Highway Officer's response are significantly different to the appeal proposal. This is because it relates to a commenced development with a significantly shorter length of path along London Lane, that based upon the plan before me, would mostly be within 20mph and 30mph limit zones. Furthermore, the evidence before me suggests the Council has not taken a decision on that proposal.
20. The other route option through Conquest Wood is approximately 150m longer than the London Lane option to some facilities, but similar or shorter to bus stops. While it is a longer route, the narrow width of London Lane, vehicle speeds and lack of lighting and footway suggests use of a purpose built adequately wide footway through Conquest Wood would be likely to be a more preferable route for most pedestrians and cyclists during daylight hours. However, the route would be likely to reduce in appeal after dark due to safety perceptions of some users. Although the number and distance of the trips would be likely to be limited, the Conquest Wood route would make the use of a motor vehicle more appealing for some trips outside daylight hours.
21. For the reasons set out above overall, either route option would not provide a safe and convenient access to village services and facilities. Therefore, the development would be likely to result in some limited increase in car journeys into the village. This would result in a conflict with paragraphs 8 and 91 of the Framework, which requires that development uses natural resources prudently, minimises pollution and should aim to enable and support healthy lifestyles through layouts that encourage walking. Either pedestrian route option attracts weight against the scheme.
22. Reference is made to Policy CS1 of the CS in the reason for refusal which sets out the Council's development strategy, indicating how and where development will be directed. Insofar as the policy refers to Houghton Conquest, it advises that development will be limited in overall scale. Therefore, I do not find the development conflicts with CS1. The policy text of Policy DM4 of the CS primarily relates to settlement envelopes and does not directly preclude development which would result in the need to travel by car. Therefore, I do not find conflict with DM4 in this regard.

Other Matters

23. The circumstances surrounding the approval of Ref CB/16/02971/OUT are different to this proposal. It is bound by mature hedgerows on all four sides and partly viewed against the backdrop of built development of the village to its north and west. Furthermore, it would provide a significantly greater

number of dwellings, as well as a sizeable financial contribution to affordable housing. The site at Greenfield Road is some distance from the appeal site and is set within a different visual and landscape context. It provided 37 dwellings, 35% of which were affordable, so differs in these regards. In the respective decisions the Council and Inspector both found the harm was outweighed by the benefits of those proposals.

24. The full circumstances of the development at Chapel End Road for 125 dwellings are not before me. This appeared to be set behind a considerable established wide belt of landscaping and within the backdrop of the village on two sides. However, given the number of dwellings provided the overall merits, benefits and impacts are not directly comparable to the appeal proposal before me. These other developments are not directly comparable to this appeal proposal, and do not justify approving the scheme, which I have considered on its own merits.

Planning Balance

25. Based upon the evidence before me which includes the Council's Five Year Land Supply Statements (dated January and July 2020) the Council is able to demonstrate a 5 year supply of deliverable housing land. However, this does not represent a ceiling to the delivery of housing. Notwithstanding some off-set by permitted applications there has been some increase in the names on the register for self-build and custom build housing locally and in the Council area as a whole, and there is a demand exhibited by uptake of plots on the adjacent site. On 30 October 2019 there was an unfulfilled demand of 251 plots in the Council area. There is demand for several plots in the Houghton Conquest area, but this is understood to include a number of other settlements including Amphill and some sizeable villages, although many on the Council register would consider other locations than their preferred choice.
26. There is support in principle for the appeal proposal in Policy H7 of the emerging Local Plan and the need for such homes is recognised by paragraph 61 of the Framework. The provision of 5 dwellings would result in limited social benefits from supporting strong, vibrant and healthy communities, maintaining and enhancing the vitality of rural communities and some support to village services and facilities. It would make some contribution to meeting the shortfall of custom and self-build dwellings. There would be a modest temporary economic benefit during construction, and once occupied a small sustained benefit to the local economy. There may be a small benefit of upgrading the path through Conquest Woods if this particular option was to be implemented. Collectively, I attribute these matters moderate weight in favour of the scheme.
27. It is suggested that there would be landscape enhancement measures, which could reflect the aims of the Forest of Marston Vale and result in environmental, biodiversity and landscape enhancements. If these could be achieved, the matters attract limited weight in favour of the scheme.
28. The comments of both parties in respect of the signed UU and heads of terms are noted. Even if I were to take the view that the UU contains all the necessary legal provisions and provides an adequate opportunity to allow those on the Council's self and custom-build register to secure a plot, all of the benefits of the development collectively, do not outweigh the combined harm from the significant harm to the character and appearance of the area to which

I attribute significant weight and limited harm from increased vehicular trips into the village. Therefore, the harm from the development significantly outweighs its benefits.

Conclusion

29. The proposed development would be contrary to the development plan and the Framework as a whole and there are no other considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR