



Appeal Decision

Site visit made on 15 September 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/K0235/W/20/3253651

Land at 27 Hookhams Lane, Renhold MK41 0JU

- 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 and Mrs Hendry against the decision of Bedford Borough Council.
 - The application Ref 18/02496/MAF, dated 25 September 2018, was refused by notice dated 20 December 2019.
 - The development proposed is demolition of one dwelling and erection of fourteen dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Hendry against Bedford Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Whilst the Council refused the proposed development in respect of living conditions they highlight a significant change in circumstances since the Council's decision resulting from the adoption of the Bedford Borough Local Plan (LP) in January this year and a change in their five-year housing land supply position. Following adoption of the LP the Council advise that they are able to demonstrate a deliverable five-year housing land supply of 5.75 years which I will consider as part of my decision.
4. With the adoption of the new LP Policies BE30(i), B35 (i)(ii) and (iii), BE37 (i)(ii) and (iii) of the Bedford Borough Local Plan (2002) and Policy CP21 (iii) of the Bedford Core Strategy and Rural Issues Plan (2008) have been superseded by the LP. The appellant and the Council have commented on the new policies. I must make a decision based on the development plan at the time of my decision. I am satisfied that no main party has been prejudiced by my approach.
5. The appellant has submitted a signed Section 106 Agreement relating to affordable housing. I return to this matter later on.

Main Issue

6. The main issues are:

- Whether the appeal site is an appropriate location for new housing;
- The effect of the proposed development upon the character and appearance of the area; and
- The effect of the proposed development upon the living conditions of the occupiers of 29 Hookhams Lane, with particular regard to outlook.

Reasons

Appropriate location for housing

7. The appeal property is within the Settlement Policy Area (SPA) for Renhold Salph End but the neighbouring field is located outside of it and within open countryside. It does, however, neighbour the settlement. LP Policy 7S states that permission for development in the countryside, outside of a SPA will only be supported on sites that are well related to a SPA boundary and where it meets several criteria. It goes on to state that exceptionally development proposals will be supported where they respond to an identified community need, there is identifiable community support and contribute positively to the character and size of the settlement, amongst other criteria.
8. Renhold Salph End is a suitable location for new development and benefits from a number of services and facilities to meet residents' day to day needs. It is also well connected to Bedford the principal town in the area. These services in Renhold Salph End and Bedford are accessible by foot, public transport and motor vehicle.
9. I acknowledge that the LP does not allocate housing towards Renhold Salph End and that there is no neighbourhood plan and thus there is a reliance on windfall sites to deliver housing in the village. However, based on the evidence before me the proposed development would not respond to an identified community need or that there is identifiable community support for it. It would therefore be contrary to Parts vi and vii of LP Policy 7S as it is located outside the SPA and would not fall within any of the exceptions criteria for development in the countryside. As such, it would be contrary to the housing strategy set out in the LP.

Character and appearance

10. Renhold Salph End is largely linear although cul de sac developments are features of this part of the village which create depth to the settlement and contribute to the pattern of development. The appeal site is located on the edge of the village and is formed of a detached bungalow, associated garden area and a broadly rectangular field extending behind properties along Hookhams Lane.
11. There would be urbanisation and a greater depth of built form, however, the arrangement of houses either side of an access road follows the established pattern of housing in the village including Home Close and Brickfield Road, which have a suburban character and are developed at depth. The pattern and modest scale of the proposed development would be commensurate with the settlement and would not undermine its character.

12. Whilst the site is largely open it is well contained and does not make an important contribution to the setting of the village or the wider landscape. The proposed development would not be incompatible with its surroundings and would not undermine the landscape beyond which is in part defined by the golf course and school playing fields.
13. The proposed development would not undermine the separation between Renhold Salph End and Bedford, which on the ground is not appreciable due to the small visual break between the two settlements.
14. As such, I find that the proposed development would not unduly harm the character and appearance of Renhold Salph End. In this regard I conclude that it would accord with Part ix of LP Policy 7S which requires new development to contribute positively to the character of the settlement.

Living conditions for existing occupiers

15. I acknowledge that Plot 1 would wrap around the corner of No 29's garden and would be visible from the house and the garden. The maximum height of the dwelling, at approximately 8.6m, would not be unduly tall and it would be set in from the boundary. In my view, there would be adequate separation between the two properties and the proposed development would not result in a sense of enclosure or overshadowing.
16. I conclude that the proposed development would not adversely affect the living conditions of the occupants of No 29. The proposal would therefore accord with Part iv of LP Policy 32 which, amongst other things, seeks to ensure that development proposals do not give rise to disturbance to neighbours and the surrounding community.

Planning Balance

17. I acknowledge that when the application was determined the Council was unable to demonstrate a deliverable five-year supply of housing land. However, the situation has changed with the adoption of the LP. Whilst the appellant questions whether the Council can demonstrate a deliverable five-year supply of housing there is no substantive evidence before me to refute the Council's position outlined in their '5 Year Supply of Deliverable Housing Sites 2019/2020 – 2023/2024: Update to May 2019' published in June 2020. As such, there is a strong indication that a deliverable five-year supply of housing exists.
18. I acknowledge that the deliverable five-year supply of housing land figure is not an upper limit and the proposed development would contribute to local housing supply, including four affordable houses secured through the submitted planning obligation, which would help meet local housing need and reduce the affordability gap in the area.
19. The site is in a location that is within a reasonable distance of a range of day to day services and facilities. It would generate short term employment through the construction phase and given its size could be built out in a short time frame. There also appears to be a number of developers interested in the site. Future occupiers would support existing services and facilities. There would also be net gains in green infrastructure and biodiversity. It would also result in a Community Infrastructure Levy which would contribute towards supporting or improving facilities and infrastructure. These are all benefits in favour of the scheme.

20. The proposed development would not harm the living conditions of existing occupants and based on the advice of the Highways Authority it would not harm highway safety. However, these are neutral factors in the balance.
21. On the other hand, I have found that there is no identified need or community support for the proposed development and conflict with Parts vi and vii of LP Policy 7S.
22. The presumption in favour of sustainable development does not apply in this instance and I have no reason to make a decision other than in accordance with the development plan. I conclude that the proposed development conflicts with the development plan, when read as a whole. There are no other considerations that outweigh that conflict.

Conclusion

23. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR