
Appeal Decision

Hearing Held on 8 February 2021

Site visit made on 9 February 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 17 March 2021

Appeal Ref: APP/K0235/W/20/3259981

Land off Bedford Road, Willington, Bedfordshire

- 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 Kodiak Land against the decision of Bedford Borough Council.
 - The application Ref 18/03161/MAO, dated 14 December 2018, was refused by notice dated 26 March 2020.
 - The development proposed is outline application for up to 46 dwellings, new planting and landscaping, vehicular access point from Balls Lane and associated ancillary works. All matters reserved with the exception of the main vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application which is the subject of this appeal was made in outline with all matters reserved apart from access. Various plans have been supplied by the appellant illustrating how the site could be developed and protect features of the site which have been identified as being important. Whilst I regard these plans as being for indicative purposes only, I have had regard to them inasmuch as they show how the site could be developed. However, matters such as layout, scale and landscaping would be considered as part of any reserved matters application and so are therefore not before me in this appeal.
3. The appellant has submitted a Unilateral Undertaking in accordance with s106 of the Town and Country Planning Act 1990 (UU) seeking to address the matters relating to the provision of:
 - affordable housing (including tenure and mix);
 - off-site highway works;
 - the provision of open space; and,
 - the future management and maintenance of the open space to be provided within the development;
4. The Council has agreed that the UU makes the appropriate provision for affordable housing on the site sufficient to comply with the relevant policies of the Bedford Borough Local Plan 2030. I have assessed the UU against the tests for planning obligations set out at paragraph 56 of the National Planning Policy Framework (the Framework) and find that the UU submitted alongside this

appeal meets these tests. Therefore, the reason for refusal No 04 of the Notice of Decision dated 26 March 2020 was not considered at the hearing.

5. In addition, the Council accepted before the hearing that no contribution from the development towards the National Health Service was required. I have no reason to disagree with this conclusion. Therefore, reason for refusal No 05 of the decision was not considered at the hearing.

Main Issues

6. The main issues at this appeal are:
 - whether the proposal would accord with the spatial strategy set out in the Bedford Borough Local Plan 2030;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the development on the setting of heritage assets in the vicinity of the proposal;
 - the extent to which tree coverage across the site can meet the relevant provisions of the Bedford Borough Local Plan 2030 with regard to environmental led regeneration requirements of the Forest of Marston Vale Community Forest; and,
 - housing land supply in the Borough.

Reasons

Spatial strategy

7. The spatial strategy set out in the Bedford Borough Local Plan 2030, adopted in January 2020, (LP2030) is based on the majority of development being located in and around Bedford. This approach is set out in Policies 3S and 4S of the LP2030.
8. Outside Bedford locations have been identified to take further growth and these include Wixams new settlement and strategic village extensions at Wootton, Stewartby and Shortstown. Beyond the named settlements growth is expected at key service centres and rural service centres.
9. At key service centres and rural service centres there is a strong emphasis on growth being community led, safeguarding the intrinsic character of the countryside, and having a positive effect on the character of settlements.
10. Willington is identified as a rural service centre in the LP2030 where limited growth is planned. As such the village is defined as delivering between 25-50 homes in the plan period with locations for these homes identified in a Neighbourhood Development Plan (NDP). The allocations made by the NDP should generally be around defined Settlement Policy Area (SPA) boundaries identified in the LP2030.
11. The NDP has reached the stage of submission to the Council and it has not allocated the appeal site for development. Moreover, it has identified the appeal site as local green space. However, it has allocated land for housing in another part of the village to meet the requirements of the LP2030. This site is the subject of an outline planning application which seeks to deliver up to 50

dwelling, including 30% affordable housing. This site has demonstrated local community support through the assessment work and consultation through the NDP process. I heard evidence that the NDP, through the allocated site and other policy compliant development within the village, is on course to deliver 63 dwellings in accordance with the spatial strategy of the LP2030.

12. In areas outside those allocated for growth or outside the SPA boundaries of villages Policy 7S of the LP2030 applies. This allows for limited growth through the reuse of buildings, replacement of existing dwellings, affordable housing to meet local needs, accommodation for rural workers and development in 'made' NDPs. In exceptional circumstances the policy allows for development that is well related to a defined settlement boundary, responds to an identifiable community need, is appropriate in scale and is positive to the character of the settlement and has sustainable transport links. The appeal proposal does not fall into any of these categories.
13. The NDP has not yet been made and therefore can only be given limited weight in this appeal. However, the Council is relying upon NDPs to deliver 260 dwellings in rural service centres in its local plan and the NDP in Willington is progressing. I also acknowledge that it is being prepared by the community and this often takes more time than plans that are prepared by the Council.
14. In addition, the site allocated for development in the NDP is the subject of an outline planning application for 50 dwellings. Therefore, I give some limited weight to the conflict between the NDP and the appeal proposal. This is because the NDP supports the delivery of the spatial strategy of a recently adopted local plan and it is possible that the allocation it identifies will be delivered. Moreover, the Framework expects the planning system to be plan led and the NDP will be part of the development plan for the area.
15. The policies which make up the spatial strategy in the LP2030 are broadly consistent with those in the Framework that relate to plan making and they are contained in a recently adopted local plan.
16. Whilst Policy 7S can be construed as being restrictive in nature it does positively allow for development, in certain circumstances outside the policy framework of the spatial strategy. I therefore regard this policy as being consistent with those contained in the Framework.
17. Therefore, for the reasons set out above, the appeal proposal is in conflict with the spatial strategy set out in Policies 3S, 4S and 7S of the LP2030 as it is not in an area identified for development by the local plan and does not accord with the criteria attached to Policy 7S.

Character and appearance of the area

18. Willington lies within the Great Ouse Clay Valley and displays linear characteristics, with most of its development being concentrated along 3 roads, Church Road, Station Road and Bedford Road. Along these routes the development is fairly compact with few gaps between the houses. The development within the village is turned towards these roads with very little development appearing to front onto the open land surrounding it.
19. The appeal site is currently accessed from Bedford Road and comprised of fields currently used for the grazing of horses. It is generally flat, however undulations in the field are visible which are a remnant of the ridge and furrow

- open field farming system. Other features of the land are a small pond and the hedge along its boundary which divides it from other land accessed from Balls Lane.
20. Church Road and Bedford Road have a visual relationship with the appeal site. Church Road has a single row of development along the side facing the appeal site. This development is viewed across the appeal site and other fields and emphasises the village's relationship with fields surrounding it. The appeal proposal would to a large extent block this view and therefore harm the setting of the village when viewed from Bedford Road. This is despite the illustrative plans contained within the Design and Access Statement showing a gap between the existing development on the Bedford Road and the appeal site.
21. I take the view that whilst this is an outline application there are features of the site which should be retained should planning permission be granted. In addition, the listed buildings, and their settings, outside the site need to be considered in any layout, although I will deal with this aspect of the development more thoroughly later in this decision.
22. A public footpath crosses the site from the Bedford Road and continues so that it meets Balls Lane near its junction with Church Road. From the public footpath it can be appreciated how the site contributes, along with the other open land in this location, to the setting of the village. There is a clear distinction between the relatively dense, compact development off Station Road and the open nature of the land beyond, of which the appeal site forms part.
23. Along the main roads through the village are a mix of older and more modern buildings which show that the village has developed over time, but mainly around its historic street pattern. There are examples of developments which do not conform to this linear pattern, mainly along Station Road. However, the development that has occurred in this location is accessed from Station Road and tends to reinforce the compact nature of the village, rather than spread into the surrounding countryside.
24. The appeal proposal seeks to develop the site for up to 46 houses, together with public open space with access off Balls Lane. This is an outline application with all matters reserved, apart from access with illustrative material that shows the majority of development located along the Bedford Road and behind the existing houses on Grange Way/Bedford Road. In view of the constraints which I have referred to above, it is likely that the development will be implemented in a similar way to that shown on the indicative plan.
25. Consequently, this would mean that the existing views of the village from the Bedford Road and the public footpath would be truncated by development. This would result in the existing rural setting of the village from the Bedford Road being lost and replaced by houses. I accept that existing trees and new planting might be able to break up the impact of the development from this direction, however the presence of the housing would still be apparent.
26. In its wider context the appeal site forms part of an area of open land which provides the rural setting for the village on its western side. The appeal proposal would be seen as an encroachment of built development into this area. Whilst its effect might be localised it would still diminish the rural setting of the village and be seen as an incongruous and prominent addition in this location. Furthermore, the important view of the village from the public

footpath crossing the site would be severely reduced so that, at best, roof tops of the existing village could be seen over the proposed houses. This would further harm the rural setting of the village.

27. The LP2030 at Policies 7S, 28S, 29 and 30 seek to encourage development that contributes positively to the character of settlements, promote local distinctiveness, and integrates well with the character of the area. These policies are consistent with paragraph 127 of the Framework which requires planning decisions to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
28. The appeal site and the open land surrounding it contribute to the overall rural setting of the village and to the appreciation of its historic development. The loss of part of this land to development would harm the rural setting of the village and would harm its local distinctiveness by removing features and views that contribute to that setting. Furthermore, it would not integrate well with the character of the area as it would lead to development that would encroach into the countryside surrounding the village and not be consistent with its compact linear form. As a result, the development is in conflict with these policies of the development plan and the Framework.

The effect of the development on the setting of designated heritage assets

29. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision taker, when considering proposals that affect a listed building, to have special regard to the desirability of preserving the building or its setting.
30. The Framework at paragraph, 184 advises that heritages assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In this regard the Framework at paragraph 193 expects great weight to be given to the asset's conservation irrespective of whether any harm caused to its significance is substantial, total loss or less than substantial harm.
31. I therefore give considerable importance and weight to the desirability of preserving the setting of any listed buildings affected by the development which is the subject of this appeal.
32. The appeal proposal lies within the setting of several listed buildings located in the built area of the village around the site. In particular to the east of the site is the Mill at Grange Farm and to the north, across the fields, are Penwright's Cottage, Bellwood, and Nos 7, 31, 33 and 39 Church Road.
33. I have assessed that there is primarily one cluster of listed buildings whose settings could be affected by the appeal proposal, these are those sited along Church Road, and individually, the Mill at Grange Farm, which backs on to the appeal site and has a common boundary with it, but is accessed from Grange Way.
34. With regard to the buildings sited on Church Road, these are mainly 16th and 17th century houses, some with thatched roofs. They represent the buildings that would have been part of the original core of the village. They are still adjacent to their original countryside setting to the rear. This setting is made

- up of a series of open fields, that includes the appeal site and the remnants of the ridge and furrow farming system it contains. It is from this direction that their rural setting is most readily appreciated.
35. Consequently, the open fields to the rear of the heritage assets on Church Road, are an important part of their setting, and contribute to the understanding of their significance in the development of the village. The loss of part of this setting to the appeal proposal would compromise that significance when viewed from the public footpath, the appeal site, and Bedford Road. Therefore, the setting of these listed buildings would be harmed by the appeal proposal.
36. The Mill at Grange Farm is a mid to late 19th century mill and is almost surrounded by modern development. The only direction from which its original agricultural character can readily and widely be appreciated is from the appeal site, the public footpath crossing the site, Balls Lane, and Bedford Road. From these views it is clear from the height and proportions of the building, relative to the modern development surrounding it, that it is of an agricultural character. Moreover, these views of the building would have been in existence for many years and help to define the historic character of the village.
37. Therefore, the views across open fields of the Mill at Grange Farm helps the understanding of the significance of this heritage asset in the historic development of Willington as an agricultural village and centre in the area.
38. The appeal proposal would have two principal effects. It would reduce the amount of open land to the rear of the two areas of listed buildings. This would diminish the historic significance of these buildings by reducing the appreciation of users of the public footpath and the Bedford Road would have of their importance in the historic development of the village and its relationship to surrounding agricultural land. Furthermore, the historic views of the Mill at Grange Farm from the footpath crossing the site and at a greater distance, from the Bedford Road and Balls Lane would be lost. This would further diminish its significance.
39. Whilst I have assessed that the appeal proposal would be harmful to the setting of the listed buildings in the vicinity of the appeal site this does not amount to substantial harm. Therefore, I find that the effect of the appeal proposal on the setting of the listed buildings amounts to less than substantial harm.
40. I note that the parties have referred to the degree of harm being at '*towards the lower end of the less than substantial spectrum*'. Whilst I have had regard to this view, harm in this context is not on a '*spectrum*' and the division of harm into categories of substantial or less than substantial, in the Framework, is adequate to carry out the weighted balancing exercise to determine whether the proposal is acceptable.¹
41. Consequently, having assessed that the proposal would cause less than substantial harm to the heritage assets I am required by virtue of paragraph 196 of the Framework to weigh that harm against the public benefits of the proposal.

¹ Shimbles v City of Bradford MBC [2018], EWHC 195 (Admin), 08 February 2018

42. The appellant has cited a range of benefits the appeal proposal would bring to both the village and the wider area. These benefits include the provision of affordable and market housing, public open space, the introduction of economically active people into the village which would increase spend in local businesses, the provision of construction jobs, increased Council Tax receipts and New Homes Bonus, green infrastructure, habitat retention, biodiversity and highway and transportation improvements.
43. In terms of provision of market housing the Council considers that it has a 5-year supply of deliverable housing sites which amounts to 4,319 homes. This equates to a supply of 5.41 years or 326 above the minimum requirement. This relies on using the excess supply from the previous years of the plan to boost its supply in the coming years.
44. The appellant on the other hand considers that the supply from the previous years should either be discounted entirely from the calculation of future years housing supply or spread over the remaining years of the plan.
45. If the appellant's approaches were to be adopted the 5-year supply of deliverable sites falls to 4.70 and 4.25 years respectively. However, it is important to consider that the Council have a strategy set out in a recently adopted local plan which sets out to deliver housing in accordance with an assessed need in the Borough more generally, and in villages such as Willington in particular. Moreover, the Council has a good track record in delivering houses in the Borough over the period of the local plan so far and appears on track to deliver the housing requirement set out in the local plan over its entire period.
46. The Government is seeking to boost the supply of housing, so any housing proposal must be regarded as providing a degree of benefit to set against any harm which the appeal proposal might cause.
47. Consequently, even if the worst case scenario set out by the appellant is adopted of a 4.25 years supply of deliverable housing sites, I do not consider that this is sufficient to outweigh the harm that would be caused to the setting of the heritage assets by the appeal proposal, especially in the light of the Framework's assertion at paragraph 193 concerning 'great weight' to be given to the assets conservation.
48. The proposal would also provide for 30% of the proposed 46 houses as affordable homes (around 14 units). In terms of the delivery of affordable housing the Council has a slight shortfall in current delivery and is on track to meet its requirements through the delivery of the LP2030.
49. In rural service centres housing delivery is based on the identification of housing sites and the provision of affordable housing through the NDP process. Whilst Willington is yet to have a 'made' NDP it has made progress towards the completion of a NDP and has recently submitted the plan to the Council.
50. Therefore, whilst I am unable due to the stage the NDP is at to give it more than limited weight in this decision, it is still a material consideration in this appeal. Moreover, it has made recent progress towards becoming a 'made' NDP, it does not allocate the appeal site for housing and the site it is proposing to allocate is the subject of a live planning application. Furthermore, the site is identified as 'local green space' in the draft NDP.

51. As a result, the delivery of market and affordable housing by the appeal proposal has to be set against the likelihood of the LP2030 delivering at least an equivalent amount of market and affordable housing, but in locations which do not harm the setting of heritage assets and in accordance with NDP which is in preparation. Consequently, I give the benefit of the proposal delivering market and affordable housing limited weight in this appeal.
52. I have had regard to the benefits of increased spend in local businesses, the provision of construction jobs, increased Council Tax receipts and new homes bonus. However, these are benefits which would accrue with any developments in the village, including those which would not harm the setting of heritage assets and I therefore give them neutral weight.
53. Benefits of the proposal have been recognised as provision of facilities which could be accessed by the general public and local community, such as informal recreational routes, public open spaces and play space to be secured through a s106 agreement. Whilst I have had regard to these proposed benefits I give them limited weight as there is already a public footpath crossing the site which acts as an informal recreational route, and the residual public open space and play space is likely to be small scale and away from the centre of the village.
54. It is also likely that the disruption caused by the construction of the appeal proposal and its future occupation would cause disturbance to species using the site. These were identified as Great Crested Newts in the existing pond, badgers, and reptiles, by the local Wildlife Trust at the planning application stage. Therefore, any benefits of the proposal need to be weighed against the harm that might be caused to the biodiversity of the area.
55. Finally, I give neutral weight to the highway improvements generally and on Balls Lane in particular, as if it were not for the development the highway and transportation improvements proposed would not be necessary.
56. Accordingly, whilst I give some limited weight to the benefits of the proposal in improving the supply of market and affordable housing and to the provision of additional public open space and play space in the village, I do not consider that this is sufficient justification to outweigh the less than substantial harm the development would cause to the setting of the listed buildings referred to above.
57. This accords with the policy of the Framework at paragraph 194 which states that any harm to, or the loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. I do not consider that the justification for the development set out above is clear and convincing.
58. The appellant has suggested that in order to make the appeal proposal acceptable in terms of its impacts on the setting of heritage assets that planting, and landscaping is included in the proposal. It is clear to me that the issue of the effect of the appeal proposal on the heritage assets is not about screening the proposal, but about the effect the proposal has on the heritage assets due to the closing down of views which are important in identifying the significance of the heritage assets in terms of the development of the village. Therefore, planting and landscaping would not mitigate the harm that would be done to the setting of the heritage assets by the appeal proposal.

59. Moreover, the requirements to provide open space, retain the pond, protect the line of the footpath and tree coverage on the site will inevitably concentrate development on land close to the Mill at Grange Farm. Therefore, any opportunity to mitigate the effects of the development on this heritage asset would be limited.
60. The LP2030 at policies 41S, 28S and 29 seek, amongst other things, to protect and enhance the historic environment and heritage assets in particular, including their settings. I have found that the appeal proposal would harm the setting of listed buildings Penwrights Cottage, Bellwood, Nos 7, 31, 33 and 39 Church Road and the Mill at Grange Farm. As a consequence, the proposal is in conflict with these policies of the development plan and the policies set out in section 16 of the Framework.

Tree coverage across the site

61. The appeal site is located in the area of the Forest of Marston Vale, this is an area where the Council, in partnership with neighbouring Councils, has been establishing a community forest.
62. The LP2030 requires at Policy 36S, development proposals to demonstrate how they will deliver 30% tree cover across the development site. The Council has argued that the appellant has not demonstrated how this required tree cover would be achieved across the appeal site.
63. Whilst the appeal proposal is in outline with all matters reserved, apart from access, illustrative material has been submitted which shows significant areas of the appeal site given over to public open space. I am however aware that not all this area will be available for tree planting as some will be taken up with the existing and proposed pond and children's play area.
64. Nevertheless, and notwithstanding the effect planting could have on the nearby setting of heritage assets, I consider that the appellant has demonstrated how 30% tree cover could be achieved outside the private gardens of the proposed dwellings. Consequently, this matter is capable of being dealt with by a condition attached to a grant of outline planning permission should I be minded to allow the appeal.
65. In this respect I find that the proposal is consistent with Policy 36S of the LP2030.

Housing land supply

66. The parties have supplied a Statement of Common Ground (SoCG) setting out the agreed position on housing land supply and the areas of dispute between them.
67. Whilst there is some dispute between the parties around the deliverability of 1 site the Council has identified as assisting in achieving a 5-year supply of deliverable sites (Melbourne House in Bedford), the key matter of dispute between the parties is set out at paragraph 5.1 of the SoCG. This is around the treatment of a surplus in housing supply identified in the previous years in calculating the supply in the next 5-year period.
68. The Council considers that it has a 5-year supply of deliverable housing sites amounting to some 4,319 homes. This includes the excess supply from

previous years of 1,048. It is therefore the Council's position that it can demonstrate a 5.41-year supply of deliverable sites (or 326 above the minimum required).

69. In arriving at this figure, the Council has removed the previous years' excess supply from the plan requirement for the next five years and then applied the 5% buffer.² This gives a 5-year requirement of 3993 or 799 dwellings per annum (dpa). If the disputed site at Melbourne House is removed in this calculation the supply drops to 5.24 years. In either case the Council can demonstrate a 5-year supply of deliverable sites.
70. The appellant considers that the surplus should be treated differently and has proposed two ways that it might be treated.
71. Firstly, it should be spread over the remaining plan period (11 years, based on the date when the last annual supply position statement in 2019 was published). This gives a 5-year requirement of 4593, a deliverable supply of 4191 (removing the disputed site from the calculation) and a supply of 4.70 years.
72. Secondly, the excess in supply from the previous years should be discounted completely. This gives a 5-year requirement of 5093, a deliverable supply of 4919 (removing the disputed site from the calculation) and a supply of 4.25 years. This is based on the definition of 'Deliverable sites' set out in the Glossary to the Framework.
73. It was established at the hearing that there is no specific guidance in either the Framework, the Planning Practice Guidance (PPG) or any other legislation which determines how an excess in supply of housing from previous years should be treated in future years.
74. I have been supplied with appeal decisions and the report of the Inspectors who conducted the examination into the Local Plan. These point in different directions as to how the excess in supply from previous years should be treated in the calculation of the annual supply of deliverable sites. Some of the appeal decision supplied by both parties are very recent examples.
75. However as is normal in these cases, the context of the situations set out in the appeals presented by the parties are significantly different from the case before me. For example, in the Gotherington³ appeal the shortfall in housing supply that the Inspector identified was considerably worse than the appellant has set out in the case before me and the Council had accepted that it did not have a 5-year supply of deliverable housing sites. Moreover, the quantum of disputed sites making up the supply was considerably greater than in the case before me. Consequently, the relevance of this decision to this appeal is limited.
76. However, the Hookhams⁴ appeal, whilst the quantum of houses proposed was significantly more than the amount proposed in this appeal, is of more relevance to this case as it involves a site in Bedford Borough Council's area, it

² It is also common ground between the parties that the Council is entitled include the 5% buffer as set out in Paragraph 73 a) of the Framework.

³ Appeal Ref: APP/G1630/W/20/3256319, Land off Ashmead Gotherington, 12 January 2021

⁴ Appeal Ref: APP/K0235/W/20/3256134, Land between Hookhams Lane and Ravensden Road with access via 25 Hookhams Land, Salph End, Bedford MK41 0JU, 2 December 2020.

- is a recent decision concerning the application of policies in the LP2030 and it deals with the issue of the excess in the supply of houses from previous years.
77. In this appeal the Inspector recognised, as I do, that the government seeks to boost the supply of housing so any proposal must be regarded as providing a degree of benefit to set against any harm that the development might cause. He also recognised that the LP2030 was on track to deliver its housing requirement for the full plan period. I have had regard to similar evidence put forward by the Council regarding housing land supply in the Borough as the Inspector in the Hookhams appeal.
78. Paragraph 73 of the Framework sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their requirement set out in adopted strategic policies. The latest evidence I have from the Council is that it has a 5-year supply of deliverable housing sites (with or without the disputed site) which will deliver the housing requirement of the strategic policies set out in the LP2030 over the period of the local plan.
79. This will inevitably include delivery at this point in the life of the plan housing development that has already taken place. Therefore, whether the sites which have already been delivered should still be considered 'deliverable' in terms of the definition set out in the Framework is irrelevant to this argument. It is the overall delivery of the housing requirement set out in the adopted strategic policies over the whole period of the LP2030 that is important in this regard.
80. Therefore, whilst the Council has not produced an annual update of a supply of specific deliverable sites sufficient to provide a minimum of 5-years' worth of housing against their requirement set out in adopted strategic policies, it is clear at this point that over the whole period of the LP2030 it is on track to deliver its housing requirement.
81. This issue was considered by the Inspectors who examined the Local Plan and reached the conclusion at paragraph 115, that *"not offsetting the future requirement figure to reflect past oversupply could, in practical terms, mean that an adopted local plan which is on track to deliver, or even exceed, the housing requirement for the full plan period, could be rendered out of date simply because more dwellings had been completed in some past years and fewer forecast to be completed in the coming years than the average requirement"*.
82. Consequently, and in view of the latest evidence produced by the Council on the housing land supply position in the Borough and given that the Council is at this point on track to deliver the housing requirement set out in the LP2030 I find that the Council has a 5-year supply of deliverable housing sites. Furthermore, as the Framework specifies delivering the housing requirement set out in the adopted strategic policies, in this case those of the LP2030, it is not unreasonable that the whole of the surplus should be discounted against the 5-year requirement.
83. I note that the Inspectors who conducted the examination into the Local Plan referred to the excess in supply being spread over the then remaining 11 years of the plan and the appellant has focused on this argument. However, the Council does not have to demonstrate at this time how it will maintain a supply of specific deliverable sites over the remaining 9 years of the plan. It is simply

sufficient that it identifies a specific supply of deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement set out in the LP2030 and in my judgement it has done this.

The Planning Balance

84. The proposal would conflict with the spatial strategy for Bedford Borough and the policies 3S, 4S and 7S of the LP2030, that relate to the location of development within the Borough. These are set out in a local plan which has been adopted within the last 18 months. I have also found that the Council has identified a supply of specific deliverable sites sufficient to provide a minimum of 5-years' worth of housing against their housing requirements set out in adopted strategic policies. I therefore consider that the spatial strategy/policies of the LP2030 to have full weight in this appeal.
85. The proposal would also harm the character and appearance of the village. It would therefore be in conflict with policies 7S, 28S, 29 and 30 of the development plan that seek to encourage development that positively contributes to the character of the settlement, promote local distinctiveness, and integrates well with its surroundings.
86. Part of the village's distinctiveness is derived from its historic development and setting, and the evidence of that development and distinctiveness shown through its older and historic buildings and their relationship with the land around the village. Since I have found that the appeal proposal would harm the setting of these historic buildings and therefore their significance, I give significant weight to this conflict and therefore to these policies.
87. I have found that the development would harm the setting of the listed buildings in the vicinity of the appeal site. The appeal proposal therefore conflicts with policies 41S, 28S and 29 of the LP2030 and the policies of the Framework which seek to conserve and enhance the historic environment.
88. I have set out in this decision the reasons why the policies of the Framework with regard to the protection of the historic environment provide a clear reason for refusing the development. I have also weighed the harm caused to the designated heritage assets against the public benefits of the proposal and found that the less than substantial harm to the designated heritage assets is not outweighed by the public benefits of the proposal. I therefore give great weight to this conflict as required by the Framework.
89. I have taken account of the contribution of the site toward the delivery of market and affordable housing, its contribution to the economy of the village and to any benefits it would have on green infrastructure, highways and transport, biodiversity, increased Council Tax receipts and New Homes Bonus. However, I give these benefits limited weight in this decision.
90. Planning decisions, according to S38(6) of the Planning and Compulsory Purchase Act 2004 have to be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the appeal proposal is in conflict with the development plan, the LP2030, and that the material considerations are of insufficient weight for me to decide the appeal other than in accordance with the development plan.

Conclusion

91. The appeal is therefore dismissed.

Peter Mark Sturgess

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Christien Lee	Kodiak Land
Mr Jason Tait	Planning Prospects
Mr Chris Dodds	Planning Prospects
Ms Nicola Baines	Solicitor

FOR THE COUNCIL:

Ms Philippa Jarvis	Planning Consultant
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INTERESTED PERSONS:

Mr Alan Bertram	Parish Council/Neighbourhood Plan Group
Cllr Stephen Moon	Local Councillor for Willington
Paul Jenkins	CPRE - Bedfordshire

ADDITIONAL DOCUMENT SUBMITTED AT THE HEARING

- Willington Neighbourhood Development Plan – January 2021 (submission document)