



Appeal Decision

Site Visit made on 12 April 2021

by Mr Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal Ref: APP/P0240/W/20/3263820

Land off Green End, Clophill Road, Maulden MK45 2AD

- 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 Green End New Homes Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/02088/OUT, dated 16 June 2020, was refused by notice dated 14 October 2020.
 - The development proposed is erection of five chalet bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is for outline planning permission with all detailed matters except for access reserved for future approval. Whilst not formally part of the scheme, I have treated any details submitted with the appeal application relating to matters of appearance, landscaping, layout and scale as a guide to how the site might be developed.
3. The Pre-Submission version of the emerging Central Bedfordshire Local Plan 2015-2035 (the CBLP) was submitted to the Secretary of State in April 2018. The examination process is continuing and there is nothing before me to indicate that the CBLP is currently at a stage that should attract anything more than limited weight. I shall consider the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect upon the character and appearance of the area; and
 - The effect upon biodiversity.

Reasons

Character and appearance

5. Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (November 2009) (the CBCSDMP), through the identification of Settlement Envelopes, differentiates the built-up areas of settlements from areas of countryside situated beyond. The site sits just outside the defined Settlement Envelope for the Clophill Road element of Maulden (designated as a Small Village through Policy CS1 of the CBCSDMP) and thus in the countryside as defined in local planning policy terms.

6. The National Planning Policy Framework (February 2019) (the Framework) does not imply that protection from development be given to the countryside in its totality, rather that valued landscapes should be protected and enhanced and that recognition should be given to the intrinsic character and beauty of the countryside. In comparison, Policy DM4 is more restrictive in generally seeking to control development beyond defined Settlement Envelopes and, on this basis, is a policy that attracts moderate weight. Indeed, whilst the loss of undesignated countryside is still capable of being harmful, the fact that the site falls outside of any defined Settlement Envelope is not determinative.
7. Whilst I am of the understanding that differing degrees of reduced weight have been applied to Policy DM4 by other Inspectors when considering proposals on other sites, I am satisfied that the policy attracts moderate weight for the purposes of determining this appeal. I note that in a case¹ brought to my attention where less than moderate weight was identified, this was in circumstances where the protective provisions of DM4 were found not to be harmed.
8. The site is located in the 'Mid Greensand Ridge' landscape character area (the LCA), which is characterised, in-part, by undulating landforms and a strong woodland presence contrasted against a variable array of arable/agricultural land and the existence of various individually defined villages and small hamlets. The site, which is comprised of a grassed field often edged by planting, as well as its immediate surroundings are broadly reflective of the LCA's overarching attributes. Nevertheless, I do not find the site to form part of a valued landscape under the terms of the Framework. This is owing to it offering nothing out of the ordinary in terms of its rural qualities or condition.
9. It is intended that the proposed development be accessed via Green End (the lane), which is a narrow and well-vegetated route of rural character and appearance that runs the site's western edge and ultimately leads to a separate hamlet also identified as Green End (the hamlet).
10. The site sits to the rear of a linear row of housing development (the row) that extends to the east from the lane. Notwithstanding the presence of some sporadic/small-scale examples of buildings being in place to the rear of the row, frontage development strongly defines the section of Clophill Road (the road) to which the appeal site directly relates. Indeed, the lands to the rear of the row, which incorporates the appeal site, are of predominantly undeveloped composition consistent with their countryside location. The proposal, through introducing a not insignificant quantum of development to a site that extends a meaningful distance northward from the rear of the row, would be at odds with the makeup of its immediate surroundings.
11. I acknowledge that the proposed chalet bungalows would not be readily appreciable from the road given their setback location. Furthermore, in-part due to changing land levels, the proposed development would not be widely visible from within the hamlet. Indeed, the presence of established planting locally, including to stretches of the site's perimeter, would assist in limiting the proposal's visibility when experienced from various publicly accessible locations.

¹ APP/P0240/W/18/3208772

12. However, the proposed development would have a distinct visual presence when experienced from close-range vantage points upon the lane as well as from numerous residential properties contained within the row. The shared residential access that is proposed would exceed the width provided by the field access already in place and, notwithstanding its intended curved alignment, would offer clear and uninhibited viewing opportunities into the site.
13. Furthermore, whilst I observed the planting intended to be retained to the site's western boundary to noticeably soften views into and over the site, it did not provide an impenetrable screen. Whilst full details of intended landscaping are yet to emerge, it must also be noted that planting cannot be relied upon to provide a permanent and substantial buffer to views, because it is ever evolving and reliant on regular maintenance to retain a consistent form and could be reduced in scale or extent in the future.
14. The appeal site, being clear of built development, makes a meaningful contribution to the clear sense of separation that currently exists between the hamlet and the closest built-up areas of Maulden (as experienced on the ground). The site thus plays a role in promoting the hamlet's individual identity. Indeed, to the lane's eastern side, only the large private garden that serves the neighbouring property to the north (Kirkton) would remain as a buffer between the built-up extent of Maulden and the hamlet. The clear sense of separation that currently exists when approaching the hamlet from the village would, to a meaningful extent, be weakened.
15. It has been brought to my attention that planning permission was granted in January 2019, on appeal², for the development of up to 49 dwellings at Old Farm to the opposite side of the lane relative to the appeal site. It was apparent upon inspection that construction is well under way. The Old Farm scheme includes the introduction of non-linear development setback from the road. Indeed, the depth of approved development at Old Farm (relative to the road) would be closely reflected by the proposal under consideration here.
16. However, the scheme at Old Farm represents the comprehensive development of a large site that abuts the road as opposed to being suited to the rear of an establish row of frontage development. It is thus difficult to draw direct comparisons with the proposal that is now before me. It is also pertinent to note that the Old Farm scheme is separated from the site via the lane and that the detailed layout³ before me incorporates the provision of an unpunctuated strip of soft-landscaped open space running that site's eastern edge.
17. I acknowledge that the works at Old Farm will have some influence upon how the southern end of the lane is read and experienced by its users. Indeed, it was apparent from inspection that a solid screen to views was not provided by the planting that I observed to currently be in place to the lane's western edge. Nevertheless, the strip of soft-landscaped open space referenced above, which is to incorporate elements of existing and new planting, can be expected to play an important role in tempering that development's effects and in ensuring that the lane's rural qualities remain readily identifiable. In contrast, the proposal that is before me involves the provision of direct access and the creation of residential plots situated in immediate proximity to the lane's eastern edge.

² APP/P0240/W/18/3208772

³ Ref 18439 1003 Rev A

18. The intended slight widening of the lane between the site and the road, in conjunction with the introduction of a footway and the removal of planting, would further exacerbate the proposal's negative effects in a character and appearance sense. Indeed, such works would have an urbanising influence upon the southern part of the lane. This finding applies even should surfacing materials of a rustic appearance be utilised. Whilst replacement planting is proposed, this would realistically take time to properly establish and, given the physical limitations of the appeal site's southern extent, could only ever realistically take the form of a narrow/unsubstantial buffer where set immediately adjacent to the newly intended footway.
19. In summary, the scheme would contrast harshly with the linear pattern of development that typifies the row and, through the intended loss of the site to development, would weaken the hamlet's individual identity. On this basis, the proposal would be experienced as a discordant and unsympathetic excursion into the open countryside and would result in the loss of rural landscape character on a localised basis. These negative effects in a character and appearance context would be further exacerbated by the urbanising influence of intended highway/footway works and the associated loss of elements of established planting.
20. For the above reasons, the proposal would cause harm to the character and appearance of the area. The proposal conflicts with Policies CS14, CS16, DM3, DM4 and DM14 of the CBCSDMP and with the Framework in so far as these policies require proposals to respect local context and the varied character and local distinctiveness of the District.

Biodiversity

21. The scheme is supported by a Preliminary Ecological Appraisal (May 2020) (the PEA) which identifies current habitats at the site to be of low biodiversity value. Following my own inspection, I am content that this is the case. Indeed, it has not been clearly substantiated otherwise. The scheme would involve the loss of some ruderal planting, areas of semi-improved grassland and sections of species-poor hedgerow.
22. Whilst Biodiversity Metric Results, as set out in the PEA, indicate a net-loss of habitat units, this calculation has not factored in potential biodiversity enhancements to be undertaken. A range of potential enhancement opportunities are set out within the PEA, which include the provision of boxes for birds, bats and invertebrates, a hedgehog dome and a hibernaculum for reptiles.
23. When factoring in the low baseline value of the site in biodiversity terms, I am content that a planning condition could suitably be imposed (should the appeal be successful) to secure confirmation of the biodiversity enhancements to be undertaken. This would, to my mind, provide adequate assurances that a net-gain in biodiversity could ultimately be achieved at this Greensand Ridge Nature Improvement Area site.
24. For the above reasons, the proposal would have an acceptable effect upon biodiversity and would not cause harm in this context. The proposal accords with Policies CS18 and DM15 of the CBCSDMP and with the Framework in so far as these policies support the designation, management and protection of biodiversity.

Other Matters

25. I have noted objections/concerns raised by interested parties with respect to matters including the effect upon existing trees, highway safety, bridleway access and loss of privacy. However, as I have found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.
26. The site does not occupy an isolated location in either a physical or functional sense and the proposal would introduce five additional housing units. The Framework reaffirms the Government's objectives of significantly boosting the supply of homes. Nevertheless, five additional units would not make a clear or noticeable difference to the District-wide housing supply situation. The benefits associated with the delivery of five new housing units attract moderate weight. Any biodiversity enhancements that could ultimately be delivered would realistically be anticipated to be limited and attract commensurate weight in the planning balance.
27. The scheme's benefits, considered cumulatively, would be relatively modest and would be insufficient to outweigh the significant harm I have identified would be caused by the proposal to the character and appearance of the area. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

28. Whilst I have found that the proposal would have an acceptable effect upon biodiversity, I have identified that significant harm would be caused to the character and appearance of the area. That harm is the overriding consideration in this case. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR