

Appeal Decision

Site Visit made on 7 April 2021

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Ref: APP/K0235/W/20/3262253

Land North of High Street, Little Odell, Bedfordshire MK43 7AP

- 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 Bedfordshire Charitable Trust against the decision of Bedford Borough Council.
 - The application Ref 20/00951/OUT, dated 7 May 2020, was refused by notice dated 13 August 2020.
 - The development proposed is demolition of existing agricultural building and erection of a dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Bedfordshire Charitable Trust against Bedford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was made in outline with all matters reserved apart from access. I have considered the appeal on this basis. All plans have been treated as illustrative, except where they relate to access arrangements.
4. The Council confirmed that having considered additional evidence submitted by the appellant, it no longer wished to defend the third reason for refusal relating to effects on biodiversity. I have had regard to this in my decision.

Main Issue

5. The main issue in this case is therefore whether the development would be in an appropriate location for residential development, having regard to local development plan policies and access to services and facilities.

Reasons

6. The appeal relates to an agricultural barn located between two dwellings in the small settlement of Little Odell. The Bedford Borough Local Plan (BBLP) (2020) establishes a strategy of distributing housing delivery between the Bedford urban area, urban extensions, strategic brownfield allocations, key service centres and rural service centres. Little Odell is not identified in this settlement hierarchy and is thus considered as open countryside for the purposes of the plan. Accordingly, the proposal falls to be considered under BBLP Policy 7S. Development in this location is only considered acceptable under this policy if all relevant criteria are met.

7. The first requirement is that the development responds to an identified community need. The appellant has provided no evidence relating to any 'need' other than a general one for housing across the borough. It is a requirement for the Council to meet its overall housing requirement over the plan period and the plan identifies where it expects this development to take place. There is no clear evidence before me that the Council is failing to meet these requirements, either locally or borough-wide. There is also no indication that the Council cannot demonstrate a five-year supply of deliverable housing land. The appellant has drawn my attention to the requirement for the Council to carry out an early review of the BBLP. However, this neither demonstrates a failure to meet the Council's current housing requirement or a need for additional housing in this particular location.
8. I am not persuaded that a generalised assertion about housing need and supply in Bedford as a whole can be considered to be responding to an identified community need. This is particularly the case where the Council is meeting its obligations in terms of the five year housing land supply and the overall requirement. Such arguments could be put forward for any housing proposal in any location, which would clearly conflict with the Council's approach to the distribution of housing. The development therefore fails the first requirement. As all criteria must be met, this means there is an inherent conflict with Policy 7S and thus the plan's spatial strategy.
9. Policy 7S also requires identifiable public support for the development. The Parish Council objected to the proposal, as did a number of local residents. The appellant has drawn my attention to two letters of support. While objection to the proposal is not therefore universal, it is difficult to conclude there is "identifiable public support" in the context of the policy. The development therefore fails to meet this requirement.
10. This policy also requires development to contribute positively to the character of the settlement and that the scheme is appropriate to its structure, form, character and size.
11. The existing barn is a concrete portal frame construction, which has a large open entrance and is open to one side. The other elevations are made of a mixture of brick and/or timber walls of differing types and appearance. The building has a corrugated metal roof. It is a relatively modern structure that is of a functional, but not unusual design. The site was in use at the time of my visit and thus exhibits the signs of a working agricultural site in terms of livestock, machinery, feed and other associated paraphernalia. Although the function of the village may have changed over the years, it is clear that it has an agricultural heritage and even given its more modern construction and appearance, the barn is not out-of-keeping with this character or harmful to the street scene.
12. I have noted the Council's comments in terms of the impact of the barn on the settings of nearby listed buildings and their conclusion that its effect is either neutral or causes very minor harm. Where very minor harm has been identified, this is in relation to either the effects on intervisibility or the barn's scale and use of modern materials. From my observations, the effect on the settings of listed buildings even in these circumstances appears negligible.
13. The loss of the barn would slightly diminish the rural agricultural character of the settlement and the visual connection to the fields which spread out behind

the barn and other buildings on High Street. However, it is not a designated or non-designated heritage asset, it does not add to the significance of the setting of the nearby listed buildings and it is not of such aesthetic quality that its loss would do material harm to the character and appearance of the area.

14. The site is large enough to comfortably accommodate a single dwelling without appearing unduly cramped or intrusive. The development would constitute infill between existing dwellings and there is no reason in principle why a dwelling would appear incongruous in the street scene. I also see no reason in principle why a dwelling would necessarily result in harm to the settings of these buildings. I have seen nothing to suggest that redevelopment of the site would be incapable of meeting the requirement to contribute positively to the street scene. Nevertheless, while the development would satisfy this requirement of Policy 7S, the overall conflict with the policy would still remain.
15. Turning to the issue of access to facilities, it is clear that future occupants would need to travel outside Little Odell to meet their everyday needs. The rural service centre of Harrold is around 1.3 kilometres from the site. From what I saw, this village is able to provide some facilities for everyday use, including a small convenience store, health facilities and a primary school.
16. There is a good quality pavement from Little Odell to Harrold. The walk to the nearest facilities would be around 15-20 minutes. I cannot see why the pavement being only on one side of the road, or needing to cross the road periodically, should necessarily be an impediment to walking from the site to this village. However, I accept that the distance to the shop, for example, is on the cusp of what many people would consider too far to be practical for anything other than basic top-up shopping trips. Nevertheless, while unlikely to be the main form of transport, it is not unrealistic to conclude that facilities within Harrold are within walking or cycling distance. A similar conclusion could be drawn for Odell, though the evidence suggests there are few facilities available in this location.
17. There is a bus service with stops relatively near to the site. Although there are limitations to the number and frequency of buses available, it nevertheless remains the case that residents of Little Odell have some opportunities for travel to higher order settlements by public transport. The limitations mean it is unlikely that the bus would provide a realistic alternative to the car for some trips, the National Planning Policy Framework (the Framework) recognises that opportunities for maximising sustainable transport options will vary between urban and rural areas. Nevertheless, given the range of facilities on offer locally and alternatives available, I have little doubt that future occupants would still use a car for the majority of trips, particularly for larger shopping trips and work. This weighs against the development in the context of the spatial strategy.
18. In conclusion, the failure to meet an identified local housing need means that the development is in conflict with BBLP Policy 7S. This is compounded by a lack of identifiable local public support. My conclusions on the scale of development and its likely impact on local character are not sufficient for the development to be consistent with the policy, as all criteria must be met. Consequentially, the development would also be at odds with the spatial strategy as set out in policies 3S and 4S.

19. The development would be in a location which is poorly served by services and facilities. Notwithstanding the relative proximity of Harrold and Odell, it remains likely that the majority of trips from this location would be by private car. There creates some conflict with the objectives of BBLP policies 2S, 3S and 51S, which seek to provide development in convenient locations to access services by foot, cycle and public transport and address climate change. It would also conflict with paragraphs 91, 102 and 103 of the Framework which seek to promote sustainable patterns of development and transport and good pedestrian and cycle connections.
20. The weight given to this conflict is tempered by the scale of development, the number of trips likely to be generated, the proximity and accessibility of some services and facilities and the access to public transport that does exist. Having regard to all of these factors, I have given only limited weight to the harm caused in this respect. This is however in addition to the harm caused through conflict with the strategy identified above.

Other Matters and Planning Balance

21. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Although the appellant has highlighted a number of policies where the development would be consistent with the BBLP, I have found conflict with those policies which establish the overriding strategy for the delivery of housing in the borough. In this context, I cannot conclude that the development complies with the development plan when considered as a whole. There is also nothing which would lead me to conclude the policies of the plan are not up-to-date.
22. The appellant has argued that the building is not suited to modern agricultural requirements and in its current condition it not usable. However, the site and building were clearly in use at the time of my visit. I have therefore given little weight to these assertions. There may be the opportunity for some small benefit to local character associated with the replacement of the barn. However, I consider the appellant has overstated the harm caused by the barn and any potential benefits associated with a replacement dwelling. In my view, the barn or agricultural use of the site is not materially harmful to the character of the settlement and any benefits would be very limited in nature. This is not sufficient to outweigh the conflict with the development plan.
23. The suggested benefits to the setting of the listed buildings would be dependent on the nature of the replacement. However, as the very minor harm described by the Council is based on the effect of the building on intervisibility and use of modern materials, there is no guarantee that a replacement dwelling would be of definite benefit. Based on the evidence before me, I consider any redevelopment would be likely to have a neutral impact on the significance of the heritage assets. This weighs neither for nor against the development.
24. The provision of one additional dwelling would have a negligible impact on the housing land supply. The development might help support facilities in nearby villages, but again the scale of development means that any benefits would be minimal. In this regard, the development would not conflict with paragraph 78 of the Framework which expects development to be located in areas that can enhance or maintain the vitality of rural communities. However, this does not

outweigh the conflict with the development plan strategy. In addition, there is nothing to suggest the vitality of Odell or Harrold is under such threat that housing contrary to the plan's strategy is needed. Similarly, any biodiversity benefits associated with mitigation and compensation measures proposed would be minor in scale and would not justify the development. There are no other factors put forward which I consider should be seen as benefits of the development.

25. The appellant has made several references to the development being 'infill'. I acknowledge that limited infilling in villages is an exception set out in the Framework for Green Belt development. However, the site is not in the Green Belt and thus this has no relevance to this case. While I understand the appellant is seeking to make a general case that 'infill' development should be considered acceptable in rural areas, Policy 7S includes no such overriding exception. Being infill would also not negate the requirement for development to meet identified local need or garner local support. This factor does not outweigh the conflict with policy.
26. The appellant has drawn my attention to the results of pre-application discussions. However, any such advice is usually given without prejudice to any final decision. Moreover, it appears that the Council confined their comments to the acceptability of conversion of the building under Class Q of the General Permitted Development Order (GPDO). While they considered this would be acceptable, it is understood that consideration of Class Q cannot consider issues such as whether the site is in a location consistent with the development plan. As there is no evidence which suggests conversion through Class Q would be achievable, this also does not constitute a realistic fallback position. Any other concerns the appellant has with the content of the pre-application advice is outside the scope of this appeal. These matters do not alter my overall conclusion.
27. I acknowledge that Little Odell may be a long-established small settlement. However, this does not alter its status in a recently adopted development plan. This fact does not alter the conflict with the plan.
28. The development would conflict with strategy set out in the BBLP. Although it may be argued that the scale and impact of the development would be small, planning law is clear about the importance of the plan-led system. The very limited potential benefits of the proposal are insufficient to outweigh the conflict with the plan identified above or justify reducing confidence in the plan-led approach. There are therefore no material considerations that would lead me to a decision other than in accordance with the development plan in this case.

Conclusion

29. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR