



Appeal Decision

Hearing Held on 13 April 2021

Site Visit made on 14 April 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2021

Appeal Ref: APP/P0240/W/20/3249265

Land to the rear of 40 Shefford Road, Meppershall, Shefford SG17 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Mr Flint & Ms Redman against the decision of Central Bedfordshire Council.
 - The application Ref: CB/19/02039/OUT, dated 14 June 2019, was refused by notice dated 20 September 2019.
 - The development proposed is outline application for the proposed erection of up to 103 no. dwellings with associated infrastructure, community building, landscaping, open space and access, including demolition of 40 Shefford Road and existing agricultural buildings. All matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the access. I have assessed the proposal on this basis and treated the drawings as simply being an illustration of how the proposal could ultimately be configured.
3. The second reason for refusal refers to the absence of a legal agreement to secure the provision of affordable housing and financial contributions to offset the likely effects on local infrastructure. A signed Unilateral Undertaking (UU), prepared under section 106 of the Town and Country Planning Act 1990 was submitted by the appellants prior to the hearing. The Council is satisfied that those obligations would address the concerns set out in that reason.

Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

5. The site with its south-easterly facing slope is located at a transition in landscape character areas (LCAs)¹. The larger and more elevated part of the site is within the Upper Gravenhurst-Meppershall Clay Hills LCA 8D. The lower part lies within the Upper Ivel Clay Valley LCA 4C.

¹ As per the Central Bedfordshire Landscape Character Assessment (2015) (CBLCA).

6. A T-shaped built-up core to Meppershall village focusses around much of High Street and Fildyke Road. Within this core the ridgeline ribbon pattern of development has more recently broadened out. Several housing sites under construction in the vicinity of the appeal site are extending this broadened out development pattern north-east onto Shefford Road. The Council's Strategic Housing Land Availability Assessment (SHLAA) described the appeal site as a logical extension to the settlement.
7. Nevertheless, the appeal site is not an allocated housing site in either the adopted or emerging Local Plan. The SHLAA did not analyse the appeal proposal and its assessment does not negate what I saw 'on the ground', namely that towards the north-eastern end of the village the prevailing pattern on the south-eastern side of Shefford Road remains ribbon development that is focussed along the ridge, adjoining the open countryside area on the slope below. This linear ridgeline development focus remains a legible locally distinctive characteristic of the village and its setting. The unsettled slope beyond the village's built-up area is therefore a distinctive part of the Upper Gravenhurst-Meppershall Clay Hills LCA and the 'green frame' around the north-eastern part of Meppershall village.
8. Within this context, the majority of the appeal site is a sloping arable field that forms the south-western end of an area of countryside beyond the built-up area of the village. In terms of scale and pattern, the appeal site's character is much in keeping with that of the adjoining farmland countryside to the north-east and south-east. The distinctive south-easterly slope becomes gentler as the landscape opens out further to the south-east, continuing the pattern of arable fields, managed hedgerows, occasional copse and scattered farmsteads and associated small scale development within an open countryside setting.
9. The countryside area runs from the rear of a ridgeline ribbon of dwellings that front onto the south-eastern side of Shefford Road, down to the Hoo Road bridleway and the north-eastern part of Chapel Road, towards the valley floor of the Upper Ivel Clay Valley landscape character area. The substantial size and elevated, sloping open terrain of the appeal site contribute to its prominence from various viewpoints from the Hoo Road public bridleway, Chapel Road and housing to the north-west and south-west of the appeal site.
10. Consequently, the largely open and verdant character of the appeal site is a distinctive characteristic of the rural setting of Meppershall village.
11. The appeal site is not within a designated landscape such as an Area of Outstanding Natural Beauty or National Park. However, this does not negate the requirement in Paragraph 127 of the National Planning Policy Framework (the Framework) for development to be sympathetic to local character, including its landscape setting.
12. Judging by the indicative layout, it is likely that the proposal would incorporate a substantial landscape buffer along its north-eastern and south-eastern boundaries. A central public open space is also envisaged. These elements, along with the rolling landscape and vegetation in the area - which are noted in the Landscape and Visual evidence of the appellants - would go some way to soften and assimilate views of the proposed development.

13. However, Meppershall is a village contained in scale to around 700 dwellings, with approximately another 300 permitted or planned². Within this context, the proposal for up to 103 more dwellings would result in a proportionately substantial expansion of the village's built-up area in a north-easterly direction. Judging by the indicative layout, a suburban residential character is likely to replace the spacious and verdant countryside character across much of the site. Consequently, the development's built mass including its roofscape, roadways, hard landscaping and domestic paraphernalia would substantially spill down the unsettled slope towards the public bridleway.
14. Given the scale of envisaged development on rising topography sloping up from the bridleway, the softening effect of existing and proposed landscape elements would be limited. Seasonal leaf fall and domestic pressure for pruning and removal of vegetation would further limit the softening effect. The rural character of the site would be eroded by views of the development above, through and around vegetation.
15. Consequently, the expansion of urbanisation of the countryside well beyond the north-easternmost extent of the village's built-up area, would be substantially discordant with the existing pattern of the settlement and the identity of its countryside setting. As such, the proposal would be contrary to the following strategy and guidelines within the CBLCA. It would conflict with the Landscape Strategy of conserving and strengthening the distinctive pattern of hilltop settlements and unsettled hill slopes of the Upper Gravenhurst-Meppershall Clay Hills Landscape Character Area. It would also contravene Guidelines for New Development which seek to a) avoid development that spills down and detracts from the open character of the valley slopes within LCA 8D and b) safeguard the rural character of the Ivel corridor in LCA 4C.
16. The above impacts would be noticeable travelling along the public bridleway, both towards and away from the village's built up area, looking into the site from the proposed access off Shefford Road and within the site. In addition, the impacts would be perceived from housing to the north-west and south-west of the appeal site, and from Chapel Road, including properties on the latter. Together the above would have a detrimental urbanising impact that would erode the distinctive open rural character of the setting of the village.
17. The appellants consider that the proposal would sympathetically 'round off' the village. However, for the reasons given above I conclude that the proposed development would erode the rural identity and local distinctiveness of the setting of the village. This would harm the character and appearance of the area. As such, the proposal would conflict with Policies CS14, CS16, DM3, DM4 and DM14 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) (CSDMP). Together the policies seek to ensure that, among other things, development complements local distinctiveness and countryside character. Furthermore, the proposal would undermine the objectives of this combination of development plan policies, with consequent risk to the wider countryside character of the district.
18. Policy CS15 of the CSDMP covers heritage assets and is not engaged in this case.

² As per the Council's Appeal Statement of Case paragraph 4.41.

Other Matters

19. Community concern has been raised about the extent to which future residents may have to travel to access education facilities. As I am dismissing this appeal on other grounds it is not necessary for me to consider this matter further in this instance.

Planning Balance and Conclusion

20. A variety of calculations of Central Bedfordshire's housing land supply since 2018 are presented in the form of appeal decisions on other sites, and the parties' land supply analysis. Whether there is a shortfall in deliverable housing land supply in the district is a matter of dispute between the parties. In this case, the Council considers there is 5.57 years land supply and the appellants assert a supply of between 4.14 and 4.47 years.
21. Included within the Council's housing trajectory is land at Houghton Regis North with capacity for around 1900 dwellings in Central Bedfordshire, relatively close to the boundary with Luton borough. Judging by the Council's Proposed Main Modifications Schedule (March 2021) (MMS) for the emerging new Central Bedfordshire Local Plan 2015-2035, it is anticipated that Houghton Regis North will deliver a proportion of Luton's unmet housing need for around 7350 units in the period to 2031. Two appeal decisions on other sites in the district in 2018³ articulate the principle that, in the interests of balanced assessment of 'policy off' housing land requirement and supply, at least some of the Houghton Regis North units which will absorb some of Luton's unmet housing need should be deducted from the Central Bedfordshire supply figure calculation. In the light of the MMS, I find no reason to not apply this principle in this case.
22. That said, not all of Houghton Regis North's anticipated units should be deducted from Central Bedfordshire's housing land supply figure, given the following combination of factors. As the Sunderland Road appeal decision⁴ articulated, the Houghton Regis North land is not 'reserved' for Luton residents. Furthermore, judging by the MMS a range of other sites in Central Bedfordshire are expected to also help deliver Luton's unmet housing need. Taking this and deliverability factors into account, I consider that, for the purposes of making my decision, there is a supply shortfall of deliverable housing sites in Central Bedfordshire of between around one and two months.
23. Therefore, policies which are most important for determining the application are to be considered out of date. The tilted balance, as set out within paragraph 11 of the Framework, thus applies.
24. The proposal would contribute to local housing supply in the form of up to 103 dwellings. Of these around 36 would be affordable homes. The proposed community building would be of at most limited benefit given capacity at the existing, modern village hall. The proposal would provide additional pedestrian access from Shefford Road to the bridleway. Landscaping diversification would add some visual and wildlife interest, albeit tempered by loss of countryside character. Furthermore, the construction phase and subsequent residential occupation would result in some local economic activity, including custom for facilities in the village and wider area. Together the proposal's benefits carry

³ Appeal Refs: APP/P0240/W/17/3181269 and APP/P0240/W/17/3190687.

⁴ Appeal Ref: APP/P0240/W/18/3219213, March 2020.

- significant weight. Nonetheless, I have identified significant harm in relation to the character and appearance of the area.
25. I appreciate that the Framework sets out a presumption in favour of sustainable development but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns. Moreover, case law has found that even where policies can be considered out of date, this does not mean that they carry no weight. The balancing exercise remains a matter of planning judgement.
26. In ruling out the possibility of all but limited extensions to gardens beyond settlement envelopes, Policy DM4 of the CSDMP articulates a more 'blanket' approach to protection of countryside than the Framework. That said, the requirement for development to be located within settlement envelopes is not in itself inconsistent with the Framework. Given the rural character of the appeal site, its status as outside Meppershall's settlement envelope appears to be logically defined. Through focussing development within settlement envelopes, Policy DM4 seeks to protect undeveloped countryside character. Furthermore, it articulates the importance of not harming the character of the area.
27. I have had regard to the other Inspectors' findings in the previous appeal decisions on other sites in Central Bedfordshire, cited by the parties. A substantial proportion of these decisions conclude that Policy DM4 of the CSDMP should be apportioned moderate weight. On the evidence before me and for the reasons described above, I agree with that finding.
28. The other most important policies in this case are CS14, CS16, DM3 and DM14 of the CSDMP. Given my findings in relation to character and appearance I attach considerable weight to the proposal's conflict with the above combination of development plan policies.
29. Given the totality of harm identified above, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole.
30. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

William Cooper

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Haroon Khan	Gateley Legal
Pauline Roberts	Lichfields
Zack Simons	Landmark Chambers
Andrew Smith	Fabrik
Martin Taylor	Lichfields

FOR THE LOCAL PLANNING AUTHORITY:

Phillip Hughes	PHD Chartered Town Planners
Stuart Kemp	Central Bedfordshire Council
Julia Scott	Central Bedfordshire Council

INTERESTED PARTIES:

Sue Chappell	Resident
John English	CPRE Bedfordshire
Mark Hewer	Resident
Kris Karslake	Meppershall Parish Councillor
Mark Liddiard	Ward Councillor, Central Bedfordshire Council
Alessandra Marabese	Clerk to Meppershall Parish Council
Mervyn Morgan	Meppershall Parish Councillor
Mary Walsh	CPRE Bedfordshire