

Appeal Decision

Site visit made on 5 May 2021

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/K0235/W/20/3264977

Land to the rear of 55 Bedford Road, Willington, Bedfordshire MK44 3PP

- 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 Jonathan Martin against the decision of Bedford Borough Council.
 - The application Ref 20/01243/FUL, dated 15 June 2020, was refused by notice dated 1 October 2020.
 - The development proposed is the 'erection of detached dwelling house following demolition of existing agricultural storage building and change of use of agricultural land/paddock to residential garden'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application form included a longer development description which referenced an earlier planning permission for the change of use of the existing building to a dwelling. I am satisfied that the development description employed above, which is taken from Bedford Borough Council's (the Council) decision notice, is accurate and reflects the development proposed. The planning history of the appeal site is set out in the submissions of the parties and I have considered it in making my assessment.
3. After the final comments stage, the appellant made a submission concerning the progression of the Willington Neighbourhood Plan (WNDP). As the relative weight that can be attached to the WNP is a material consideration in this appeal, I have accepted this submission. I also provided an opportunity for the Council to comment on the matter raised.

Main Issues

4. The main issues are:
 - Whether the proposal is in a suitable location for new dwellings relative to the planning strategy for the area.
 - The effect of the proposal on the character and appearance of the area.

Reasons

Background and planning history

5. The appeal site is situated on the south side of Bedford Road (A603). It comprises a track which runs southwards along the side garden boundary of No 55 Bedford Road, and a rectangular plot of land which is behind the garden of No 55. In the centre of that plot there is a 1.5 storey traditional style brick built agricultural building with a pitched tiled roof.
6. The main part of the site containing the building sits behind the intermittent ribbon of housing development along this side of Bedford Road. To the east of the track is a rectangular parcel of land containing semi-mature trees and behind this (and to the east of the agricultural building) is a large commercial glasshouse. There are also domestic outbuildings to the west of the main plot and, further to the west, a commercial glasshouse and a small residential close, Moxhill Gardens, set behind the main ribbon frontage development. The southern boundary of the plot is undefined on the ground and open to the remaining paddock area beyond.
7. The planning history of this site is of some relevance to this appeal. There have been a number of applications and refusals over the years, but 2 planning decisions are of direct relevance to the consideration of this appeal. The first is a planning permission, granted in December 2016¹ (the 2016 permission), for the change of use of the agricultural building and associated alterations, including the addition of dormer windows, to create a 3 bedroom dwelling. The second was a Lawful Development Certificate² granted in December 2020 which confirms that the development under the 2016 permission had commenced, on the basis that a trench and foundation had been implemented and pre-commencement conditions discharged. The relevance of this is that the 2016 permission is extant and a 'fallback' for the appellant, and therefore a material consideration.
8. The appeal proposal is to demolish the agricultural building and to erect a 4 bedroom house. It would be sited in a fairly central position on the main plot but positioned towards the western boundary; it would be longer, wider and taller than the existing agricultural building.

Location

9. Policy 3S of the Bedford Borough Local Plan 2030 (BBLP) (adopted 2020) establishes a strategy of distributing new housing delivery between the Bedford urban area, urban extensions, strategic brownfield allocations, key service centres and rural service centres. Willington is defined as a 'rural service centre' which is at the lower end of the settlement hierarchy, having fewer facilities and providing a more localised convenience and service role to meet day to day needs of residents and businesses in the rural areas.
10. The BBLP proposals map defines Settlement Policy Area (SPA) boundaries. The Willington SPA embraces the main village settlement to the north of Bedford Road (focused around Church Road and Station Road), and the ribbon of housing development on the south side of Bedford Road, along with Moxhill Gardens, at the western end. The Willington SPA includes No 55 and the

¹ Bedford Borough Council planning permission reference 16/02024/FUL

² Bedford Borough Council planning permission reference 20/02318/LDE

adjacent track, but the main appeal site plot, and the agricultural building within it, lie beyond the boundary and in the open countryside for policy purposes.

11. In locations outside SPA boundaries, policy 7S limits new development to that appropriate to the countryside, which includes re-use of rural buildings, replacement dwellings and development that accords with 'made' neighbourhood development plans (NDP). The policy goes on to state that, exceptionally, development proposals will be supported on sites that are well related to a defined SPA provided a list of criteria are met; these include responding to an identified community need, having identifiable community support, being of an appropriate scale, and contributing positively to local character.
12. Policy 4S sets out that several of the larger villages which have existing facilities, such as shops and schools, will expand by 500 additional houses. Willington is identified as a rural service centre having the capacity to provide 25 – 50 dwellings. NDPs are relied upon to allocate appropriate sites and the policy says that identified sites would be 'generally in and around' defined SPA boundaries.
13. There is currently no made NDP for Willington. However, the WNDP has reached a relatively advanced stage in its preparation. A public consultation on a draft WNDP, in accordance with Regulation 16 of the Neighbourhood Plan (General) Regulations 2012, closed on 16 May 2021.
14. Draft WNDP policy W4 proposes to make provision for up to 63 homes in the plan period, through 3 site allocations. The largest is for up to 50 homes on land off Sandy Road (policy W5) to the south-east of the SPA. The second allocation (policy W6) is for up to 6 homes and relates to land adjacent to 55 Bedford Road and covers a long rectangular plot which includes the appeal site, the adjacent wooded area and glasshouse, and extends southwards a further 100 metres or so to the line of a land drain. The third allocation is for up to 7 homes and relates to a similarly shaped long rectangular plot adjacent to Moxhill Gardens (policy W7).
15. The draft policy W6 includes criteria for the development allocation (of up to 6 homes). These include requirements that the development is of a design and layout that reflects the rural character of the area in general, providing a high quality development; that it provides an archaeological evaluation as part of the planning application for the site; that it demonstrates that the mix and tenure proposed meets the identified needs as set out in the Housing Needs Survey; that it provides appropriate parking; that it maintains a view through to the Greensand Ridge; and that it incorporates a surface water drainage scheme based on sustainable drainage principles and which delivers biodiversity benefits.
16. As the proposed dwelling in this case would be outside the Willington SPA, as defined in the adopted BBLP, it would conflict with the settlement strategy set out in policy 3S.
17. Whilst the draft WNDP does include an allocation (policy W6) for housing which includes the appeal site, the plan has not been the subject of an independent examination and is some way off being 'made' and part of the statutory development plan, when it will have full weight. There is therefore no certainty

at this time that the draft allocation will be confirmed and that limits the weight that can be applied to it at this time. Moreover, the draft WNDP allocation has a range of policy criteria aimed at ensuring a planned high quality comprehensive development, all of which need to be satisfied. It is unclear how the appeal proposal would contribute to meeting these requirements.

18. I have considered whether the appeal site location could meet the exceptional development provisions under policy 7S, but there is no evidence to suggest that it would meet the policy's requirements, including that of responding to an identified community need and having identifiable community support.
19. I have taken into account the appellant's fall back 2016 permission, but that relates to a rural building re-use and conversion and falls under different policy considerations to the appeal proposal, which is for a new build dwelling outside of the Willington SPA. It does not provide a basis for overriding the relevant development plan policies in this case.
20. On this main issue, I conclude that the location of the appeal proposal, being outside of the identified Willington SPA, would be in conflict with the statutory BBLP policies 3S, 4S and 7S which, respectively, establish the spatial strategy for planned housing development, control the amount and distribution of new housing and limit development outside SPAs to that appropriate in the countryside. These conflicts are not outweighed by the emerging WNDP, which is yet to be examined, or the appellant's fallback permission.

Character and appearance

21. The existing agricultural building is of a modest size, height and proportions. Whilst seemingly unused for some time and the roof showing some signs of bowing, it is a pleasant looking rural building. There are only limited views of the building from Bedford Road, as it is largely screened by the ribbon of housing development, including No 55, and the wooded area to the east of the track. However, it is visible from Bedford Road when looking directly down the track and it appears as an unimposing traditional farm outbuilding.
22. The proposed dwelling that would replace the agricultural building would be larger in footprint, width and length, and a little higher. By comparison with No 55, and other nearby dwellings, it would be notably larger. Overall, these factors mean that it would be considerably larger and more bulky than the existing building and the houses along this part of Bedford Road.
23. Although the appeal site context is not entirely open, there being a substantial outbuilding to the west in the very long garden of No 57 Bedford Road, and a large glasshouse to the east, the area behind the frontage ribbon development has a countryside character and appearance. As such, it is not an area where such a large new build dwelling would sit comfortably.
24. Whilst the proposed dwelling design is not unpleasant when viewed in isolation, its effect on this site would be that of an uncharacteristically large dwelling intruding into the countryside. It would be notably more visible and imposing when viewed from Bedford Road, compared to the existing building and, should it be implemented, the scheme approved under the 2016 permission. The imposing effect of the proposal would be exacerbated by the choice of blue / grey painted boarding for the walls, which has no local reference that I could discern, and would appear as quite strident and out of place. Overall, it would

appear as an incongruous and piecemeal development, at odds with its context.

25. I have noted the appellant's submissions that the fallback scheme could be further enlarged by 'permitted development' additions. Whilst that may be so, I am not persuaded that this would result in the same impact as the appeal proposal, or that it provides a basis for allowing this appeal.
26. On this main issue, I conclude that the appeal proposal would be harmful to the character and appearance of the area. This would be contrary to BBLP policies 28S, 29 and 30 which, amongst other matters, require high quality design that contributes to local distinctiveness and respects the local character and context. It would also conflict with the Council's design code N1 of its supplementary design guidance 'Residential Extensions, New Dwellings and Small Infill Developments' (adopted 2000), which requires designs to harmonise with the street and setting.

Other matters

27. The appellant has referred to BBLP policy 66 in his submissions, which relates to replacement dwelling proposals in the countryside and has also cited another application, where it is claimed the Council allowed a larger replacement dwelling. However, as the 2016 permission has not been fully implemented, there is no existing dwelling on the site to replace. Policy 66 is therefore not engaged in this case.
28. The appellant has submitted that the Council's support for self-build and custom housebuilding should weigh in favour of the proposal. However, that support does not extend to allowing developments that are in conflict with the development plan.

Conclusions

29. 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.
30. I have found that the location of the appeal proposal, being outside of the identified Willington SPA, would be in conflict with the statutory BBLP policies 3S, 4S and 7S which determine the planned location and distribution of new homes. These conflicts are not outweighed by the emerging WNDP, which is yet to be examined, or the appellant's fallback permission. I have also assessed that the appeal proposal, by virtue of its design, size and location, would be harmful to the character and appearance of the area and in conflict with BBLP policies 28S, 29 and 30.
31. For these reasons, the appeal is dismissed.

P. Staddon

INSPECTOR