



Appeal Decision

Site Visit made on 7 June 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Monday, 19 July 2021

Appeal Ref: APP/K0235/W/20/3259591

Land adjacent 6 Railway Cottages, Station Road, Oakley, MK43 7RF

- 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 Mr Stuart-Jones against the decision of Bedford Borough Council.
- The application Ref: 20/00404/OUT, dated 11 February 2020, was refused by notice dated 13 May 2020.
- The development proposed is a detached dwelling on land adjacent to railway cottages.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters save for access and layout reserved for future determination. Whilst I have been provided with detailed plans, I am advised that these are indicative only. Matters concerning scale and appearance could be subject to change at a reserved matters stage. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:-
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether the appeal site is an appropriate location for housing having regard to the settlement strategy of the development plan; and
 - iii) the effect of the proposal on highway safety with particular regard to the free flow of traffic and pedestrian safety.

Reasons

Character and appearance

4. The appeal site is a large and roughly rectangular parcel of mixed scrubland with some hardstanding and grass that is positioned to the side of Railway Cottage No.6 and beyond a number of detached single storey outbuildings. Albeit a mix of dwellings are present within the locality which are varied in their type, treatment and spacing, the appeal site and Nos 1-6 Railway Cottages (the Cottages) form a uniform row of modestly sized terraced cottages. Notwithstanding the presence of some limited extensions and alterations, these dwellings form a cohesive group that display uniformity and rhythm and together they make a positive contribution to the character and appearance of the surrounding area. By reason of their position at some distance from the

built-up core of the village and the intervening railway line, the Railway Cottages form a separate and distinct group surrounded by fields and open countryside which contribute to a distinctly rural character.

5. The proposed dwelling would be uncharacteristically detached, positioned some considerable distance away from the terraced row and its flank elevation would project forward of the common build line to the front of the Cottages. As a result, it would be viewed as a strident, dominant and discordant addition that would be out of keeping and at odds with the prevailing character and pattern of development.
6. The proposed development would significantly change the appearance of the site and have an urbanising effect upon it. It would be readily visible in views from neighbouring dwellings, the surrounding footpath network and in longer range views from the countryside and the core of the village. To my mind, the proposal would be seen as an unwelcome intrusion or a harmful encroachment into the countryside. This position would be aggravated by the inevitable acquirement of outdoor furniture, domestic accoutrements such as washing lines and any likely means of enclosure and boundary treatments which would lead to additional visual clutter.
7. Reference is made to the appeal scheme tidying up the appeal site and the removal of an 'eyesore'. However, the current condition of the site does not visually impact upon the site and its surroundings to the same extent as the proposed development. In my view, the appeal scheme would have a much more significant impact upon the character and appearance of the rural area.
8. Overall, I find that the appeal scheme would be harmful to the character and appearance of the area. It would be contrary to Policies 7S, 28S, 29 and 30 of the Bedford Borough Local Plan (2020)(LP) insofar as these policies require high quality development to positively contribute to local distinctiveness and complement the character of an area. The proposed development would conflict with the guidance of Design Codes N1 and N3 insofar as these seek to avoid adverse effects on rural character and require a design that harmonises with the street and setting. In addition, there would be conflict with the National Planning Policy Framework (the Framework) which requires new development to be well-designed and sympathetic to local character including the surrounding built environment and landscape setting.

Settlement strategy

9. LP Policy 3S sets out a strategy for the location of new development with its aim to focus development in sustainable locations. Oakley is designated as a 'Rural Service Centre'. Whilst some limited development within rural service centres is anticipated, the majority of rural growth will be delivered through neighbourhood plans.
10. The appeal site is located outside of the Settlement Policy Area (the SPA) for Oakley. Therefore, for the purposes of applying planning policy, it is considered to be located within the countryside.
11. Outside of the defined SPA, LP Policy 7S restricts new development to that which is appropriate to the countryside, including, the re-use of rural buildings, replacement and extension of dwellings, affordable housing, accommodation

for rural workers and development that accords with a 'made' neighbourhood development plan.

12. The appeal site is not allocated for development within the Oakley Neighbourhood Plan (2020)(NP). However, NP Policy HG1 sets out criteria for housing development outside of the SPA, including a requirement that new housing development shall complement the existing housing and not lead to any harmful change to the established character of the locality. Crucially, given my findings above in respect of character and appearance, the proposal fails to satisfy this requirement of NP Policy HG1 and there is no need for me to give consideration to any of the other criteria of this policy.
13. Returning to the provisions of LP Policy 7S, it goes on to state that exceptionally, development proposals will be supported on sites that are well related to a defined SPA provided that a number of criteria are met. There is dispute between the parties as to whether the appeal site is 'well-related', however, even if I were minded to concur with the appellant's view, there is no compelling evidence before me to demonstrate that the appeal scheme responds to an identified community need nor that it has identifiable community support including the Parish Council. Albeit my attention is drawn to LP Policy 4S and the requirement for Oakley to deliver 25-50 dwellings within Oakley, there is little evidence to support the view that sites allocated for development within the NP will not come to fruition and on this basis I am not satisfied that this demonstrates an 'identified community need'.
14. Moreover, LP Policy 7S requires, among other things, for the development to contribute positively to the character of the settlement. Given my findings above in relation to character and appearance, the appeal scheme fails to satisfy the requirements of LP Policy 7S.
15. In the absence of anything to confirm that the proposed dwelling would be consistent with the exceptional categories of development permitted within the countryside, the appeal site is not a location to which new housing should be directed and to do so would undermine the identified strategy for growth within the borough. Accordingly, there would be conflict with LP Policies 3S, 4S, and 7S and Policies NG1 and LE1 of the NP. Among other things, these policies seek to control the amount and distribution of new development in accordance with the spatial strategy and they limit development outside of SPAs to development that is appropriate to the countryside.

Highway safety

16. The vehicular access onto Station Road has poor visibility largely due to the restricted width of the footway and the substantial brick and hedge boundaries positioned to each side of the access. There is no evidence before me to demonstrate that the land necessary for the vehicular and pedestrian visibility splay falls within the appellant's ownership or control, or that of the Highway Authority. As a consequence, the appeal scheme is unable to deliver the requisite vehicular and pedestrian visibility splays to each side of the access.
17. As a result, egressing vehicles have to cross the highway footway and enter the carriageway before the requisite splays in each direction could be achieved. It is suggested that Station Road is sufficiently wide to allow two vehicles to pass each other whilst an exiting vehicle is waiting in the carriageway. Even so, a passing vehicle would still need to manoeuvre around the egressing vehicle,

slow down or wait within the highway, potentially causing an obstruction to traffic here. This situation would pose a risk to passing vehicles and disrupt the free flow of traffic. Similarly, exiting vehicles would not have clear sight of oncoming pedestrians and this would severely compromise pedestrian safety.

18. There is no 'serious accident' history associated with the access in the last five years. Nevertheless, this does not change the existing situation with the access and although only one new dwelling is proposed, this would still increase its use which in turn would increase the highway risks associated with it.
19. LP Policy 31 is clear that all development should make appropriate provision to ensure an adequate level of accessibility and safety. Given the existing conditions, the access onto Station Road is not adequate in terms of accessibility and safety and the proposal would be detrimental to highway and pedestrian safety. It would conflict with this policy and the provisions of the Framework which aims to prevent development where there would be an unacceptable impact on highway safety.

Other Matters

20. The appeal scheme would contribute an additional dwelling to the housing supply of the borough. Future occupants of the proposed dwelling would be likely to provide support to local services and facilities. The location of the appeal site would encourage use of the nearby bus service and walking and cycling opportunities. The proposal would make effective use of an under-utilised parcel of land. Whilst I recognise the government's aim to significantly boost housing supply and the appeal scheme could be capable of being delivered quickly, one additional dwelling and its associated benefits would be very limited in scale.
21. I have had regard to the Council's assessment of the impact of the proposed development on nearby heritage assets. Whilst I am required to have regard to these matters in accordance with the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as the appeal scheme is not going ahead, it has not been necessary to carry out an assessment of the scheme's impact on these heritage assets.
22. No adverse impacts in relation to the living conditions of neighbouring occupiers have been identified by the council, however these matters would be best suited to a more detailed consideration as part of a reserved matters application. The appeal site is located within an area at low risk of flooding and the proposed development would be capable of providing adequate private outdoor amenity space and facilities for refuse and recycling. Nevertheless, the absence of harm is a neutral matter that weighs neither for nor against a proposal. Whilst third party support for the proposal is noted, this of itself does not justify the appeal scheme.

Conclusion

23. For the reasons given above, the appeal scheme is contrary to the development plan and I find there are no material considerations of sufficient weight to outweigh that conflict. The appeal is therefore dismissed.

E Brownless - INSPECTOR