



Appeal Decision

Site Visit made on 26 July 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/P0240/W/21/3267678

Old Orchard, Water End Road, Water End, Maulden MK45 2BD

- 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 Glenullin Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/1478/FULL, dated 1 May 2020, was refused by notice dated 15 October 2020.
 - The development proposed is for the proposed erection of two dwelling-houses and associated cart-lodge garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (The Framework) was published with immediate effect on 20 July 2021. Policies within this are material considerations which should be taken into account in decision making. Main parties have been given an opportunity to comment on the new Framework and I have taken into account any subsequent comments received in arriving at my decision.
3. The Central Bedfordshire Local Plan (LP) was adopted 22 July 2021. Consequently, policies from the Core Strategy and Development management Policies (2009), referred to in the Decision Notice, have been replaced by the new LP. The Council has identified that the proposal would now conflict with policies SP1, SP7, T1, T2, HQ1 and EE5 of the LP. These are generally similar to the ones they have replaced. Main parties have replied to this revised position and I have taken into account all comments received.

Main Issues

4. The main issues are:
 - Whether the site presents a suitable location for housing with respect to local and national policy, and
 - The effect of the proposed dwellings on the character and appearance of the area.

Reasons

Location

5. The starting point for consideration of this appeal is whether the proposed development would accord with the up-to-date LP. Policy SP1 establishes the Council's growth strategy and seeks to concentrate new development within and around its larger settlements. Furthermore, Policy SP7 with respect to windfall development, seeks to steer residential development into a hierarchy of settlements, based broadly on the level of service provision and their capacity to support new housing. Maulden is classed as a 'Large Village' providing a small quantum of services and facilities, with fewer transport links than larger settlements.
6. A Settlement Envelope (SE) has been defined around Maulden, with a boundary that generally follows the existing built form of the village. Commentary, with the plan, explains that SEs provide a distinction between the settlements and the open countryside. In so doing this enables the clear, unambiguous and consistent application of policies with respect to development within and outside settlements. The SE of Maulden was determined during the examination of the Plan and this should not be ignored during the course of an appeal on an arbitrary basis.
7. The appeal site is a substantial distance from the SE of Maulden. It is in an area defined in the LP as open countryside for planning purposes, with limited scope for development to secure a modal shift towards sustainable forms of transport. In the open countryside the provision of new dwellings is strictly controlled save in limited circumstances, none of which apply here.
8. Policy SP7 allows for infill development within rural settlements. Outside of SE's development for rural housing would be supported through rural exception sites and for the essential needs of rural workers. The limited locational benefits of the site, in terms of accessibility to goods and services, would be moderate at most. The Framework identifies that development in one village could support services in another. However, this approach would not extend to the appeal site which is not itself within a village.
9. Paragraph 79 of the Framework encourages sustainable development in rural areas. This is addressed by the LP through the direction of the majority of development to within settlements, including small villages. Therefore, the site's location, whilst within a small group of dwellings, would be remote from local services and consist of only two dwellings. Consequently, it would result in future occupiers providing only negligible benefits to the vitality of local rural communities. There is therefore a direct conflict with the local and national planning policy.
10. As a result, the location of the proposed dwellings would be contrary to policies SP1, SP7 and T1 of the LP. These policies are consistent with the Framework which seeks development to be located where it will enable villages to grow and thrive whilst protecting the intrinsic beauty of the countryside.
11. Policy T2 relates to highway safety and patterns of movement. Although the Council asserts that the proposal would place pedestrians in the highway resulting in safety concerns, the proposal would be more likely to result in a

large proportion of car bourn travel, thus limiting pedestrian activity. As a result, the proposal would be unlikely to result in substantive highway safety impacts. Furthermore, it is noted that whilst raising some concerns with respect to the safety of pedestrians accessing the site, the Highway Authority raised no objection to the scheme. Furthermore, conditions to address the requirements of policies T3 and T5, could have been imposed had I been minded to allow the appeal.

Character and appearance

12. Water End Road serves a small group of dwellings and other rural buildings within the countryside. This group has a loose knit and dispersed pattern of development. The site is adjacent to open plots of land such as for the access to Water End Fisheries and Poppyfields opposite. Generous gaps between some local dwellings also provide views of the open countryside and add to the area's sense of spaciousness. The appeal site forms a relatively substantial gap between built form and includes of trees and shrubs. Therefore, the site makes a positive contribution to the open and rural character of the surrounding area.
13. The proposed dwellings would be of traditional design and employ the use of materials that are evident locally. However, they would also be wide and shallow forms. This would result in the retention of limited gaps to their sides, eroding the open character of the site and forming a relatively robust building line. This would erode views through the site and fundamentally alter its currently open character. It would infill a gap between dispersed plots, consolidating development, and harming the site's sense of spaciousness. As a result, the proposed development would not accord with the local pattern of development.
14. Consequently, the proposed dwellings would be harmful to the character and appearance of the area. Accordingly, the proposal would not satisfy policies SP7, HQ1 and EE5 of the LP. These policies seek, inter alia, for development to relate well to its local surroundings and be complimentary to the existing natural environment and landscape character. These policies are consistent with the Framework which seeks development that is sympathetic to local character and recognises the intrinsic character and beauty of the countryside.

Other Matters

15. The appeal site would not be in an isolated location. Nevertheless, the employment opportunities and goods and services, within a 2km walk of the appeal site, are limited. These do not, in themselves, provide a rounded choice of goods and services to future occupiers. As a result, occupiers of the site would be heavily reliant on the private car. Although, the level of traffic created by two dwellings would be relatively low this does not obviate the harmful impact created by the location of development with poor accessibility. Furthermore, whilst the development would result in only a limited number of vehicular trips, if this logic were repeated poorly located development would have an incrementally harmful impact on the Council's recently adopted strategic housing policy.
16. Water End Road is narrow in places and does not benefit from footpaths or streetlights. Furthermore, large sections of the road do not provide a safe pedestrian refuge. As such, this route and footpath 10 would not offer an attractive walk for future occupiers at night and when the weather is inclement.

Consequently, the development would offer a largely unappealing walk for occupiers to gain access to Clophill Road and public transport. As such, whilst the Framework recognises that sustainable transport solutions will vary between urban and rural areas, it also seeks to encourage opportunities to promote walking, cycling and the use of public transport. Therefore, the accessibility merits of the site are negligible and would not outweigh the harm found to the development plan.

17. The Framework seeks to significantly boost the supply of housing. The proposal would create some employment during construction and occupiers would provide some, albeit limited, spending for local businesses. However, these benefits would be of limited merit. Also, whilst no biodiversity or landscaping benefits are specifically proposed, if secured by planning conditions these would not result in considerable benefits.
18. The approved development of housing at the builders yard would result in the reuse of previously developed land. Policy support for such development would be regardless of any comparison drawn between vehicular movements associated with the former and proposed use. Evidence also refers to an approved scheme for a housing estate on Clophill Road. Although the submitted details are limited, the site seems to be within a short walk of Maulden. Due to its location and scale, the approved development is better connected to the nearest settlement with a greater capability to deliver a range of benefits to local rural communities, than the proposed scheme. These decisions were therefore taken within a significantly different policy context and have a limited bearing in favour of the proposal.
19. Appeal decisions provided in evidence refer to cases in circumstances that are not readily comparable to the specific issues raised by this proposal and are therefore of limited weight in favour of the scheme.

Conclusion

20. The proposal would conflict with the Council's spatial housing policies and would harm the character and appearance of the area. It would therefore conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty

INSPECTOR