



Appeal Decisions

Hearing held on 3 June 2021

Site visit made on 5 July 2021

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/P0240/W/19/3224339 (Appeal A)

Land adjoining The Grange, Grange Lane, Lower Caldecot SG18 9BA

- 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 P Connors against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/01946/OUT, dated 9 May 2018, was refused by notice dated 11 September 2018.
 - The development proposed is eight dwellings.
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Appeal Ref: APP/P0240/W/19/3224342 (Appeal B)

Land adjoining The Grange, Grange Lane, Lower Caldecot SG18 9BA

- 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 P Connors against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/02228/FULL, dated 23 May 2018, was refused by notice dated 4 October 2018.
 - The development proposed is the use of the land for the stationing of caravans for residential purposes.
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Decisions (Both appeals)

1. Appeal A is dismissed
2. Appeal B is dismissed.

Procedural matters (Both appeals)

3. Appeal A is in outline with only the principle of development and the access for consideration at this stage. Appeal B is a proposal for full planning permission.
4. The National Planning Policy Framework (the Framework) was revised on 20 July 2021. The parties were given the opportunity to comment on the changes, and their responses have been taken into account.
5. Also in July 2021 the Central Bedfordshire Local Plan 2015-2035 (LP) was adopted, and the parties were similarly given the opportunity to comment, and their responses have been taken into account.

Main issues (Both appeals)

6. In relation to both Appeals A and B the issue is whether the proposal is in an appropriate location having regard to local and national planning policies that seek to manage the siting of new development in relation to accessibility.
7. In relation to Appeal B only there is a further issue. That is whether the proposal would dominate the existing settled community and cause harm to the rural character of the area.

The site, the surrounding area and planning history (Both appeals)

8. The appeal site is around 0.28 hectares in extent and is a rectangular undeveloped area. It abuts a public right of way known as Grange Lane, and is at the end of a cul-de-sac (The Grange) which is part of a small development of modern houses. There are a couple of other dwellings and a former filling station in the enclave. Grange Lane and The Grange are accessed from the northern carriageway of the A1.
9. The surrounding area is largely rural. Upper Caldecote is the nearest settlement with some services, located about 2.2 kms to the southwest.
10. A previous outline proposal for 8 houses was refused by the Council and was subsequently dismissed on appeal in July 2017¹. The issues in this case were similar to the first issue in the current cases, but it is worth noting at this stage that the development plan context was different and there was also a highway safety issue which does not arise now. I will deal with both matters below.
11. Of less direct relevance is an appeal decision in 2018² at 14 Great North Road. This related to the conversion of a dwelling to three cottages. The locational issue was similar in that case.

Local policy context (Both appeals)

12. At the time of the Council's decisions and at the Hearing, the development plan included the Central Bedfordshire Core Strategy and Development Management Policies (2009). As noted above, the development plan now includes the LP 2021, which largely supersedes the earlier plans.
13. The LP (policy SP1) sets out a growth strategy to meet the need for new homes in a series of allocations, not including Lower Caldecote or the appeal site. The LP sets out a settlement hierarchy, down to the level of small villages – not including Lower Caldecote. Locations which are not identified in the hierarchy are considered to be part of the countryside.
14. LP policy SP7 deals with windfall development and settlement envelopes. These envelopes are generally drawn tightly around the current built form. Lower Caldecote does not have a settlement envelope. The policy provides that outside settlement envelopes the intrinsic character and beauty of the countryside will be recognised and only particular types of development will be permitted. None of these types of development are argued to be applicable in these cases.

¹ APP/P0240/W/16/3154495

² APP/P0240/W/18/3198953

15. The LP also includes policy SP8, dealing with gypsies and travellers (the relevance of this to Appeal B will be discussed below). The policy states that the Council has already approved a sufficient number of pitches to meet the need to 2035, and that windfall proposals will be determined against LP policy H7 and others. Policy H7 provides that gypsy and traveller proposals will be permitted where a series of criteria are met, in addition to other relevant policies, including the provision of adequate facilities within a reasonable travelling distance.
16. LP policy HQ1 seeks high quality development. This includes the need to encourage travel by sustainable modes.

The location of the site in relation to policy and accessibility (Both appeals)

17. From the above summary, it is clear that the appeal site lies in the countryside adjacent to a group of properties which themselves have no defined settlement envelope and that the site and these existing houses are regarded as being within the countryside for planning purposes. Development at such a location, aside from certain types of proposal specifically identified in LP policy SP7, would be contrary to the policies in the recently adopted LP. The Council's approach is broadly consistent with the aims of the Framework towards sustainable development in rural areas.
18. The appellant accepts that the appeal site is outside any settlement boundary, but his position is that the boundaries are out of date. However the concept of settlement envelopes is restated throughout the very recently adopted plan and, though I appreciate that the envelopes themselves have been in existence for some time, there is nothing to suggest that they are out of date. Rather the reverse, in that the very recently adopted plan pins part of its strategy on the approach to development within and outside settlement envelopes.
19. The proposals are therefore clearly in conflict with policy aimed at directing development to sustainable locations. That said, there could be specific instances where a site possessed particular sustainability credentials, which could weigh against this policy conflict.
20. I therefore turn to the question of accessibility. I note the views of my fellow Inspectors who determined the previous appeals on and nearby the site. However these views are not determinative.
21. The closest settlement to the appeal site of any size and possessing some facilities is Upper Caldecote, which includes a small range of local facilities. The question is whether there are realistic means of accessing these services by means other than the private car.
22. There are two walking routes to Upper Caldecote, both of which I walked during my site visit. Firstly there are footpaths from the west of the enclave of houses in Lower Caldecote into a number of parts of Upper Caldecote. On the day of my visit it was a pleasant summer day, and these routes were dry and comfortable to use. However in less clement weather they would not be attractive and the absence of surfacing or lighting would mean that for much of the year they would not be an attractive walk. Moreover they could not be realistically used by parents taking young children to school or using buggies, by those with reduced mobility, or by anyone carrying any amount of shopping.

23. The other walking route is by way of the footpath alongside the A1 and then into Biggleswade Road and Upper Caldecote. This is a slightly longer route than using the countryside footpaths but has the benefit of a decent surface. However there is the impact of the very substantial noise from the A1, which is very close to the footpath, combined with fumes from vehicles and a very palpable sense of danger from vehicles of all sizes travelling fast and close to the path. For these reasons I consider it highly unlikely that many people would choose to use that route.
24. The appellant has also referred to public transport as a means by which facilities could be reached. There was no precise agreement at the Hearing as to the services on offer, but it is clear that there are reasonably frequent buses which might provide a means of access to employment and services. However the use of these services would be limited by the inconvenient location of bus stops on a fast and busy trunk road. In any event, use of these bus routes would not maintain the viability of the rural community as most such trips would be to larger towns.
25. I appreciate that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, as advised in the Framework. I also recognise that, in principle, gypsy and traveller sites may be located in the open countryside. However national policy in Planning Policy for Traveller Sites (PPTS) is that such opportunities should be strictly limited. Overall, added to the conflict with development plan policy, I find that it is likely that the occupiers of the proposed developments would be heavily reliant on motor vehicles to access local shops and services. In relation to both appeals the proposal is not in an appropriate location having regard to local and national planning policies that seek to manage the siting of new development in relation to accessibility.

The effect on the existing settled community and the rural character of the area (Appeal B)

26. Before considering the dispute between the parties on this issue, it is important to consider the nature of Appeal B. The application, decision and appeal describe the proposal as being for the use of land for the stationing of caravans for residential purposes.
27. However from all the correspondence from both parties, it is clear that the intention would be that the land would be used by the travelling community. This is particularly emphasised by the reason for refusal related to Appeal B and the reference therein to the alleged domination of the settled community.
28. If the proposal were considered purely as a caravan site, with no particular restriction, I do not see that this issue arises. There is no evidence to that effect and it seems to me that this is an issue solely related to potential occupation by gypsy and travellers.
29. The issue arises as a result of the reference in PPTS that sites in rural areas should respect the scale of, and not dominate the nearest settled community. In this case the proposal is for a small caravan site adjacent to a small residential area. The suggestion was made at the hearing that the increase in households would be around 17%. In my view this is a limited increase and, in any event, nothing has been put before me to suggest that the existing community would be dominated or that the site would not integrate with the

settled community over time. This would be more likely to occur in the case of the tensions created by unauthorised encampments.

30. The reason for refusal additionally states that, as a result of this alleged domination there would be harm to the rural character of the area. It is unclear if this refers to a visual harm (in relation to which no evidence has been submitted) or a further social harm. The reason for refusal refers to a policy (now LP policy HQ1) which deals with high quality development, but there is no evidence as to why a caravan site (whoever the occupiers might be) would breach this policy. Conditions could be imposed to control the development. In either event this does not add to my consideration of the issue.
31. I therefore conclude that the proposal would not dominate the existing settled community or cause harm to the rural character of the area.

Other matter – highway safety (Both appeals)

32. For completeness I need to deal with the question of highway safety, as this was a major issue in relation to the previous appeal on the site. At the time of that appeal the intention was that the site should be accessed along Grange Lane, which was a matter of concern for my colleague.
33. In the current cases the site would be accessed from the cul-de-sac at the end of The Grange. Although there has been some concern expressed by residents that the estate roads are insufficient to provide safe access, nothing has been put before me to justify this position and it is not the subject of objection by the Council.
34. For these reasons, highway safety is neutral in the planning balance.

Other matter – housing land and pitch supply (Both appeals)

35. In relation to housing land supply, the recently adopted LP identifies (after adding a 5% buffer) a requirement of 10,193 and a supply of 12,609 = a 6.18 year supply. The appeal site is not included in the supply. The appellant criticises the inclusion of a number of sites, which then leads to a supply of less than five years in his view.
36. The Council's evidence on this matter is a summary of the position examined and accepted during the LP process, and in any event this is not a matter which can properly be examined in relation to a Hearing into one small site. I have wholly insufficient evidence to suggest that certain sites should be removed from the supply. This was clearly a matter examined in relation to the emerging LP.
37. In relation to gypsy and traveller provision, the Council's evidence on appeal is apparently the same as supported the then-emerging LP. This was examined as part of that process and the plan was found sound. The LP (policy SP8) provides that a sufficient number of pitches has already been approved to meet gypsy and traveller accommodation need to 2035. Windfall applications such as the current proposal will be considered against LP policy H7 and other relevant policies in the plan.
38. The appellant criticised the LP policy on various grounds, including inconsistency with the Framework and PPTS, and reliance on an allegedly

flawed Gypsy and Traveller Accommodation Assessment. However, even setting aside the fact that this is not the correct forum for examining the provisions of the LP, the evidence before me falls far short of suggesting that I should set aside the LP's position.

Planning balance (Both appeals)

39. As explained above, I consider that the development plan policies which are most important for determining these appeals are up to date, and that there is a five year supply of deliverable housing sites and gypsy and traveller pitches. The so called 'tilted balance' under paragraph 11 of the Framework is therefore not engaged.
40. The proposals would nevertheless add to the supply of conventional housing and caravans respectively. Despite my conclusion in relation to housing and pitch supply, this is a matter which weighs substantially in the balance, given the need to drive up housing provision (both in the Framework and reflected in LP policy CS1). There would also be some limited economic benefits in relation to the construction period and some very limited additional spend in the wider area.
41. Particularly in gypsy and traveller cases, Article 8 of the European Convention on Human Rights may be engaged. I have also considered the Best Interests of Children in relation to the gypsy and traveller issue. This may relate to the appellant and or intended/actual site occupiers. However, in the absence of any indication of who might occupy the site, these are not matters engaged in these appeals.
42. In relation to both appeals I conclude that the proposals are contrary to the development plan as a whole, where the overall strategy includes limiting development in rural areas. The positive factors do not come close to overcoming that fundamental harm.
43. In relation to Appeal B I have also considered the possibility of granting a temporary permission. However, in the absence of persuasive evidence of need for pitches or any indication of who would occupy the site, the conflict with the development plan would remain and not be outweighed by other material considerations.
44. For the reasons given above I conclude that the Appeals A and B should both be dismissed.

P. J. G. Ware

Inspector

APPEARANCES (Both appeals)

CENTRAL BEDFORDSHIRE COUNCIL

Philip Hughes BA(Hons) MRTPI FRGS DipMan MCIM	Chartered Town Planner
Steve Jarman BSc (Hons) MRTPI	Senior Research Executive, Opinion Research Services
Jonathan Lee	Managing Director, Opinion Research Services

THE APPELLANT

Matthew Green BA(Hons)	Director, Green Planning Services
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