



Appeal Decision

Site visit made on 18 November 2021

by R W Allen B.Sc PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2021

Appeal Ref: APP/K0235/W/21/3275196

Three Compasses, High Street, Upper Dean PE28 0NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Heast against Bedford Borough Council.
 - The application ref 21/00062/FUL, is dated 11 January 2021.
 - The development proposed is change of use of land to a campsite for up to 25 pitches for tents and motor homes and to include up to 5 touring caravans, erection of a toilet and shower block and storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the quantum of pitches sought by the appellant is 35. However, I note that this was reduced to 25 during the application process. Neither in their statement of case nor in the appeal form is the appellant inviting me to consider the quantum as originally envisaged. Accordingly, I will determine the appeal on the lower number, and have amended the description in the banner heading above.
3. The Council did not determine the scheme within its required timescale, and thus it did not produce a decision notice. However, the Council has indicated that it would have refused planning permission on two grounds. As the appellant has had sight of the Council's objections and has made submissions, I am content to determine the appeal on those matters.

Main Issues

4. Therefore, the main issues are:
 - Whether the proposed development, which lies outside of the settlement boundary, is justified in this instance; and
 - the effect of the proposed development on ecology.

Reasons

Whether the location is justified

5. The appeal site concerns an area of land located behind the Three Compasses Public House. The site is largely level and bordered on all sides with planting.

The public house, along with two neighbouring dwellings to the south are enveloped by open countryside. The village of Upper Dean is located further along High Street which the Council approximates at a 200m distance away.

6. The main parties agree that the appeal site lies outside of the settlement boundary and is therefore in the countryside. Local Plan¹ policy 7S sets an initial five criteria where development in the countryside will be permitted, with the main parties accepting that the proposed development does not comply with any of them. The policy then lists an additional five criteria where exceptionally development proposals will be supported on sites that are well-related to a defined Settlement Policy Area, which Upper Dean is. Criteria *vi* and *vii* require development to respond to an identified community need and for there to be an identifiable community support, and that it is supported by the parish council.
7. I agree with the appellant that the term “well-related” in Local Plan policy 7S is not defined, and I accept that it does not necessarily have to mean that a site is adjacent to or abutting a settlement edge. However, for a site to be “well-related”, I find that the site in question would require a degree of functional and visual connectivity, such that the site would be read as part of the settlement fringe and not divorced from it. That is not the case here. The appeal site is both physically and visually separated from the settlement boundary by some distance, and with little obvious tangible linkage between them. The appeal site cannot be said to be well-related to Upper Dean, for the purposes of the policy in question.
8. But, even if by some stretch of the imagination it were, I do not find the location to be particularly sustainable for a camping site. As acknowledged by both main parties, Upper Dean contains no local shops or convenience stores to meet and service the everyday needs of the future users, and little evidence suggests that they would otherwise be met by the public house. It is therefore highly probable that there would be a high dependency on motor vehicle usage to the nearest town. I am told that footpaths exist in the locality, but little evidence is before me as to where they lead, and whether they represent a practical alternative.
9. The appellant is at pains to point out that the appeal scheme would meet a community need by providing financial income to assist and maintain the viability of the public house. However, little evidence is before me to qualify or quantify what those needs are, what the level of income would be, and crucially how the income would support viability of the public house. Moreover, there is also no mechanism before me which would tie the public house to the proposed camping site to ensure this support would continue in perpetuity. Neither main party advances the imposition of a planning condition to resolve this matter. In any event, I have my own doubts as to whether such a condition would be appropriate or whether it would meet the tests in the Framework².
10. As such, I share the Council’s concerns regarding the risk that the camping site could become an unrelated and independent use, thus undermining the case for the need for the scheme. In the absence of evidence to the contrary, I therefore find that the case for community need has not been met. The overall future and decline of public houses in the UK, and the prediction of increased

¹ The Bedford Local Plan 2030 (January 2020)

² The National Planning Policy Framework, paragraph 56

demand for camping have not been adequately supported in evidence and accordingly does not alter my judgement.

11. I note that some third parties have stated that the proposed development would support the viability for the village, create jobs as well as be a good site for campers to explore the local area and for bird watching. This may well be true, albeit unsubstantiated in evidence before me. However, the majority of representations object and/or raise concerns with the proposal on a number of matters; most of which pertain to the main issues of this decision. The parish council's letter of 5 February 2021, in which it lists conditions it would wish to see imposed if the Council were minded to grant planning permission, is a clear non-committal response and cannot be read as giving tacit approval. Accordingly, the proposed development does not enjoy the community support as Local plan policy 7S requires.
12. In summary, the proposed development would not be located on land that is well-related to the settlement and is not supported by the local community or the parish council. It has not been adequately demonstrated or secured that the scheme would meet a community need. The proposal is therefore contrary to Local Plan policy 7S, details of which I have given above. I have had regard to Local Plan policy 76 including preamble paragraph 11.38 and the lukewarm support for "camping pods". However, as the policy only permits new visitor-related schemes where they would comply with policy 7S, I find the proposal also conflicts with this policy. It would also not support the spatial strategy requirements of Local Plan policy 3S.

Ecology

13. There is little for me to comment on here. Local Plan policy 42S states that planning applications for development are required to assess the impact of the proposal on the biodiversity and geodiversity value of the site and its surroundings. Being a countryside location, it seems to me that there is a reasonable chance wildlife, and their habitats, are present in some form here.
14. No such assessment is before me and the appellant has not adequately explained why such an assessment is unnecessary in this instance. Given the absence of evidence to the contrary, I find I must adopt a precautionary approach and find that the proposed development would not accord with the policy.

Other Matters

15. Section 66(1) of the 1990 Act³ requires special regard should be given to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance must be given to any harm caused to the designated heritage assets in the planning balance, and this includes any harm to the setting of listed buildings.
16. The Three Compasses is a Grade II listed building. The listing description notes that the building dates from around 1700, is colour washed brick and rough cast on timber frame and weatherboarded at the north end. The Council notes that the building may well have been a dwelling until 1822 when it became a public house. The Council further notes that the significance of the heritage asset is derived from its architectural and historic interest, with setting strongly

³ The Planning (Listed Building and Conservation Areas) Act 1990

contributing to the significance owing to its open surroundings and viewpoints in which the building can be experienced. I observed the building to be both charming and attractive.

17. I concur with the Council on the significance of the heritage asset, along with its assessment that the proposed development would preserve the character and appearance of the public house. This is because the proposed campsite would be largely screened by the established boundary planting as well as the proposed diminutive orchard planting at the site's corners. I am also satisfied that other identified listed buildings located within Upper Dean are sufficiently distant and the proposed development would preserve their character and appearance. For these reasons, there is no need for me to engage the balancing exercise within paragraph 202 of the Framework and I have discharged my statutory duty in this regard.
18. I have noted the views of the local community in respect to whether the proposed development would lead to an increase in noise and light pollution; whether the road network is suitable to cater for traffic associated with the proposed development, and whether it would increase risk of flooding in the area. However, none of these issues have been substantiated in evidence before me and the Council has raised no objection on these grounds. I therefore afford little weight to these issues in my decision.

Conclusion

19. For the reasons given above, I conclude that the appeal is dismissed.

R. Allen

INSPECTOR