



Appeal Decision

Site visit made on 7 June 2021 (unaccompanied) and 11 October 2021 (accompanied)

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

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/P0240/W/20/3265232

Land off Ailwyns Acre, Cranfield, MK43 0GA

- 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 N Parrish against the decision of Central Bedfordshire Council.
 - The application Ref: CB/19/04315/FULL, dated 20 December 2019, was refused by notice dated 26 June 2020.
 - The development proposed is a residential development of 5 no. detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the residential development of 5 no. detached dwellings at Land off Ailwyns Acre, Cranfield, MK43 0GA in accordance with the terms of the application, Ref: CB/19/04315/FULL, dated 20 December 2019, subject to the schedule of conditions to this decision.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on the 20 July 2021. The Framework represents the Government's up to date planning policies and how they should be applied. The parties have been provided with an opportunity to comment on the implications of this for their case.
3. The Central Bedfordshire Council Local Plan 2015-2035 (LP) was adopted on the 22 July 2021 and replaces in its entirety, the Central Bedfordshire Core Strategy and Development Management Policies (2009). Accordingly, I have determined this appeal with regards to the LP.

Main Issues

4. The main issues are the effect of the proposed development on:-
 - i) the character and appearance of the site, Lodge Road and the wider countryside;
 - ii) biodiversity; and
 - iii) a non-designated heritage asset.

Reasons

Character and appearance

5. The appeal site comprises a broadly rectangular piece of undeveloped land mainly comprised of rough scrubland. It is punctuated with trees and includes a dense cluster of mature trees that are protected by a Tree Preservation Order (TPO) situated at the corner of the site where open parkland and countryside lies beyond. Overall, the site possesses a largely overgrown and unmanaged appearance.
6. The appeal site is predominantly enclosed by residential development along all four sides and only adjoins open countryside briefly at one corner. By reason of the dense vegetation in this location, the appeal site makes virtually no contribution to the landscape that lies beyond. Similarly, there is little impression of the surrounding landscape from within the site itself.
7. Set in from the highway is a historic wall of substantial height that extends for almost the entire length of this boundary with Lodge Road. A further wall delineates the rear gardens of properties along Harters Avenue. Consequently, the appeal site has a relatively strong sense of enclosure and low level of intervisibility with the wider area. The scenic quality of the site is relatively low, given that it is simply a flat remnant open area with no significant landscape features that is, to my mind, of no particular benefit in an otherwise largely urban landscape.
8. The principal publicly accessible viewpoint from which the appeal site is visible is Lodge Road, however, the view from this location is mainly restricted by the presence of the historic wall, with the upper portions of the rear of properties on Harters Avenue seen very briefly beyond.
9. The appeal proposal seeks full planning permission for a residential development of 5 dwellings. The appeal scheme has been landscape and historic-led, the layout and design of the development incorporate a number of matters to reflect the character of the local area and mitigate the potential landscape and visual effects of the scheme.
10. With regards to landscape effects, the proposed development would allow for the retention of key landscape features within the site that currently contribute to the local landscape character and visual amenity. This includes retaining the dense group of mature protected trees and the historic wall towards the highway boundary. The retention and enhancement of these existing landscape features would be beneficial. Furthermore, the introduction of new native hedgerow planting across the development would also be beneficial to the character of the site.
11. The introduction of a number of dwellings together with associated infrastructure and domestic paraphernalia on to an undeveloped parcel of land would inevitably significantly alter the character of the site and would reduce the sense of openness in the immediate locality. However, as built form would not extend beyond the adjacent dwellings of Harter Avenue or Piper's Lodge, it would not therefore protrude into the wider countryside nor appear as a harmful intrusion or an unwelcome encroachment into the countryside. The intrinsic character and beauty of the wider countryside would not be unduly harmed by the scheme. Although there would be an adverse effect on the site

itself, this would reduce over time as the landscape framework matures. The site is of relatively low landscape and visual sensitivity and the proposed development would result in limited and localised harm.

12. With regard to visual effect, it is clear from the evidence of interested parties that Lodge Road is a much loved and well used route utilised for recreational purposes such as cycling, horse riding and walking, including by those accessing the nearby public footpath network. It is a narrow lane with grass verges and a general absence of defined footways. However, based upon my observations I do not find the appeal site nor Lodge Road to be particularly tranquil nor intimate given the extent of nearby residential development. Whilst Lodge Road may have once been extremely rural in character, the recent development in the form of a large modern housing estate to the opposite side of Lodge Road has undoubtedly altered it considerably. By reason of the enclosure of the site by existing vegetation and built development taken together with the additional enclosure which would be provided by new and enhanced planting, few views or visual receptors would be significantly altered by the appeal scheme.
13. When viewed from Lodge Road, the proposed dwellings would be partially visible above the historic wall. In addition, the proposed rear gardens of some of the proposed plots would be visible until such time as any additional vegetation were to become established. Nevertheless, given the extent of the built surroundings, these changes would not materially alter the visual or auditory experiences of users of this route. To my mind, as there would be no significant changes to the views and general visual amenity experienced by people travelling along Lodge Road, no unduly harmful impact to local amenity value would occur and consequently, there would be no conflict with the Framework insofar as it seeks to encourage sustainable patterns of movement, health and well-being.
14. The key views and visual receptors that would be significantly changed by the proposal are those from individual houses which back onto, or front onto the site. The change to those views would be unsurprising given the context in which the houses are set. It would not be unusual for people living in a housing development to have views of another housing development.
15. In my view, the development would form a small extension to the existing village of Cranfield. It would be an appropriate scale and character and would integrate well with and not appear uncharacteristic of this part of the village.
16. I therefore conclude that the proposed development would not cause unacceptable harm to the character and appearance of the area. Thus, it would accord with LP Policies HQ1, EE4 and EE5 insofar as these policies require high quality development that responds positively to its context and does not adversely affect existing landscape features in order to safeguard intrinsic character, scenic beauty and landscape qualities. Additionally, it would satisfy the Framework¹ insofar as it requires the creation of high quality, beautiful and sustainable places and requires development proposals to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

¹ National Planning Policy Framework Chapters 12 & 15.

Biodiversity

17. LP Policy EE2 requires proposals for development to enhance biodiversity and provide a net gain through enhancement and creation of ecological networks.
18. The proposal was supported by relevant ecological assessments and surveys. Whilst the evidence of third parties describes numerous bird and mammal species being observed within the site, no protected species were noted to be present during the ecological investigations. The ecological reports recommend mitigation and compensation measures where the impacts of construction cannot be avoided and, additionally, they identified enhancement opportunities, for mature trees, nesting birds and bats, were achievable.
19. Enhancements identified would include the opportunity to improve ground vegetation underneath the retained trees by means of ivy clearance and the use of a woodland seed mix to create a more broadleaved woodland habitat within the site, together with the provision of bird nest boxes to encourage use by species which are not presently found at the site and new roosting habitats for bats. In addition, the site would be capable of accommodating new native hedgerow and trees. Albeit a detailed scheme for biodiversity enhancement is not before me, by reason of the size of the site and the limited scale of the proposed development, in my view, there would be ample area within which to accommodate these enhancement measures to deliver a biodiversity gain. A scheme for ecological enhancement is a matter which is capable of being secured by an appropriately worded planning condition and I am not satisfied that this cannot be achieved simply as the proposed enhancement measures would ultimately be sited upon land in private ownership.
20. In the circumstances, I am satisfied that the appeal scheme would deliver biodiversity gain and thus it would accord with the provisions of Policy EE2. Neither would it conflict with paragraph 180 of the Framework, which supports the principle of mitigation measures or, as a last resort, compensation in response to any significant harm, as well as encouraging opportunities to incorporate biodiversity improvements in and around developments.

Heritage

21. The appeal site contains the remains of an upstanding wall that formed the main support for a series of glasshouses, a bothy, store and other buildings relating to a kitchen garden which have been demolished and removed. It is historically associated with the walled kitchen garden of Cranfield Court, a circa 19th century stately home which was largely demolished in the 1930s. Although not listed, I find that the wall has some significance as a non-designated heritage asset (NDHA) by reason of its evidential links to the village and historical use as a kitchen garden. However, I attach no more than a low level of significance given the extensive loss of historic fabric associated with Cranfield Court, the lost relationship with other heritage assets and its declining condition.
22. In weighing applications that affect NDHAs, the Framework states that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
23. The historic wall would be retained as part of the proposal. The appeal scheme would introduce development around the NDHA and reduce the amount of open

land surrounding it. This would diminish the historic significance of the wall by reducing the appreciation of users along Lodge Road and it would have an impact on its importance in its relationship to Cranfield Court and the historic development of the village.

24. Nevertheless, the appeal scheme proposes the retention, repair and maintenance of the NDHA which I am satisfied can be secured through an appropriately worded condition. This is a clear benefit of the appeal scheme. Whilst the ownership of the historic wall would be shared, I am not persuaded that this matter would of itself cause any adverse harm to the heritage asset.
25. I note that in the absence of any statutory protection, there is nothing that would prevent the removal of the wall. Similarly, whilst there is express provision for existing trees with Tree Preservation Orders to be protected as part of allocation HAS12 of Policy HA1 of the LP, there is no additional policy requirement to retain the NDHA as part of that policy.
26. Drawing all matters together, whilst I consider there would be some minor harm that would be caused to the significance of the NDHA as a result of the proposed development, when balanced against the benefits of the proposal, the retention and repair of the historic wall to secure its long-term future would outweigh the harm.
27. Accordingly, the appeal scheme would not cause unacceptable harm to the heritage asset. It would accord with LP Policy HE3 insofar as development proposals affecting NDHAs are required to preserve, sustain and enhance the special character, significance, appearance and/or historic interest of the asset in accordance with national planning policy and legislation. It would also accord with the Framework which recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.

Other Matters

28. I have had regard to the various matters raised including numerous letters of objection to the scheme, many of which refer to the main issues above. In addition, reference has been made to issues of parking within Ailwyns Acre, the frequency of delivery vehicles and the adequacy of the access to the appeal site. On my initial site visit, there was a general absence of vehicles parked within the highway of Ailwyns Acre, however, this was different on my return visit, and I observed several vehicles were parked close to the proposed site access. I appreciate that my site visits provided only a snapshot of conditions. That being said, even with the presence of parked cars, access to the appeal site and Nos 2, 4, 6 and 8 Ailwyns Acre remained readily accessible and visibility along the road was good.
29. Given that the appeal scheme makes adequate provision for parking and space for manoeuvring and turning of vehicles within the appeal site, I am not satisfied that the appeal scheme would frequently result in vehicles reversing along Ailwyns Acre nor that it would result in an unsafe environment for users of the nearby play area. Importantly, the Council and Highway Authority have raised no objection with regard to the proposed access and I have seen no substantiated evidence that would lead me to form a different view.

30. There is dispute between the parties as to whether Lodge Road is a formally designated "quiet lane", which I am unable to resolve on the basis of the limited evidence before me. However, even if such a formal designation had been made this would not alter my findings with regard to the character and appearance impacts of the scheme. I am not satisfied that a modest scheme for five dwellings would generate a significant number of vehicular trips, nor that the local highway network would become congested and unable to cope with the additional demand.
31. It is put to me that the proposed access would cross the privately owned block paved area however, no substantive evidence has been provided in support of this point.
32. Concern has been raised regarding the impact on the capacity of local health services. However, the Council has raised no objection and there is nothing before me that leads me to the view that there would be unacceptable pressure on local health services.
33. Despite local resident concerns, the Council raises no objection to the effect of the scheme on the living conditions of neighbouring occupiers. By reason of the proposed layout with considerable intervening distances between the existing and proposed properties together with the height of the existing boundary treatment, I see no reason why the privacy of neighbouring occupiers would be unduly compromised.
34. It is suggested that important information was missed due to the timing of the ecological survey. However, there is little evidence to corroborate such a view and in any event the requirement for an up to date ecological appraisal prior to any works commencing on the site will mitigate against such harm.
35. I do not share the view that the appeal scheme would result in a harmful coalescence between Cranfield with Wood End. Based upon my observations it would appear that the two already merge into each other by reason of the existing built development. Given that the appeal scheme would simply fill a small pocket of undeveloped land that is surrounded on each side by existing residential development, the appeal scheme would not cause a harmful impact in this regard.

Conditions

36. A draft list of conditions was provided by the Council. I have considered these against the advice in the Framework and Planning Practice Guidance (PPG). As a result, I have amended some of them for consistency or clarity and omitted others. Where a condition appears as a pre-commencement condition, I have sought the comments of the appellant and confirmation has been given to the acceptance of these conditions.
37. In addition to the standard time condition relating to the commencement of development, a condition specifying the plans and documents is necessary as it provides clarity.
38. I have imposed a condition specifying external materials as this is necessary to safeguard the character and appearance of the area.
39. Conditions concerning the existing and finished ground levels, the conduct of construction, a surface water drainage scheme and a foul water drainage

scheme are necessary to safeguard the living conditions of neighbouring occupiers and ensure adequate drainage including from flood risk both on and off site. I have combined the Council's suggested conditions Nos 7 and 8 to avoid duplicity.

40. A condition requiring the layout of the access junction, parking spaces and turning areas, are necessary to protect the safety of highway users.
41. Conditions are also required to ensure tree protection measures, and that a scheme of ecological enhancements are implemented in order to safeguard protected trees and the surrounding landscape character and provide adequate protection of ecology and biodiversity and provide a net gain.
42. To encourage more sustainable modes of transport a condition requiring the provision of electric vehicle charging points is necessary.
43. A condition for the provision of fire hydrants is necessary to ensure the safety of future occupiers in the event of a fire emergency.
44. The Council have suggested a condition requiring the provision of a scheme for passing places along Lodge Road. However, very little justification has been provided to me and I am not persuaded that a modest scheme for five additional dwellings would have an adverse impact on highway safety along Lodge Road. I am not satisfied that the provision of passing places is necessary, reasonable nor relevant to the development being permitted and, in the circumstances, I have not imposed the council's suggested condition.
45. As primary legislation exists to control matters concerning the protected trees, I am not persuaded that the requirement for a condition detailing the intended ownership, management and maintenance of protected trees meets the test of necessity in this instance.
46. The Council suggests a number of additional conditions should be imposed which would remove permitted development rights from the dwellings (suggested conditions 16, 18, 19 and 20). However, the Framework and the PPG are both clear that such conditions should only be imposed in exceptional circumstances. No detailed justification has been provided in this case and I see no reason why these conditions should be necessary in this instance. Furthermore, safeguards protecting the historic wall from demolition are duplicated with Condition 12.

Planning Balance and Conclusion

47. Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, a determination must be made in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the appeal scheme would not cause adverse harm to the character and appearance of the area, biodiversity and a non-designated heritage asset. Notably, during the appeal, the appeal site has been formerly allocated for residential development by LP Policy HA1, subject to existing trees with Tree Preservation Orders being protected. The longevity of protected trees did not form a reason for refusal of the scheme by the Council. By virtue of the fact that the appeal scheme would largely retain the protected trees, save for some limited tree removal due to deteriorating health, the appeal scheme would accord with this policy. The appeal proposal would amount to a small-scale extension to the village as

envisaged by LP Policy HA1 and this matter weighs significantly in favour of the appeal scheme.

48. Taking all matters into consideration, I conclude that the appeal scheme accords with the development plan taken as a whole and whilst I have had regard to the views of parties opposing the development, these matters do not indicate that a decision should be taken otherwise than in accordance with the development plan.

49. For the reasons given above, the appeal is allowed subject to the conditions.

E Brownless

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2116-L1; 2116-L2; 2116-L3C; 2116-L4D; 2116-P1; 2116-P2A; 2116-P3A; 2116-P4; 2116-P5; 2116-P7B; TPP ACC 01.
- 3) Notwithstanding condition 2 no development shall take place above slab level until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the local planning authority. The details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No dwelling shall be occupied until the junction of the proposed vehicular access point with the highway has been constructed in accordance with the approved plans. The junction as constructed shall be retained thereafter.
- 6) The development hereby permitted shall be undertaken in accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors'.
- 7) No dwelling shall be occupied until the parking scheme and turning areas for vehicles shown on plan No 2116-L4D shall have been constructed in accordance with the approved plans. The parking scheme and turning areas shall be retained thereafter for this purpose.
- 8) No development shall take place until the details of the implementation, adoption, maintenance management of a surface water drainage scheme for the site, based on the Surface Water Drainage Strategy (Dated 27th January 2020), shall have been submitted to and approved in writing by the local planning authority. The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and a restriction in run-off rates to 0.5l/s or as agreed by Anglian Water. Any revisions to the agreed strategy shall be fully justified and approved in writing by the local planning authority before the development is completed. The scheme shall be implemented and thereafter managed and maintained for the lifetime of the development in accordance with the approved details.
- 9) No development shall take place until details of a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the foul water works shall have been carried out in accordance with the approved details.
- 10) No equipment, machinery or materials shall be brought on to the site for the purposes of development until protective fencing for the protection of

any retained tree has been erected on site and photographic evidence submitted to the local planning authority. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor shall any excavation be made.

- 11) No development shall take place until an Ecological Enhancement Strategy for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, hedgehog holes in fences and tree, hedgerow, shrub and wildflower planting/establishment shall have been submitted to and approved in writing by the local planning authority. The content shall be informed by an up to date Ecological Appraisal of the site and include the following:
- a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale plans;
 - d) persons responsible for implementing the works;
 - e) details of initial aftercare and long-term maintenance.

The development shall be carried out in accordance with the approved details and be retained thereafter.

- 12) No development shall take place until a scheme for the protection of the non-designated heritage asset (the wall) on site, including its retention and ongoing maintenance for a period of not less than 5 years has been submitted to and approved in writing by the local planning authority. The non-designated heritage asset (the wall) on site shall not be removed at any time throughout the lifetime of the development without the prior written approval of the local planning authority. Development shall be carried out in accordance with the approved details.
- 13) Prior to the construction of vehicular parking areas associated with the approved dwellings, a scheme for the charging of electric and ultra-low emission vehicles shall be submitted to and approved in writing by the local planning authority. The scheme shall include timescales/triggers for implementation of the scheme. Development shall be carried out in accordance with the approved details.
- 14) No development shall take place above slab level until a scheme for the provision of fire hydrants shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the fire hydrants shall have been installed in accordance with the approved details. Thereafter the fire hydrants shall be retained in accordance with the approved details in perpetuity.

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