



Appeal Decision

Site visit made on 21 June 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal Ref: APP/P0240/W/21/3285221

Land to the rear of 1, 2 and 3 Sawfords Meadow, Tempsford, Sandy SG19 2BQ

- 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 S Sawford against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/01951/FULL, dated 28 April 2021, was refused by notice dated 25 June 2021.
 - The development proposed is erection of two detached bungalows and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The appeal process has afforded the main parties sufficient opportunity to comment on it and I have had regard to it in considering this appeal.
3. The Central Bedfordshire Local Plan 2015-2035 (Local Plan) was adopted on 22 July 2021, after the planning application was determined by the Council. The Council has identified that the Core Strategy and Development Management Plan (2009) policies referred to in the decision notice have all been replaced. The Council's Statement of Case (SoC) has identified conflict with the following Local Plan policies in relation to the reasons for refusal: SP7, EE5, HQ1, HQ8, HE1 and HE3. The appellant has had opportunity to comment on the new Local Plan policies cited in the Council's SoC and has also cited policy H3 (housing for older people) as a relevant policy. I have considered this appeal on the basis of the new Local Plan policies.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - Whether the proposed development would preserve or enhance the character or appearance of the Tempsford Conservation Area and the effect on the setting of the Schedule Monument.

Reasons

Character and Appearance

5. The appeal site comprises an area of grassland to the rear of existing residential development at Sawfords Meadow. There are some existing trees on the site boundaries. Indeed, the trees to the west provide a good level of visual screening from this side. However, planting on all other boundaries is relatively sporadic. As such, the site is visible for a significant distance from the north, north-west and south. Whilst the site is located within the settlement boundary, as defined in the development plan, it makes a positive contribution to the countryside setting of the village given it's relatively open and rural character.
6. Tempsford is a small village which is predominantly characterised by linear development which fronts Church Street. Sawfords Meadow includes four residential properties set back behind the linear development fronting Church Street. This is quite a significant deviation in character but the evidence before me indicates that this land previously comprised a petrol station/garage, which provides an indication as to the reason for the variation in character.
7. The proposed development would include two residential properties which would extend the built development of Tempsford even further to the west than Sawfords Meadow. Even taking into account the proposed materials, single storey scale and flat green roofs, the relatively large dwellings and the inevitable residential paraphernalia associated with them would result in a harmful erosion of the open rural setting of the village. The development would also be completely at odds with the predominantly linear character of the village.
8. The appellant asserts that the development would reflect the design of nearby agricultural barns but I do not agree with this, as the dwellings would have a far more contemporary appearance.
9. This intrusion would be visible from the residential properties at Sawfords Meadow, from the land to the north of the appeal site (including the footpath to the north west) as well as land to the south of the appeal site. Even taking into account the prospect of additional planting, the proposed development would be at odds with the prevailing linear pattern of development and would compromise the surrounding open rural setting of the village. Indeed, additional planting itself would potentially be harmful to the existing open character of this part of the countryside.
10. For these reasons the proposed development would conflict with Local Plan Policies HQ1, HQ8, SP7 and EE5 insofar as they require that development reflects local character.
11. The main parties disagree as to whether the site comprises an infill site for the purposes of Policy SP7. The site is within the defined settlement boundary. However, whether or not the site is an 'infill' or 'backland site' is not the determinative factor given that there is support for the principle of both types of development (Policies HQ8 and SP7) subject in part to the impact of any such development on character and appearance. Indeed, given my conclusions on character and appearance the proposed development would conflict with

both policies, regardless of whether the site is considered a 'backland site' or 'infill site'.

Heritage Assets

12. The appeal site is located approximately 75 metres to the south of Gannock's Castle, which is a Scheduled Monument (SM)¹ located within the Tempsford Conservation Area (CA).
13. Under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. As such, even though the Council do not allege conflict in this regard, I must undertake this statutory obligation. However, I will first consider the impact of the development on the significance of the SM.
14. The evidence before me indicates that Gannock's Castle is a well-preserved example of a defensive moated enclosure, which may have either comprised a farmstead or manor house. It derives its significance primarily from its historic function and well-preserved physical presence amongst its rural surrounds. The rural area surrounding the SM, including the appeal site, comprises the setting of the SM. This land is predominantly open to the south, east and west, providing wide sweeping views towards and from the SM. Indeed, the good visibility across the surrounding open land might have been a reason for its location as a defensive position.
15. The proposed development would significantly diminish this open rural character with the introduction of two residential properties. The development (including proposed planting) would be visible from the SM and in conjunction with it. It would also detract from the significance of the SM which is predominantly perceived in isolation from built development, particularly when viewed from the north-west and west. I consider that the development would lead to less than substantial harm to the significance of the SM within the terms set out at Framework Paragraph 202. Indeed, the appellant and the Council both agree that there would be less than substantial harm to the significance of the SM.
16. Despite the fact that there would be less than substantial harm to the significance of the SM, there would not be a conflict with Local Plan policies HE1 and HE3. This is because whilst HE1 refers to scheduled monuments in the title, it does not relate to harm which might occur to the significance of such assets (other than substantial harm). Policy HE3 specifies that it relates to Listed Buildings, Conservation Areas and non-designated heritage assets and is therefore not applicable to the impact on the SM. Nonetheless, I apply the heritage balance required under Framework Paragraph 202 later in this decision.
17. The Tempsford CA comprises land within the northern half of the village, primarily surrounding St Peters Church. The SM is also located within the CA. The CA primarily derives its significance from the large number of well-preserved historic buildings laid out in a predominantly linear manner within a rural setting.

¹ List Entry 1013419

18. I have already concluded that the proposed development would be contrary to the linear character of the village. Given that this is a key aspect of the significance of the CA, there would be less than substantial harm caused to it by the proposed development. Indeed, the finding of less than substantial harm is consistent with the Conclusions reached in the Appellant's Archaeological Evaluation (KDK Archaeology Ltd, 2021).
19. The proposed development would not preserve the character and appearance of the Conservation Area and as such it would conflict with Local Plan Policy HE3. Policy HE3 also refers to the Framework with regard to the consideration of 'less than substantial harm'. I apply the relevant provisions of the Framework in this regard below.

Other Matters

20. The appeal site has a fairly extensive planning history. The evidence before me indicates that the Council and a Planning Inspector² previously considered that the site had a lawful use for car storage. However, the full evidential basis upon which those conclusions were reached is not before me and I note that a significant period of time has passed since the Inspector's comments in 2005. As such, I cannot rely on those previous assertions alone to provide evidence of a lawful use.
21. The appellant refers extensively to the prospect of this alleged lawful use (the 'Fallback Position') being undertaken in the future. However, whilst there is evidence to indicate that the site was used for car storage in the past, this may well have related to the previous Petrol Station and Car Maintenance, Repairs and Sales Garage, which was demolished and replaced with residential development.
22. As such, without the benefit of a planning permission or a certificate of lawful development or use (and associated plans) it is not possible to ascertain whether the lawful use is storage, whether any alleged lawful use was solely associated with the previous buildings, nor whether there were any restrictions (if a consent did exist) on the duration, amount or extent of the alleged lawful use of the land. The fact that the appeal site is included within the development plan settlement boundary does not provide any indication of the lawful use of the land.
23. In the absence of any substantive evidence to demonstrate that the land has a lawful use for storage, I consider that there is not a realistic prospect of this 'fallback position' being implemented. As such, it cannot be afforded any significant weight as a consideration.
24. The appellant asserts that a fence could be erected under permitted development rights. Even if this is accepted, it would be materially less harmful than the proposed development, given the difference in the mass, footprint and scale.

Planning Balance

25. Framework Paragraph 202 requires that less than substantial harm is weighed against the public benefits of a proposal including, where appropriate, securing the heritage asset's optimum viable use. The proposed development would

²PINS ref: APP/J0215/A/04/1154573

include social and economic benefits associated with the increase in housing stock and a small increase in support for local services and facilities.

26. In addition, the development would be capable of providing housing for older adults, which the appellant has demonstrated is needed within the District³. There would also be some minor temporary economic and social benefits through support for construction jobs.
27. However, given the relatively small scale of the development, these public benefits can only be attributed moderate weight. Conversely, the less than substantial harm to the heritage assets should be afforded great weight, in line with the provisions of Framework Paragraph 199. The modest public benefits of the proposed development would not outweigh the less than substantial harms.
28. The appellant refers at length to the 'fallback position'. However, I do not consider that this can be afforded any significant weight as discussed under 'other matters'
29. In addition to the harm to heritage assets, there would also be harm to the character and appearance of the surrounding area, contrary to Framework Paragraph 130. This weighs further against the development.

Conclusion

30. The proposed development would be contrary to the development plan taken as a whole. There are no other material considerations of sufficient weight which warrant a decision other than in accordance with the development plan. As such, the appeal is dismissed.

Luke Simpson

INSPECTOR

³ Emphasised by recently adopted Policy H3 – Housing for Older People (albeit this policy applies to development comprising 100 dwellings or more)