



Appeal Decision

Site visit made on 2 February 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/P0240/W/22/3298161

Land adjacent to Meadow View, Flitton Road, Pulloxhill, MK45 5HW

- 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 Michael Hardiman against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03908/FULL dated 23 August 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described on the application form as "Erection of one single storey dwelling."
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Decision

1. The appeal is dismissed.

Main issues

2. The Council has confirmed that following the submission of a DNA survey of the adjacent pond by the appellant and the subsequent withdrawal of the objection by Naturespace, it no longer wishes to defend the third reason for refusal. In light of all I have read and seen, I see no reason to disagree with this and have revised the main issues accordingly.
3. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the development is in an appropriate location.

Reasons

Appeal site context

4. The appeal site forms part of a gently sloping area of grassland on the northern edge of the village. Access to the site is shared with a newly-constructed detached house ('Hillcrest'), which has been designed with its principal frontage facing in a northerly direction over the grassland and open countryside fields beyond.
5. Flitton Road is characterised by detached dwellings of varying architectural styles and maturity set back from the road in a linear fashion, with a small number of backland-style properties set behind its eastern side.

The effect of the development on the character and appearance of the area

6. The spacious, open and natural character of the grassland area forms an important transition between the built-up part of the village and the countryside beyond. As a consequence, it makes a significant contribution to the character of this part of the village.
7. The design and layout of Hillcrest reinforces the significance of this transition in that its principal elevation provides a clear terminus to the built-up part of the village and provides an attractive outward-facing edge to the countryside beyond.
8. The proposed scheme and its curtilage would be positioned on the eastern half of the open grassland area, directly in-between the principal frontage of Hillcrest (and its garage) and the countryside beyond. In so doing, it would result in a considerable reduction in size of the grassland area and significantly diminish its natural open appearance, which would be harmful to its important transitional landscape character. It would also partly obstruct the attractive outward facing built-up edge of the village provided by Hillcrest. The cumulative impact of this harm would be significant.
9. The appellant states that the scheme should be viewed in the context of the existing settlement pattern, which contains other houses set behind the primary row of dwellings fronting onto Flitton Road. However, these backland-style properties are not comparable in position or context to the scheme before me and do not alter my view that the development would be harmful to the character and appearance of this part of the village. I have therefore determined the appeal on its own merits.
10. I recognise that; (a) the appeal site is not designated in the development plan as a local green space, important open space or key view; (b) the architectural design of the dwelling is sympathetic to its rural context; and (c) the appellant has significantly reduced the coverage, scale and height of the scheme from that which was previously dismissed at appeal¹. However, whilst the impact of the development on the wider landscape would be limited, its local impact would be significant.
11. In view of the above, I conclude that the development would not respect the local context of the area and would as a consequence be harmful to its character and appearance. The proposal would therefore conflict with Policies HQ1 and EE5 of the Local Plan² and Policies D1 and RC1 of the Neighbourhood Plan³, which collectively seek, amongst other things, to ensure that development; - (a) integrates well into its surroundings; (b) relates to the existing settlement pattern, local character and distinctiveness; and (c) is complementary to the prevailing landscape character.
12. I also find that the scheme conflicts with Paragraphs 126 and 130 of the Framework⁴, which seek, amongst other things: (a) the creation of high quality places; (b) development that is sympathetic to local character; and (c) schemes that maintain a strong sense of place.

¹ APP/P0240/W/19/3223262.

² Central Bedfordshire Council Local Plan 2015-2035, adopted July 2021.

³ Flitton, Greenfield & Pulloxhill Neighbourhood Plan 2019-2035, Referendum Version, March 2021, Made on 13 May 2021.

⁴ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

Whether the development is in an appropriate location

13. Policy SP7 of the Local Plan states that settlement envelopes provide a distinction between settlements and the countryside, and that within the settlement envelopes of small villages, development will be limited to, amongst other things, infill development. Policy ND1 of the Neighbourhood Plan reinforces this, but adds that new built development will also be supported on redevelopment sites within settlement envelopes.
14. The appellant and Council both agree that the appeal site falls within the settlement envelope for a small village⁵. The main point of dispute between the parties relates to whether the scheme would meet the requirements of the above policies in relation to infill development (the scheme would not constitute a redevelopment site as it is undeveloped).
15. The Local Plan describes infill development at Paragraph 8.6.3 as 'small-scale development in a small gap in an otherwise built up frontage, utilising a plot in a manner which should continue to complement the surrounding pattern and grain of development. There should be no adverse impact on the setting of the site, the character of the area, and surrounding properties and uses.' Whilst I recognise that this paragraph falls within the Green Belt section of the Local Plan and not in the supporting commentary to Policy SP7, it nonetheless provides a rational, coherent and reasonable definition that could assist a planning judgement on this matter in other non-Green Belt cases.
16. The Neighbourhood Plan describes infill development at Paragraph 8.2 as 'small-scale development for up to two dwellings in a small gap as part of an otherwise built up frontage, utilising a plot in a manner which should continue to complement the surrounding pattern and grain of development.'
17. When assessed against the above two definitions, I am satisfied that the proposal does not constitute infill development as it would not be situated within a small gap in an otherwise built-up frontage.
18. However, even if these infill definitions did not exist and my planning judgement on this matter was based on the contextual character of the appeal site and village, I would still have reached the same conclusion for the following reason.
19. Although the grassland area is enclosed by mature hedgerows and trees, these do not alter its spacious and open character on the edge of the village, where the countryside directly abuts it to the north and east. This is reinforced by the principal elevation of Hillcrest (and its associated garage), which provide a clear built-form terminus to this part of the village.
20. As a consequence, it is my view that the existing natural boundary features and adjacent built form do not provide sufficient visual containment for there to be any perception of the appeal site having an infill character.
21. The appellant has referred to Paragraph 9.2.3 of the Local Plan which states that infill development will be acceptable where a scheme is in accordance with the surrounding character, pattern and grain of development; and would have an acceptable impact on the open character of the site and its immediate surroundings and the village within which the site is located. However, even if I

⁵ Pulloxhill is identified as a small village in the Local Plan settlement hierarchy.

had concluded that the scheme was an infill development, I would not of considered the scheme to accord with these requirements for the reasons I have identified above in relation to character and appearance.

22. Although the appellant has drawn my attention to Paragraph 9.2.4 of the Local Plan, I do not agree that this deems all new residential development within settlement envelopes to be acceptable in principle as the wording explicitly caveats this with the need for it to be commensurate with size, scale, role and function of the settlement where it is located. Policy SP7 reinforces this and accordingly sets out a narrow range of windfall development types that will be acceptable in small villages, which given their more diminutive size, scale, role and function, I consider to be entirely reasonable. The policy does not apply the same constraints to other larger settlement types in the settlement hierarchy presumably because the Council did not consider this approach to be necessary having regard to their greater size & scale and different role & function.
23. In view of the above, I conclude that the proposal would not constitute an infill development and would therefore conflict with Policy SP7 of the Local Plan and Policy ND1 of the Neighbourhood Plan.

Planning balance

24. The Local Plan and Neighbourhood Plan were recently adopted and I am satisfied that the policies referred to are consistent with the Framework and that the proposal conflicts with the development plan when taken as a whole.
25. However, the appellant has supplied evidence in the form of a recent appeal decision where the Inspector concluded that the Council's supply of housing land has fallen below 5 years to 4.97 years⁶. This means that the most important policies for determining the application, namely SP7 of the Local Plan and Policy ND1 of the Neighbourhood Plan, are deemed to be out of date and that the Framework's presumption in favour of sustainable development applies.
26. I recognise that the scheme would result in environmental, economic and social benefits from; (a) a quickly-deliverable contribution towards the Council's 5-year housing land supply in a relatively sustainable village location; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; (c) a net gain in biodiversity; and (d) local employment during construction. However, given the small size of the development in terms housing units and the very marginal shortfall in housing land supply, I consider these benefits to be of limited value and that the adverse impacts of the scheme would significantly and demonstrably outweigh these, when assessed against the policies in the Framework when taken as a whole.
27. In carrying out the above tilted balance assessment, I have had regard to Paragraph 14 of the Framework which states that where a housing proposal conflicts with a Neighbourhood Plan, the adverse impact of allowing development is likely to significantly and demonstrably outweigh the benefits on the provision that; - (a) the Neighbourhood Plan is less than 2 years old; (b) the Neighbourhood Plan contains policies and allocations to meets its identified

⁶ APP/P0240/W/21/3289401.

housing requirement; (c) the Council has a minimum 3-year supply of deliverable housing sites; and (d) the Council's housing delivery was at least 45% of that required over the previous 3 years. On the basis of the evidence before me, I am satisfied that these criteria have been met⁷, but even if they had not, I would still have reached the same conclusion in this tilted balance assessment.

28. I recognise that Paragraph 79 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. However, this paragraph also states that planning policies should identify opportunities for villages to grow and thrive, and this is what the recently adopted Local Plan and Neighbourhood Plan have achieved. Furthermore, Paragraph 12 of the Framework makes it clear that that the development plan is the starting point for decision-making and that where an application conflicts with an up-to-date development plan, permission should not usually be granted, unless material considerations in a particular case indicate otherwise. The scheme before me is in conflict with the development plan and to allow it would therefore undermine a fundamental principle of the planning system;- that of it being genuinely plan led.
29. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

30. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR

⁷ 2021 Housing Delivery Test results show a delivery rate of 137%.