



Appeal Decision

Site visit made on 6 December 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal Ref: APP/P0240/W/22/3291216

Land east of Station Road, Blunham MK44 3NZ

- 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 West, Signature Homes against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/01882/FULL, dated 30 April 2020, was refused by notice dated 26 July 2021.
 - The development proposed is construction of 20 residential dwellings with associated parking, public open space, landscaping and access. (Revised application).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the proposal was initially for 25 dwellings, during the planning application process, this was reduced to 20 dwellings and my Decision reflects this.
3. During the appeal, the appellant submitted an appeal decision (Stotfold appeal, dated 31 August 2022) in which the Inspector found that the Council could not demonstrate a five-year housing land supply. Since that decision, the Council has published its five-year housing land supply statement, for the five-year period commencing 1 October 2022. This provides evidence to support the Council's assertion that it can show a 5.42 years' worth of housing land supply. In the absence of any clear evidence to dispute this, I have proceeded with the appeal on this basis.

Background and Main Issues

4. The Council's reason for refusal 3 ('RfR3') refers to the lack of bat and reptile survey data accompanying the application to demonstrate that the proposal would not have an unacceptable impact on protected species, habitats or ecosystems, or that it would be able to provide a net gain in biodiversity.
5. Having reviewed the additional supporting information submitted during the appeal¹, the Council no longer consider RfR3 to form a ground to object to the proposal, subject to obligations and conditions. I have also considered this matter and on the information before me, I concur with the Council's conclusion.

¹ Bat and Reptile Survey Report (Optimis Consulting, November 2021) and Ecological Impact Assessment (Ecology by Design, April 2020).

6. Accordingly, the main issues are:

- i) Whether the proposal would affect the significance of the Blunham Conservation Area ('CA') and the setting of other designated heritage assets.
- ii) Whether or not the appeal site represents an appropriate location for housing having regard to the spatial strategy for the area including safeguarding the character and appearance of the area.
- iii) Whether the proposal makes appropriate provision for affordable housing, local infrastructure and facilities to make the development acceptable in planning terms.

Reasons

Whether the proposal would affect the setting and significance of the Blunham CA and other designated heritage assets.

- 7. The appeal site is located within the Blunham CA. There are also two other designated heritage assets within the vicinity of the proposal, namely the Church of St Edmund or St James which is listed grade I and Blunham Court and Blunham House ('Blunham House') which is listed grade II.
- 8. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced. Paragraph 195 of the National Planning Policy Framework ('the Framework') requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
- 9. Because of the degree of separation and intervening development between the grade I listed Church of St Edmund or St James and the appeal site, the proposal would not cause harm to the significance of this designated heritage asset.
- 10. Based on the submissions, including the appraisal of the Blunham Conservation Area, dated 25 June 2005 ('the 2005 Appraisal') the significance of Blunham CA derives from its rural character and the open countryside which provides the setting to the village centre, where historic buildings of architectural interest, including Blunham House are centred around the Church of St Edmund or St James. Accordingly, the architecture of the historic buildings and the arrangement of spaces about them contribute to the character and appearance of Blunham CA.
- 11. In particular, the 2005 Appraisal states that: 'The most important part of the village's setting is the open countryside to the south and east from which views are obtained of the village and in particular the parish church and Old Rectory with the river in the foreground. The southern part of the historic village includes the parkland of Blunham House which combines with the aforementioned river valley landscape to provide a pleasant rural backdrop to the village.'

12. Blunham House is listed at Grade II since 1952 (list entry 1312357). The significance of the house draws from its architectural interest, as well as historic interest and, in part, from its position set back from the highway within a wider landscaped setting and in relationship with the Blunham CA. Therefore, Blunham House is of special architectural and historic interest, standing within a conservation area. The setting of this listed building extends in all directions around it and includes the appeal site which lies immediately to its west.
13. The appeal site forms part of the southern boundary of Blunham CA and is identified as an 'Important Green Space' within it. This comprises grassland with mature and semi mature deciduous and coniferous trees. The majority of trees are of moderate or high quality. The trees are largely located towards the perimeter of the site, aligning with the historic field boundaries and framing the route of the private access track to Blunham House. The site also features an area of woodland planting in the north-western part of the site.
14. Moreover, the historic OS maps illustrate a relationship between the appeal site and Blunham House, as the appeal site forms part of the historic landscaped approach to Blunham. In particular, these historic maps show the parkland setting enclosing Blunham House and old coach access land that served Blunham House. The access track leads from Station Road up to the listed building, through landscaped parkland on both sides, and this still largely exists as the approach to Blunham House today.
15. Indeed, the 2005 Appraisal, in defining the character of the area, acknowledges Blunham House as an C18 century house in a parkland setting, the trees and boundary walls of which contribute much to the villages character.
16. The legibility of the relationship between Blunham House and its landscape setting has changed over time due to the maturing vegetation along the boundary between the retained grounds associated with Blunham House and the appeal site. Also, this and some of the other land historically associated with Blunham House is now in separate ownership and use. Despite this, the appeal site retains its landscaped and undeveloped character and therefore still reflects the historic parkland landscape associated with Blunham House. By being part of the historical formal landscaped setting of Blunham House, the appeal site positively contributes to the setting and significance of this heritage asset.
17. Notably, the appeal site and other Important Green Spaces identified within Blunham CA, reflect the landscaped areas surrounding Blunham House and Blunham.
18. Although the appeal site is contained by established landscaping, it also has an 'open' nature which is appreciable from within the site and to an extent from the site's gated access and gaps in boundary landscaping from along Station Road and gaps in the landscaping from the private access track to Blunham House. Moreover, the absence of development limits noise and vehicular activity and there is no lighting within the site. Therefore, the appeal site makes some perceptible contribution to the openness and tranquillity of the rural character of Blunham CA and the settlement.
19. Whilst there is development to the south of the appeal site along the western side of Station Road, on the eastern side development which includes Harpers Nursey and Station Farm is much sparser and the open countryside prevails,

which forms the southern approach to Blunham. Because of its generous size, verdant nature and absence of development, the appeal site physically aligns with and positively contributes to the distinctive countryside and rural appearance of the Blunham CA and the settlement.

20. In particular, the 2005 Appraisal states that to maintain the distinctive character of Blunham CA it will be necessary to ensure the protection of locally important green spaces with a presumption against new development.
21. The proposal includes the retention of existing landscaping, some new planting and the incorporation of the remainder of the Important Green Space as Public Open Space ('POS'). Nevertheless, and despite some consideration to siting and scale, the proposal would introduce an intensive built form comprising 20 dwellings and associated parking areas which would occupy a considerable part of the appeal site, reducing its openness.
22. This built form would be served off a new access and road into the site which would be more engineered and apparent than the existing discrete access gate. Part of the hedgerow would have to be removed to accommodate the access and to facilitate appropriate sightlines. The puncturing of this feature would allow views into the development site, diminishing its current contribution to the verdant street scene along Station Road.
23. Furthermore, the introduction of activity associated with people and vehicles and lighting would erode the tranquillity associated with the site. Together, the above factors would introduce an urbanising impact on the site and the area and result in a permanent and erosive effect on part of the countryside and rural character which defines the Blunham CA and the settlement.
24. Whilst some new planting is proposed, on the information before me, I cannot be certain that this would be effective in screening the development. In particular, from along the private access track to Blunham House and the gaps in the boundary landscaping along Station Road. In any event, this may take time to establish.
25. Despite the established landscaping between the appeal site and Blunham House, on the available evidence, it has not been shown that the new development would not be perceptible from here.
26. Taking the above factors together, the proposal would result in the loss of part of the Important Green Space which positively contributes to the significance of Blunham CA and the settlement character.
27. The proposed development, due to its scale and siting would also undermine and detract from the landscaped setting of Blunham House and dilute the experience of its approach and surroundings. This would also erode the sense of place and clear hierarchy within of the listed building within the built form in the village and thereby harm its setting.
28. In my judgement, the proposal would bring about a medium level of less than substantial harm to the significance of Blunham CA, given that the proposal is within an identified area of Important Green Space. Similarly, the harm to the setting of Blunham House means there would be a medium level of less than substantial harm to the significance of that listed building because it would result in part of the loss of its historic landscape setting. Accordingly, the proposed development would cause less than substantial harm to the

significance of the Blunham CA and setting of the Grade II listed Blunham Court.

Whether or not the site represents an appropriate location for housing with regard to the spatial strategy for the area and safeguarding the character and appearance of the area.

29. To define the boundaries between settlements and surrounding countryside, where appropriate, the Council has identified Settlement Envelopes. Settlement Envelopes provide a distinction between the settlements and the open countryside.
30. The appeal site is located along the southern edge but outside the settlement envelope for Blunham and therefore, for planning purposes, the appeal site forms part of the countryside.
31. Policy SP7 of the Central Bedfordshire Local Plan (2021) ('LP') states that: Outside Settlement Envelopes, the Council will recognise the intrinsic character and beauty of the countryside and only particular types of development will be permitted. This includes rural exception schemes, including the provision for affordable housing, in accordance with Policy H5 of the LP.
32. However, in this case, the proposal is predicated on being an entry-level exception site, in accordance with Paragraph 72 of the Framework. This states that local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home) subject to certain requirements.
33. Based on the submitted S106 Agreement, the proposal would provide affordable housing as defined in Annex 2 of the Framework. Furthermore, there is nothing to suggest that the need for such homes is already being met within the authority's area. The appeal sites is on land which is not allocated for housing and is adjacent to an existing settlement. Also, I have nothing to dispute the appellant's assertion that the scale of the proposal (20 dwellings) is proportionate in size to the settlement of Blunham which comprises about 500 dwellings.
34. However, Paragraph 72 b) requires that such development should not compromise the protection given to areas or assets of particular importance in the Framework and comply with any local design policies and standards.
35. Footnote 36 to Paragraph 72 b) states: 'i.e. the areas referred to in footnote 7. Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.' Footnote 7 of the Framework, amongst other things refers to designated heritage assets.
36. I have found that the proposal would cause less than substantial harm to the significance of designated heritage assets. Therefore, this would compromise the protection given to assets of particular importance in the Framework. As such, the proposal does not meet all of the requirements for an entry-level exception site, as set out in the Framework, irrespective of whether or not this is supported by Policy SP7 of the LP.
37. Turning to the character and appearance of the area, the appeal site is not a 'valued landscape' in the context of the Framework paragraph 174 (a). Even

so, at the national level it is located within the National Character Area (NCA) profile 88 Bedfordshire and Cambridgeshire Claylands. Associated with this are a number of Statements of Environmental Opportunities (SEOs). Of particular relevance to the appeal site is SEO 4: which amongst other things seeks to protect, conserve and enhance the cultural heritage and tranquillity of the Bedfordshire and Cambridgeshire Claylands NCA, including historic houses and parkland.

38. At a local level, the appeal site falls within area Type 4: Clay Valleys & area 4A: Great Ouse Clay Valley, as defined within the Central Bedfordshire Landscape Character Assessment ('LCA'). The physical and landscape characteristics of this landscape type which includes scattered parkland trees and small woods.
39. The LCA seeks to protect 'parkland' referring to examples at Tempsford, Roxton and Little Barford. Although these sites are of a larger scale than the appeal site and notwithstanding that the appeal site may not meet the required criteria set by The Bedfordshire and Luton Biodiversity Partnership to be defined as 'parkland', the appeal site forms part of the historic and localised parkland within Blunham because of its association with Blunham House.
40. Moreover, the LCA acknowledges that few historic landscape features survive in the areas round the villages, except where protected by localised parkland. In this case the appeal site is afforded some protection, given that it is identified as an Important Green Space within the Blunham CA and part of the setting of Blunham House. Also, the LCA recognises that key positive landscape features are the pockets of parkland.
41. Cumulatively, the appeal site contributes positively to the overall character of Blunham by contributing to a vegetated skyline. Most notably, public views to the site occur from along Station Road and Public Right of Way (Footpath 2). Station Road provides local access into and through Blunham from the south. The interface of the site in views from Station Road, comprises the existing trees and scrub at the western and southern site boundaries which contribute to the verdant character of Station Road which aligns with the prevailing intrinsic character of the countryside to the south. Furthermore, as already stated the appeal site makes a perceptible contribution to the openness and tranquillity of the rural character of the area.
42. As mentioned, the proposal would introduce major development and an access road which would result in the permanent and irreversible loss of part of the countryside. Furthermore, despite the retention of most of the existing trees, the development would have an erosive and urbanising effect on the site which is a landscape of historical significance that positively contributes to distinctiveness, identity and settlement character of Blunham. Thereby, causing harm to the character and appearance of the area.
43. For the above reasons, the proposal would be contrary to the aims of the spatial strategy within the development plan with regard to the location of housing and safeguarding the countryside, in conflict with Policy SP7 of the LP.
44. The proposal would also be contrary to the aims of Policy EE5 of the LP, which seeks to safeguard intrinsic character, scenic beauty and perceptual qualities of the landscape such as tranquillity. In addition, the proposal would conflict with Policy EE4 of LP, amongst other things, this seeks that treed boundaries should

be reinforced, safeguarded within green corridors and extended where there is scope to create linkages.

45. Accordingly, I find conflict with the design aims of Policy HQ1 of the LP, which amongst other things seeks to ensure that all developments are of the highest possible quality and respond positively to their context and take account of opportunities to enhance or reinforce the local distinctiveness of the area and create a sense of place and be complementary to the existing natural environment, taking account of the landscape character, tranquillity and Green Infrastructure.

Provision of affordable housing, infrastructure and facilities

46. Although Policy H4 of the LP states that all qualifying sites of 10 or more units will provide 30% affordable housing. This Policy does not preclude a higher level of affordable housing. The completed S106 dated 26 July 2022, includes a covenant agreeing that all of the proposed dwellings shall constitute affordable housing. The proposed affordable housing units would comprise 72% affordable rented housing and 28% shared ownership housing in accordance with Policy H4 of the LP.
47. The provision of 20 dwellings in this location would result in an increase in the local population, with subsequent impacts on infrastructure and facilities.
48. Accordingly, the S106 includes financial contributions for the enlargement, enhancement and/or alteration of existing and/or the construction of a new facilities, to meet the educational needs for children aged 3-5 years, 5-11 years and aged 11-16 years arising from the development.
49. To meet the needs arising from the development a financial contribution is proposed for improvements to the existing village hall or towards a new such facility.
50. A financial contribution per dwelling, towards a project to provide additional Primary Healthcare facility capacity/capability, to meet the needs arising from the development is also provided in the S106 Agreement.
51. The proposed development would be in proximity to Footpath 2, which is likely to incur additional usage as a consequence of the proposal. Therefore, a financial contribution has been agreed towards the resurfacing of this. The S106 also includes a contribution to pay for the supply and delivery of recycling bins arising from the development.
52. The S106 also includes a covenant to ensure the provision and management and maintenance arrangements are in place for the proposed area of POS, including ecological and biodiversity enhancements.
53. Having regard to the evidence before me, including the consultee responses in relation to the above obligations, it has been shown that these are necessary in order to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. They accord with the tests that are set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations (as amended). I have taken these into account when determining the appeal.

54. The development would therefore accord with Policy HQ2 of the LP, which amongst other things requires that developments make appropriate contributions to provide new physical, social and environmental infrastructure or the enhancement of existing infrastructure, where necessary to mitigate the impact of the proposals and Policy EE13 of the LP, which states that proposals for residential development will be permitted where they provide appropriate on-site facilities or contributions towards the provision of open space and outdoor sports facilities. For the reasons given above, the proposal accords with Policy H4 of the LP.

Other considerations

55. The delivery of 20 dwellings would contribute towards the Council's 5-year housing land supply and this would boost the delivery of homes in a location which has good access to public transport, services and facilities.
56. In particular, the scheme would deliver 100% affordable housing instead of the 30% usually required for a development of this scale. On the information from the Council's Housing Strategy & Implementation Officer, there is a need for this type of housing from residents within Blunham and Central Bedfordshire. This would be a considerable social benefit.
57. The proposal would create employment during the build phase. Thereafter, new residents would enhance or maintain the vitality of rural communities, in accordance with Paragraph 79 of the Framework.
58. Although the proposed scheme includes a range of housing, including smaller units and those suitable for occupation by older people, this would be expected in most housing schemes of this scale. Nevertheless, this would deliver some social benefits.
59. The development is to be of a sustainable design and incorporate a range of renewable technologies, including a sustainable urban drainage system. There would be ecological enhancements, including potential wildflower meadows and habitat creation for protected species and a notable biodiversity net gain. Such requirements would be necessary for most major development schemes. Even so, these would deliver environmental benefits.
60. The scheme includes the provision of POS, the plan provided with the S106 Agreement shows this would incorporate land otherwise not required for the development. This is intended to comprise a managed and maintained amenity space, for public use. This would be a benefit, though in my view the ease of access to the wider countryside would limit its appeal in this regard.
61. There would also be the delivery of some local infrastructure improvements to enhance the facilities for existing residents.
62. The appellant asserts that the proposal would secure the future retention and management of the trees on the site to enhance their vitality and long-term preservation. However, because of their location within the conservation area most of the existing trees are afforded some protection and whilst I acknowledge that the site is overgrown, the mature landscaping has largely survived at the site for considerable years and I see no reason why this would not continue, irrespective of the proposal.

63. Nevertheless, together, the above are important social, economic and environmental benefits that are of significant weight in favour of the proposal.

Other matters

64. Even though the appellant's case is not predicated on Policy H5 of the LP, this does support affordable housing. Amongst other things, this Policy requires that local needs must be identified and evidenced through a housing needs survey, conducted by an independent body. That they deliver small scale development usually limited to 10 dwellings in order to preserve the character of the settlement. However, if a housing needs' survey supports, a demand for more than 10 dwellings and it can be demonstrated that a larger development will not have an adverse effect on the character of the settlement, larger sites may be considered.
65. The proposal is not supported by a housing needs survey. Even if I were to accept the evidence from the Council's Housing Strategy & Implementation Officer as confirmation of local housing need, I have found that the proposal would harm the settlement character and therefore this does not meet all the specific requirements of this Policy.
66. I have also noted that Blunham has no allocated land for housing. Nonetheless, Policy SP7 of the LP does support Windfall development sites. Indeed, the supporting text to this Policy, states that: 'Windfall development sites are sites not specifically identified in the Local Plan. The Settlement Envelopes will be used to determine where windfall development is appropriate. Within Settlement Envelopes, new residential development will be acceptable in principle where it is commensurate with the size, scale, role and function of the settlement where it is located.' However, for the reasons already stated, the proposal is not supported by Policy SP7 of the LP.
67. The appellant argues that the Council allowed the Children's Nursery development permission, which is a collection of buildings, south of the private access track to Blunham House from Station Road, without raising concern for the impact on the adjacent heritage assets. However, I do not have the full details and circumstances relating to this development. Furthermore, the appeal scheme is for a significantly larger development which is wholly within an Important Green Space within the Blunham CA, whereas the Children's Nursery includes some development outside these areas.
68. The appellant's evidence shows previously consented residential schemes adjacent to the settlement boundary. However, these mainly relate to sites outside Blunham CA and were determined under a previous development plan.
69. As such, the above consented schemes are not directly comparable to the proposal before me and do not alter my findings on the main issues.

Planning balances

70. I have found less than substantial harm to the significance of a listed building and the conservation area. The proposal would also harm the character and appearance of the area and I have also found development plan conflict in relation to the spatial strategy, which includes safeguarding the countryside.
71. Policy HE3 of the LP is clear that 'Where development proposals will lead to harm to designated or non-designated heritage assets they will be assessed

against the relevant criteria in the National Planning Policy Framework, taking into account the scale of harm and the impact on the significance of the heritage asset’.

72. With regard to the heritage assets, the Framework states that great weight should be given to an asset’s conservation, with any harm to the significance of a designated heritage asset, including from development within its setting, requiring clear and convincing justification. Moreover, if less than substantial harm is caused to the significance of any asset, that harm should be weighed against the public benefits in what I shall call the heritage balance.
73. A second balance is found in section 38(6) of the Planning and Compulsory Purchase Act 2004, which says development should be in accordance with the development plan unless material considerations indicate otherwise (the planning balance).
74. I accept that cumulatively the benefits are matters to which significant weight is attached. On the other hand, I have found less than substantial harm would be caused to the significance of the Blunham CA and the setting of the Grade II listed Blunham House, and I do not consider the benefits associated with the proposal to be sufficiently forceful to outweigh the less than substantial harm that I have identified and the great weight that must be given to the conservation of heritage assets. I therefore conclude that the proposal would conflict with Policy HE3 the LP, and guidance in the Framework for conserving and enhancing the historic environment.
75. Furthermore, given my findings in relation to heritage matters, then under paragraph 11di) and Footnote 7 of the Framework, irrespective of the housing land supply situation, the tilted balance is not engaged.
76. Overall, in making the planning balance, I am mindful that meeting affordable housing need on the edge of settlements can often be one of the ways such a shortfall can be addressed. However, even if all the above factors in favour of the proposal are taken together, to my mind they are not clearly and demonstrably outweighed by the harm to the character and appearance of the area and in particular the harm to heritage assets, and so do not justify a decision otherwise than in accordance with the development plan.

Conclusion

77. Accordingly, for the reasons stated, I conclude the appeal should be dismissed.

M Aqbal
INSPECTOR