



Appeal Decision

Site visit made on 4 July 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal Ref: APP/P0240/W/22/3307451

The Pigling, Shefford Road, Meppershall SG17 5LL

- 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 M Taylor against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/00799/FULL, dated 24 February 2022, was refused by notice dated 3 August 2022.
 - The development proposed is erection of two detached dwellings with associated garages and carport.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of two detached dwellings with associated garages and carport at The Pigling, Meppershall, SG17 5LL in accordance with the terms of the application, Ref CB/22/00799/FULL, dated 24 February 2022, subject to the conditions contained in the attached Schedule.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed dwelling would be in a suitable location having regard to the local development strategy;
 - the effects of the proposal on the character and appearance of the area; and
 - the effects of the proposal on the biodiversity value of Nunswood Ancient Woodland and County Wildlife Site.

Reasons

Local development strategy

3. The appeal site is situated adjacent to a row of dwellings and opposite a care home complex. Whilst the site adjoins the built area of Meppershall, it lies outside the settlement envelope defined by Policy SP7 of the Central Bedfordshire Local Plan 2015-2035 (LP) and is located in the countryside.
4. Policy SP7 seeks to preserve the intrinsic character and beauty of the countryside and limits residential development to certain types of development that are not applicable to the appeal proposal, such as rural exception schemes and housing for rural workers.
5. LP Policy DC2 supports the replacement of existing dwellings in the countryside. A temporary dwelling formerly occupied the site. However, the site

is now cleared. The previous dwelling on the site was a temporary building and the scheme would result in a net increase in dwellings, therefore the proposal would conflict with Policy DC2.

6. For these reasons, the siting of the proposal would conflict with the local development strategy, resulting in a loss of countryside, and on this basis would not be in a suitable location for development. As set out above, the proposal would conflict with Policy SP7 and DC2.
7. In addition, the proposal would conflict with draft Policy H1 of the pre-submission Meppershall Neighbourhood Plan (NP) which directs new housing development to land within the Settlement Envelope.

Character and appearance

8. The appeal site fronts onto a private access road and is enclosed at the rear by a tall fence, beyond which are open fields. The site is situated between dwellings and an ancient woodland that is designated as a County Wildlife site and has clearly defined boundaries. The site adjoins a row of large, detached dwellings, of which two were under construction but nearing completion, at time of my site visit. Opposite the site, a large care home building is clearly visible above the height of its boundary fence.
9. Due to the visual prominence of dwellings along the access road, the intrinsic character of the area is that of a residential street. Aside from an area of hardstanding and an open-fronted outbuilding, the appeal site lies vacant, and makes limited contribution to the appearance of the street scene. The road serves only the dwellings situated along it and does not enable public access to the adjacent woodland or countryside. The site is not visible from the public highway.
10. The proposed development would appear to complete the residential development along the private access road and would not encroach into the open countryside.
11. Whilst the proposed dwellings are substantially larger than the former temporary dwelling, the scale and massing of the proposed dwellings would not appear out of keeping with surrounding development.
12. The dwellings would be set back from the road by generous front gardens, and the backdrop of trees within the woodland would remain clearly visible along the private road and above the height of the dwellings. Consequently, the site would not appear over-developed, and the proposed development would not be detrimental to the setting of the woodland, and the resultant loss of countryside would not degrade the landscape character of the area.
13. The plans indicate hedge planting along the rear boundary, along with proposed trees and low planting toward the front of the site. The planting would enhance the separation between the site and the countryside. To secure this enhancement to the overall appearance of the development, I attach a condition requiring a scheme of landscaping to my decision.
14. For these reasons, the proposal would not harm the character and appearance of the area. The proposal would therefore comply with LP Policies HQ1 and EE5 which together require the size, scale, massing, orientation, materials and appearance relate well to the existing local surroundings and reinforce local

distinctiveness, both built and natural, and reflect the existing character of the surrounding area, making provision for appropriate landscaping.

Biodiversity

15. To prevent harm to ancient woodland, the supporting text to LP Policy EE4 advises a minimum buffer of 15m should be maintained between development and the woodland edge. The appellant's Arboricultural Implications Assessment 2022 concludes that the proposal is unlikely to have any detrimental impact on the ancient woodland, in part through the design of the scheme which includes a 5m buffer between the built development and boundary of the woodland. I note that, following revisions to the scheme, the Council's Tree and Landscape Officer has no objection to the proposal.
16. The submitted evidence demonstrates that the 5m buffer is sufficient to prevent adverse effects on the ancient woodland, having regard to the site having an established residential use and an extant permission for residential development. To ensure development does not harm those trees to be retained, I have included the Tree Protection Plan and the Arboricultural Implications Plan, along with its method statement for the protection and management of trees, as approved plans secured by a planning condition attached to my decision.
17. The Council and its Members raised concerns regarding the increased activity and cumulative effects on biodiversity from an additional residential property within such close proximity to the ancient woodland which provides bird and bat foraging grounds. Potential effects of residential development include lighting, noise, disturbance, and predation from domestic cats. The Preliminary Ecological Appraisal (PEA) identifies that the appeal site is itself of low ecological value. However, the PEA makes a range of recommendations to avoid harm to the woodland edge through light spills, and to ensure protected species, such as badgers, bats and hedgehogs are conserved by the development. The Council's Ecologist has not objected to the proposal and recommends the PEA's recommendations are adhered to. I am therefore satisfied that appropriate mitigation can be secured by a condition requiring implementation of the PEA's recommendations.
18. As such, the proposal would not harm the biodiversity value of Nunswood Ancient Woodland and County Wildlife Site. The proposal would therefore comply with LP Policies EE3 and EE4 which require new developments to be designed to prevent adverse impacts on County Wildlife Sites and ancient woodland.

Other Matters

19. One commentor identified the need for high-quality broadband for the new dwellings. Building regulations require new dwellings be installed with the fastest broadband connections available within a cost cap.
20. A neighbouring landowner suggests they were not consulted on the planning application by the Council at the appropriate stage. However, the evidence before me suggest correct procedures were complied with and they have been able to make representations on both the planning application and appeal. The landowner indicates that existing access to a gate to Nunswood from the

access road should be retained. Right of access between landowners is a civil matter outside of the scope of my decision.

Planning Balance

21. The proposal would not harm the character and appearance of the area and would not harm the biodiversity value of the adjacent ancient woodland and County Wildlife Site. The absence of harm is a neutral matter weighing neither in favour nor against the proposal.
22. The proposed development would be located beyond the settlement envelope and would therefore be at odds with the development plan's spatial strategy. However, the site already benefits from an extant planning permission for residential development and is located within an area where a number of other residential developments have taken place and this is a material consideration which outweighs the modest conflict with the spatial strategy. The development would also accord with Paragraph 79 of the Framework which seeks to identify opportunities for villages to grow and thrive, especially where this will support local services.
23. The NP is presently in draft form and is yet to be examined or subject to a referendum. The proposal's conflict with the NP's draft policies therefore carries limited weight in my decision.
24. In terms of the proposal's benefits, it would contribute two additional dwellings towards the supply of housing. The appeal site abuts the built area of the village and is within walking or cycling distance from day-to-day services and facilities, including a convenience store, post office, school, pub, village hall, and bus stop and is therefore in a sustainable location that is capable of supporting local services as per the provisions of the Framework. Through ecological enhancement measures, the proposal would deliver a net gain in biodiversity.

Conditions

25. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. In addition to the standard time limit of the planning permission granted, in the interests of certainty I have attached a condition specifying the approved plans.
26. To maintain and enhance local character, I have included a condition requiring the submission of details of materials and a landscaping scheme.
27. To conserve the biodiversity value of the adjacent woodland and to deliver a net gain in biodiversity, I have attached conditions requiring the submission and implementation of an external lighting scheme and on-site ecological enhancement measures in accordance with the PEA's recommendations.
28. To ensure the site is accessible to the fire and rescue service in the event of an emergency and to avoid harm to highway safety, I have attached conditions requiring the construction of the turning area prior to first occupation of the development and to ensure the visitor's parking space is retained for that purpose.
29. To encourage a transition to low-emission vehicles in accordance with the development plan, I have attached a condition requiring submission of a

scheme for the provision of electric and ultra-low emission vehicle charging points.

30. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The buffer recommended by the Arboricultural Implications Assessment runs through the curtilage of Plot 1. To avoid harm to the adjacent woodland arising from development within the buffer, I have included planning conditions to remove a range of permitted development rights from the dwelling at Plot 1 only. I do not consider there is sufficient justification to remove of permitted development rights from Plot 2, and as such those conditions are not applicable to the proposed dwelling at Plot 2.
31. To ensure the construction phase of the development does not harm the local environment or the living conditions of neighbours, I have attached conditions requiring the development be carried out in accordance with the Council's Environmental Code of Practice and Construction Code of Practice.

Conclusion

32. 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. There would be limited harm arising from the conflict with Policies SP7 and DC2 of the LP for the reasons I have set out above. However, taken as a whole, the benefits of the appeal scheme are considerable material considerations that would outweigh the minor conflict with the policies of the development plan.
33. Accordingly, there are material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

E Dade

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: Site Location and Block Plan 2022/1016/01F; Plot 1 Plans and Elevations 2022/1016/02B; Plot 1 Garage Plans and Elevations 2022/1016/05A; Plot 2 Plans and Elevations 2022/1016/03A; Plot 2 Garage and Store 2022/1016/04A; Arboricultural Implications Plan 4536.Piglings.MH.AIP Rev C; Tree Protection Plan 4536.Piglings.MH.TPP Rev C.
- 3) No development above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Prior to first occupation of the development hereby permitted, details of any external lighting to be installed on the site shall have been submitted to and approved in writing by the local planning authority and installed in accordance with the approved details and retained in that manner thereafter.
- 6) Prior to first occupation of the development hereby permitted, a scheme of ecological measures recommended by the Preliminary Ecological Appraisal (Samsara Ecology, 2022) shall have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details and retained in that manner thereafter.
- 7) Prior to first occupation of the development hereby permitted, the turning space for vehicles illustrated on the approved Plan no. 2022/1016/01F shall be constructed and retained for the use of manoeuvring vehicles thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the parking provision on the site, including the visitor parking space, shall not be used for any purpose, other than as parking provision unless permission has been granted by the local planning authority on an application made for that purpose.
- 9) Prior to first occupation of the development hereby permitted, 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 and implemented in accordance with the approved details.
- 10) Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any

order revoking and re-enacting that Order with or without modification), no extensions to the building hereby permitted at Plot 1, as indicated on Plan 2022/1016/01F, shall be carried out without the grant of further specific planning permission from the local planning authority.

- 11) Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property at Plot 1, as indicated on Plan 2022/1016/01F, without the grant of further specific planning permission from the local planning authority.
- 12) Notwithstanding the provisions of Part 2 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the property at Plot 1, as indicated on Plan 2022/1016/01F, without the grant of further specific planning permission from the local planning authority.
- 13) The development shall be undertaken in full accordance with the Council's adopted Environmental Code of Practice and Construction Code of Practice for Developers and Contractors.