

Appeal Decision

Site visit made on 7 August 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 25th August 2023

Appeal ref: APP/P0240/W/23/3317706

Land south of Lark Rise, (off Sand Lane), Northill, Biggleswade SG18 9FT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Paul & Vanessa Emmerson against the decision of Central Bedfordshire Council. The application, ref. CB/22/04748/PIP, dated 7 December 2022, was refused by a notice dated 26 January 2023.
 - The development is: Creation of 9 serviced plots for the erection of self build dwellings.
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Decision

1. The appeal is dismissed.

Appeal site and proposal

2. The 0.75ha appeal site is at the end of the short Lark Rise residential cul-de-sac on the edge of the small settlement of Northill. The appeal site is a level area of rough grazing land, part of the attractive open countryside extending east of Northill. It is proposed to use the land to provide 9 serviced plots for self-build houses.

Main issue

3. The decision turns on the likely effect of the self-built housing project on the open countryside at the eastern edge of the settlement of Northill, bearing in mind the local need for self-built housing plots.

Policy background

4. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise, (para. 47, National Planning Policy Framework, (NPPF)). The Council said the project would conflict with Central Bedfordshire Local Plan (2021), policies SP7, EE5 and HQ1. It would also be contrary to policies NP1, NP2 and NP6 of the Northill Parish Neighbourhood Plan (2019).
5. The Self-Build & Custom Housebuilding Act (2015) (as amended by the Housing and Planning Act 2016) requires a relevant authority to keep a register of those who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes. The 2016 amendment added the duty that the relevant authority must give suitable development permission in respect of enough serviced plots of land to meet the

demand for self-build and custom housebuilding, (SBCH housing), in the authority's area arising in each base period.

Central Bedfordshire Local Plan (2021)

6. Policy SP7 – Windfall Development - within settlement envelopes of small villages, development is to be limited to infill development, small-scale employment uses and community facilities. Outside settlement envelopes, the Council will recognise the intrinsic character and beauty of the countryside and only particular types of development will be permitted.
7. Policy EE5 - Development is required to respect, retain and enhance the character and distinctiveness of the local landscape.
8. Policy HQ1 - (amongst others) Proposals are to be well connected to surrounding areas, providing safe, attractive and convenient routes that encourage travel by sustainable modes and meet the needs of all street users.
9. Policy H6 – Self-build and Custom Housing – (amongst others) - The Council will encourage applications for the delivery of serviced plots for SBCH on sites of fewer than 10 dwellings. The preamble to the policy at 11.6.8 says the Council will support the delivery of serviced plots on sites suitable for residential development within Settlement Envelopes. Delivery of serviced plots outside Settlement Envelopes will only be supported where it enables delivery of affordable housing on rural exception sites.

Neighbourhood Plan (2019) policies

10. Policy NP1 - Within the neighbourhood plan area, support will be given for the development of up to 40 dwellings within the Plan period on Rural Exception Sites to meet identified local housing need, subject to meeting the requirements of Policy NP3.
11. Policy NP2 - New housing developments to include a mix of housing types and sizes to meet the needs of the local community.
12. Policy NP6 - Proposals for residential development are to contribute positively to the existing character of the village, and to be well connected to the local pedestrian network linking to local amenities and the wider countryside.

Appellants

13. As the appeal project is outside the settlement envelope of the small settlement of Northill, the Appellants accepted that this self-build housing site project would not fit any of the exception categories set out in Local Plan policy SP7. They said that whilst the project would meet a local housing need for self-build serviced plots, policy NP1 to the Northill Parish Neighbourhood Plan only provided for local need for affordable housing in locations outside settlement envelopes. It was conceded that the appeal project would therefore also be in conflict with policy NP1.
14. Set against those concessions, the Appellants' contention was that significantly greater weight should be afforded to the principle of the need for new serviced plots for self-build and custom housebuilding as a matter of urgency. There was an undersupply of serviced plots for self-builders. The Council should be

- working to increase such provision, instead of relying on a local plan policy that had not yet proved effective in ensuring they met statutory duties.
15. The Appellants contended the shortfall in the provision of self-build plots was a material consideration that clearly outweighed the above Local plan policy conflicts and that the principle of the development was acceptable. The evidence suggested that few, if any, serviced plots had been provided within the statutory 3 year period to meet the demand for 140 serviced plots for self-build housing. It confirmed that demand for serviced plots in the authority area was high. Supply was significantly lagging, contrary to the Council's statutory requirements. That should carry significant weight.
 16. The Appellants said there was policy support in Local Plan H6 which said the Council will encourage applications for the delivery of serviced plots for self-build housing on sites for fewer than 10 dwellings. There was also support in policy HQ1 which says that development proposals will be permitted where they are well connected to surrounding areas, providing safe, attractive and convenient routes that encourage travel by sustainable modes. There was also support in Neighbourhood Plan policy NP2 that advocates a housing mix to meet the needs of the local community as identified by up-to-date evidence.
 17. The proposal was of a limited scale commensurate with the capacity of the village. On balance, the site was a suitable location for residential development.

Assessment

18. Where a planning application conflicts with an up-to-date development plan, (including any neighbourhood plans that form part of the development plan), permission should usually not be granted. Local planning authorities, (and other decision makers), may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed, (NPPF, Para 12).
19. I agree with the Appellants that weight should be given in the assessment of balance of the apparent shortfall in the number of plots available for self-built housing against, particularly, the need to protect the countryside from intrusive development. However, I consider that it does not lie in favour of this development project. Although there may be a demand for self-build housing plots within the Local Authority's area and that Northill is an attractive settlement, that demand is not particular to Northill.
20. The explanatory preamble at 11.6.8 to Central Bedfordshire Local Plan policy H6 is clear in saying that the Council will support the delivery of serviced plots on sites suitable for residential development within settlement envelopes. Delivery of serviced plots outside settlement envelopes will only be supported where it enables delivery of affordable housing on rural exception sites. That exception does not apply to this project for self-build housing. The guidance indicates that where a shortfall exists it should not by default be met on land outside determined settlement boundaries.
21. Even if the policy guidance conclusion was finely balanced, the siting of this self-build housing project into the open countryside at the eastern edge of Northill would not be ideal. It is difficult to see how this somewhat ordinary cul-de-sac housing layout would make a positive contribution to the character

of the village, as required by Neighbourhood Plan policy NP6. Whilst the proposal to add 9 plots would go some way to meet the demand for self-build plots, it would be unlikely to meet the requirement of policy NP2 that new housing developments are to include a mix of housing types and sizes to meet the needs of the local community.

22. Access to the additional 9 plots would be through the existing Lark Rise cul-de-sac, almost doubling the number of dwellings it presently serves. Lark Rise is an informally laid out brick paved road apparently affording equal priority to all type of user. I consider it ill-suited to a substantial increase in use.
23. The appeal site is a fairly lengthy walking distance from the main Ickwell Road in Northill and from the centre of the village around the junction with Bedford Road. The time of 2 minutes to walk to the 2 available bus services as suggested by the Appellants implied a somewhat optimistic view of the access to the somewhat limited public transport facilities. The requirement of policy NP6 that new residential development should be well connected to the local pedestrian network linking to local amenities would scarcely be met.

Conclusion

24. For the reasons outlined above, the appeal is dismissed.

John Whalley

INSPECTOR