



Appeal Decision

Site visit made on 13 July 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/K0235/W/22/3300816

Land adjacent to 12 Duck End Lane, Wilstead, MK45 3HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
- The appeal is made by Mr N Drummond against the decision of Bedford Borough Council.
- The application Ref 21/03277/PIP, dated 20 December 2021, was refused by notice dated 25 April 2022.
- The development proposed is the erection of a Passivhaus dwelling.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

5. This main issue is whether the site is suitable for residential development, having regard to its location and proposed land use.

Reasons

6. The appeal site comprises a parcel of undeveloped land, consisting of trees and shrub land, which is adjacent to existing residential development along Duck End Lane, and is also opposite a long row of dwellings along Bedford Road. It is

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

also located outside of the settlement policy area boundaries of Wilstead and Wixams.

7. The area has an open and rural character, despite the presence of limited levels of built form. As such, the site provides an important element of visual relief among other dwellings, that allows the overarching countryside to be better appreciated. The appeal site is well located in terms of proximity and connections to nearby settlements, through foot and cycle paths.
8. The proposed development is for an in-principle dwelling. Although it would be physically distant from the built form of nearby settlements, it would not be isolated given the close proximity of those settlements and the presence of the above connections. However, policy 7S of the Bedford Borough Local Plan 2030 states that homes in the countryside will only be permitted where they recognise the intrinsic character and beauty of the countryside, avoid impacts which would adversely affect the enjoyment of the countryside and avoid adverse effects on the environment. The appeal site is located outside of a defined Settlement Policy Area and the built form of Small Settlements². There is no evidence before me which indicate that the proposed development would meet one of the relevant exceptions from i to v.
9. Furthermore, exceptional development proposals are supported where they are well related to the defined settlement policy areas, small settlements or the built form of other settlements. Due to the location of the appeal site and the existing transport links, I find that it is well related to the defined Settlement Policy Areas of Wilstead and Wixams. As such, development is supported if it can be demonstrated that it would be exceptional and meet one of the criteria from vi to x. There is no evidence before me which would conclusively demonstrate that the proposed development would meet one of these criteria in terms of scale, structure, form or character.
10. Additionally, I have not been provided with sufficient evidence that the design of the proposed development would be exceptional. While the construction of a Passivhaus can offer the potential for exceptional design, the proposed development does not provide sufficient detail to assess its potential to reach the highest standards of architecture in terms of massing, form, materials and landscape treatment. Furthermore, there is a lack of detail regarding the inclusion of other sustainability features such as permeable surfaces or solar panels. While the appellant's planning agent may have obtained planning permission for other developments which have demonstrated outstanding and innovative design, I am not aware of the particular circumstances of those developments nor is there any certainty that the proposed development would be constructed to the same standard. In comparison with 14/02520/FUL, there are important differences in the size, scale and landscape of the proposals. Whilst the illustrative design and renewable energy aspirations are commendable, matters of appearance, layout and scale are reserved for subsequent approval. Therefore, I cannot be certain that the final design of the dwelling would be truly outstanding or innovative. This greatly diminishes the weight that I am able to attach to these matters. Accordingly, there is nothing before me which would conclusively demonstrate that the proposed development would incorporate novel or ground breaking technologies, such that it would be exceptional. Even if it were exceptional, the design of the

² Policy 5S of the Bedford Borough Local Plan 2030

proposed development as a Passivhaus dwelling is outside the scope of this appeal as a permission in principle proposal, which is specifically limited to location and land use. Such detail should instead be determined as the technical details consent stage.

11. As such, there is insufficient information before me to provide certainty that the proposed development would recognise the intrinsic character and beauty of the countryside. As undeveloped land, the appeal site currently contributes to the character of the countryside, as it serves to break up the visual form of the limited development that has already occurred. Accordingly, the proposed development would harm the relief that the appeal site provides to the overarching countryside.
12. Paragraph 80 of the National Planning Policy Framework (NPPF) requires that the development of isolated homes in the countryside should be avoided unless certain circumstances apply. However, the appeal site is not physically separate or remote from the hamlet of Duck End, nor is it separated from nearby local services and facilities. Accordingly, the proposed development would not form an isolated home in the countryside, and it is therefore not necessary for me to consider if it meets the relevant exceptions.
13. Policy AD42 of the Allocations and Designations Local Plan (2013), seeks to prevent coalescence between nearby rural settlements, maintain the predominantly open and undeveloped character of the gap and protect the separate character and identity of settlements. Development is not permitted in or adjoining a local gap which would diminish the gap physically or visually, change the character of the gap adversely, compromise the integrity of the gap or harm the character, setting or identity of any settlements separated by the gap. With regard to the local gap between Wilstead and Wixams, the gap between Wilstead and Wixams is less than 800 m. It is stated that to preserve the separate character and identity of Wilstead village, the gap between it and the planned Wixams new settlement requires additional protection from development to prevent coalescence.
14. Through the use of double ended arrows, Policies Map Inset 39 Wixams and Policies Map 28 Wilstead denote where the relevant local gaps are located for those settlements. The appeal site is not located within the areas indicated by these arrows, however, it does directly adjoin the local gap for Wixams. Policy AD42 restricts development located both within and adjoining local gaps. The appeal site is therefore within the scope of the policy. Although there is limited information before me regarding the details of the proposed development, any development in an undeveloped area of land would compromise the integrity of the gap by introducing new built form. Additionally, the Policy 42 states that additional protection is required in this area to prevent coalescence, which the proposed development would contribute to as a new development. Accordingly, for the purposes of this appeal, the proposed development would harm the integrity of the gap. Even if it did not adjoin the local gap, the appeal site still makes a key contribution to the countryside location which would be lost by the development.
15. In reaching this view, I have considered the fact that new housing development may occur in the open countryside and the appellant's intent to build a high quality Passivhaus dwelling. However, this does not undermine the requirement

for the proposed development to ensure that it complies with the aims of the Development Plan.

16. For the reasons given, the appeal site would not be suitable for residential development, having regard to its location and proposed land use. It would therefore fail to comply with Policy 7S of the Bedford Borough Local Plan 2030, which requires that development proposals to recognise the intrinsic character and beauty of the countryside. However, it would also fail to comply with Policy AD42 Allocations and Designations Local Plan (2013), which seeks to protect designated local gaps. As the proposed development would not be an isolated home in the countryside, it would not be contrary to Paragraph 80 of the NPPF.

Other Matters

17. Whilst concerns have been raised regarding flood risk and the potential harm to listed buildings, these are all matters that would be addressed at the Technical Details Consent Stage. The appeal application only seeks to establish the principle of a single dwelling in the proposed location. In any event, as I am dismissing the appeal for other reasons, I need not consider these issues further.
18. I have considered the benefits that would arise from the proposed development. The provision of employment whilst the building is being constructed and the creation of a new dwelling would provide some economic and social benefits. I have also considered that the proposed development would be a self-build, utilising local contractors and include additional planting. However, having taken these considerations into account, and given the scale and nature of the development proposed, I find that the benefits would be relatively limited and thus neither outweigh the harm I have identified nor the conflict with the development plan.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR