



Appeal Decision

Site visit made on 6 February 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 21 February 2024

Appeal Ref: APP/P0240/W/23/3329350

Bridge Farm, Bedford Road, Sandy, SG19 1ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alex Glenn against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/04283/FULL, dated 1 November 2022, was refused by notice dated 26 April 2023.
 - The development proposed is described as 'part retrospective application for extraction of sand and gravel, creation of a new pond, creation of bond for the mitigation of parking spaces for the temporary storage of the cars waiting to be transferred abroad. Proposed new landscaping for mitigation and improving wildlife.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) on 19 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues of this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
3. At the time of my site visit, the development had largely been completed with the exception of the proposed landscaping. For the avoidance of doubt the appeal has been determined based on the appeal drawings.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the development is acceptable with respect to flood risk;
 - Whether the development is acceptable with respect to highway safety;
 - whether the appeal site is a suitable location for the development, having regard to local and national policy; and
 - whether the development is acceptable with respect to biodiversity net gain (BNG).

Reasons

Character and appearance

5. The area is rural, characterised by large, flat agricultural fields bound by a combination of drainage ditches and hedgerows. Whilst there are a limited number of residential, commercial, and agricultural properties adjacent to the A603, the area has a distinctly open, rural character.
6. The appellant asserts that the Council has previously allowed similar bunds in this location and that there is no coalescence. However, the bunds before me are of a significant scale in both height and length. Although there is no built form, the bunds enclose a substantial portion of land and extend substantially into open countryside. The introduction of additional soft landscaping would soften the bunds and somewhat disguise the parked vehicles. However, the development would continue to form a prominent feature, that appears incongruous within the surrounding open, flat, rural landscape.
7. Accordingly, regardless of the implementation of any mitigation landscaping, I find that the development has harmed the character and appearance of the area and conflicts with Policies HQ1 and EE5 of the Central Bedfordshire Local Plan 2015 – 2035 (July 2021) (CBLP) and Policy NP10 of the Northill Parish Neighbourhood Plan 2019 – 2031 (October 2019) (NPNP). Together these policies require development to respond positively to their context, considering scale and landscape character. There would also be conflict with the Framework where it requires development to be sympathetic to local character, including surrounding landscape setting.

Flood risk

8. The appeal site lies within flood zone 3 as defined on the Environment Agency's flood map. The Planning Practice Guidance (PPG) states that in flood zone 3 there is a high probability of flooding. Moreover, the PPG and the Framework advise that proposals for development in flood zone 3 should be accompanied by a site-specific flood risk assessment (FRA).
9. A FRA relating to the appeal site has been submitted. However, it does not refer to the development, its effects on the flood plain or any required mitigation. Whilst the development does not include any vulnerable uses and is related to the expansion of an existing business, a FRA is required regardless, to ensure flood risks are adequately addressed. Although the appellant asserts that mitigation measures could be secured via condition, without a FRA I am unable to determine which measures, if any, would be required.
10. Consequently, I am unable to determine whether the development is acceptable with respect to flood risk. As such, I must take a precautionary approach and find that the development conflicts with Policy CC3 of the CBLP and Policy NP8 of the NPNP which requires that development does not increase flood risk, result in a loss of floodplain storage or impedes flowpaths and will be safe for the lifetime of the development. There is also conflict with the Framework as set out above.

Highway safety

11. The appeal site is located off the busy A603 close to its junction with the A1 and is accessed via a rough track that is shared by a small group of existing businesses.

12. Although the Council have raised concerns regarding the use of the site for car sales, this use was not apparent during my site visit, and I must consider the development which has been applied for. If the site were used to facilitate any car sales in future without permission, the site would be liable to enforcement action. Notwithstanding this, the area of hardstanding is significant with the capacity for a large number of vehicles to be stored. The appellant has not provided any details regarding the number of vehicles entering and exiting the site, the types/size of vehicles used for transportation nor hours of operation.
13. Therefore, I am unable to determine whether the development is acceptable with respect to highway safety and cannot conclude that the residual cumulative impact on the road network would not be severe. Accordingly, I must take a precautionary approach and find that the development conflicts with Policies T1, T2 and T3 of the CBLP where collectively they require development to consider the cumulative impacts of planned growth and not have a detrimental effect on highway safety and patterns of movement while providing safe and convenient access and appropriate parking facilities.
14. Similarly, there is conflict with the Framework where it requires that development does not have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Location

15. CBLP Policy SP7 outlines how windfall development will be managed within the district, primarily focusing development within defined settlement envelopes. However, development outside of settlement envelopes is supported under several circumstances, including the redevelopment of previously developed land (PDL) and proposals for employment uses where they conform with relevant policies, including EMP3 and EMP4. Further, the Framework supports the sustainable growth and expansion of all types of businesses in rural areas.
16. Whilst the appellant asserts that the appeal site is PDL, based on the information provided, prior to the development taking place, the appeal site formed part of a wider agricultural field and as such does not comprise PDL as defined by the Framework.
17. I note that the Council considers the development to be a new employment use and that the appellant disagrees. However, the existing business includes for external storage of vehicles. Even though the development hasn't increased the number of employees working for the business, I consider the development to be an expansion of the existing employment generating use, outside of the settlement boundary.
18. Therefore, CBLP Policy EMP3 which relates to proposals for new employment uses outside of settlement envelopes is not relevant. That said, CBLP Policy EMP4 which relates to the expansion of existing employment generating uses within rural areas is. Policy EMP4 requires that the development increases the number of jobs, has no detrimental impacts on the location or traffic generation, and that any adverse impacts on the natural environment can be appropriately mitigated.
19. The appellant has indicated that the development has not increased the number of jobs. Further, as identified above the development has harmed the character and appearance of the area and has unknown highway safety implications. As such, the development is not supported by Policy EMP4.

20. NPNP Policy NP22 requires development to be within or adjacent to the settlement envelope as well as reiterating the criteria associated with CBLP Policy EMP4. The appeal site is separated from the bulk of the settlement by both the A1 and the River Ivel with only the services surrounding the A1 junction extending to the west. As such, despite its proximity to Sandy, I do not consider the appeal site to be adjacent to the settlement envelope.
21. Consequently, I conclude that the appeal site is not a suitable location for the development, having regard to local and national policy. It conflicts with Policies SP7 and EMP4 of the CBLP as well as Policy NP22 of the NPNP as described above. The development is also contrary to the Framework, where it requires that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.
22. In this case I do not find conflict with Policy EMP3 of the CBLP which relates to new employment uses both inside and outside of settlement envelopes and the expansion of existing uses within settlement envelopes.

Biodiversity net gain

23. CBLP Policy EE5 requires developments to provide a BNG through the conservation, restoration, enhancement, and creation of ecological networks of habitats, species, and sites of importance. The majority of the development has taken place prior to any ecological appraisals and as such it is impossible to determine a baseline level of biodiversity for the appeal site or determine whether any biodiversity enhancements would result in a net gain.
24. Whilst it is unfortunate that adequate surveys were not conducted prior to the development, biodiversity enhancements could be secured via a suitably worded condition that would improve the condition of the appeal site in relation to biodiversity compared to its current state.
25. Notwithstanding this, the development would fail to meet the policy criteria set out above and therefore is not acceptable with respect to BNG. The proposal would be contrary to Policy EE5 of the CBLP in this regard. However, in this case where a baseline has not been established, I find that the implementation of a comprehensive scheme of biodiversity enhancements would outweigh the technical conflict with the policy as described above.

Conclusion

26. Although, I am satisfied that an appropriate biodiversity condition could be imposed, for the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR