



Appeal Decision

Site visit made on 12 February 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2024

Appeal Ref: APP/P0240/W/23/3330293

Little Field, Kiln Lane, Clophill, Bedfordshire MK45 4DA

- 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 Ms Imogen Ratcliffe against the decision of Central Bedfordshire Council.
 - The application Ref CB/23/01877/FULL.
 - The development proposed is the construction of a self-build detached dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Both parties have had an opportunity to comment on the revised Framework and so have not been prejudiced by this change. I have thus had regard to the latest version of the Framework in determining this appeal.
3. A unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 has been submitted as part of the appeal to secure the proposed development as a self-build dwelling. However, the agreement is in draft form, is undated and is not signed. The Procedural Guide: Planning appeals – England requires the appellant, in cases such as this appeal, to submit an executed and certified copy of any planning obligation no later than 7 weeks from the start date. It explains that the Inspector will not delay the issue of a decision to wait for an obligation to be executed unless there are very exceptional circumstances. I am not aware of any such circumstances in this case. For this reason, I have attributed very limited weight to the draft agreement.
4. I note the appellant's contention that the development plan is silent on the matter of self-build development proposals on single plots and that the presumption in favour of development set out in paragraph 11 of the Framework would apply. However, in the absence of a properly completed agreement, there is no mechanism before me to secure the dwelling as a self-build unit, as such the proposal falls to be considered as an open market dwelling. For the avoidance of doubt, I have determined the appeal on this basis.

Main Issues

5. The main issues are therefore whether the development would be in a suitable location, with particular regard to accessibility to services, facilities, and public transport; and the effect of the proposed development on the character and appearance of the area.

Reasons

Location

6. The appeal site forms part of the garden of a detached dwelling known as Little Field. It includes a grassed area with several trees within the site and close to its boundaries and benefits from a gated access from Kiln Lane. The appeal proposal would see the erection of a detached 3 bedroom 2 storey dwelling of a traditional design which would be orientated to front the highway.
7. Policy SP7 of the Central Bedfordshire Local Plan adopted July 2021 (the LP) seeks to restrict development outside settlement envelopes unless specific exceptions apply. These include the redevelopment of previously developed land where the site is, or can be made, accessible to nearby services and facilities by sustainable modes of transport.
8. There is no dispute that the site falls outside of the settlement envelope of Clophill. I note the appellants suggestion that given the location of the site, within an area which includes residential development, an exception to the provisions of Policy SP7 can be made. There are residential properties in and around the area and the development would not be isolated from other dwellings. Nonetheless, the appeal site is clearly beyond the settlement envelope as defined in the LP. The appeal site is therefore in an area of open countryside for planning policy purposes. Policy SP7 is equally clear in its approach to the assessment of proposals in such locations. Consequently, there is no reason to justify a flexible approach to the application of Policy SP7 in that regard.
9. The appeal site is a short walk from the recreation ground and village hall, which are both located on Kiln Lane. There are also a range of services and amenities, including public houses, bus stops, a shop and school between 400m and 800m from the site. The nearest bus stops denoted as 'Shefford Road (East/Westbound) Bus Stops' on the appeal submissions are located on High Street approximately 500m from the site. Whilst I have not been provided with timetables of the bus services, it is asserted they provide public transport access to Flitwick, Biggleswade, and Luton and Bedford, from which national rail links can be secured. Clophill Lower School is also located on High Street a similar distance from the site.
10. The suggested pedestrian access routes to both the school and bus stops from the site would entail part of the journey to be carried out along Public Rights of Way (PROWs) across agricultural land. Whilst it may be possible for future occupiers of the dwelling to use these routes, due to the lack of lighting and unmade and uneven terrain, it is unlikely that they would be commonly and ordinarily used for such access. Moreover, given the nature of these routes it is unlikely that they would be appealing in inclement weather, by those less mobile, with small children or pushchairs, or carrying luggage or shopping.

Furthermore, the suggested remaining journey to the bus stops would include Little Lane, a narrow rural lane devoid of footpaths, verges, or streetlights.

11. Alternative routes to the bus stops and school that do not include the PROWs would be greater in length, along Kiln Lane and Mill Lane or Little Lane, these are narrow rural lanes, without pavements or streetlights. In addition, Kiln Lane has a section of incline and steep verges in part, which may be difficult to navigate and would not offer refuge for pedestrians to get out of the path of passing vehicles. A significant part of the journey to access the village shop/local centre would also include journeys along sections of Kiln Lane and Mill Lane. The Stone Jug public house is a shorter distance from the appeal site, the route to it however comprises the same rural lanes.
12. Future occupiers of the proposed dwelling would benefit from access by foot to the recreation ground and village hall, along a short flat stretch of Kiln Lane. However, while the site is not a significant distance from amenities and facilities in Clophill, access on foot would necessitate walking along either unlit, narrow stretches of carriageway with no pavements and/or PROWs in the vicinity. It is likely therefore that this would discourage trips by foot from the site to these, and despite the relatively modest distances in most instances, journeys would be undertaken by car. Consequently, future residents of the proposed dwelling would be likely to be reliant on the use of private cars to access day to day services and amenities. Whilst the number of trips generated would not be significant, given the scale of the development for a single dwelling, it would nevertheless give rise to conflict with Policy SP7 of the LP.
13. The appellant has referred to 2 appeal decisions¹ which were allowed for the erection of single dwellings on Land north of Shefford Road, which are said to be a greater distance from the amenities in Clophill than the appeal site. Whilst I do not have details of the schemes before me in terms of the specific locations of the sites, the cases differ from the appeal scheme in that there are means of safe and convenient pedestrian access to facilities in the village using an existing verge and footpaths.
14. My attention is also drawn to several planning permissions granted by the Council for developments outside a settlement envelope² and a larger residential development of approximately 50 dwellings to the south of Shefford Road. However, I do not have the details in respect of these proposals so I cannot be sure of the circumstances of the cases. In any event, I have determined the appeal on its own merits, based on the evidence before me.
15. For the foregoing reasons, I conclude the development would not be in a suitable location with regard to accessibility to services, facilities, and public transport. In that regard, it would conflict with Policy SP7 of the LP and the aims of the Framework with regards to accessibility.

Character and appearance

16. The appeal site lies beyond the main built-up part of the settlement of Clophill. Residential development of a range of architectural styles and ages, extends along Kiln Lane outwards from the village. Whilst the adjoining properties to either side of the site on this side of Kiln Lane both benefit from generous gardens, the residential developments nearby sits on plots of varying sizes. The

¹ APP/P0240/W/20/3246825 & APP/P0240/W/22/3310498

² LPA Refs CB/20/02739/FULL, CB/21/04756/FULL, CB/20/01616/OUT, CB/20/02398/FULL

spacious layout of the development along the lane, its dispersed arrangement and surrounding and intervening agricultural land, contribute to the pleasant semi-rural character of the area.

17. The overall size and scale of the dwelling would not differ significantly from some of the residential properties along Kiln Lane. Furthermore, the form and design would add to the eclectic mix of dwellings in the vicinity. However, despite the presence of mature hedges and trees on the site and along its boundaries, which are shown to be retained as part of the development, the proposed dwelling would be discernible from the lane to the front as well as the PROW which runs along the side boundary of the site. Consequently, despite being bound on both sides by residential properties and the relatively compact nature of the proposed development, the new dwelling would nonetheless form a visual intrusion into the open countryside and would diminish the openness and rural character and appearance of the area.
18. My attention is drawn to the similarities between the appeal site and that at Land north of Shefford³ where the appeal for a new dwelling was allowed, in terms of the effect of the development on the established character and appearance of the area. Nevertheless, the precise details of that case are not before me that I may be able to draw comparisons with the appeal scheme such that my conclusions thereon may change.
19. I note the appellant's suggestion that a planning condition could be imposed to remove Permitted Development Rights for future development at the property, however, this would not weigh in favour of the development, which I have found to be otherwise unacceptable.
20. In light of the above considerations, I conclude that the proposal would harm the character and appearance of the area. In that regard it would conflict with the combined aims of Policies SP7 and EE5 of the LP which seek to safeguard the intrinsic character and beauty of the countryside, including the character and distinctiveness of the local landscape, having regard to the scale and pattern of the surrounding landscape and existing settlement form. The proposal would also fail to accord with Policy HQ1 of the LP in so far as it requires development to be of the highest possible quality and to respond positively to its context; and the aims of the Framework with regards to achieving well-designed and beautiful places and conserving and enhancing the natural environment.

Other Matters

21. The proposal would contribute to housing supply and would reflect the parts of the Framework that seek to significantly boost the supply of homes and enhance or maintain the vitality of rural communities. There would also be short term economic benefits during the construction phase. However, the benefits in these regards would be limited when weighed in the planning balance given the scale of the proposal for a single unit.
22. Moreover, whilst the Framework acknowledges the contribution small sites can make to meeting the housing requirement of an area, including windfall sites, it highlights that great weight should be given to the benefits of using suitable sites within existing settlements for homes.

³ APP/P0240/W/20/3246825

23. The appeal submissions indicate that the proposal would meet a need for residential development comprising accessible accommodation on a single level at ground floor, which it is suggested has not been provided through recent planning permissions in the area. However, in the absence of any substantive evidence to demonstrate an overriding need for this type of accommodation in this location or that this need cannot be met elsewhere, I attribute limited weight to the benefit of the scheme in that regard.
24. I sympathise with the appellant's desire to live in the village, to which she has a local connection. However, Policy SP7 does not set out an exception that would allow local people to live in places to which they have been previously connected.
25. The lack of objections from statutory consultees and interested parties would itself not render the scheme acceptable.

Conclusion

26. I have found that the proposal would give rise to policy conflict in relation to the location of the development having regard to accessibility to services, facilities, and public transport and would harm the character and appearance of the area. Therefore, the proposal would conflict with the development plan taken as a whole and material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.
27. For the foregoing reasons the appeal is dismissed.

E Worley

INSPECTOR