
Appeal Decision

Site visit made on 12 March 2024

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/K0235/W/23/3322476

Radwell Hall Farm, Bridge End, Radwell, Bedford MK43 7HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Bates against the decision of Bedford Borough Council.
 - The application Ref 22/01435/FUL, dated 14 June 2022, was refused by notice dated 9 March 2023.
 - The development proposed is conversion of agricultural buildings to form 5 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of agricultural buildings to form 5 dwellings and erection of bin store and cycle store buildings at Radwell Hall Farm, Bridge End, Radwell, Bedford MK43 7HU in accordance with the terms of the application, Ref 22/01435/FUL, subject to the 15 conditions in the attached schedule.

Preliminary Matters

2. The description of development in the formal decision above includes reference to the erection of bin store and cycle store buildings for clarity and for consistency with the decision notice and appeal form.
3. The first reason for refusal includes reference to conflict with parts (iii), (iv) and (vi) of Policy 65 of the Bedford Borough Local Plan 2030 (BBLP) which deal with structural matters relating to the reuse of rural buildings in the countryside. However, the Council has confirmed that it no longer considers there would be conflict with these parts of Policy 65 based on a revised structural report dated April 2023 that was submitted as part of the appeal documents. I have no reason to disagree.
4. The second reason for refusal deals with the lack of open space provision as required by Policy AD28 of the Allocations and Designations Local Plan 2013 (ADLP). However, the appellant has submitted a completed and executed unilateral undertaking (UU) dated 21 December 2023 which would make a financial contribution towards open space. The Council has confirmed that they have no comments on the UU. I have assessed the UU below.
5. The appellant has submitted two amended plans at the appeal stage. Drawing ref SK3 Rev G shows an amended proposed site plan to show a wildflower meadow to the north, east and west of the appeal site rather than separate gardens, communal space in the courtyard replacing three proposed parking spaces, and the removal of separate new bike and bin stores in favour of storage within an existing outbuilding. Drawing ref SK9 details the existing outbuilding and proposed conversion to form the bike and bin store.

6. The Council has provided comments on the amended plans as part of the appeal process, notwithstanding its concerns about whether they should be accepted as formal plans at this stage. The amendments seek to address concerns about the layout of the appeal site from a character and appearance perspective rather than address concerns raised by interested parties. They do not represent a fundamental change to the proposal and their inclusion would not cause procedural unfairness. Therefore, I have considered the amended plans as part of my assessment.
7. The Council has recently approved a proposal for the conversion of the same farm buildings into a single dwelling under ref 23/02201/FUL. I have been provided with a copy of the decision notice dated 27 July 2023 and the approved plans, which I have considered in my decision.
8. A revised version of the National Planning Policy Framework (NPPF) was published on 19 December 2023. There were no substantive changes of relevance to this appeal. Amended paragraph numbers are referenced below.

Main Issue

9. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

10. The appeal site is located on the southern edge of Radwell opposite modern detached houses and adjacent to the River Great Ouse. The site contains former farm buildings arranged in a horseshoe layout around a paved courtyard. The northernmost building is a former threshing barn constructed from limestone with a corrugated iron roof and dating back potentially as far as the 18th century. The western and eastern wings date from the 19th century and contain limestone walls but have been subject to modern alterations to form stable accommodation.
11. To the east of the buildings is the access from the main road into Radwell as well as hardstanding for vehicle parking. To the north and west is part of a much larger field and the wider countryside. To the south is the Grade II listed building known as Radwell Hall Farmhouse (first listed on 27 August 1987) and its separate garden and outbuildings. The farmhouse dates to the 19th century and is constructed from limestone with sash windows and a modern tile roof. Its special interest is both architectural and historic.
12. The listed farmhouse is within the red line site boundary and in the same ownership as the former farm buildings. Section 1(5) of the Listed Buildings and Conservation Areas Act 1990 states that any object or structure within the curtilage of a listed building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948 shall be treated as part of the listed building. There are several factors that may be considered in defining the extent of curtilage including the physical layout or relationship between the buildings and the ownership and use or function historically and at the date of listing.
13. Case law¹ has established that for farm buildings, the question of curtilage listing depends on the degree of physical separation and the distinction in use.

¹ *R v Taunton Deane Borough Council* [2008] EWHC 2752 (Admin)

The listed farmhouse appears to have served, and continues to serve, a chiefly domestic use and function. In contrast, the former farm buildings have had a predominately agricultural use and function. Although the distance between the buildings is small, there is clear delineation created by a wall and gate.

14. Therefore, I concur with the main parties that the former farm buildings lie outside the curtilage of the listed farmhouse and should not be treated as part of the listed building for planning purposes. Nevertheless, they are located within the setting of the listed building and make a positive contribution to its significance and special interest as former agricultural structures with surviving historic fabric. The buildings can also be regarded as non-designated heritage assets due to their architectural and historic interest.
15. The former farm buildings can be glimpsed from the access onto the main road but are more clearly visible from the public right of way (Ouse Valley Way) that runs to the north and west of the appeal site from the village to the river. From public locations, the buildings are seen largely free of any windows or doors and read as a collection of modest, historic agricultural buildings. Thus, the buildings make a positive contribution to the character and appearance of the area including countryside views. At the same time, the proximity of modern dwellings gives the location an edge of village and residential quality.
16. The proposed development would subdivide the buildings into 5 dwellings. Windows and doors would be inserted into the external facing north, east and west elevations as well as around the courtyard. This would create a more domestic and less agricultural appearance. However, the openings on the north elevation would be the same as the approved July 2023 development. There would only be one additional door on the eastern elevation compared to the approved development, which is only glimpsed from the main road in any case. The western elevation would have two doors and windows unlike the approved development with no openings. However, they would be small insertions into a lengthy elevation and can be sympathetically designed. Rainwater goods would be similar to the approved development.
17. The plans determined by the Council show the northernmost dwelling with a separate garden surrounded by native hedgerow. The space would not be overly large having regard to the size of existing gardens such as the one serving the listed farmhouse. The two dwellings in each of the wings would share a garden also surrounded by planting. It is possible that domestic structures and paraphernalia would encroach into this space, although permitted development rights could be removed for outbuildings. This would add to the more domestic appearance.
18. The proposed wildflower meadow shown in the amended plan submitted at appeal would mean no outward facing garden for any dwelling, with communal space provided in the courtyard. This is the same arrangement shown on the approved plans for the single dwelling although the courtyard space would be private rather than shared. This would lessen the domestic effect, although in practice there may still be household items in the meadow particularly as doors from each dwelling would open into this space. However, the same might occur with the approved development as the single dwelling also would have doors onto the meadow.
19. The plans determined by the Council show bike and bin stores adjacent to the main road. These stores would be modest in height and largely screened by

existing and proposed boundary treatment. It is possible that bins might be left out to give a cluttered and overly domestic appearance, but the store would allow residents to maintain a tidy location. The bins would also be close to the roadside collection point, unlike the option in the plan submitted at appeal where there would be more distance to cover from the existing outbuilding. Nevertheless, the approved development would see the bins and bikes stored within the courtyard, which is a similar distance to cover.

20. The proposed development would result in an increased domestic character and appearance through additional openings, external paraphernalia, and the presence of multiple bins. However, this would occur to a similar extent with the approved development where the principle of converting these rural buildings into residential has been established. Moreover, the edge of village location means that there is a degree of domestic character and appearance already. The design and materials used for the openings would be sympathetic to the buildings and permitted development rights can be controlled.
21. There is some uncertainty over the extent of residential curtilage for each dwelling, particularly those that would share garden space. However, the Council has indicated that this could be established via a planning condition. Given that external paraphernalia is likely with the proposed meadow anyway, I prefer the version of the proposed site plan determined by the Council (SK3 Rev D) because this would allow more usable outdoor space for each dwelling and would also have a better arrangement for the bike and bin stores.
22. While the proposed development would erode some of the agricultural qualities of the former farm buildings, this would occur with the approved development. The existing redundant and somewhat dilapidated condition of the buildings would be addressed. Moreover, the alterations would be low key and sympathetic with boundaries clearly defined by fencing and hedgerows. Therefore, the proposed development would have an acceptable effect on the setting of the listed farmhouse and would not harm its significance or special interest. It would also safeguard the architectural and historic interest of the buildings as non-designated heritage assets.
23. In conclusion, the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with BBLP Policy 65 (vii), (viii) and (ix) which require the reuse of rural buildings in the countryside to enhance the immediate setting, not increase the impact of the site on the surrounding countryside, with curtilage that is not excessive and relates well to the existing building and landscape.
24. The development would accord with BBLP Policy 7S which, amongst other things, permits development in the countryside if it meets Policy 65, recognises the intrinsic character and beauty of the countryside, and does not adversely affect the use and enjoyment of the countryside by others. It would also accord with BBLP Policies 28S (i), (ii) and (iv), 29 (i) and (ii), and 30 (i) and (ii) which, amongst other things, require development to be of high quality design that complements the character of the area and enhances the landscape.
25. There would also be accordance with NPPF paragraphs 131 and 135 which seek good design that functions well, is visually attractive and sympathetic to local character, and creates safe, inclusive and accessible places.

Other Matters

26. The UU contains a planning obligation that would provide a financial contribution of £9,885 towards the provision or improvement of off-site open space in the form of space for outdoor sports and equipped play areas. The contribution would accord with the requirements of ADLP Policy AD28 and the Open Spaces Supplementary Planning Document 2013 which seek the provision of on-site or off-site open space from new housing development. The obligation is necessary, directly related, and fairly and reasonably related in scale and kind to the development. Therefore, I can take it into account as part of my decision.
27. The archaeological and ecological potential of the site can be addressed by conditions. The ecological recommendations relating to protected species such as bats and swallows should provide adequate mitigation and ensure that their long-term conservation status is not harmed. The nearest properties have sufficient separation distances to avoid adverse effects on privacy, outlook and light. I am unaware of any plans to develop the wider field and have assessed this proposal on its own merits. The condition of the field and any footpaths has no bearing on my decision.

Conditions

28. Conditions 1 and 2 are necessary for clarity and compliance. Condition 3 is necessary to ensure the proper recording, reporting and presentation of heritage assets. Condition 4 is necessary in the interests of public health and the environment. Condition 5 is necessary to protect and enhance biodiversity while Condition 6 is necessary to protect and enhance the character and appearance of the area. Conditions 3-6 are pre-commencement conditions as it would not be possible to start works on site without having addressed matters relating to archaeology, contaminated land, habitats and species, and the retention of trees or hedges.
29. Conditions 7 and 8 are necessary to safeguard the character and appearance of the area and the non-designated heritage assets. Condition 9 is necessary in the interests of on-site biodiversity. Condition 10 is necessary to ensure water efficiency while Condition 11 is necessary to ensure adequate provision of broadband. Condition 12 is necessary to enable suitable provision of bin storage and collection while Condition 13 is necessary to ensure accessible dwellings. Condition 14 is necessary to clarify residential curtilages while Condition 15 is necessary to control permitted development rights. Both conditions would ensure a satisfactory form of development.

Conclusion

30. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Schedule of Conditions (15)

- 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: SK1 Rev A, SK2, SK3 Rev D, SK4, SK5, SK6 Rev A, SK7 Rev A, SK8 Rev A
- 3) No development shall take place until a Building Recording Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a timetable and the following components (the completion of each to the satisfaction of the Local Planning Authority will result in a separate confirmation of compliance for each component):
 - (i) building recording fieldwork;
 - (ii) a post-recording report (to be submitted within six months of the completion of recording);
 - (iii) preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of recording).

The strategy shall be carried out in accordance with the approved details and timings.
- 4) No development shall take place until a contaminated land assessment and, if necessary, associated remedial strategy, together with a timetable of works, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall comprise the following:
 - (a) The Contaminated Land Assessment shall include a desk study and site reconnaissance exercise to produce a conceptual model of the site. This shall be used to propose a site investigation strategy, which shall be approved by the Local Planning Authority prior to the investigations commencing on the site.
 - (b) The site investigation shall include relevant soil, soil gas, surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Reports as well as other appropriate guidance where necessary. This shall include risk assessment based on the Contaminated Land Exposure Assessment Model or where appropriate other guidance providing adequate justification can be provided for such use.
 - (c) The site investigation report shall detail all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remedial strategy. The Local Planning Authority shall approve this remedial strategy as proposed prior to any redemption commencing on site. The work shall be of such a nature so as to render harmless the identified contamination, given the proposed end use of the site and surrounding environment including any controlled waters. Any laboratories used for sampling shall be compliant with United Kingdom Accreditation Service or an equivalent approved accredited quality control scheme.

(d) The remediation work as outlined in the approved strategy shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works, contamination is encountered which has not previously been identified, including new hotspots uncovered by demolition, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval. All works will be made available for witnessing by an appropriate Council Officer.

Upon completion of works, this Condition shall not be discharged until a validation report has been submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post remediation sampling to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. No part of the development shall be occupied until such works have been completed.

- 5) No development shall take place until a Biodiversity Enhancement Scheme (to include details of protection and management of habitats and species and incorporating opportunities for the enhancement of existing and the creation of new habitats on site) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details or particulars.
- 6) No development shall take place until a scheme of landscape works has been submitted to and approved in writing by the Local Planning Authority, which shall include details of the following:
 - (a) Details of any trees and hedges to be retained or removed.
 - (b) New planting proposals giving location, species, number, density and planting size.
 - (c) Areas of grass turfing or seeding and other surface materials.
 - (d) Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period.

All planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

- 7) No development in relation to the external elevations and roof shall take place until full particulars of the external materials to be used (to include walls, roof, doors, windows, rooflights and external gutters and pipework) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

- 8) No development in relation to the external walls of the buildings shall take place until a sample panel of the proposed stone walling, including specification of the proposed lime mortar has been made available on site for inspection and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the panel shall be retained on site during building works as a reference for the new masonry.
- 9) The development shall be carried out in accordance with the recommendations contained within the Preliminary Ecological Appraisal (MiddleMarch Environmental, 13th January 2022), as submitted with the planning application.
- 10) The new dwellings shall achieve and maintain the higher water efficiency standard in the Building Regulations as set out in Approved Document G: Sanitation, hot water safety and water efficiency, 2015 edition, DCLG October 2015 (or similar replacement standard).
- 11) The new dwellings shall, upon first occupation, be served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection unless evidence is submitted which demonstrates that providing the required infrastructure is not feasible or economically viable.
- 12) The dwellings shall not be occupied until full details and plans of the bin storage and collection areas (with access thereto) in accordance with the Council's 'Technical Guidance: Waste and Recycling in New Developments' have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and shall not thereafter be used for any other purpose.
- 13) 49% of the total number of dwellings across the site shall be built in accordance with the Building Regulations 2010, Volume 1, M4(2) (accessible and adaptable dwellings) or such replacement document or policy which exists at the time of the development commencing.
- 14) The dwellings shall not be occupied until a curtilage plan depicting the residential curtilage to be associated with each dwellinghouse has been submitted to and approved in writing by the Local Planning Authority.
- 15) Notwithstanding the provisions of Part 1, Classes A-H and Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions, roof additions, outbuildings, hard surfaces or means of enclosure shall be erected/provided within the curtilage of the dwellinghouse without the specific grant of planning permission by the Local Planning Authority (other than where depicted upon the plans hereby approved or where subject to a planning condition attached to this permission).