



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: 22 March 2024

Appeal Ref: APP/P0240/W/23/3323800

Land rear of Town Farm, Flitton Road, Pulloxhill MK45 5HW

- 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 Mrs Vanessa Harris against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/04798/FULL.
 - The development proposed is a new access to serve existing barns off Flitton Road.
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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. This has not raised any new matters which are determinative to the outcome of this appeal.
3. Additional plans and information were submitted with the appeal, including detailed drawings of the proposed access, surface water drainage details¹, a Highways Technical Note², and a revised noise survey³. The Council has had the opportunity to comment on the submissions through the appeal process, and I do not consider that any other party would be prejudiced by my acceptance of them. For the avoidance of doubt, I have therefore determined the appeal based on the additional information. The Council has confirmed that, in light of the additional plans it no longer wishes to defend the fourth refusal reason which relates to highway safety.

Main Issues

4. In light of the above, the main issues are therefore:
 - the effect of the development on the living conditions of the occupiers of neighbouring properties;
 - the effect of the development on the character and appearance of the area; and
 - whether the proposal would include appropriate measures for surface water drainage.

¹ TOWN-BUR-ZZ-ZZ-DR-C-0002 - P02 – Proposed Access Road Details and TOWN-BUR-ZZ-ZZ-DR-C-0001 - P03 – Proposed Access Road Plan

² Rappor Infrastructure and Environmental Consultants dated April 2023

³ RandTech Consulting Ltd. dated 27 February 2023

Reasons

Living conditions

5. The appeal proposal seeks a new vehicular access to serve the existing barns at Town Farm which, together with the farmhouse, are currently served by an existing access from Flitton Road. The new access would be located on land at the end of a row of residential properties, immediately to the side of the dwelling known as The Chalet. The property fronts the highway, where the intermittent passing traffic contributes to the ambient noise environment.
6. Whilst the nearby working farm and agricultural fields would give rise to noise generated by the associated uses, the proposal would nonetheless be likely to lead to an increased intensity and regularity of activity, near the boundary of the site. The revised noise survey concludes that tractors using the proposed agricultural track would give rise to only a marginal increase in ambient noise levels at the neighbouring property, above that of the passing traffic on Flitton Road, and that any effects could be mitigated through the erection of a 2m high acoustic fence along the side boundary of the site.
7. The Council's Public Protection Practitioner is satisfied that the effects of noise on the living conditions of the occupiers of the neighbouring property would be acceptable, subject to the proposed mitigation measures. The survey indicates that the radiated tractor noise was calculated at a 20m distance from the nearest property, The Chalet. However, The Chalet has been subject to recent alterations and now extends significantly closer to the boundary of the site and the proposed access drive, than the 20m distance on which the noise survey was carried out. The effects of the development have therefore not been correctly analysed based on the reduced separation distance. As such, I cannot be certain that the proposed mitigation would be effective, given the proximity of the access to The Chalet.
8. The appellant contends that the number of vehicles using the access would be low, with the survey based on a maximum number of 8 tractor movements during daylight hours. However, the appeal submissions indicate that the new access would allow for the appellant to invest in the farming enterprise and that the proposal would provide a safer access suitable for larger farm vehicles. Moreover, future changes in farming practices may lead to an increased intensity of the use of the access, with an associated increase in the vehicular movements and/or changes to the types of agricultural machinery using it. As such changes could not be controlled by a planning condition, while the forecasted increase in noise levels would be modest, I cannot be certain of the effects of additional activity generated by the access in terms of noise and disturbance over and above existing levels, or that the mitigation measures proposed would continue to be effective.
9. Given the lack of certainty regarding any appropriate measures which may be necessary to ensure the development would be acceptable in terms of noise, there is nothing before me to demonstrate that any necessary mitigation, even with additional landscaping, could be put in place without compromise to the built environment or subsequent effects on the living conditions of the occupiers of the adjoining dwelling.
10. Without a new fence the proposal would inevitably lead to an increase in opportunities for overlooking from the driveway over and above the existing

agricultural use of the land. However, given any views towards the property would be at an oblique angle and from moving vehicles so would be likely to be transitory, the proposal would not give rise to a significant degree of harm to the occupiers of The Chalet through loss of privacy.

11. For the foregoing reasons, in the absence of sufficient information to demonstrate otherwise, there is no clear evidence that the development would not give rise to unacceptable harmful effects to the living conditions of the occupants of the neighbouring properties from noise and disturbance generated by vehicles using the proposed access or other harm. In that regard the proposal would fail to accord with Policy HQ1 of the Central Bedfordshire Local Plan adopted July 2021 (CBLP) which requires development to be of a high quality which among other things, does not have an unacceptable impact on noise, and Policy CC8 of the CBLP which sets out that development proposals which are likely to cause pollution, including noise, should include measures to minimise the impacts to an acceptable level without compromising the quality of life for users and occupiers and amenity.
12. The proposal would also conflict with the aims of Policy ND1 of the Flitton, Greenfield & Pulloxhill Neighbourhood Plan made May 2021 (NP), in so far as it seeks to safeguard the amenity of occupiers of neighbouring properties and Section 15 of the Framework which sets out that new development should be appropriate for its location and should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Character and appearance

13. The appeal site comprises agricultural land which forms part of a larger field. It lies on the edge of the village, where the area beyond the built-up part of the settlement is predominantly rural in character. The site therefore contributes positively to the rural setting of the village and the open landscape character of the area. A wide grassed verge interspersed with semi mature trees runs along Flitton Road to the front of the site on the approach to the village.
14. The site falls in the Harlington - Pulloxhill Clay Hills landscape type as identified in the Central Bedfordshire Landscape Character Assessment (CBLCA). The key characteristics of such areas include a medium scale landscape predominantly under agricultural land use - a mix of arable and pastoral land (with horse paddocks frequently at the edge of the settlements as at Pulloxhill), predominantly open, but with some small areas of deciduous woodland. The nature and appearance of the appeal site and its surroundings accord with these characteristics.
15. While the main part of the proposed access drive would be finished with quarried stone, the first 8m would be tarmac, like the existing vehicular access at The Chalet. Given this context, the proposed new access arrangement would not be unsympathetic to the street scene in this location.
16. The proposal would introduce an area of hardstanding into an otherwise open and undeveloped field. However, the siting and extent of the access and driveway, which the plans indicate would necessitate the removal of only one of the roadside trees, close to the boundary of the site would minimise the degree of encroachment into the field. Moreover, as the proposed access would be

viewed against the backdrop of the existing built development, it would not create a significant visual incursion into the otherwise undeveloped land.

17. As such the proposal, as drawn, would not appear as an anomalous feature in this context or detract from the prevailing rural character of the appeal site or surrounding area. It is suggested an acoustic fence may provide mitigation with regards to the effects of noise. Nonetheless, given my findings in relation to living conditions, I do not know what form this may take, as such it does not form part of my assessment.
18. For the foregoing reasons the development would not harm the character and appearance of the area. In that regard it would accord with the high quality design aims of Policy HQ1 of the CBLP, which among other things, requires development to complement the existing natural environment and to take account of the landscape setting, Policy SP7 of the CBLP which sets out that outside settlement envelopes proposals for rural uses will be considered favourably subject to their conformity with relevant policies in the plan, and Policy EE5 of the CBLP which requires development proposals to have regard to the key characteristics and sensitivities of the site and its setting, as set out in the CBLCA. It would also accord with Policies D1 and RC1 of the NP which seek to retain and encourage locally distinctive features and require new development to protect and enhance the historic and natural landscape and local character, and Policy ND1 of the NP in so far as it supports development for employment uses outside of settlement envelopes. It would also reflect the aims of the Framework with regards to creating well-designed and beautiful places and conserving and enhancing the natural environment.

Flooding

19. The Council's SuDS Officer has raised no objection to the proposed surface water drainage details, which include an infiltration drains to run alongside the new driveway, subject to planning conditions to secure details of the final design and maintenance arrangements. Furthermore, there is nothing before me to indicate that the drainage scheme shown on the submitted drawings could not be achieved within the site.
20. I therefore conclude that, subject to the imposition of appropriate planning conditions, the proposal would include suitable measures for surface water drainage so as not to increase the risk of flooding. In that regard it would accord with the aims of Policy CC3 of the CBLP in relation to flood risk management and the Framework in so far as it seeks to ensure that new development does not increase flood risk.

Other Matters

21. I note the appellants assertion that the existing access is no longer suitable for modern agricultural vehicles and that its position close to the junction of Flitton Road and High Street/Barton Road means it is not particularly safe. However, there is no detailed analysis before me to demonstrate that the existing access is detrimental to highway safety or particularly problematic in terms of manoeuvrability of agricultural vehicles or levels of traffic generation through the village, or that the new access is necessary to enable the existing agricultural enterprise to develop in the future.

22. Furthermore, there is no substantive evidence that the existing access arrangement is detrimental to the structural stability of Town Farmhouse, a Grade II listed building.
23. Whilst the proposal may offer benefits in terms of the living conditions of the occupiers of 1A Flitton Road, for the reasons set out above, there is no demonstrable benefit to living conditions overall. As such this attracts very limited weight.
24. Moreover, I have not been presented with any substantive evidence of biodiversity net gain as a consequence of the proposal. Therefore, this carries limited weight in favour of the development.

Conclusion

25. While I have found that the proposal, as shown on the submitted drawings, would not harm the character and appearance of the area, and would incorporate appropriate means of surface water drainage, these are neutral matters in the planning balance. However, for the reasons set out above, it has not been demonstrated that the proposal would not cause harm to the living conditions of nearby residential properties. 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.
26. For the foregoing reasons the appeal is dismissed.

E Worley

INSPECTOR