



Appeal Decision

Site visit made on 5 March 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/K0235/W/23/3331403

Land at Uplands, Box End, Kempston, Bedford MK43 8RS

Easting (x) 500731 Northing (y) 249250

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by John Mayes against the decision of Bedford Borough Council.
 - The application Ref is 23/00629/OUT.
 - The development proposed is described as 'Outline planning application with all matters reserved except access for the erection of two, purpose designed dwellings'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.
3. The proposal is in outline form with all matters, other than access, reserved for subsequent approval. Therefore, other than means of access, I have considered the details on the plans provided on the basis that they are indicative only.
4. The proposed development has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. It has been concluded that the development would not be of a scale and nature likely to result in a significant environmental impact and EIA is therefore not required.
5. I understand that the examination sessions for the Draft Bedford Borough Local Plan 2040: Submission Draft were concluded in September 2023. However, I am unaware of whether there are any outstanding objections requirements for modifications. Therefore, this document carries limited weight in the determination of this appeal, which I have assessed against the adopted development plan and the Framework.

Main Issues

6. The main issue is whether the appeal site is a suitable location for the proposal, including the effect on the character and appearance of the area.

Reasons

7. Policy 3S of the Bedford Borough Local Plan (2020) (LP) sets out the spatial strategy for the Borough and Policy 4S of the LP details the 'Amount and distribution of housing development'. Together they seek to deliver sustainable development and growth with the main focus of housing being within the Bedford urban area, strategic residential development in key service centres and limited development in rural service centres. The spatial strategy also seeks to safeguard the intrinsic character of the countryside.
8. The supporting text at Paragraph 6.18 of the LP confirms that in considering the location of development in rural areas, the distinction between settlements and areas of countryside is established by defining Settlement Policy Areas (SPAs) with the aim of directing development to within defined SPAs. The appeal site sits outside any defined SPA boundary in the LP.
9. The LP also recognises that the rural areas include a wide range of settlements which vary in size and function. It identifies several places as 'Small Settlements' which do not have a defined SPA but nevertheless do have a definite built form, including at Kempston Box End.
10. Policy 6 (Development in Small Settlements) (LP) supports development within the built form of small settlements where they positively contribute to the character of the settlement and are appropriate to the structure, form, character and size of the settlement as a whole. The supporting text to this policy sets out the elements that are excluded from the built form of small settlements. The Council's Planning Policy Briefing Note (May 2020) in respect of Policies 5S, 6 and 7S of the LP also provides further clarification and confirms that whether a proposal is within the built form of a small settlement will be a matter of judgement. It confirms that places with a scattered development form with no reasonably definable core are considered to be countryside.
11. Kempston Box End has a generally linear structure with its continuous built forms focused along West End Road and extending south along Box End Road from the junction of these two roads. To the immediate north of the linear development on West End Road there is a substantial copse and then the appeal site which forms part of the extensive wider grounds of Uplands. Both the copse and the appeal site have a prevailing spacious and natural appearance which detaches the continuous built form of Kempston Box End from the more scattered development forms to the north. As a result, even accounting for the roadside features such as signage and lighting, the appeal site does not sit within the definitive built form of Kempston Box End and relates more to the dispersed and looser development patterns within the countryside.
12. The appellant contends that the neighbouring copse forms part of the domestic curtilage of 'The Clock House', West End Road and is not defined as a buffer or safeguarded for any other purpose in the development plan. Furthermore, they suggest that the appeal site has a lawful use as garden. However, the respective Certificate of Lawful Use or Development¹ specified that it was in respect of 'the land edged in red on the plan attached to this Certificate' and from what I have seen this did not incorporate the appeal site. In any case,

¹ LPA Ref 03/01647/LDE

these factors do not detract from the natural and spacious attributes of these sites and their visual distinction from the built form of the small settlement.

13. Consequently, Uplands and its wider grounds have characteristics which are explicitly excluded from being within the built form of a 'Small Settlement' as defined in the LP. Therefore, the proposal does not meet the first limb of Policy 6 of the LP.
14. I now turn to the second limb of Policy 6 and whether the proposal would contribute positively to the character of the settlement. The appeal site is a large, mainly open grassed area with mature planting alongside the front boundary. It is positioned between the more immediate formal gardens serving Uplands and the boundary with Box End Road. Given the space and mature vegetation within the appeal site, the dwelling at Uplands has a discreet presence when experienced from the roadside. Consequently, the site's overriding verdant and spacious characteristics positively contribute to the sparsely developed character and appearance of the countryside surrounding Kempston Box End.
15. The illustrative drawings indicate that the proposal would introduce two substantial detached dwellings together with large, detached garage buildings in close proximity to Box End Road. Given the relative proximity of the plots to Box End Road, any dwellings placed within them together with other residential paraphernalia would likely be highly discernible in views through the new access point and in filtered views through the vegetation along the front boundary. The visual effects of the development have the potential to be even more stark during winter months when some vegetation is not in leaf.
16. From my own observations, the gradient of the site is not such that it would be likely to significantly reduce the perception of the development to passers-by on Box End Road. While a reserved matter, any supplementary planting would take a significant period to establish and even then would be unlikely to make the development imperceptible. Planting to further contain the site would also only further compound the visual segregation between the development and the consolidated built form of Kempston Box End. In addition, while I accept that design is a reserved matter, the envisaged contemporary design would contrast with the area's mainly traditional vernacular and has the potential to further draw the eye to the development.
17. For the above reasons, the proposal would unacceptably erode the prevailing natural and open characteristics of the countryside. It would also not integrate well with the structure, form, character and size of the settlement at Kempston Box End which is mainly characterised by dwellings set within comparatively smaller plots in consolidated linear forms. Therefore, even if I had concluded differently in respect of the first limb of Policy 6, the proposal in any case conflicts with its other requirements.
18. Policy 7S (Development in the countryside) of the LP sets out five specific instances where development would be permitted in the countryside none of which relate to the proposal before me. In addition, the policy confirms that exceptionally development proposals will be supported on sites that are well-related to a defined SPA, Small Settlements or the built form of other settlements where it can be demonstrated that, amongst other things, it responds to an identified community need and there is identifiable community

support made by the parish council. Criteria (ix) under this section also has similar character requirements as Policy 6S.

19. I have already found that the appeal site is not visually well related to the character of the small settlement at Kempston Box End. Moreover, there is no detailed evidence before me to demonstrate the proposal would meet an identified community need. While I understand that the parish council has not objected to the proposal, nor has it to my knowledge expressed its explicit support. Therefore, the proposal also conflicts with the requirements of Policy 7S.
20. The site is not isolated for the purposes of the Framework, albeit the appellant acknowledges that it is 'not within a standard walking distance' to the nearest range of services and facilities. I understand that Kempton Box End is on a bus route providing connections to nearby settlements with a range of day-to-day facilities and this could reduce reliance on the private motor vehicle to some extent. In any case, for strategic and character reasons the proposal is not a sustainable location for the proposed development.
21. I conclude, the appeal site is not a suitable location for the proposal and this includes that the development would have a significantly harmful effect on the character and appearance of the area. In that regard it would conflict with the locational, character and context requirements of Policies 3S (Spatial strategy), 6 (Development in Small Settlements), 7S (Development in the countryside), 28S (Place making), 29 (Design quality and principles) and 30 (The impact of development – design impacts) of the LP. The proposal would also conflict with the Framework which confirms that the planning system should be genuinely plan-led and that decisions should contribute to and enhance the natural and local environment including by recognising the intrinsic character and beauty of the countryside.

Other Matters

22. I have had regard to the relationship of the proposal with the Grade II listed buildings listed at paragraph 2.22 of the appellant's statement of case. From my own observations on site, the appeal site is sufficiently separate in terms of the space and intervening planting to ensure that the settings of these heritage assets could be preserved. This aligns with the Council's position. Even so, this does not overcome the harm identified under the main issue.
23. The evidence before me suggests that a driveway was previously approved on the appeal site². However, that was to serve the existing dwelling rather than to facilitate the provision of new residential development on the appeal site. Therefore, it would not therefore have had comparable locational and character and appearance considerations.
24. In the context of the Government's objective to significantly boost the supply of homes, the provision of two dwellings would make a very limited contribution to the Council's housing requirements and there is no evidence to suggest that there is a critical need for housing in the area. There would also be limited economic benefits through the development of the site and the contributions of occupiers of the development to local services and facilities.

² LPA 09/00854/FUL

Conclusion

25. The development would conflict with the locational requirements of the development plan including to protect the character and appearance of the area. The other material considerations that have been advanced in this instance do not justify a decision other than in accordance with the development plan which, in terms of my conclusions under the main issues, the appeal scheme would clearly conflict.
26. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR