



Appeal Decision

Site visit made on 10 July 2023

by J N Seymour BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25TH June 2024

Appeal Ref: APP/K0235/W/22/3312308

90 Bedford Road, Stagsden, Bedford, MK43 8TP

- 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 C Worral against the decision of Bedford Borough Council.
 - The application Ref: 22/00904/FUL, dated 20 April 2022, was refused by notice dated 11 October 2022.
 - The development is described as: 'Erection of dwelling and cart shed'.
-

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 29th September 2023.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are: (i) whether the appeal site is a suitable location for the proposed development, having particular regard to the spatial strategy and the effect on the character and appearance of the area; and (ii) the effect on the safety of highway users, having particular regard to visibility.

Reasons

Location of the development and the effect on character and appearance

3. The appeal site is located outside of the Settlement Policy Area (SPA) for Stagsden. Policy 4S of the Bedford Borough Council Local Plan (2020) (LP) considers land outside SPAs to be treated as open countryside where residential development is restricted other than in accordance with the exceptions set out within LP policy 7S. It is common ground that the appeal proposal does not meet the first five exception criteria in policy 7S for development in the countryside.
4. The appellant maintains that criteria vi. and vii. of policy 7S are applicable. These criteria allow development exceptionally 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 it responds to an identified community need, there is identifiable community support and it is made or supported by the Parish Council. Due to the fact that the appeal site is located outside of Stagsden's SPA and is detached from the main built-up area of the village, I consider that the appeal proposal does not comply with criteria vi. and vii.

5. Nevertheless, the appellant contends that as the appeal is for a self-build dwelling it would comply with criterion vi. as it would meet an identified community need. I have addressed the self-build element of the appeal proposal in greater detail below. However, because the Parish Council objected to the proposal, compliance with criterion vii. cannot be demonstrated. Policy 7S is written in a way so that both vi. and vii. must be satisfied, it is not an 'either/or' set of criteria, therefore the proposal conflicts with this element of the policy and policy 7S when read as a whole.
6. The appeal site is located outside of the Stagsden SPA and whilst there are some local services within walking distance, namely Browns farm shop, a café and the village hall, its distant relationship to day-to-day services, amenities and employment opportunities would result in an unsustainable pattern of development and a high dependency on the private motor vehicle. Therefore, these factors combined with the fact that none of the exceptions set out within LP policy 7S are met, lead me to conclude that the appeal site would be an unsuitable location for a new dwelling and the appeal proposal would conflict with policies 3S, 4S and 7S of the LP.
7. The appellant has placed significant emphasis on the fact the appeal proposal is for a self-build dwelling and that the Council's support for self-build and custom housebuilding outweighs the conflict with the LP. Whilst the LP does indeed support self-build housing, namely in criterion v. of Policy 59S, the appeal proposal must be assessed against the LP when read as a whole. I have found that the appeal proposal conflicts with Policies 3S, 4S and 7S of the LP and I consider that this conflict with the spatial strategy for housing outweighs the benefits arising from the provision of a single self-build dwelling.
8. The appellant has referred to another appeal where self-build housing was allowed. The circumstances of that case were different, including the fact that it also included a completed and signed S.106 agreement containing provisions to ensure the dwellings were to be constructed in accordance with the definition of self-build housing. No completed and signed S.106 agreement has been submitted with this appeal, therefore without a mechanism to guarantee the proposed dwelling would be constructed as a self-build, I cannot attribute any weight to the self-build element of the appeal proposal.
9. Turning to matters relating to character and appearance, policies 28S, 29 and 30 of the LP state that, among other matters, development should have a positive relationship with the surrounding area and should integrate well with and complement the character of the area. The appeal site is divorced from the main built-up area of the village and the dwelling would sit in an isolated parcel of land that is surrounded by undeveloped land. The appeal site therefore has a distinctly rural character.
10. The appeal proposal would involve the construction of a large area of hardstanding and a three-bay cart shed in a prominent location towards the front of the site, which would erode its rural character when viewed from the public realm. This would have an urbanising impact on the site and its surroundings as it would introduce built form where none existed previously, causing harm to the rural character and appearance of the area. I do not consider that the retention of the hedge, as proposed by the appellant, would sufficiently mitigate the visual impact of the development.

11. The appeal proposal would therefore conflict with policies 28, 29 and 30 of the LP because constructing a dwelling outside of the SPA in the rural context I have described would have a harmful impact on the character and appearance of the area.
12. Concluding on this issue, the proposal to erect a dwelling outside the SPA for Stagsden conflicts with the spatial strategy and the appeal proposal does not meet any of the exceptions in LP policy 7S. There would be conflict with policies 3S, 4S and 7S of the LP in so far as they seek to focus new housing in sustainable locations, and to smaller settlements only where it is needed and supported by the community. There would be further conflict with policies 28, 29 and 30 of the LP in so far as they seek to enhance the character, quality and local distinctiveness of an area.

Safety of highway users

13. The Council has confirmed that to create a vehicular access onto Bedford Road, which is subject to a speed limit of 30mph, a visibility splay of 2.4m x 75m is required. However, they have also stated that due to a bend in the road and a hedgerow obscuring visibility, the required splay should be increased to 2.4m x 90m. It was the failure to demonstrate this lengthier visibility splay that resulted in the Council finding conflict with Policy 31 of the LP.
14. The appellant has provided photographs showing clear lines of sight of both sides of the road from 92m. From my site visit, I was able to determine that the bend in the road to the north of the proposed access does not come within the first 75m of the proposed visibility splay, therefore a 90m splay is not required in this case. The hedgerow on both sides of the road that is within the 75m visibility is set back from the road sufficiently so that even in periods when it is unkempt clear lines of sight of vehicles approaching from a northerly direction can be seen from the proposed point of access.
15. Consequently, I have found that the appeal proposal can demonstrate the necessary 2.4m x 75m visibility splay to create a safe vehicular access, thus complying with Policy 31 of the LP which seeks to ensure that development proposals do not have any significant adverse impact on access to the public highway.

Other Matters

16. The village hall, farm shop and café are within safe walking distance of the appeal site and these businesses may benefit from custom provided by additional residents. However, as the appeal proposal is for a single dwelling, the economic benefits of this would be very modest and this does not outweigh the conflict with the development plan I have identified.

Conclusion

17. Whilst the proposal would not be harmful to the safety of highway users, the appeal site is not a suitable location for a new dwelling due to the conflict with the spatial strategy for housing distribution set out in the development plan. I have also found that the appeal proposal would be harmful to the character and appearance of the area. There are no material considerations of sufficient weight to justify a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal is dismissed.

J N Seymour

INSPECTOR