



Appeal Decision

Site visit made on 23 July 2024

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2024

Appeal Ref: APP/P0240/W/23/3331588

Land Adjacent to 141, High Road, Shillington, Bedfordshire SG5 3LU

- 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 D Mott against the decision of Central Bedfordshire Council.
 - The application Ref is CB/22/04723/FULL.
 - The development proposed is Development of 7 Detached Bungalows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would preserve the settings of the Grade II* listed Pirton Grange and Gatehouse at Pirton Grange, the Grade II listed Bakehouse and adjoining outbuilding at Pirton Grange, Barn at Pirton Cottage to north east of gatehouse, Shillington Road and Five Penny Cottage; preserve or enhance the character or appearance of the Shillington (Apsley End) Conservation Area; and the effect of the development on the scheduled monuments Moated site north of Apsley End, and Pirton Grange moated enclosure and associated settling pond, Pirton.
 - Whether the development would accord with local policies with regard to location;
 - The effects of the development on highway safety; and,
 - Whether the development would accord with local policies with regard to biodiversity and protected species.

Reasons

Heritage Assets

Pirton Grange, Bakehouse, Gatehouse and Barn complex

3. Pirton Grange is a medieval moated complex located across the road from the appeal site. It comprises a former manorial hall dating from the 15th century, together with gatehouse, bakehouse and adjoining building, and barn. The complex is located on a tongue of land that follows the stream course and extends between two roads close to a crossroads.

4. The hall is a large two storey with attic, moated house, comprising timber framing with brick infill. There have been many subsequent additions and phases of remodelling over the centuries including the adding of crosswings, the raising of the roof, the addition of a cellar and various replacements of windows.
5. The bakehouse is an early 17th building, timber framed above a brick sill, with a red brick infill. It is linked to the hall by a covered way.
6. The gatehouse is a 16th or early 17th century timber framed timber frame on battered bridge structure over a former moat. It has a roughcast front, exposed timbers on sides, and a stepped red tile roof. Evidence of former drawbridge supports have been found.
7. The barn is a late 16th century timber framed 7 bay barn with double doors, located between two newer barns, close to Shillington Road and the appeal site.
8. This complex of inter-related buildings and engineering works provides evidence of the wealth and status of former owners, as well as an appreciation of early building and engineering techniques. The significance of the buildings is therefore derived from their intact historic fabric, and their historic, functional and spatial relationships with one another.
9. Apart from the barn, the listed buildings are largely obscured from the public domain, and are separated from the appeal site by the road, a very large contemporary barn and a large concrete apron.
10. There is nothing before me to suggest that there was a functional link between the manorial complex and the appeal site. Nonetheless, the appeal site contributes to the spaciousness and rural character of the complex's wider setting. The development would intrude into that spaciousness and there would be a loss of some localised rural character. However, although there would be some loss of setting, I conclude that this would have a minor to moderate adverse impact on the complex's overall significance.

Five Penny Cottage

11. Five Penny Cottage (the Cottage) is a long timber framed, rendered property with clay tile pitched roof and brick stacks. It is located perpendicular to the road, close to the crossroads. Dating from the 17th century it is an example of simple vernacular design, associated with the prevailing agrarian economy. Maps dating from the early 19th century indicate its presence in the village at a time when there were few other structures apart from Pirton Grange.
12. Some of the Cottage's window and door openings have been altered and have modern casements and entrance doors. Nonetheless, the Cottage's significance is derived from its overall form, its prominence in the street scene and its spatial relationship with the crossroads and the Pirton Grange moated complex. The rural landscape makes a strong contribution to its setting and the Cottage also provides part of the wider setting for Pirton Grange.
13. The development would be located some 50 metres to the south of the Cottage. There would be an increase in urbanisation on the appeal site which would have a negative impact on the Cottage's setting but this would have minor to moderate adverse effect on its significance.

Conservation Area

14. Apsley End is a very small settlement, with a low density and varied building pattern clustered around the intersection of four roads and on each side of significant open space associated with the stream and the Pirton Grange complex. Medieval farmsteads, and timber framed cottages are set amongst grander 18th and 19th century residences along with some later infill. Generally, the building pattern is informal and irregular, reflective of piecemeal development over a long period of time. Such dwellings as there are, are largely of individual style and design.
15. To the south of the intersection, the large barn associated with the farm at Pirton Grange dominates the street scene and creates a visual barrier to the views to open countryside beyond. However, there remains a sense of rural informality and spaciousness as a consequence of the open space associated with the crossroads, the irregular building line, the distribution of small blocks of mature vegetation and the unbound road edges, hedges and grassed verges.
16. These key features are reinforced by the Landscape Character Assessment¹ (LCA), which describes the key characteristics of the Barton-le-Clay character area as its remaining hedgerows, surviving blocks of old enclosure reflecting the historic dispersed settlement pattern, and the sense of rural tranquillity.
17. The CA's significance is therefore derived from the aesthetic, historic and architectural qualities of its largely period built form, its dispersed settlement pattern, the bucolic rural setting with historic land units, and its underlying spaciousness.

Conservation Area - proposals and effects

18. The development would comprise a cul de sac of seven single storey with roof accommodation dwellings on a parcel of two small fields separated by a mature hedge, and which abuts Shillington Road. The dwellings would be of a rather over-detailed and generic design which would not look out of place in a suburban context, and they would have ridge height of some 6.5 metres. The layout would have a regularity not found elsewhere in the immediate vicinity, and the development would neither relate to nor reflect the village's underlying and varied design typology.
19. The development would also introduce built form close to the rural road verge and hedgerow, which would encroach into the underlying spaciousness of the area. The proposed entrance into the site would also open up views from the public domain revealing the extent and form of development. As such, the development would represent an incongruous degree of urbanisation which would detract from the rural character and appearance of the CA.
20. The site is not designated as significant open space in the CA appraisal, and is located at the end of a loose and irregular road frontage. In principle, residential development on this site or part of the site, would not necessarily be harmful. However, the extent and spread of what is proposed, together with its design which would lack any references to local architecture or the vernacular, would be intrusive and jarring. I note that 141 High Road appears to be a 20th century dwelling, but this is set well back from the road and is seen only in glimpsed views from the public domain.

¹ Central Bedfordshire Landscape Character Assessment, LUC, February 2016

21. Moreover, given the proximity of the proposed dwellings to the trees along the site's southern boundary, the trees are likely to come under pressure for removal or for works on the grounds that they are obstructing light. As such, I give limited weight to the arguments in relation to screening from vegetation as mitigation.
22. I do not disagree that the large barn nearby is a substantial feature in the street scene, but it is clearly agricultural in its design and appearance. As such, it does not detract from the underlying character and appearance of the CA. I appreciate that the existing poultry buildings would be removed but they are also agricultural in appearance, and have considerably less bulk and mass than what is proposed.
23. The introduction of what would appear as suburban mass development with generic form, discordant design and density, would appear incongruous. It would also encroach into open space and reduce the sense of spaciousness contributes to the CA's rural character, as well as requiring the removal of existing hedges. It would therefore fail to preserve or enhance the character or appearance of the CA, and would diminish its significance. It would also conflict with the LCA development guidelines which state that rural character and tranquillity should be retained along with individual settlement identity, and the conservation of the intact landscape setting of moated sites.

Scheduled Monuments

24. The moated enclosure forms a small island and contains the hall. The moat is fed from the stream and drains into a settling pond. There is evidence of the remains of the original water control systems, and an associated bridge and gatehouse. Moated sites are generally seen as status symbols and reflect the former distribution of wealth and status in the countryside. The significance of the monument is therefore related to the physical remains of the sluice and overflow channel, and as well as its historic functional link to the hall.
25. There is also significance in this moated enclosure's geographic proximity to three other moated sites at Apsley End.
26. The moated site north of Apsley End is some 300 metres north of the intersection. It is believed to be associated with a former manor house. The significance of this site lies in its intact earthworks which display the original engineering.
27. The development would be remote from both scheduled monuments and there is nothing before me to suggest that the appeal site is historically or functionally linked to those monuments. As such the development would have a neutral impact.

Heritage conclusion

28. I have found that the development would fail to preserve or enhance the character or appearance of the CA and have an adverse effect on its significance. This would amount to less than substantial harm. The development would fail to preserve the settings of the listed buildings, which would also reduce the significance of those buildings. This would also amount to less than substantial harm, although this would be at the lower end of the spectrum.

29. As such, the development would be contrary to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990) (the Act), as well as Policy HE3 of the Local Plan (LP) which is concerned with the safeguarding of designated heritage assets, and Section 16 of the Framework. There would also be conflict with LP Policy EE5 which is concerned with safeguarding the key characteristics and sensitivities of the site and its setting, as set out in the LCA.
30. Paragraph 208 of the Framework states that where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal. I have dealt with the heritage balance later in my reasoning.

Location

31. The Local Plan identifies Shillington (Apsley End) as a small village with few services and limited public transport links. It is a settlement end, described as residential development that is physically separated from the main core of the village, and taking the form of a small village in its own right. These settlements are identified in the settlement hierarchy set out in the Local Plan and have their own settlement envelope.
32. The preamble to LP Policy SP7, which is concerned with windfall development, notes that the hierarchy of settlements takes account of local sustainability credentials such as access to a variety of services, including schools, shops and public transport links. Settlement envelopes are designated to enable the clear, unambiguous and consistent application of policies in the management of development. On the basis of what is before me, I conclude that as the settlement envelopes have been based on sustainability credentials, development outside those boundaries will be less sustainable.
33. LP Policy SP7 also sets out that outside settlement envelopes, only particular types of development will be permitted and lists a number of exceptions. The development before me does not meet any of those exceptions.
34. The appellant has raised the argument that there is a current housing allocation for 15 dwellings within Shillington. However, Shillington is defined as a large village, and allocated housing sites have better accessibility. I see no reason to disagree with the Council that the situations are not comparable and that in allocating housing land within Shillington, as opposed to Shillington (Apsley End), the Council has been consistent with its development plan.
35. There are two sections of narrow footway within the village, but none on the section from the crossroads to the appeal site. The roads are also unlit. Although I did not see any bus stops at my visit, the Council notes that they are around 100 metres from the site. It is stated in the transport statement that there are limited bus services, but there are no timetables in the evidence and consequently, it is difficult to conclude that local bus services could provide a realistic alternative to private car travel for commuting, school or to access essential services. Moreover, interested parties have highlighted that the weekly Wanderbus services referred to in the appeal statement is run by volunteers and is very limited. In any case, the absence of lit roads and footways linking the site to the bus stops, together with the limited services, leads me to conclude that public transport would not be a realistic or regular choice for future occupiers.

36. I acknowledge that working from home and home shopping deliveries could reduce traffic generation but as the exact lifestyle choices of future occupiers cannot be determined I am unable to give this argument any weight.
37. As such, the development would fail to accord with local policies with regard to location and would be contrary to LP Policy SP7 in this regard. The broad aims of LP Policy SP7 are also supported by the Framework.

Highway safety

38. The highway authority has raised a concern in relation to the geometry of the proposed visibility splays. Although it is argued that the left hand splay has a distance of 97 metres, it is clear from the drawing that views are obstructed by the nearby barn and the actual distance would be around 70 metres.
39. The site entrance appears to straddle the boundary of the 30mph zone and as such, vehicles travelling from the south could be travelling faster than 30mph, albeit slowing down as the 30mph was approached. The highway authority requested further information or a speed survey, but this has not been provided.
40. The appeal statement refers to Manual for Streets for its visibility splay geometry, but this applies only within 30 mph zones. I am therefore unable to conclude whether a 70 metre visibility splay to the south would be sufficient. The appellant also argues that non-compliance with the legal speed limit should not be a matter for this appeal, but it remains that the section of road immediately to the left of the site entrance is not within the 30 mph zone.
41. Whilst I acknowledge that shared road surfaces and a lack of street lighting reinforces rural character, the lack of footways along the roads does reduce the likelihood that future occupiers would use such limited public transport as there is. At least some journeys would need to be undertaken in the dark, which poses a risk to the safety of those pedestrians.
42. I conclude that there would be an adverse effect on highway safety, contrary to LP Policy T2. This states that development must not have a detrimental effect on highway safety, and have safe and convenient access. The development would also fail to accord with Section 9 of the Framework which is concerned with sustainable transport and highway safety.

Ecology

43. The Ecological Appraisal states that there are three ponds within 250 metres of the site and records indicates that Great Crested Newts (GCNs) have been recorded some 1.4 kilometres away.
44. Natural England's standing advice for GCNs indicates that where there is a suitable water body within 500 metres of a development, further survey work should be undertaken. There has not been any further survey work and the appellant sets out that as the ponds are separated from the site by the road and other concrete areas, GCNs would not travel to the site.
45. However, the location of the ponds does not appear to be identified and I am unclear where they are in relation to the site. Whilst areas of hardstanding may deter newts from travelling from that direction, I agree with the Council that this does not necessarily indicate that any GCNs that may be in the

neighbourhood, would not travel to the site for its terrestrial habitat. I am unable to conclude that the GCNs are not present or that their terrestrial habitats would not be affected by the development, and consequently that there would be no harm to protected species.

46. The development would contain some elements to encourage biodiversity but given that most of the site would be either gardens, hardstanding or built structures and that there would be noise and disturbance associated from activity, I give this limited weight in favour of the appeal.
47. As such, the development would have an adverse effect on protected species which would be contrary to LP Policy EE3. This sets out a requirement for comprehensive surveys to support development proposals that would affect protected species.
48. The Council has also cited LP Policy EE2. This states that where development cannot avoid having a negative impact on biodiversity, it must mitigate or compensate for residual impacts, delivering a net gain in biodiversity. As it is unclear to me whether GCNs might be affected by the development, I am unable to conclude that the proposed mitigation would be sufficient to meet the requirements of LP Policy EE2 and Paragraph 180 of the Framework which requires development to minimise impacts on biodiversity.

Other Matters

49. The appellant has drawn my attention to an application for permitted development of an agricultural building on a working farm near the appeal site. The barn would not be within the CA and is further from the listed buildings than the appeal site. It would also be sited in an agricultural context. The situations are not comparable, and I have not considered this further.
50. The appellant has also referred to a bungalow development on Handscombe End Road. Although it is unclear to me exactly which site is being referred to, I noticed that the built form along Handscombe End Road has a continuous frontage with building lines on both sides of the road and a distinctly semi-urban feel. It has a very different building pattern from Apsley End and is not within the CA. There is also a stretch of undeveloped road separating Apsley End from that building pattern. As such, the development on Handscombe End Road sits within a very different context from what is before me, and the situations are not comparable.
51. The final comments refer to another planning application but fail to give any details and as such carry no weight, as I am unable to determine if it is comparable to what is before me.
52. The appeal statement also refers to Paragraphs 0011 and 0032 in relation to rural housing and conservation areas in Planning Practice Guidance (PPG). I am unable to find that specific numbering but Paragraph 011 of the PPG dealing with rural housing just states that rural exception sites can come forward in any rural location. Paragraph 032 in relation to the historic environment, is concerned with World Heritage Sites. These references weigh neither for nor against the appeal which has in any case been determined on its merits and with specific reference to the local development plan and the Act, as well as the guidance in the Framework.

Planning and Heritage Balance

53. The development would provide seven dwellings which would make a modest contribution to local housing supply, provide a short term economic boost to the local economy in the construction phase, and a longer term social and economic boost to the area post-construction. The appellant argues that the type of dwellings proposed would meet local need but there is no substantiating evidence in this regard. In any case, if the target market is residents in the later stages of life, they are generally better served in areas of better public transport and ready access to essential services.
54. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of heritage assets, great weight should be given to the assets' conservation. Notwithstanding the benefits set out above, I have concluded that those benefits would not outweigh the harm identified in relation to the CA and listed buildings. Furthermore, I have also found harm in relation to location, highway safety and biodiversity.
55. The appellant has drawn my attention to a recent appeal decision. However, Paragraph 11 d) of the Framework states that where the policies most important for determining the application are out of date, permission should be granted unless the application of policies in this Framework that protect areas of assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 of Paragraph 11 identifies designated heritage assets as being one category of assets of particular importance. The Framework provides clear reasons for refusal and the presumption in favour of sustainable development does not apply.

Conclusion

56. The development would be contrary to the Act, the local development plan and the Framework and there are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR