



Appeal Decision

Site visit made on 2 August 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2024

Appeal Ref: APP/K0235/W/23/3331729

Priory Farm, Bedford Road, Turvey MK43 8BE

- 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 I Nichol against the decision of Bedford Borough Council.
 - The application Ref is 22/01700/FUL.
 - The development proposed is a new private access to A428 to serve three dwellings.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site lies within the setting of the Grade II listed building known as Priory Farmhouse and adjoining barn. Although the Council did not refuse planning permission on the grounds of harm to a designated heritage asset, I have a statutory duty under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the Act"), to pay special attention, and have regard to, the desirability of preserving the settings of listed buildings. This is reflected in my main issues below.
3. A third party has raised the listed building as a ground for objection. The appellant has submitted a heritage statement assessing the effect on the significance of the listed building, and has had an opportunity to respond to the objection through the appeal process. Therefore, in determining this appeal, the appellant's interests would not be unfairly prejudiced by me not seeking their views on this main issue.
4. Consequently, I consider that the main issues in this appeal are:
 - The effects of the proposed development on the character and appearance of the area, with particular regard to hedgerow removal.
 - Whether the proposed development would preserve the setting of the Grade II listed building known as Priory Farmhouse and adjoining barn, and its effect on the significance of the hedgerow as a non-designated heritage asset.

Reasons

Character and appearance, including hedgerow removal.

5. The appeal site includes part of a field to the east of Priory Farm which is bordered to the A428 by a hedgerow interspersed with several trees. Apart from details of a few tree species close to the proposed access, there is limited

- evidence to determine the composition of the hedgerow or most of the trees growing within it. Nonetheless, based on my observations, it appeared to be comprised of a substantial length of woody and sizeable hedgerow bushes.
6. The hedgerow is an attractive feature that has an entirely rural appearance, consistent with the surrounding landscape of mostly fields and planting. Together with the open fields beyond it to the north, it is one of the defining features along this part of the A428 as it extends through the countryside. Consequently, it makes a positive contribution to the verdant and rural appearance of the area, and to the intrinsic character and beauty of the countryside in this location.
 7. The main parties disagree on the extent of hedgerow to be removed for the proposed access. The submitted drawings are not definitive in this regard. The appellant's best-case scenario is that by taking the east visibility splay to the centreline of the carriageway, as opposed to the channel edge, only a 'very limited' extent of hedgerow removal would be necessary.
 8. Nonetheless, in this scenario it is apparent that a sizeable length of hedgerow would be removed, with other parts of the hedgerow needing to be cut back for the splays. Although most of the long hedgerow on the site frontage would be retained, this would result in an obvious gap in the boundary hedgerow and the likelihood of the significant cutting back of parts of the hedgerow. The closeness of the splays to the retained hedgerow would, to my mind, necessitate its regular pruning to retain safe visibility.
 9. Together with the construction of a relatively wide area of hardstanding extending some distance back from the highway, along with the proposed fence and gates, and driveway, the proposal would represent a marked visual change to the area. The extent of visual change would be relatively localised given the combination of the curvature of the road affecting viewing angles, and the retention of hedgerow outside of the visibility splays to the east and west. Nonetheless, the appeal proposal would harmfully erode and diminish the hedgerow's positive contribution to the verdantly green and rural appearance of the A428 corridor as it extends through the countryside.
 10. The planting of new hedgerow behind the visibility splays would, once established, add a degree of mitigation for the appeal proposal's harmful visual effect on the character and appearance of the area. However, it would not overcome the extent of the harm I have identified, and it does not alter my conclusion on this matter.
 11. There are very few accesses through gaps in the hedgerow on the north side of the A428 in the area. Those serving Priory Farm and the nearby sewage works do not outweigh the proposal's visual harm. Even if vehicle accesses of the type and appearance proposed are not uncommon in rural areas in general, I have necessarily determined the appeal proposal on its individual merits based on the evidence before me and found harm.
 12. In terms of the loss of hedgerow, Regulation 4 of the Hedgerow Regulations 1997 as amended ("the Regulations") states that a hedgerow is "important" if it has existed for 30 years or more and satisfies at least one of the criteria in Part II of Schedule 1. Part II of Schedule 1 includes whether the hedgerow is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts, and whether the

hedgerow contains the relevant number of woody species and features listed in Part II. There is a presumption in the Regulations that important hedgerows will be protected because of their biodiversity, landscape and historical value.

13. The appeal hedgerow runs along the frontage of the appeal site to the A428 and appears to border agricultural land to the east of the group of buildings at Priory Farm. Whilst there is no authoritative evidence before me to identify how many woody species are present in the hedgerow, it appeared to contain a mixture of such species. Despite its density varying along its length, it is to my mind composed of a continuous linear row of bushes comprising a discernible hedgerow to which the Regulations would apply.
14. The Council's evidence, including from the Historic Environment Record Officer, advises that the hedgerow the subject of this appeal enclosed an area of meadow close to the farm at the time of Parliamentary Inclosure. The evidence suggests that it remained an enclosure through to the first aerial mapping in the 1940's. Whilst the hedgerow may have been cut and replanted over this time, the Council's evidence indicates that it has formed part of a set of hedged enclosures for over 200 years.
15. I have no basis to doubt the appellant's suggestion that the road along the frontage of the hedgerow would have changed or been upgraded over the years. However, I have no substantive evidence of any previous alterations or upgrades to the road that would cast real doubt over the Council's evidence with regard to the long term existence of the hedgerow.
16. The quality of the Google Earth imagery from 2002 is insufficient for me to confidently conclude, in the face of the Council's evidence, that no identifiable hedgerow existed along the site frontage at that time. In any case, the appellant, who acquired the buildings at Priory Farm in the 1990s¹, argues the image shows barely any hedgerow at all on the site frontage, as distinct from there being none.
17. Based on the evidence before me, including my observations of the hedgerow's density and composition of species, I am persuaded with sufficient confidence that the hedgerow has existed for 30 years or more and satisfies at least one of the criteria in Part II of Schedule 1 of the Regulations. As such it is highly likely to be "important" and thus protected by the Regulations.
18. There is a presumption in the Regulations that important hedgerows are retained because of their biodiversity, landscape and historical value. Consequently, the removal of hedgerow to accommodate the proposed access would, irrespective of the proposed sections of replacement hedgerow planting, be harmful and this weighs against the proposal.
19. I therefore conclude on this issue that the proposal would harm the character and appearance of the area, with particular regard to hedgerow removal. As such, it would be contrary to Policies 7S, 28S, 29, 30 and 40 of the Bedford Borough Local Plan 2030, Adopted January 2020 ("the BBLP"), insofar as they seek to ensure that development contributes positively to an area's character and identity, recognises the intrinsic character and beauty of the countryside, enhances landscapes, and retains hedgerows unless there are overriding

¹ Page 27 of Heritage Statement

benefits that justify their removal. I will return to the benefits of the proposal later in this decision.

20. The proposal would also be contrary to Paragraphs 135.c) and 180.b) of the National Planning Policy Framework ("the Framework"), which require development to be sympathetic to landscape setting, and to contribute to and enhance the natural environment through recognising the intrinsic character and beauty of the countryside.

Heritage assets

21. The Grade II listed Priory Farmhouse and adjoining barn is a fine high-status building of considerable historic and architectural value. It is clearly appreciable as part of a tightly knit group of former agricultural buildings arranged around an enclosed farmstead courtyard and set amongst a pastoral rural landscape of fields.
22. The evidence suggests that the buildings assumed their present general arrangement around the late eighteenth century and were historically part of the same agricultural enterprise. Although the group of buildings are no longer in active farm use, the historic functional relationships between them and their rural surroundings remain highly legible. The historic farmstead is served by a single vehicle access to the west of the listed building, which is physically identified by the alignment of a stone wall to the front of the listed building, which curves around the access junction. The wall and the single access reinforce the spatial and historic functional relationships between the buildings.
23. The significance of the listed building is largely derived from its notable architectural and historic interest, together with the historic functional relationship between it and the group of former farm buildings. This is appreciated within the pastoral agricultural landscape of which the appeal site forms part. The appeal site, including the hedgerow along its frontage to the A428, is part of this historic rural landscape and it contributes positively to the setting and significance of the listed building as a designated heritage asset.
24. In this context, and on the evidence before me and in having regard to the Planning Practice Guidance², the hedgerow, which I have already found is likely to be 'important' in terms of the Regulations, displays a sufficient degree of heritage interest in its own right to justify being considered as a non-designated heritage asset ("NDHA"). Local criteria for considering whether something is a non-designated heritage asset is not before me in this appeal and therefore I have reached this judgement on the evidence before me and my observations at the site visit.
25. The removal of part of the hedgerow and the cutting back of some retained parts, would erode the character and appearance of the pastoral rural landscape, and would harm the significance of the hedgerow as a NDHA.
26. The appeal proposal would not physically affect the fabric of the listed building or the associated former farm buildings. However, the access and the relatively long driveway, including gates, would have an engineered appearance that would form a noticeable incursion of built development onto the appeal site, partly severing the grass field. Its appearance and alignment would significantly erode the sharply distinguished transition between the listed

² Paragraph: 039 Reference ID: 18a-039-20190723

building and its associated farmyard buildings, and the surrounding pastoral landscape.

27. As a consequence, it would have an urbanising effect that would dilute the historic functional connection and relationship between them, and would harmfully disrupt how the listed building is experienced in the wider pastoral surroundings. It would therefore cause harm to the setting and significance of the listed building as a designated heritage asset.
28. In terms of the Framework, the harm that would be caused to the significance of the designated heritage asset would be 'less than substantial'. Nevertheless, I am required by Framework Paragraph 205 to give great weight to the conservation of a designated heritage asset and therefore this is a matter of considerable weight and importance. Harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.
29. Framework Paragraphs 208 and 209, require the harm to be weighed against the public benefits of the proposal and, in the case of development directly or indirectly affecting a NDHA, a balanced judgement reached having regard to the scale of any harm or loss, and the significance of the heritage asset.
30. The Inspector found that the benefits of the conversion scheme approved on appeal in 2021³ for 3 dwellings would have delivered public benefits that outweighed the harms, including the less than the substantial harm to the designated heritage asset. That scheme would also have achieved a long term use for the buildings, including the listed building, preventing deterioration, and protecting the integrity and identity of the farmstead. On the evidence before me, I have no basis to reach a contrary view. However, the 2021 appeal scheme would have delivered those benefits on a scheme that used the existing access, not a new access as in the case before me.
31. Even if the dismissal of this appeal would prevent those public benefits from materialising, including the optimum viable use of the heritage asset, they are not of sufficient weight to outweigh the great weight and considerable importance that I afford to the conservation of the designated heritage asset, and the harm to its significance, and the harm to the significance of the NDHA, that the appeal proposal would cause. Whilst the buildings are vacant, the Inspector did not find them to be at immediate risk of loss or further harm, and I have no substantive evidence to the contrary.
32. The covenant that is posited as preventing the 2021 appeal scheme from delivering those public benefits is a private legal matter between the relevant parties. I have limited evidence of the efforts made by the appellant to overcome this covenant since the 2021 appeal decision, nor is there any substantive evidence that it is an insurmountable barrier to delivering the conversion scheme.
33. The 2021 appeal decision established that use of the existing vehicle access to serve the approved dwellings would not be unacceptable in terms of highway safety, and that future occupiers would be within easy walking distance of Station End and the bus stop nearby. Based on the evidence before me and my observations, I find no basis to reach a contrary view. In this context, the

³ APP/K0235/W/20/3255478 & APP/K0235/Y/20/3255480

benefits of the proposal in segregating farm and residential traffic, delivering a hoggin footpath to the bus stop, and providing a longer eastern visibility splay are of limited weight in favour of the appeal proposal.

34. Taking account of all the above, the public benefits of the approved conversion scheme for 3 dwellings, including the benefits of reusing the listed building and associated buildings, would not amount to clear and convincing justification for the harm that would be caused to the designated heritage asset, nor would it outweigh the harm to the NDHA.
35. For these reasons I conclude on this issue that the proposal would conflict with Section 66(1) of the Act, and would fail to comply with BBLP Policies 28S, 29 and 41S, which seek to ensure that development successfully integrates with the historic environment and character, and protects and where appropriate enhances heritage assets and their settings. There would also be conflict with the conserving and enhancing the historic environment objectives of Framework Chapter 16.

Other Matters

36. I have already found that the benefits of the proposal to highway safety and connectivity between the appeal site and Station End are of limited weight in its favour.
37. For the reasons given above, the proposal would not protect the historic or natural environments, thus outweighing the public benefits of its potential contribution to reusing vacant buildings, including the designated heritage asset. The reuse of those buildings does not appear urgent given that they were not found to be at immediate risk of loss or further harm. There is limited evidence that the covenant is an insurmountable barrier to their reuse.
38. Even if the proposal would 'unlock' the delivery of 3 additional homes, the associated social and economic benefits would weigh only moderately in its favour given the scale of the proposal. An absence of harm to trees or biodiversity would not carry positive weight in favour of the appeal proposal.

Conclusion

39. The appeal proposal would harm the character and appearance of the area, the significance of the designated heritage asset, and the hedgerow as a NDHA. These harms bring the development into conflict with BBLP Policies 7S, 28S, 29, 30, 40 and 41S, and the development plan as a whole. Given my statutory duty under the Act, I give substantial weight to the totality of this conflict.
40. The benefits of the appeal proposal attract moderate weight in its favour. Even if the hedgerow was not 'important' under the Regulations, the material considerations, including the benefits of the proposal and the provisions of the Framework, are insufficient to outweigh the conflict with the development plan. As such, they do not indicate that a decision should be made other than in accordance with that plan. Therefore, I conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR