



Appeal Decision

Site visit made on 19 August 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2024

Appeal Ref: APP/K0235/W/24/3338435

25 Top End, Renhold, Bedford, Bedfordshire MK41 0LR

- 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 K.J. Hill Ltd against the decision of Bedford Borough Council.
 - The application Ref is 23/00312/FUL.
 - The development proposed is demolition of existing commercial unit and erection of 1 dwelling with garage and associated access works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading, I have referred to the description of the development from the decision notice as this more accurately reflects the appeal proposal.
3. Since the application was determined, the National Planning Policy Framework (the Framework) has been revised. Both the main parties have had the opportunity to comment during the appeal process.
4. A speed survey and accompanying Transport Note¹ has been submitted as part of the appeal. The Council has reviewed and commented on the documents, and so I have had regard to them in reaching my decision.

Main Issues

5. The main issues are:
 - whether the appeal site is a suitable location for the proposal, including the effect on the character and appearance of the area; and
 - the effect of the proposal on highway safety.

Reasons

6. Bedford Borough Local Plan (BLP) Policy 3S sets out the spatial strategy for the Borough. BLP Policy 4S details the Amount and distribution of housing development in the Borough. In combination, these policies 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.

¹ Technical Note dated January 2024 prepared by rappor.

7. BLP supporting text at Paragraph 6.18 states 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). The aim of this is to direct development within defined SPAs. There is no dispute the appeal site sits outside any defined SPA boundary in the BLP.
8. The supporting text of the BLP also recognises that the rural areas include a wide range of settlements which vary in size and function. At Paragraph 6.20 it identifies numerous places as Small Settlements which do not have a defined SPA but nevertheless do have a definite built form, including at Renhold Top End.
9. Regarding the principle of development, the appellant contends that the appeal scheme should only be assessed against BLP Policy 6 and not Policy 7S. BLP Policy 6 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.
10. The Council also prepared a Planning Policy Briefing Note with respect to Policies 5S, 6 and 7S of the BLP. This 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. For those small settlements that do have a recognisable built form there may be limited opportunity for development.
11. The appellant acknowledges within their evidence that Top End is a small settlement characterised by a linear form of residential development on either side of the highway. As part of my visit, I viewed the area surrounding the appeal site, including from the road and the nearby public right of way. The position of the built form along Top End Road has a linear pattern of development that the appeal building steps beyond. However, it is immediately adjacent and viewed from the PROW and other vantage points such that it reads as part of the grouping of nearby dwellings and other built forms in the vicinity.
12. For the reasons given above, I conclude that the appeal site is within a Small Settlement, as defined by the BLP. Therefore, I disagree with the Council and because I have found that the site is within a Small Settlement, BLP Policy 7S relating to development in the countryside is not determinative.
13. In reaching this conclusion, I have had regard to the appeal² referenced by the Council. However, the example lies some distance from the appeal site and would not be subject to an assessment as to its relationship with Renhold Top End; therefore, it is materially different. As the proposal meets the first limb of BLP Policy 6, I now turn to the second limb of the policy and whether the proposal would contribute positively to the character of the settlement.
14. The immediate area is characterised by detached and semi-detached dwellings of varying design, set centrally within verdant gardens fronting the road. These nearby properties are predominantly single-storey, with many containing rooms in the roof space. This layout makes a positive contribution to the

² Ref: APP/K0235/W/20/3264577

- overall character of the area. Two-storey dwellings can be found further along the road to either end. While back-land development has occurred in the area, including at 12a Top End, this appears limited and atypical.
15. The appeal site is presently occupied by a commercial unit. The building on site has a somewhat agricultural appearance. It is constructed in lower blockwork with cladding above. As a result of its location, size and design it does not appear harmfully intrusive to the appearance of the area being set against verdant trees and hedging with fields beyond.
 16. The design of the proposed building has, to some degree, an agricultural appearance, albeit with a modern design incorporating large, glazed sections. Access would be taken from Top End Road between No 25 and 27. It would also share an access with No 27 leading to the parking area for No 27 and the proposed dwelling.
 17. The scheme would result in the introduction of a dwelling and associated infrastructure and domestic paraphernalia across the site. The access track, while limited from wider views, would introduce an uncommon long narrow driveway to the streetscene. The appeal scheme would also introduce a dwelling that does not reflect the established pattern and grain of development, which is of dwellings with access directly onto the road, most of which sit behind front gardens/small driveways on a broadly consistent building line. As a result of its backland position, close to the boundary, the introduction of the dwelling in this location would appear as an incongruous addition within the surrounding area that would be out of keeping with the prevailing ribbon character of the area made up of dwellings fronting the road.
 18. Moreover, despite being screened from some views and having a somewhat pastiche agricultural appearance, the building would nevertheless appear as a dwellinghouse when viewed from the surrounding area. Given its scale in comparison to No 25 and 27, it would be significantly at odds with the lower-level scale of dwellings found on this part of Top End Road.
 19. The appellant has stated that the design approach adopted for the proposed dwelling has been influenced by the existing building on site. Whilst the building to be demolished is of a more significant scale than properties No 25 and 27, it is more visually associated with No 25 given its appearance, the shared access and connecting hard surfacing. As such, the proposed dwelling would appear more harmfully at odds with the prevailing character of the area than the existing commercial building.
 20. For the above reasons, the development would fail to accord with the spatial strategy as it would have a harmful effect on the character and appearance of the area. Therefore, the development is contrary to BLP Policies 3S, 4S, 6, 28S and 29. Together, these seek, amongst other things, proposals contribute positively to the character and identity of the settlement. For similar reasons, it would also conflict with the aims of the Design Guidance, Residential Extensions, New Dwellings, and Small Infill Developments document.

Highway Safety

21. BLP Policy 31 sets out a number of criteria that aim to ensure that development proposals do not have any significant adverse impact on access to the public highway. This is broadly consistent with the Framework,

which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

22. This section of Top End is a classified road with a speed limit of 30 mph and is relatively straight to either side of the proposed access. During my site visit, I observed most properties within proximity have access on to this section of the highway. I also observed that close to the proposed access is a telegraph pole and boundary treatments, including a tree that could restrict visibility. However, the main parties are satisfied that these features could be moved subject to a suitably worded condition, and I see no reason to disagree.
23. The Council also confirmed that an existing access is to be removed for the new access but has concerns as it will be more intensely used than the existing one. As such, the Council requires it to meet current safety guidelines. My attention has been brought to the Manual for Streets Position Statement³ (MSPS) in this regard. However, I have been supplied with limited information on the status of this document within the Council's development plan or details of its consultation and adoption process. As such, I find that BLP Policy 31 must take precedence. Moreover, Policy 31 does not specify that compliance must be achieved with the MSPS. I have also taken the Inspector's comments on the appeal at Wood Lane⁴ into consideration.
24. The appellant has provided evidence to demonstrate 2.4m x 44m visibility splay commensurate with 85th percentile vehicle speed of 28.7mph measured to the nearside kerb to the west of the access. To the east of the access 2.4m x 46m visibility splay commensurate with 85th percentile vehicle speed of 29.8mph measured 0.12m into the carriageway has also been evidenced. From my site visit and the evidence presented, this is a safe section of road already accessed by numerous nearby dwellings. The addition of one new dwelling with the visibility splays provided would not result in an unsafe vehicular access.
25. Consequently, the appeal proposal can demonstrate it would not have any significant adverse impact on access to the public highway, thereby complying with BLP Policy 31.

Other Matters

26. The absence of objections from the identified Council consultees is noted. However, the absence of harm identified by the consultees is a neutral factor in my assessment, carrying neither positive nor negative weight. Similarly, compliance with some development plan policies, including BLP Policy 46S, does not overcome the need to accord with the development plan when taken as a whole.
27. There is a Lawful Development Certificate for commercial premises with ancillary office space on the site. The appellant states this represents a fallback position. As I have found above, the building on-site is not harmful to its surroundings in terms of its appearance, nor is there any compelling evidence that its use is harmful to the character of the area. For significant weight to be afforded to a fallback position, there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than

³ Visibility Splay Position Statement in relation to the application of Manual for Streets and the Design Manual for Roads and Bridges. Bedford Borough Council, Highways Development Control dated 24 February 2012.

⁴ Appeal Ref: APP/K0235/W/23/3316321

the appeal scheme. In this instance, whilst the building and use would remain should the appeal fail, it would not be more harmful than the proposal. Therefore, I attach little weight to this fallback position.

28. The appellant has stated the existing building on site is an underutilised commercial unit. At the time of my visit, the building still appeared to be in use. Nonetheless, the development would offer potential benefits in providing one new dwelling on a small brownfield site to the Council's housing stock. There would also be social and economic benefits, including for the settlement, arising from the construction and occupation of the dwelling and the reuse of an underutilised site. However, given the scale of the scheme, these benefits even when combined, would not outweigh the harm I have identified.

Conclusion

29. The proposal would not be harmful to the safety of highway users. However, 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 and 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, the appeal is dismissed.

A Hickey

INSPECTOR