



Appeal Decision

Site visit made on 29 October 2024

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/K0235/W/24/3339985

Old Pump House, Bromham Road, Biddenham, Bedford

- 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 T Lettman against the decision of Bedford Borough Council.
 - The application Ref is 23/02267/FUL.
 - The development proposed is erection of detached two-storey eco-dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (Framework) has been revised since the planning application was determined. However, as the appellant and the Council have been able to comment on any alleged implications of this during the appeal process, I have not sought further views about this matter.

Main Issues

3. The main issues are:
 - whether the site is in an appropriate location for housing;
 - the effect of the proposal on Bromham Bridge, which is a scheduled monument¹, and the character and appearance of the site and the surrounding area;
 - the effect of the proposal on highway safety, with particular regard to access into and egress from the site;
 - whether the proposal is satisfactory in respect of flood risk; and
 - the effect of the proposal on ecology.

Reasons

Location

4. The site is outside the settlements defined by the Bedford Borough Local Plan 2030 (LP) and therefore in the countryside. LP Policy 7S sets out that development will be permitted if it would accord with one of several prescribed LP policies or a neighbourhood plan or, exceptionally, if the site is well-related

¹ List entry number: 1005411

to settlements and responds to identified needs in and has the support of the local community. Several criteria seeking to protect the character, enjoyment and ecology of the countryside must also be satisfied. Additionally, LP policy 46S explains that the delivery of development will be maximised by reusing suitably located previously developed land which is not of high environmental or biodiversity value.

5. None of the prescribed policies referenced in LP policy 7S are relevant to this scheme for a new private dwelling, which would have no restrictions on its occupiers. Furthermore, it has not been demonstrated that the scheme accords with any neighbourhood plan, or responds to identified needs in or has the support of the local community. Although the site is close to residential properties on the opposite side of Bromham Road and not isolated, these matters do not address the conflict with the policy.
6. The Framework excludes land where the remains of a permanent structure or fixed surface structure have blended into the landscape from its definition of previously developed land. While the site includes a section of Bromham Road and is partially enclosed by fencing, the pump house has been demolished and its remains are not readily perceptible due to vegetation coverage. Consequently, in its current condition, the land on which the dwelling would be sited does not constitute previously developed land.
7. I find that the site is not an appropriate location for housing. The proposal fails to accord with LP policies 7S and 46S in this respect.

Scheduled monument, character and appearance

8. The site is in close proximity to Bromham Bridge, which spans the Great Ouse, and the associated largely open and undeveloped riverside environment that is accessible via an adjacent foot and cycleway. Based on the appellant's Heritage Statement, a bridge was first documented in 1277. It also specifies that the current structure was designed in the 19th century but follows a traditional medieval design comprising semi-circular mainly limestone arches. It has been subject to interventions including repairs, widening, and latterly works to accommodate drainage and street signage and lighting. Insofar as relevant to the appeal, the significance of the bridge is derived in large part by its age, build history and fabric. The Great Ouse and its riverside environment have a clear relationship with the bridge and form part of its setting.
9. The site appears and feels open and spacious due to the apparent absence of development within much of it. These qualities can also be attributed to the riverside environment as well as an agricultural field to the site's rear. In these ways it contrasts with the ribbon of residential properties on the other side of the road and the built environment at the other end of the bridge. Instead, the site appears part of undeveloped countryside when viewed from the bridge, the road and the foot and cycleway. Further, the site provides relief to the bridge and does not compete in or detract from views of it as a result of the apparent lack of built form thereon. The site therefore contributes positively to the setting of the bridge and the character and appearance of the area.
10. A large, two storey dwelling of a modern design is proposed that amongst other things would feature a flat roof and high proportion of contemporary fenestration. While this would not be entirely incompatible with the varied aesthetic of the dwellings on the other side of the road, it would erode the

site's sense of openness and spaciousness, block views from the bridge through the site to the field and contrast starkly with the traditional construction and fabric of the bridge, its riverside setting and the wider countryside. Although there is vegetation between the site and the bridge and further landscaping could be planted, and sensitive surfacing materials could be used, the dwelling would nevertheless detract from the bridge when travelling along it and from the road and the foot and cycleway. Consequently, the significance of the bridge, and the character and appearance of the site and the surrounding area, would be harmed.

11. The proposal conflicts with LP policies 7S, 28S, 29 and 30, which require development to recognise the intrinsic character and beauty of the countryside, have a positive relationship with its surroundings and the landscape, and protect or enhance heritage assets and their settings. It is also contrary to design codes N1 and N2 of the Council's Residential Extensions, New Dwellings & Small Infill Developments Design Guidance, which set out advice relating to the shape and scale of development and the character of localities. There is also conflict with paragraph 130 of the Framework, which specifies that development should be sympathetic to local character.
12. The harm to the significance of the scheduled monument would be less than substantial for the purposes of the Framework. Both the Framework and LP policy 41S require this harm to be weighed against the public benefits of the proposal. I return to this matter later.

Highway safety

13. The land between the fenced off part of the site and the Bromham Road carriageway is designated highway and when I visited it was being used informally for parking associated with users of the adjacent foot and cycleway. The road is subject to a 20 miles per hour speed restriction and suitable visibility splays can be achieved at the access for forward moving vehicles. However, the Council is concerned that vehicles would not be able to turn within the site.
14. Tracking drawings suggest that vehicles exiting the proposed parking spaces could only do so by being reversed onto an area shown as potentially being the location of a raised access platform into the dwelling. There is nothing before me which suggests that a platform of that specific design must be installed, so a condition could be used to address this, thereby enabling vehicles to turn within the site and exit in a forward gear. However, tracking drawings for larger vehicles, such as service and emergency vehicles, have not been provided. In the absence of these, and as the appellant cannot control whether the highway to the front of the site will continue to be used for parking, it cannot be known if large vehicles could exit without reversing onto the carriageway. This would pose an unacceptable risk to highway safety.
15. The proposal thereby conflicts with LP policy 31, which states that proposals should not have any significant adverse impact on the highway, including with regard to access for service and emergency vehicles. It is also contrary to paragraph 115 of the Framework, which makes clear that development may be refused where there would be unacceptable highway safety impacts.

Flood risk

16. The site is located mostly within Flood Zone 3 and so at high risk of fluvial flooding. The appellant's Flood Risk Assessment and Drainage Strategy (FRA) also suggests that there may be some potential for groundwater flooding too.
17. Section 14 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This is achieved through the application of the sequential test, which aims to steer development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites in areas with a lower risk of flooding. LP policy 92 echoes the Framework's approach to flood risk in these respects.
18. I have not been provided with evidence which demonstrates that the sequential test has taken place and that there are no suitable alternative sites for the development with a lower risk of flooding. The proposal therefore cannot pass the sequential test, and there is no need to consider flood risk any further. The FRA details potential mitigation of flood risk on site and elsewhere, but these matters do not address the need for the sequential test to be passed in the first instance.
19. There is insufficient information before me to conclude that there are no reasonably available sites for the development in areas with a lower risk of flooding than the appeal site. The proposal therefore fails to demonstrate that the site is satisfactory in respect of flood risk. It fails to comply with LP policy 92 and section 14 of the Framework, which require that development is steered towards areas with the lowest risk of flooding.

Ecology

20. The appellant's Preliminary Ecological Appraisal is informed by a desktop study and site visit in June 2021. It sets out that the information within it is valid for a maximum period of 24 months. It also states that further surveying is required in respect of roosting bats.
21. Circular 06/2005² states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before permission is granted. On that basis, it would be inappropriate to condition the undertaking of updated or additional surveys. Moreover, the use of conditions to require mitigation or compensation measures would also be inappropriate in the absence of further surveying because there can be no certainty that such measures would satisfactorily address any harm that might occur to protected species.
22. The Council also objects to the proposal on the basis that it has not been demonstrated that a net gain in biodiversity can be achieved. LP policy 43 and paragraph 180 of the Framework specify that net gains for biodiversity should be secured but no qualifying amount is specified. Legal requirements relating to the provision of 10 percent biodiversity net gain do not apply to this proposal as the application was made before 2 April 2024³. The appellant's arboricultural

² ODPM Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System

³ Schedule 7A of the Town and Country Planning Act 1990 and Regulation 3 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024

information indicates that most of the higher value trees are to be retained. Although some of the trees had seemingly been removed when I visited, there remains reasonable scope for some level of biodiversity net gain to be delivered. This could be secured by a condition.

23. Nevertheless, it has not been demonstrated that the proposal would not cause unacceptable harm to protected species. The proposal conflicts with LP policy 42S and paragraph 180 of the Framework, which set out that schemes should assess impacts on and protect biodiversity. Consequently, even if I had concluded that the site constituted previously developed land, there would still be conflict with LP policy 46S, as it has not been demonstrated that the site is not of high environmental or biodiversity value.

Planning Balance and Conclusion

24. The proposal would contribute to housing supply in the borough. Additionally, I have no reason to doubt that it would be sustainably constructed and energy efficient, or that the site is near to services, facilities and public transport options, even though the lack of a footway along the bridge would discourage many from walking to locations beyond it. There would also be economic benefits from the construction process and the occupiers spending on and engaging with local amenities. Furthermore, despite my findings in relation to the final main issue, wildlife enhancements could be provided, and I have already set out that biodiversity net gain could be achieved.
25. However, I assign limited weight to the public benefits due to the small amount of housing proposed. Conversely, even less than substantial harm to a designated heritage asset must carry great weight. Overall, the public benefits are insufficient to outweigh the harm to the significance of the scheduled monument. Consequently, the proposal conflicts with LP policy 41S and the heritage protection policies in the Framework and, more broadly, material considerations do not outweigh the harm identified or the conflicts with policies in other respects.
26. For the reasons given above, the Framework does not indicate in favour of the development. Moreover, I conclude that the proposal is contrary to the development plan taken as a whole. Material considerations do not indicate that a decision should be taken that is contrary to the development plan.
27. Accordingly, the appeal is dismissed.

Mark Philpott

INSPECTOR