



Appeal Decision

Site visit made on 8 November 2024

by H Butcher BSc (Hons) MSc PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Appeal Ref: APP/K0235/W/24/3349429

Woodleys Farm House, Knotting Road, Melchbourne, Bedford MK44 1AG

- 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 & Mrs Hudson against the decision of Bedford Borough Council.
 - The application Ref is 23/01311/FUL.
 - The development proposed is the conversion of existing barns to residential to create 6 No. new dwellings, with new access, car parking, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:

- The effect of the development on the significance of a non-designated heritage asset;
- The effect of the development on the character and appearance of the surrounding area;
- Whether the barns are suitable for conversion having regard to local and national planning policy;
- Whether the development would make acceptable provision for the servicing of waste and recyclable materials;
- The effect of the development on the living conditions of future occupiers having particular regard to light, outlook, and head heights;
- Whether the development would provide suitable vehicle and cycle parking;
- The effect of the development on protected species;
- Whether the development would provide suitable disposal for foul waste; and,
- Whether or not the development would make adequate provision for affordable housing.

Reasons

Heritage

3. The appeal site comprises a group of 19th-century farm buildings which are a variety of shapes and sizes and are arranged variously to create enclosed courtyards. The farm buildings are typical of a 19th-century model farmstead layout and would historically have been used to store hay and grain, house livestock, and shelter carts and farm implements. Architecturally they are a good surviving example of traditional farmstead buildings and historically are important as they are representative of agricultural farming practices in 19th-century Britain. Consequently, they have heritage interest, or 'significance', as defined in the National Planning Policy Framework (the Framework) and the Council have duly classified them as a non-designated heritage asset.
4. Historic maps show the farm buildings surrounded by agricultural land, paddocks, and woodland, and this remains largely the case today. The historic association and strong intervisibility between the farm buildings and the surrounding arable and pastoral fields informs our understanding of the historic function of the site. The rural surroundings or 'setting' to the farm buildings, therefore, further allows their historic significance to be appreciated.
5. The access to the farm buildings is also an important part of their setting. It has a distinctive design being a long, straight, tree-lined, access drive, off Knotting Road, which cuts through the surrounding farmland and leads directly to the farm buildings and associated farmhouse (also c. 19th-century). The access has not changed significantly since c. 1883 and likely dates from when the farmstead originated. It therefore contributes to the significance of the farm buildings as it again informs our understanding of the farmstead by virtue of its historic layout.
6. The proposal would introduce an entirely new access drive, directly adjacent to, and largely parallel with, the existing access drive, although towards Knotting Road it would turn 90 degrees for a short section and then 90 degrees again to join the highway at a point further to the north-east of the existing access. The result would be an overly long and convoluted access drive which would not only introduce a significant urban feature into the rural setting of the farm buildings but would also compete with, confuse, and detract from, the historic access and layout of the farmstead. Additional planting would not sufficiently mitigate this harm.
7. The appellant makes the case that access points, such as that proposed, are common in the area serving farmsteads, fields, or residential properties. Whilst that may be true it does not, of itself, justify a new access in the countryside, particularly in this location given the historic context of the site.
8. I have considered the effect of the proposed parking arrangements on the setting of the farm buildings. These would not be particularly sympathetic in visual terms being largely concentrated around the entrance to the historic farm buildings. An alternative layout, could, however, be secured by condition. This matter is therefore capable of being overcome and as such has had no bearing in respect of my findings above.
9. I am aware of support from highway officers regarding the new access, and the issues with the existing access including visibility and the presence of mature trees. However, these points do not outweigh the harm I have identified above given heritage assets are an irreplaceable resource.

10. With the above points in mind I find harm to the significance of the farm buildings by virtue of harm to their setting. It follows that I find conflict with Policy 41S of the Bedford Borough Local Plan 2030 (LP) which requires protection of the historic environment and heritage assets. Although this policy is not explicitly referred to in the Council's reasons for refusal, it is before me as it is referenced in Policy 65 of the LP, and the Council raised concerns over the effect of the development on the setting of this non-designated heritage asset. Para 209 of the Framework also requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining whether or not to grant planning permission.

Character and Appearance

11. For the same reasons as set out above, the new access drive, would fail to recognise the intrinsic character and beauty of the surrounding countryside to the appeal site, contrary to Policy 7S (xi) of the LP.
12. Policy 65 of the LP, noted above, specifically deals with the re-use of rural buildings in the countryside, and sets out that such development must enhance the immediate setting vii) and not increase the impact of the site/use on the surrounding countryside viii). The proposal would, for the reasons already given, also fail to accord with this policy. Similarly, the proposal would conflict with the policies in the Framework which encourage the re-use of redundant or disused buildings, where it would enhance its immediate setting.
13. Furthermore, I find conflict with Policies 29, 30 and 37 of the LP, which more broadly deal with design and landscape matters, specifically, that new development respects the context within which it will sit, and the protection of landscape setting.

Suitability of the Barns for Conversion

14. The Council also raise further concerns with Policy 65 of the LP regarding the suitability of the barns for conversion. This policy stipulates that consideration be given as to whether such buildings are genuinely redundant or disused, and whether significant reconstruction would be required. From what I observed on my site visit, whilst the barns were primarily used for ancillary storage and, in part, dog kennels, overall, my view is that they are redundant as farm buildings. I therefore find no conflict with Policy 65 (i).
15. I did observe some structural issues with the buildings and areas of collapse. However, the policies in the Framework are a material consideration and paragraph 84 c), which encourages the re-use of redundant or disused buildings, does not make any requirement regarding a need for reconstruction. Therefore, there is a degree of inconsistency between the LP and the Framework on this point which reduces the weight to be given to Policy 65 (iii), (iv) and (vi). In any event, whether significant reconstruction is required is not determinative given I have found the appeal conflicts with Policy 65 for other reasons as set out in the previous sections.

Servicing of Waste and Recyclable Materials

16. The local Highway Authority have advised that formal adoption of the proposed access is unlikely due to concerns over future maintenance costs. Without adoption of the proposed access (nor that of the existing access) future residents would be required to bring their waste and recycling up to the edge of

Knotting Road; some 380m. This would be unfeasible for even able-bodied persons. It could also lead to bins being left out for prolonged periods of time, which would be unsightly, and would have a harmful impact on the character and appearance of the surrounding area.

17. The appellant has suggested that a private waste management service could be arranged to overcome this issue. Such an arrangement would, however, need to be secured in perpetuity by legal agreement. Nevertheless, even if such an agreement were before me, as the local authority has a statutory duty to remove waste, an obligation of this nature would likely fail to meet the relevant tests outlined in national planning policy such as the test of reasonableness.
18. For these reasons I find that the development does not make suitable arrangements for the servicing of waste and recyclable materials. It would therefore conflict with the relevant provisions of Policy 29 (viii) which require new development to suitably integrate refuse and recycling collection points into the design.

Living Conditions

19. Bedroom 4 of Plot 2 would not have a window explicitly for its use. Nevertheless, it could benefit from natural light and outlook from across an adjacent void where there would be a full height window opening, if constructed as a mezzanine as detailed in the Design and Access Statement. Such an arrangement would not be uncharacteristic of a barn conversion. Alternatively, it would be feasible to create an additional opening(s) to serve this bedroom. Either of these outcomes could be secured by condition.
20. Plot 2 would also have windows serving bedrooms and a living room/kitchen which would overlook the courtyard garden to Plot 1. However, all of these rooms would be dual aspect. Therefore, even if all of the windows overlooking the courtyard to Plot 1 were obscure glazed to ensure privacy, these rooms would still benefit from adequate light and outlook. This could be secured by condition. If 'Barn K' was retained for ancillary storage it would not result in a harmful level of overlooking to the courtyard garden of Plot 1 as such a use would likely be intermittent.
21. A similar situation to that detailed above would occur with Plot 3 having ground floor habitable room windows overlooking the courtyard garden to Plot 2. However, again these rooms would be dual aspect. Adequate privacy could therefore be secured by way of a condition requiring judicious obscure glazing.
22. Plots 1 and 3 would have restricted head heights at first floor given they would occupy the roof space of the farm buildings. However, based on the plans before me, they are likely to be able to achieve c. 2.3m at the centre of the rooms. The Technical Housing Standards – Nationally Described Space Standard requires a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area. I am satisfied on the plans before me, that, overall, the proposed dwellings would achieve this space standard.
23. Taking the above points together I find no conflict with the relevant provisions of Policy 32 (iv) of the LP which requires consideration of factors such as overlooking. I have also had regard to Design Code N5 of the Council's Residential Extensions, New Dwellings and Small Infill Developments, design guidance, which concerns privacy and similarly find no conflict. Finally, I also

find no conflict with para 135 f) of the Framework which seeks to ensure new development achieves a high standard of amenity for future users having regard to the Nationally Described Space Standard.

Vehicle and Bicycle Parking

24. The vehicle parking in most cases would be sufficiently close to the corresponding property to not cause a significant degree of inconvenience. The least convenient would be Plot 6, the parking for this property being the other side of an open green space and beyond three other properties. It is likely, in practice, future occupiers of Plot 6 would park closer to their property, particularly when loading or unloading a vehicle. There is, however, ample space to provide parking adjacent to Plot 6 within the appeal site. This could therefore be satisfactorily resolved with a condition requiring a revised layout of parking. The Council's concerns over the width of parking spaces could also be resolved in the same manner.
25. Each property would benefit from private external amenity space where future residents could store bicycles. This would be convenient and adequate storage facilities could, again, be secured by condition.
26. I therefore find that adequate provision for vehicle and bicycle parking could be provided and consequently no conflict with Policy 29 (viii) of the LP.

Protected Species

27. The appellant submitted an Ecological Assessment, but this requires updating as it is now of some age and does not include the new access track and access point. The appellant is willing to submit an updated report. The appellant has also submitted an Ecological Enhancement Management Plan which provides for a net increase in biodiversity. Given the findings of these reports, and that there is no evidence before me that circumstances have materially changed in the interim, I see no reason why any updates cannot be dealt with by condition, and a Grampian style condition used to secure any ecological enhancements. Subject to such conditions the proposal would satisfy Policies 42S and 43 of the LP which aim to protect and enhance biodiversity.

Foul Waste

28. There is no substantive evidence before me to conclude that it would not be feasible to adequately dispose of foul waste, in line with policy, subject to the imposition of suitable conditions. On this basis I find no conflict with Policy 50S of the LP which seeks to protect water resources.

Affordable Housing

29. Policy 58S of the LP requires a 30% contribution towards affordable housing on sites over 0.5ha, which applies in this case. Previously, the Council agreed it was not viable for the development to provide affordable housing following the submission of a viability assessment (VA). The VA includes a cost for the construction of the access road to an adoptable standard. It is, however, no longer necessary to do this, as it has been confirmed by the Highway Authority that the access road is unlikely to be adopted. Therefore, the cost of constructing the access road is likely to be lower than that used in the VA. The VA should be updated to reflect this to ascertain if the provision of affordable housing is still unviable. A viability review could be secured by way of a legal

agreement, but it is not necessary for me to pursue this matter further as the appeal is to be dismissed on other substantive issues.

Other Matters

30. The appellant submits that the proposal would provide a safer access for existing residents but there is no substantive evidence before me that the existing access is dangerous. The proposal would also provide additional housing and a viable on-going use for the barns. However, these benefits do not outweigh the totality of the harm I have found. Whilst I sympathise with the appellant's frustration at being refused planning permission this has no bearing on the outcome of this appeal.

Conclusion

31. I have found harm to the setting of a non-designated heritage asset, the character and appearance of the surrounding area, and harm resulting from a lack of suitable arrangements for the servicing of waste and recyclable materials. Overall, therefore, I find conflict with the development plan. I have had regard to all material considerations, but these do not indicate a decision other than in accordance with the development plan.

32. The appeal is dismissed.

H Butcher

INSPECTOR