



Appeal Decision

Site visit made on 26 November 2024

by **K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/P0240/W/24/3346464

Land to rear of Units 4a and 5 The Ridgeway Business Park, The Ridgeway, Moggerhanger, Bedford MK44 3PH

- 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 Bogdan Scutelnicu against the decision of Central Bedfordshire Council.
- The application Ref is CB/24/00072/FULL.
- The development proposed is change of use from agricultural to commercial use (storage/distribution uses – Class B8). Erection of an industrial unit with associated parking and access. Erection of maximum 2.3 m high metal security fencing. Creation of pond in connection with drainage strategy.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address and the description of development in the banner heading is usually taken from the application form. In this case I have used the address from the decision notice and also included the other works that the Council included in the description of development for the purpose of clarity.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

4. The main issues are:
 - The effect of the proposal on biodiversity;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would result in the unacceptable loss of Best and Most Versatile Agricultural Land; and
 - The effect of the proposal on highway safety.

Reasons

Biodiversity

5. The appeal site comprises a parcel of land next to the existing Ridgeway Business Park. At the time of my visit the appeal site was rough land, with areas of

overgrown scrub, piles of rubble, and areas of bare ground. Although the submitted plan indicates the land is part of a larger agricultural field the site does not have the appearance of an agricultural field. Furthermore, it is separated off from the field by established hedges and earth banks.

6. The appeal site is within an area that, for planning purposes, is considered to be countryside. However, although it has a rural character it is rough ground and not actively used for agriculture. In my judgement the appeal site relates more to the business park than it does to the surrounding agricultural land.
7. Nevertheless, as a parcel of land with existing vegetation, with trees and hedges on the boundary, and ponds in the wider area, there is a likelihood of protected species being present on the site and in the locality. The Council's evidence also notes that the site lies within a red zone for Great Crested Newt habitat and close to the South Mills Pits County Wildlife Site. The removal of the vegetation would be likely to have an effect on biodiversity.
8. Circular 06/2005¹ states that *"it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*. Ecological mitigation should only be employed where it is not possible to avoid the impact. Furthermore, mitigation measures should be specific to an identified harm.
9. The appellant has submitted a document titled Biodiversity Survey. Although the document suggests that there are no protected species present within the site or affected by the proposal, and that the development would not affect the County Wildlife Site, the submitted Biodiversity Survey does not give information as to the current habitats on site or any details of protected species that might be present on and around the site. The submitted document is not a sufficiently detailed survey of the habitats and biodiversity on the site and the surrounding area.
10. The submitted information would not, therefore, provide certainty that the baseline ecological potential for the site is understood. Without fully understanding the baseline ecological potential of the site it is not possible to know whether there is an impact on biodiversity, whether there is an opportunity to avoid the impact, or what mitigation could be used. Given the advice in Circular 06/2005, without a detailed ecological assessment I cannot be certain that any harmful effects arising from the proposal could be adequately avoided or mitigated.
11. For the above reasons, I find that, in the absence of this detailed information, the proposal would be likely to adversely affect biodiversity. The development would, therefore, be contrary to the requirement of Policies EE2 and EE3 of the Central Bedfordshire Local Plan 2015-2035 (the CBLP) which, taken together, seek to conserve, protect, and enhance habitats, species and sites, deliver a net gain in biodiversity, avoid negative impacts or mitigate any unavoidable impacts, and requires comprehensive ecological surveys to be undertaken in accordance with industry guidelines and standards.

¹ ODPM Circular 06/2005: Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system.

Character and appearance

12. The appeal site lies in the countryside, beyond the settlement of Sandy. Although there is agricultural land in the area the appeal site is next to the existing Ridgeway Business Park. At the time of my visit the appeal site did not appear as part of an agricultural field. It was rough ground and had the appearance of a disused area of land. It is also separated off from the surrounding fields by existing landscaping and earth bunds.
13. The appeal site is part of the valley of the river Ivel, as identified as a characteristic of the Type 4: Clay Valleys and Area 4A: Great Ouse Clay Valley detailed in the Landscape Character Assessment. Nevertheless, it does not form part of the strong landscape character of the area, and neither is it part of a medium sized field. The contribution of the appeal site to the defined landscapes is limited and is currently not positive. The appeal development, including the proposed metal security fence around the site, would also not result in a positive contribution to the landscapes and would be a permanent extension of the business park into the open countryside. However, the proposed development would not cause a significant visual intrusion or urbanisation of the rural landscape due to its existing condition and the relationship with the existing business park and security fencing.
14. The proposed additional planting would not completely screen the development. Even so it would help to soften the appearance of the proposal which would, in any event, be read as an extension to the existing business park. For these reasons, the proposal would not substantially harm the rural character of the river corridor or the floodplain of the River Ivel.
15. Two public rights of way (PROW) run near to the site, one along The Ridgeway Business Park Road and one along the river. The appeal proposal would be visible from the PROW along the road by both walkers and drivers of vehicles along this road. However, the development, as viewed from this PROW would be read alongside the existing business park and with the backdrop of the existing and proposed trees and hedges around the appeal site. Views of the development from the river PROW would be screened by existing and proposed landscaping and would also be read as part of the existing business park.
16. Consequently, although the development would be visible from the PROWs these views would be softened by existing and proposed planting and be viewed with the backdrop of the business park buildings and security fencing. The proposed development would, therefore, not cause a visual intrusion into the countryside.
17. Both main parties have referred to an approval for an agricultural building on the appeal site. The planning permission for the agricultural building is extant and this is a valid fallback position which could be developed should the appeal before me fail. Although the agricultural building would have a smaller footprint, lower height, and smaller area of hardstanding it would still be a large building on the appeal site, extending onto the same parcel of countryside as the appeal proposal. The fallback position would be less harmful due to its lesser massing. Nevertheless, I have found that the appeal before me would not cause harm. Consequently, the fallback position does not weigh for or against the proposal.
18. For the above reasons, I find that the appeal proposal would not result in harm to the character and appearance of the area. It would, therefore, comply with the requirements of Policies SP7, HQ1 and EE5 of the CBLP. Collectively these

policies recognise the intrinsic character and beauty of the countryside, seek to restrict development in the countryside, have regard to the key characteristics and sensitivities of the site and its landscape setting, respect, retain and enhance the character and distinctiveness of the local landscape, ensure that all developments are of the highest possible quality and respond to their context, reinforce local distinctiveness, relate well to the local surroundings, make provision for appropriate landscaping and boundary treatments, take account of landscape setting, rights of way, and integrate with the built and natural environment.

Agricultural land

19. Policy DC5 of the CBLP seeks to resist the significant loss of agricultural land, except where it can be demonstrated that the location of the proposed development is necessary in order to provide a scheme that is of a valuable public benefit that overrides the need to protect the land.
20. The site is identified as Grade 1 agricultural land and is, therefore, considered to be excellent quality agricultural land with no or very minor limitations. However, at the time of my visit the appeal site was not actively in agricultural use. It is not an agricultural field laid to crop or used for grazing. Neither is it part of a larger field. The appeal site does not currently provide any agricultural or economic benefit, even though it does provide environmental benefit.
21. Consequently, although the development would technically result in the loss of a parcel of Best and Most Versatile Agricultural Land, in practical terms the development would not result in the loss of land which is currently high quality agricultural land or land which is currently providing any economic benefits. Moreover, the proposal would not result in significant development of agricultural land.
22. For the above reasons, the proposed development would not result in the unacceptable loss of Best and Most Versatile Agricultural Land and would comply with the thrust of Policy DC5 of the CBLP in seeking to prevent significant loss of agricultural land.

Highway safety

23. The development proposes to employ one member of office staff and two drivers. Parking would be provided for four cars, two HGVs and six bicycles. The resultant increase in vehicle movements would be limited and would not be substantial when compared to the movements currently related to the Ridgeway Business Park.
24. The access junction from the Ridgeway Business Park Road onto The Ridgeway has been improved recently and I saw evidence of these works while on site. The junction from The Ridgeway onto the A603 has very limited visibility when pulling out of The Ridgeway. Furthermore, the ghost island right turn lane on the A603 is shorter than the Council advise it should be and is also not well maintained.
25. However, the appeal proposal would only result in a small increase in vehicles using these junctions. The junction with the A603 not only serves Ridgeway Business Park but also another large business further along The Ridgeway and residential dwellings in the area. Although the development would result in an increase in vehicle movements the increase would be limited. Given the number of vehicles already using the junction on a daily basis, it seems inconceivable to me

that the proposed development would make a material difference to the safety of the junction. Neither would the increase in vehicles result in an increase danger or inconvenience to users of the junction that would be perceptible from the existing vehicle movements.

26. For the above reasons, I find that the proposal would not have a severe effect on highway safety from the intensification of the existing access junctions between The Ridgeway Business Park and The Ridgeway and The Ridgeway and the A603. I, therefore, find the appeal proposal would not conflict with Policy T2 of the CBLP which, amongst other matters, requires development to not have a detrimental effect on highway safety and patterns of movement, provide appropriate access, not impede the flow of traffic on the existing network or create hazards to that traffic and other road users, and provide safe and convenient access.

Other Matters

27. The appeal proposal would provide economic benefits in terms of new employment development and creation of jobs. There would also be environmental benefits through the potential for solar panels and EV charging points. However, although these benefits contribute positively and carry moderate weight in favour of the proposal, they would not outweigh the environmental harm from the effect on biodiversity.
28. That the development would not adversely affect the living conditions of occupiers of nearby residential properties weighs neither for, nor against, the proposal.

Conclusion

29. While I have found compliance with some of the policies drawn to my attention, the conflict I have found with others leads me to conclude that there is conflict with the development plan as a whole. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, the appeal is dismissed.

K Townsend

INSPECTOR