



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/K0235/W/24/3346511

Radwell Hall Farm, Bridge End, Radwell, Bedford MK43 7HU

- 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 Simon Bates against the decision of Bedford Borough Council.
 - The application Ref is 24/00428/FUL.
 - The development proposed is erection of replacement serviced livery stables and formation of parking area.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Simon Bates against Bedford Borough Council. This application will be the subject of a separate decision.

Preliminary Matters

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.
4. The emerging Bedford Borough Local Plan 2040 has been submitted to the Planning Inspectorate for examination. Therefore, the emerging plan, and the policies therein, is a material consideration in the determination of planning applications. However, the Council has advised that the examination into the emerging local plan has been paused. Although the delay relates to responding to the Examining Inspectors concerns over housing and infrastructure delivery, I cannot be certain that other draft policies would not be modified. Moreover, I cannot be certain when the emerging local plan is likely to be adopted. I, therefore, only give limited weight to the emerging policies.

Main Issue

5. The main issue is whether the site is an appropriate location for the proposed development, having regard to the development strategy for the area and whether, or not, the proposed development would preserve the setting of the Grade II listed building known as Radwell Hall Farmhouse.

Reasons

6. The appeal site is an area of land to the rear of an existing manege which lies to the rear of Radwell Hall Farm and its associated buildings. Radwell Hall farmhouse is a Grade II Listed Building.
7. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the setting of Radwell Hall Farmhouse. The associated farm buildings and farmland around the listed farmhouse contribute positively to the significance of the setting of the listed building. The appeal site forms part of that farmland. Nevertheless, given the location of the proposed development, I consider that the appeal proposal would preserve the setting of this listed building and the contribution the setting makes to its significance. I note that the Council had no concerns in this regard either.
8. The site lies outside of Radwell which is identified within the Bedford Borough Council Local Plan 2030 (the LP) as a small settlement. Policy 6 of the LP defines small settlements as having a definite built form but no defined settlement policy area. The policy specifically excludes paddocks and other undeveloped land from the definition of the settlement, even where that land is within the curtilage of buildings, where it is on the edge of the settlement where it relates more to the surrounding countryside than to the built form of the settlement. The policy also excludes agricultural buildings and associated land on the edge of the settlement; and outdoor sports and recreation facilities, from the definition of the settlement.
9. The appeal site is part of the land associated with Radwell Hall Farm and it is immediately adjacent to the manege. It is well-related to the small settlement due to this relationship. Nevertheless, the site is paddock land and relates more to the countryside around the small settlement. It, therefore, falls within land that, in planning terms, should be considered as countryside.
10. Policy 3S of the LP sets the spatial strategy for Bedford and seeks to safeguard the intrinsic character of the countryside through careful management of development to meet local needs whilst supporting the rural economy. Policy 7S of the LP seeks to limit development outside of defined settlement areas to certain forms of development identified through other policies of the LP. Policy 7S also supports exception development on sites that are well-related to a defined settlement where it complies with five criteria. Policy 7S of the LP is the most relevant policy when considering the appeal as the proposal is for development in the countryside.
11. Policy 97 of the LP supports new sports/leisure facilities subject to a number of criteria. Paragraph 12.58 of the supporting information for this policy acknowledges that equestrian centres are generally located outside of the urban areas. The development would comply with criteria i) to iv) and vi) of Policy 97. However, this would not negate the requirement for the proposal to demonstrate need under criteria v) of Policy 97.
12. The appellant has also drawn my attention to Policy 75 of the LP which supports new employment development in the countryside. Although the appeal proposal is for a land based use, and it would result in some employment it is not primarily an employment use. The proposal is a leisure use in the countryside. Moreover, the support for employment development in Policy 75 would not set aside the need for

the development to comply with the suite of policies in the LP, including Policies 3S, 7S and 97.

13. As far as the policies seek to limit development in the countryside to that which protects its character, they are broadly consistent with the Framework which seeks to ensure that development contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside. Policies 3S, 7S, 75 and 97, which are the most relevant for the determination of the appeal, do not seek to prevent all development outside of settlements and would allow certain forms of development.
14. The LP policies also support economic growth, expansion and investment into business, and rural tourism and leisure development, in line with the guidance in the Framework. However, the limited job creation that would result from the proposal would limit the weight attributed to economic growth. I, therefore, place only limited weight on the economic benefits of the proposal.
15. Policies 3S, 7S and 97 are not deficient or inconsistent with the Framework. There is no requirement in the Framework for specific policies relating to equestrian development and, consequently, the policies are not out of date. That Bedford Borough Council are seeking to provide an equestrian related policy in the emerging Local Plan would not make the current Local Plan out of date. Although, from the evidence before me, the Council has accepted that there is a need for such a specific policy in the emerging Local Plan would not mean that there is an error with the current adopted local plan policies and the quote provided by the appellant does not suggest such either.
16. The Council issued a Planning Policy Briefing Note in relation to Policy 7S, amongst others, which would have been the opportunity for greater clarity over considering equestrian developments under this policy. The Briefing Note acknowledges that the instances of development being permitted under the second part of Policy 7S are expected to be few and provides more detailed advice on responding to an identified community need and the requirement for identifiable community support, as well as Parish Council support. While the consultation response from Felmersham & Radwell Parish Council advises that their previous concerns have been addressed the Briefing Note also advises that the support of the Parish Council would not, alone, satisfy the need for identifiable community support.
17. The submitted Equine Business Report notes the value of the equestrian industry in the UK economy, the growing horse ownership rates and that the appeal site is in a location with a specific sports horse catchment. The report also references the closure of other stables in the local area, that there were previously stables operating successfully from the appeal site and that the appellant previously ran a livery stables at an alternative premises. There is also evidence of support from the British Horse Society, including from a local volunteer and evidence of support on social media.
18. However, Policy 7S only supports development outside of the built form of small settlements where it responds to an identified community need. The policy is intended to only support development in those areas where the support is from the local community. That there is general support from the horse owning community, or from the wider community in Bedfordshire, even if the support is in the area

around Radwell, would not provide evidence that the development responds to an identified community need. Policy 7S of the LP clearly puts the onus on the appellant to provide this evidence, it is not for the Council to provide evidence of a lack of need, even at appeal.

19. The lack of objections from neighbouring residents should not be inferred as community support to meet the requirements of Policy 7S. Moreover, that Hall Farm is described as having stables in the description of the settlement of Radwell in the Neighbourhood Plan is also not evidence of community support. The reference in the Neighbourhood Plan is descriptive of the village rather than a policy allocating the farm for equestrian development.
20. Albeit that there were previously stables at Radwell Hall Farm, the appeal proposal does not seek to replace those stables, it is for a wholly new building, on a different part of the farm. Moreover, although the farm does have an established equestrian use, some of the previous stables have been removed and could not be brought back into use as such. Other stables have consent for conversion to residential use. That there were previously stables associated with Radwell Hall Farm would not justify the provision of new stables.
21. Furthermore, that there were previously stables and that the farm has an equestrian use would not set aside the requirements of Policy 7S to respond to an identified community need, amongst other matters. Even if I were to accept the appellant's argument, that the appeal site is previously developed land, the policy would still require evidence of need.
22. The Council has not raised any concerns with regard to the effect of the development on the character of the settlement, or the form and design of the building and I have no reason to disagree with their conclusion on this matter. Moreover, the proposal would provide adequate access, parking and turning space for cars and larger vehicles. Nevertheless, Policy 7S requires all of the criteria to be met. That the scheme would meet one or two of the criteria would not overcome the need for community support.
23. The development would promote active space for children and adults and would encourage physical active lifestyles. I, therefore, find no conflict with Policy 2S of the LP in this regard. The proposal would also improve accessibility for equestrians and would help to achieve Core Objective 2 of the Felmersham and Radwell Neighbourhood Plan Supporting Document – Summary of Key Issues. However, this is an objective of the Neighbourhood Plan rather than an adopted policy and would not mean that the development complies with the Neighbourhood Plan when considered against bullet point v) of Policy 7S. The policy providing general support for employment development in the Neighbourhood Plan would also not be sufficient to consider the proposal as complying with the Neighbourhood Plan.
24. That there are other nearby Councils with equestrian specific policies and that other similar developments within those Council areas have been allowed is not material to the appeal before me. Those developments were considered under a different policy and with different local circumstances. Moreover, specific equestrian policies in other Council's local plans would not indicate that the Bedford Borough Local Plan is out of date or deficient.
25. As already advised, notwithstanding the reason for the pause in the emerging local plan, I cannot be certain if any policies are to be modified or when it is likely to be

adopted. I, therefore, only give limited weight to the emerging policies. Although the appeal proposal might be acceptable against the emerging equestrian policy, I have given greater weight to, and considered the application against, the adopted Local Plan.

26. For the above reasons, even though I find that the proposal would preserve the setting of the Grade II listed building known as Radwell Hall Farmhouse, I find that the appeal would not be an appropriate location for the proposed development, having regard to the development strategy for the area. It, therefore, follows that the appeal would be contrary to Policies 3S, 6, 7S, 75 and 97 of the LP. Collectively these policies seek to safeguard the intrinsic character of the countryside, carefully manage development to meet local needs whilst supporting the rural economy and land based rural businesses, seek to limit development outside the built form of Small Settlements, except in exceptional circumstances, and require demonstration that sports and leisure facilities are meeting an identified need.

Conclusion

27. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework and the Neighbourhood Plan, which would outweigh that conflict. Therefore, the appeal is dismissed.

K Townsend

INSPECTOR