



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: 23rd December 2024

Appeal Ref: APP/K0235/W/24/3346291

Land East of 39 Lower Farm Road, Bromham MK43 8JD

- 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 Kevin Salaun against the decision of Bedford Borough Council.
- The application Ref is 23/01113/FUL.
- The development proposed is an equestrian tourist and day centre including 3 tourist accommodation chalets for 7 people each, plus a mixed use reception etc building, wooden fencing, screening planting and associated works.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Kevin Salaun 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.

Main Issues

4. The main issues are:
 - whether the site is an appropriate location for the proposed development, having regard to the development strategy for the area;
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on the living conditions of 39 Lower Farm Road with particular regard to noise.

Reasons

Location

5. The appeal site comprises paddocks, an agricultural field, an existing stable block, tack store and other sheds, and an area of rough ground. At the time of my visit there were also caravans and domestic paraphernalia near the stable building. The

site is enclosed partly in close boarded fence where it joins the curtilage of the neighbouring residential property. The rest of the site is, in the most, enclosed in post and rail fencing.

6. The site, albeit within the Parish of Bromham and within the Bedford Borough Council area, lies outside of the defined settlement policy area of Bromham which is identified within the Bedford Borough Council Local Plan 2030 (the LP) as a key service centre. It, therefore, falls within land that, in planning terms, should be considered as countryside.
7. 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 exceptions on sites that are well-related to a defined settlement and where it also complies with five criteria. Policy 76 of the LP supports new visitor accommodation located within the countryside where it is well related to a defined settlement policy area. Policy 97 of the LP supports new sports/leisure facilities subject to a number of criteria.
8. Even though there are residential buildings with associated outbuildings, and commercial uses on sites nearby, the appeal site is separated from the main built form of Bromham by open fields. The site relates more to the countryside than it does to the built settlement of Bromham and relates more to the sporadic housing and farms in the countryside outside of the settlement. Due to the intervening fields and the distance to Bromham, I find that the site is not well-related to the built form of the settlement as required by both policies 7S and 76 of the LP.
9. This is similar to the two appeals submitted with the Council's evidence, which albeit for housing development, were considered under the same exception part of Policy 7S as the appeal before me. The two appeals are not directly comparable but do have some similarities in understanding whether a site is well-related to the settlement policy area. That the appeal proposal is for rural enterprise would not alter the requirement in Policy 7S for it to be well-related to the settlement.
10. The appeal site is within walking distance of Bromham, and the appellant has provided evidence that this route is walked and near public rights of way. Even though there are no pavements along the road, and it is unlit, the road is relatively straight, and has low traffic numbers and speeds. I also noted areas on the side of the road where a pedestrian, or horse rider, could step off the road while a vehicle passes. Moreover, there are services and facilities in Bromham, including public transport.
11. Visitors to the tourist accommodation are likely to bring private cars to access the site. However, once on site the occupants would not be wholly reliant on the private car to access the services and facilities in Bromham, and the appellant has committed to providing information to encourage less reliance on the car. Furthermore, any local users of the stables could walk, or cycle. Consequently, I find that provision is made for access to the proposed development for users by foot, cycle, and public transport. Moreover, the appeal site is close to a network of bridleways which could be accessed by the users of the stables or the occupants of the tourism accommodation.
12. Nevertheless, that the site is within walking and cycling distance of Bromham would not mean that it is well related to the settlement policy area in terms of the built form. Consequently, under policy 76, the development should only be supported

where it can be demonstrated that the proposal cannot reasonably be achieved from a location set out in the policy. I accept that sites closer to the settlement would require horse riders to ride further along the road to access the bridleways, however, this is not in itself exceptional circumstances. I have not been provided with compelling evidence that there are not sites available within or next to the settlement policy area that could provide for the tourist accommodation, or the leisure facilities proposed.

13. Both policy 7S and policy 97 also require demonstration of need for development in the countryside and for new sports and leisure facilities. The Council Planning Policy Briefing Note, in relation to Policy 7S, amongst others, 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.
14. The Council officer report suggests that Bromham Parish Council did not respond to the consultation. The appellant has provided evidence that the Parish Council discussed the proposal and raised no objection. However, even if I were to accept that this indicates the Parish Council support, the Briefing Note advises that the support of the Parish Council would not, alone, satisfy the need for identifiable community support.
15. The submitted Evidence of Community Support provides a list of names and partial addresses showing fifty-five people who signed up to demonstrate their support during the Bromham show. The document also notes the number of likes on the Facebook page for the proposal. However, not all of the addresses listed are local to Bromham, and some are more closely associated with other settlements in Bedfordshire. Moreover, I have no detail of how these people were canvassed. I also have no detail of the addresses of the Facebook support, or whether any of these are duplicates of the listed names from the show.
16. Although the appellant has sought to obtain local community support the information provided is not sufficient to show that the proposed development responds to an identified community need for the community of Bromham, even with the Parish Council not objecting. The general support for improving horse riding opportunities upstream of Bedford within Policy AD24 of Bedford's Allocations and Designations Local Plan 2013 would not outweigh the need to consider any application against the LP policies.
17. The appellant has also referred to the closure of other facilities, and the lack of other local holiday accommodation with riding/stables on site. The submitted Assessment of Existing and Future Need document also notes the value of the equestrian sector to the UK economy, the national interest in the equestrian industry and horse ownership and the effect of the lack of access to horses and riding facilities as a barrier. The assessment also refers to the growing UK holiday industry and the lack of trekking or hacking holiday accommodation.
18. However, Policy 7S 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 Bromham, would not provide evidence that the development responds to an identified community need. The general need for tourist accommodation also would not amount to an identified community need,

especially given that the supporting text for Policy 76 of the LP recognises that there is no unmet need for visitor accommodation in the borough.

19. For the above reasons, even considering the appeal scheme as both a tourism proposal and a local facility, I find that the appeal site 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 7S, 76 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, seeks to limit development outside the Settlement Policy Areas, except in exceptional circumstances, and requires demonstration that sports and leisure facilities are meeting an identified need.

Character and appearance

20. The appeal is for three tourist accommodation chalets to be sited on one of the existing grassed paddocks and part of the agricultural grazing field to the rear of the paddock. These parcels of land are currently mainly unused, open paddocks and fields.
21. Although the site would not extend any further out into the countryside than the buildings associated with the adjacent property, most of these buildings appear to be used as animal housing rather than for residential occupation. The development would result in residential buildings, albeit occupied as temporary holiday accommodation, on land that is currently open and part of the countryside around Bromham.
22. The development would also result in a long vehicle access track which is indicated as a hardcore surface. Each of the tourist chalets also have three parking spaces which would need to be hard surfaced and provided with access from the main track. The horsebox parking area would also need to be altered from the current grassed paddock, with domestic paraphernalia, to a large hard surfaced area to accommodate parking and manoeuvring of horseboxes.
23. The stables and tack room are existing buildings which would be retained as part of the proposed development. The site for the car parking and for the reception building is currently rough ground with plant, vehicles, and materials stored on the land. Consequently, this would not result in additional hard surfacing, however the reception building would be a new structure which would be larger than any of the existing sheds or even the stables on the site.
24. Overall, the proposed buildings and the associated vehicle access track and parking for the tourist chalets and horseboxes would substantially alter the existing grassed paddock and field to built development. This would harmfully urbanise the existing open and green area and result in built form and hard surfacing where there is currently none.
25. The development would not be visually prominent from Lower Farm Road and the public rights of way in the surrounding area due to intervening buildings and vegetation. There would only be passing glimpses of the development from the A6 and the railway line and these would also be transient and moving at speed.

26. Nevertheless, the lack of a public view would not mean that the development would not be harmful to the character and appearance of the area. Views of the development would be available to the occupants and visitors of the adjacent dwelling and other uses in the immediate area. The proposed development would extend further back into the countryside than any other residential development in the area and this, in itself, would amount to harm to the character of the area.
27. The use of timber and tiles for the lodges would, in my judgement, fit in with the materials used on the existing stables and numerous of the outbuildings associated with No. 39 Lower Farm Road. Nevertheless, the finish to the buildings, and the additional landscaping, would not mitigate the visual harm of the scale of the proposed development and hard surfacing on the open countryside.
28. The proposed car parking area would tidy up the current rough ground behind the existing stables. However, the appeal as a whole would not improve the visual amenity of the site and would cause harm to the appearance of the paddocks and field by the introduction of built development.
29. For the above reasons, I find that the development would have an adverse effect on the character and appearance of the area contrary to the requirements of Policies 28, 29 and 30 of the LP. Collectively these policies expect development to contribute to good place-making, be of a high quality, promote local distinctiveness, character, and identity, integrate well, enhance the landscape, respect the context, and seek to resist development that fails to improve the character and quality of an area.

Living conditions

30. The existing dwelling at No. 39 Lower Farm Road (No. 39) is immediately next to the appeal site and the proposed site for the tourist accommodation. The occupants of this property are currently protected from the effect of traffic coming and going from the existing stables by the set back of their property from the road, the paddock between the stables and the dwelling, and the limited number of vehicle movements.
31. The proposed development would result in tourist accommodation immediately next to this neighbouring property on the existing paddock. Moreover, the appellant's Transport Statement confirms that vehicle movements would be greater. The Transport Statement suggests one car trip per day for each of the tourist units, two cars per day for the stables, one car for an employee and one horse box vehicle movement per day. However, the submitted plans indicate three parking spaces for each of the tourist units, totalling nine spaces. Plus, ten car parking spaces and four horse box spaces for the stables. The estimate of just over nine vehicle movements per day is not reflective of the level of parking being proposed which would indicate that the appeal scheme is likely to result in even greater levels of vehicle movements than the approved development.
32. The vehicle movements would not be considerable, and the resultant noise would not be likely to result in a statutory noise nuisance, therefore the Council Environmental Health Officer did not object. However, the increase in vehicle movements within the site and along the road outside No. 39 would be noticeable to the occupants of No. 39. There would also be vehicle movements at all times of the day due to the tourist accommodation.

33. The relocation of the vehicle parking area for the stables, to the far side of the stables, would not mitigate the effect of vehicle movements along the road or vehicle movements associated with the tourist accommodation.
34. The planning permission noted in the appellant's Transport Statement Addendum is materially different to the appeal before me as that proposed tourist accommodation and a sand school as additions to an existing equestrian business with stables, arena, and retail units. The traffic surveys for that development indicates a high level of existing vehicle movements and consequently the additional movements associated with the tourist accommodation and sand school would not have resulted in a severe effect. Nevertheless, the Council has not raised any concerns that the road is not capable of accommodating the traffic flows for the development. The issue is the effect of vehicle movements on the living conditions of No. 39.
35. Without an assessment of the potential noise impact, I cannot be certain that the development would not adversely affect the living conditions of 39 Lower Farm Road, with particular regard to noise. Consequently, I find that the proposal would fail to comply with Policy 32 of the LP which, amongst other matters, requires development proposals to ensure that they minimise and take account of the effects of pollution and disturbance including noise generated by the development.

Other Matters

36. The payment of Community Infrastructure Levy (CIL) and the job creation would be an economic benefits. There would also be social benefits from the access to leisure and recreation and environmental benefits through the energy saving proposals of the buildings. These benefits would be moderate. However, the benefits would not outweigh the significant harm I have identified from the location of the development, the harm to the character and appearance of the area and the harm to the living conditions of the occupiers of the neighbouring property.
37. The current use of the site for equestrian uses is a productive use and is effective for the countryside location. The proposed tourism and equestrian use would be similar but would also cause environmental harm for the reasons given above.

Conclusion

38. The proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework and the identified benefits, which would outweigh that conflict. Therefore, the appeal is dismissed.

K Townsend

INSPECTOR