



Appeal Decision

Site visit made on 5 November 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st December 2024

Appeal Ref: APP/K0235/W/24/3340141

**Land south of 4 Brook Farm Chase, Little Staughton, Bedfordshire
MK44 2AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning in principle.
 - The appeal is made by Mr K Robins against Bedford Borough Council.
 - The application Ref is 23/02346/PIP.
 - The development proposed is "Permission in principle for erection of up to four dwellings. Access to be taken from Colmworth Road."
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Decision

1. The appeal is dismissed and permission in principle for the erection of up to four dwellings and access to be taken from Colmworth Road is refused.

Applications for costs

2. An application for costs was made by Mr K Robbins against Bedford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal results from the Council's failure to reach a decision on the application within the prescribed period. Consequently, there is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However the Council subsequently resolved, in its Officer Report, that it would have refused the application had it been empowered to do so and set out what would have been its reason for refusal.
4. The Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second stage ('technical details consent') is when the detailed development proposals are assessed.
5. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application, if permission in principle is granted. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these 2 stages.

6. In respect of residential development an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings. In this case, permission in principle is sought for up to a maximum of 4 dwellings.
7. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2024 and replaces the previous version published in December 2023. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.

Main Issue

8. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

9. The appeal site comprises an open and vacant parcel of land on the east side of Colmworth Road, which is the main road through the village of Little Staughton. It is partially screened by a row of roadside trees and hedge. There are existing houses to the north that form a ribbon of housing development that leads to the main centre of the village, including a relatively recent development of 4 dwellings¹ adjacent to the site's northern boundary at Brook Farm Chase. Adjacent to the site's southern boundary are a number of residential barn conversions. There are also a number of residential properties opposite, including a Grade II listed thatched cottage. The proposed dwellings would therefore be seen in the context of existing built development and would not be isolated for the purposes of paragraph 84 of the Framework.
10. Looking at the location plan, the appeal site appears to be of a similar size to the adjacent development of 4 dwellings in Brook Farm Chase. This would indicate to me that the site would be capable of accommodating up to 4 dwellings, although the design and layout of any scheme would need to be fully assessed at the technical details stage, should permission in principle be granted.
11. The submitted evidence indicates that the intention is to create an access to the eastern edge of the site off Colmworth Road. The creation of sufficient visibility would likely involve the loss of some, or all of the site's, roadside hedge boundary. The appellant has since suggested that alternative access points could be formed either to the north or south of the site, via existing residential development, if the retention of the hedge was a factor at technical details stage.
12. I saw that Colmworth Road was relatively straight with most properties having vehicular access directly off it, and some having a single point of access that leads to a shared driveway arrangement. There is also a pavement along most of the length of Colmworth Road through the village. I have not been presented with any substantive evidence to suggest there are significant

¹ LPA ref: 16/02688/FUK approved in November 2016 for four dwellings and 2 double garages to replace existing property and associated works.

highway safety concerns and the Highways Authority raises no objection. Therefore, I am satisfied that, in principle, access could be formed to serve the site.

13. With regards the location of housing development, Policy 3S of the Local Plan 2030 (the Local Plan) sets out the Council's overarching strategic framework to deliver sufficient new development in sustainable locations to meet identified needs, and support growth that enhances the vitality of the borough's urban and rural communities. Most development is to be directed to Bedford, with some strategic residential development directed to key service centres. Rural service centres will see limited development in line with existing and potential capacity of infrastructure and services. In the countryside there will be careful management of development to meet local needs whilst supporting the rural economy. In the countryside, Local Plan Policy 7S provides further guidance on other appropriate development that is permitted.
14. These policies are broadly in line with the Framework that seeks to promote sustainable patterns of development, and in the rural areas by locating housing where it will enhance or maintain the vitality of rural communities and support housing that reflects local needs. Furthermore, the Framework advises that significant development should be focused on locations which are sustainable through limiting the need to travel and offer a genuine choice of transport modes, whilst recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
15. There is no dispute between the parties that the appeal site lies outside the Settlement Policy Area Boundary (the SPA) of Little Staughton. Therefore, for policy purposes the site lies within open countryside.
16. Policy 7S criterion i) to v) allow development in the countryside that involves the reuse of rural buildings, replacement dwelling(s), affordable housing to meet local needs in the rural area, accommodation for rural workers, or is in accordance with a Neighbourhood Plan. The proposal is not put forward as any of these forms of housing development and there is no Neighbourhood Plan in place for the area.
17. Policy 7S will also allow development exceptionally on sites well-related to the SPA subject to criteria vi) to x). On meeting all the criteria, all development must also meet criteria xi) – xiii) for avoiding adverse impacts on the countryside. The Council has prepared a Planning Policy Briefing Note² to assist with the application of some its policies including Policy 7S. It explains that Policy 7S is subject to a 'strict' list of criteria, all of which must be met.
18. Criteria vi) and vii) require development to respond to an identified community need and that there is identifiable community support and it is made or supported by the parish council - or where there is no parish council another properly constituted body that fully represents the local community. Whilst the appeal site is adjacent to the SPA, the proposal is not put forward as meeting an identified community need, does not have identifiable community support and has not been submitted by a body that fully represents the local community. Indeed the Parish Council has objected to the

² Planning Policy Briefing Note Local Plan 2030 – Policies 5S, 6 and 7S

proposal and there were representations from two residents objecting, but no recorded representations of support.

19. The appellant suggests the proposed dwellings would be smaller to make them more affordable. Whilst laudable, this need has not been substantially evidenced and there is no mechanism proposed for securing the dwellings at a lower cost or for being 'affordable' as defined in the Framework Glossary. In any event, the PPG makes it clear that a planning obligation mechanism cannot be secured at the permission in principle stage, and conditions cannot be attached. Thus the proposal does not accord with criteria vi) and vii) of Policy 7S.
20. The Council is satisfied that matters relating to the remaining criteria could be addressed at the Technical Details stage, and I have no reason to take a different view. Criterion x) is not relevant as the proposal is not for a community building.
21. Little Staughton has a limited range of services, with a village hall, church and pub. About 800m to the south of the site there is the Top End village store by the caravan and camping site and I saw that the appeal site would be closer to the shop than many other properties in the village. It stocked a range of food and household items that would be sufficient to provide residents with day-to-day essentials and there was a pavement between the site and the shop that would be conducive to walking and cycling for future residents who are able to do so. The Airfield Employment Area is about a 17-minute walk/4-minute cycle ride. Whilst the nature and duration of journeys undertaken to get to and from places of work is generally accepted as being longer, I saw there were no street lights or pavements to/from it that would likely deter some, especially in inclement weather.
22. Existing and future residents would need to leave the village to access higher order services and facilities such as schools, health and medical facilities, certain leisure activities and other places of employment. There is a limited bus service through the village, which the Council advises is 3 times a day with a 2 hour waiting time between services but no evening services. This limits opportunities and options for residents to access facilities and services elsewhere using public transport or have genuine choices to use other modes of transport other than the car to access them. As a result, residents would most likely be reliant on the private car to access them.
23. Furthermore, the provision of services and facilities in Little Staughton has already been taken into account in the Council's spatial strategy and settlement hierarchy, and been used to inform the levels of housing deemed appropriate for the village within its SPA. To allow new dwellings to be built outside SPAs because there are some services/facilities nearby could be too easily repeated in the village and other settlements in the district. This would give rise to ad-hoc and unsustainable patterns of development that would undermine the Council's spatial strategy for the location of housing in settlements and the countryside.
24. I accept that the proposal may be well-related to the SPA, and that some development has been allowed outside the existing SPA for other reasons. The planning history shows that the former farm buildings to the south of the appeal site were converted to residential use under the Prior Notification process. This is not a planning application and is not subject to, or assessed

against, the same policy regime as a planning application. Hence the barn conversions are not comparable housing development and do not set a precedent for housing on the appeal site.

25. Furthermore, just because new development has been allowed outside the SPA does not mean the boundary of the SPA is out of date and should be revised to include that development and the appeal site. The SPA is a planning tool to guide the location and quality of development a village is deemed appropriate to have. The SPA does not necessarily correspond to the physical built-up area or administrative limits of the village. Redrawing the SPA to include development beyond its current limits, including the appeal site, is not within the remit of this appeal – that falls to the Development Plan process and review of the Local Plan.
26. Windfall sites, such as the appeal site, can have a role to play in maintaining a 5-year supply of deliverable housing land. However, the Council's spatial strategy and policies already allow flexibility for windfall development to come forward where it accords with other policy requirements.
27. Drawing together the above points, I conclude the site would be an unsuitable location for residential development. The proposal would undermine the Council's spatial and settlement strategy for the location of housing and promoting sustainable patterns of development. I am also mindful that the Framework recognises that the planning system should be genuinely plan led. To develop the appeal site for housing would be at odds with, and would undermine public confidence in, the plan-led system.
28. Accordingly the proposal would conflict with Local Plan Policies 3S and 7S (vi and vii), whose aims are discussed above. It would also be contrary to Local Plan Policies 2S(iii), 29(v) and 53(i) that collectively seek to ensure that new development promotes accessibility and is located to provide convenient access to local services by sustainable modes of transport such as by foot, cycle and public transport, and in doing so promote healthier communities and sustainable development. Local Plan Policy AD1 is a broad brush policy that effectively replicates the presumption in favour of sustainable development in paragraph 11 of the Framework.

Other Matters

29. The Grade II listed Old White House Farmhouse³ lies opposite the appeal site. In considering whether to grant permission in principle for the proposed development, I have a duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the setting of this listed building. The building's special interest and significance are largely derived from its architectural and historic interests, but also stem, in part, from its domestic and rural village setting, which includes the appeal site. Mindful of the quantum and nature of the proposed development, as well as the existing presence of modern residential development in the vicinity, I am satisfied that a scheme could be achieved that would preserve the setting and not harm the significance of this designated heritage asset.

³ National Heritage List for England: list entry number 1114813

Conclusion

30. The proposed development would conflict with the development plan as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Accordingly, for the reasons given, the appeal is dismissed and permission in principle is refused.

K Stephens
INSPECTOR