



Appeal Decision

Hearing held on 23 October 2024

Site visit made on 22 October 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2025

Appeal Ref: APP/K0235/W/24/3341273

Land North of 51 to 53 Bedford Road, Roxton MK44 3DX

- 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 B Currie (Brian Currie Milton Keynes Ltd) against the decision of Bedford Borough Council.
 - The application reference is 22/01098/MAF.
 - The development proposed is erection of commercial premises and use of land for the storage and service/preparation/MOT/repair of commercial vehicles.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was initially refused for four reasons. Prior to the hearing, the main parties confirmed that ongoing discussions had overcome the third and fourth reasons relating to the loss of best and most versatile agricultural land and the effects of the proposal on ecology. I am satisfied that these matters no longer form main issues of the appeal, but I address them later in my decision.
3. On 12 December 2024, an updated National Planning Policy Framework (the Framework) was published. I have afforded the parties the opportunity to comment on the revised Framework and I have taken the responses received into consideration. References hereafter in the decision to the Framework are to the December 2024 version.

Main Issues

4. The main issues of the appeal are:
 - i) Whether the proposal would represent a suitable location for the development, having regard to relevant local and national policies relating to employment land and development in the countryside;
 - ii) The effect of the proposal on the character and appearance of the area;
 - iii) Whether any identified harm is outweighed by other material considerations such that planning permission should be granted.

Reasons

Location for Development

5. The appeal relates to an undeveloped agricultural field of some 2.3 hectares located to the north of the village of Roxton between Bedford Road and the

A421 dual carriageway and close to the Black Cat roundabout interchange of these roads and the A1. Immediately next to the site is a commercial scaffolding yard, whilst a short distance away on the opposite side, towards the Black Cat roundabout, is Roxton Garden Centre.

6. The proposal is for the development of a commercial premises for the storage and servicing of commercial vehicles, falling within the B2 use class. It would comprise a single workshop building of 43.9m (l) x 20m (w) x 6.05m (h), along with external parking areas for staff and heavy goods vehicles (HGVs) and connecting areas of hardstanding. Landscaping is proposed to the perimeter.
7. The proposal would facilitate relocation of the appellant's business from existing premises at the Brunel Road Industrial Estate in Bedford. It is argued that the site is no longer fit for purpose due to its physical constraints limiting the number of vehicles that can be serviced and larger HGVs being unable to access the site or hampering other vehicle movements within the industrial estate. The outdated condition of the office space is also cited. The appellant sets out that there are no suitable available employment sites that meet the needs of the business.
8. The development plan for the area is the Bedford Borough Local Plan 2030 (January 2020) (the BBLP). The proposal would be located on land designated as countryside. Policy 3S sets out the overall spatial strategy of the borough with a number of objectives for residential and other land uses within the town centre and across identified urban extensions and strategic sites, whilst safeguarding the intrinsic character of the countryside and seeking to develop lower order settlements in line with their scale and capacity.
9. Of relevance under Policy 3S is criterion (iii) building on and expanding the town's employment base with a focus on strategic locations related to the primary road network. The site is not identified as a strategic location within the BBLP, but the proposal would align in general terms with the economic aspirations of the spatial strategy. There is support in this respect from the Council's Economic Growth and Development Team (EGDT) who note that transport, logistics and supply-chain is an important sector in the borough that is projected to grow into the future, and that the appellant's company provides a key service in the supply chain by maintaining vehicles used by logistics companies.
10. Reference is also made to criterion (vii). The proposal would not be located within the rural service centre (Roxton), and for reasons set out below it would not constitute 'limited development' given its size relative to the village of Roxton, nor would it have a functional relationship to Roxton or its existing infrastructure or services. However, the location of the site outside of the village means criterion (vii) is ultimately not directly applicable and the proposal neither conflicts with it nor gains support under it.
11. With respect to criterion (viii), and for reasons set out below, the proposal would involve development of a greenfield site. By the very nature of the proposed use, the size of the building, the extent of hardstanding, the comings and goings of lorries; in short, the urbanizing effect of the proposal which I discuss below, it would fail to respect the intrinsic character and beauty of the countryside. Whilst the appellant refers to the advantages of the appeal site in terms of space, accessibility and proximity to the strategic road network (SRN), there is no evidence before me that demonstrates that the business is one

which requires a countryside location. Noise impacts are raised as one reason to locate away from residential areas, but this does not mean the site could not, in principle, locate elsewhere within or closer to a built-up area. I accept that the proposal would generate economic activity, but it would not represent a business directly linked with the rural economy. Therefore, there would be conflict with Policy 3S(viii).

12. Policy 7S permits development in the countryside which accords with other specific policies of the plan. Criteria (i) to (v) relate to residential development and neighbourhood plans and are not applicable to the proposal. The policy adds that, exceptionally, development proposals will be supported on sites that are well-related to a defined Settlement Policy Area, Small Settlements or the built form of other settlements and where a number of criteria (vi to x) are met relating to meeting an identified community need; having community support; being of appropriate scale to serve local needs and contributing positively to the character of the settlement. Further criteria (xi to xiii) are to be met relating to effects on the countryside, its users and the environment.
13. The site is located some 150 metres from the northern extent of the built form of Roxton. However, it is separated by Bedford Road and detached from the compact pattern of development in Roxton focused along High Street. Beyond the nearest edge of the continuous built form – the dwellings at College Farm and 4 High Street – there is an immediate transition to a rural landscape with mature trees that screen views of Bedford Road and the appeal site.
14. A scaffolding business operates from the neighbouring site, but this forms an anomalous, single example of development to this side of Bedford Road. It is also of a much smaller scale than the proposed scheme and does not establish a strong visual presence of development to this side of the road. The proposal would be similarly detached in its location, physically and visually separated from the built-up area of the village by Bedford Road, agricultural fields and mature landscaping. Consequently, I find the appeal proposal is not well-related to the settlement of Roxton. Instead, it would be located in a detached and conspicuous position within the surrounding rural landscape.
15. Moreover, there is no evidence before me of the proposal either meeting a community need, or having community support as required by Policy 7S(vi) and (vii). Indeed, there is sustained objection from Roxton Parish Council. The evidence does not suggest a need for HGV servicing to be located in or near Roxton specifically. The appellant attests to the potential for local residents to be employed at the site as meeting a community need, but the Council's Policy Briefing Note indicates this criterion is primarily related to meeting a need for community facilities. This aside, there is no evidence before me that Roxton is required to provide a certain number of jobs or that it is falling short in doing so. Beyond this, there is no guarantee that any local residents would actually be employed at the site, particularly as the proposal is seeking to relocate the business and with it most, if not all, of the existing jobs at the Bedford site.
16. I am also not persuaded by the appellant's view that 'community' in this sense can refer to the needs of the wider borough, as the policy is specific to the countryside and the references to settlement policy areas, small settlements and parish councils indicate community is to be considered at a more local scale. Moreover, as the requirement is to gain support from the community to meet the needs of that community, I do not consider that the individual

commercial needs of a particular business currently located outside of the community but within the wider borough amounts to a 'community need.'

17. The appellant's evidence also makes clear the proposal is intended to serve a regional demand for HGV servicing and there is no evidence that it would link to supporting facilities in Roxton. As there is no clear evidence of demand for such facilities in or around Roxton, and particularly at the scale proposed, I find the proposal would not be of an appropriate scale to serve local needs or support local facilities under criterion (viii). Therefore, there would be conflict with Policy 7S for these reasons.
18. Policy 75 further addresses employment development in the countryside. The proposal would not accord with any of the circumstances under criteria (i) to (iv) where development would be supported. The appellant argues that it is still relevant to an overall judgment that the subsequent criteria (v) to (x) would be met. However, these criteria are applicable only where one of the first four criteria are met. Therefore, even if they are met, this does not negate the fact that the proposal is in conflict with the first part of the policy and therefore is not supported in principle. This notwithstanding, my findings below in respect of character and appearance mean that there would be conflict with criterion (ix) in any event.
19. The proposal would also fail to gain support under Policy 69S, which refers to the amount and distribution of employment development, with a minimum of 6,900 net additional jobs to be provided to 2030, the focus for growth being the urban area of Bedford and Kempston and employment sites already allocated in the development plan. The site would not be located in any of these areas. The policy further states that applications for B class uses on non-allocated sites will be assessed against Policy 72S, but this is not applicable to the proposal as it relates only to sites of 5 hectares or more.
20. Moreover, indications at the hearing were that the proposal would result in a net reduction in jobs from 35 to 28. The appellant argues that the proposal would not conflict with the aims of Policy 69S as it would be retaining jobs that would be otherwise lost or relocated outside of the borough. However, the policy target is a net gain, implying that some jobs will be lost along the way, whether through redevelopment of existing sites or natural market forces. Even so, the number of jobs in question is modest relative to the overall growth target, and does not by itself negate the locational conflicts identified above under several policies.
21. Looking at these policies as a whole, the focus of development is Bedford, followed by the Settlement Policy Areas. The aforementioned policies further address development outside of these areas, including the countryside. Whilst the proposal would gain some support as an employment use furthering the town's employment base, I have found that the proposal would not accord with policies relating to development in the countryside. I am not persuaded that the support under Policy 3S(iii) takes precedence over conflict elsewhere in the plan, particularly as this support relates to 'strategic locations'. The appeal site is not identified as a strategic location, nor is it of a size to potentially be considered as an additional one under Policy 72S. Therefore, and notwithstanding the comments of the EGDT, I find that policy support for the proposal under Policy 3S(iii) is limited and countered by conflict with 3S(viii) and other policies.

22. Overall, the proposal would conflict with Policies 3S, 7S, 69S and 75 of the BBLP, and would not represent a suitable location for the proposed development.

Character and Appearance

23. Policy 28S sets out criteria to be met to achieve good placemaking, including with respect to design, landscaping, integration with the surrounding area, conserving the historic environment and avoiding adverse impacts on biodiversity.
24. The site lies within National Character Area (NCA) 88 Bedfordshire and Cambridgeshire Claylands. The appeal site and its surroundings exhibit a number of its key characteristics, including predominantly open, arable landscape and planned regular field boundaries. The influence of major transport routes is also relevant to the appeal site.
25. In the Bedford Borough Landscape Character Assessment (Oct 2020) the site is located just within the Renhold Clay Farmland, a low lying landscape dominated by arable farmland but with scattered woodlands, medium to large fields bounded by hedges and ditches. It has a dispersed but regular pattern of scattered farmsteads and small villages connected by a network of quiet rural lanes. However, the appeal site is separated from the main landscape area by the A421. Consequently, regard has also been had to the adjacent character area to the east, the Great Ouse Clay Valley, that is characterised by its lowland landscape with mixed land use of arable land and improved pasture with medium sized fields and busy transport corridors. Evidently, the two character areas share characteristics, both being low lying, arable farmland intersected by roads and hedgerows in a typical rural landscape.
26. The appellant's Landscape and Visual Appraisal (LVA) regards the site as unrepresentative of either character area. However, seen from Bedford Road, the site forms part of natural surroundings to either side of the road corridor, with expansive fields opposite the site to the east. Moreover, although unremarkable in its form, its open, undeveloped and natural appearance is nonetheless a positive contributor to the arable field pattern that characterises the broader landscape.
27. The LCA refers to an 'urban fringe' character to the Renhold Clay Farmland but whilst this may be relevant where the A421 passes immediately next to the built-up area, I did not experience an overtly urbanised landscape on site. I saw that the land between Bedford Road and the A421 acts as a notable buffer to the dual carriageway, physically separating it from Roxton and helping to maintain a rural character to this side of the village. In this respect, I do not find that the site is already subject to demonstrable urbanisation. The A421 is well screened by planting along much of Bedford Road with no substantial highway infrastructure such as overhead gantries or lighting poles. Whilst traffic is audible from Bedford Road, and visible through gaps in the tree cover, the low profile of the road and visibility of open countryside beyond limits its visual effect on the wider landscape. The scaffolding business next to the appeal site represents an isolated development of little aesthetic value that is conspicuous in views from Bedford Road, but it does not establish a developed character to the area, which remains overwhelmingly rural.

28. Within this context, the proposal would introduce significant commercial development where there presently is none. Although the size and shape of the building would not be dissimilar to a large, modern agricultural building, the nature of the development means it would have a distinct character and presence in the surroundings. It would incorporate a commercial livery to the exterior with corporate signage that would distinguish it from an agricultural building that typically would have a muted external appearance to assimilate into its surroundings. This commercial appearance would be significantly at odds with the rural character of the area.
29. The scale of the development would be exacerbated by the wide extent of hardstanding and parking for HGVs, with some 34 spaces proposed in an area that would extend close to the Bedford Road boundary. The circulation space for vehicles would occupy a very significant area of the site and would add to the overall magnitude of commercial activity that would be introduced. The detached position of the site away from a built-up area would add to the conspicuousness of this activity.
30. The appellant's LVA sets out that the effects of the proposal on both the landscape and visual receptors would be low, and would reduce over time to largely neutral. A factor in this is proposed perimeter landscaping, particularly to the Bedford Road boundary and the south-western boundary. I acknowledge that the effects of the proposal would be localised, as the location of the site at the edge of two character areas, and with the physical separation provided by the A421, means that neither character area would be significantly affected in overall terms. I also concur with the findings that views from longer range on surrounding public rights of way (Viewpoints 3, 4 and 5) would not be seriously affected by the development, due to intervening features including trees and the bunding of the A421.
31. However, from closer range, particularly along Bedford Road itself, the presence of the development would be readily apparent. Even with new planting in place, the size of the main building and the spread of hardstanding and parking for large HGVs across the site would be noticeable from the road. Coupled with a widened, engineered access from Bedford Road and other features such as metal boundary fencing, pedestrian entry routes and signage, the urbanising presence of the development would be obvious.
32. I note the comments of the Inspector in a 2015 appeal¹, who determined that a caravan site of significantly smaller scale would nevertheless appear as an *'alien feature within an agricultural landscape'* which would remain visible despite boundary planting due to factors such as lighting and signage. The scale of the current proposal far exceeds that proposed in 2015, and I am not persuaded that boundary planting would be sufficient to mitigate its physical and visual presence in the landscape.
33. Overall, the proposal would be located along a narrow stretch of largely undeveloped land between the A421 and Bedford Road which, although making a limited contribution to the wider landscape character areas it borders, does act as a barrier between the village of Roxton and the A421 corridor, which helps to maintain a rural hinterland to this side of the village. The proposal would represent a significant encroachment into this undeveloped space, at a scale that would be conspicuous even with boundary planting, due to its

¹ Appeal Reference APP/K0235/A/12/2177503

significant size, but also the day-to-day activity and traffic it would generate. Notably, the use would require external lighting during opening hours between 6am and midnight on weekdays. This would be particularly noticeable during hours of dusk and darkness given Bedford Road has no street lighting.

34. Thus, the proposal would introduce an uncharacteristic, urbanising form of development, not related visually or functionally to the countryside, that would stand out as an isolated and conspicuous feature in the rural landscape. I therefore conclude that the proposal would cause harm to the landscape character and appearance of the area, contrary to Policies 3S, 7S, 28S, 29, 30, 37 and 75 which together require development to safeguard the intrinsic character of the countryside; protect the landscape setting; to have apposite relationship with the surrounding area; to be of high design quality and appropriate in structure, form, character and size.

If there is a conflict with the development plan, whether there are material considerations which justify granting planning permission.

Whether development plan policies are up to date

35. For the reasons set out above, I find that the proposal conflicts with Policies 3S, 7S, 28S, 29, 30, 37, 69S and 75 relating to the location of development the protection of the countryside and character and appearance. I regard these policies as the most important for determining the appeal.
36. The appellant submits that policies in the BBLP, in particular Policies 7S, 72S and criteria (i) to (v) of Policy 75, are out-of-date. The appellant advances that these policies do not cater for the particular type of business they operate, which requires large external space and smaller building footprints. It was put to me that landowners are unwilling to offer or develop sites for such uses as other uses, in particular large scale warehousing and distribution sites, offer scope for much larger buildings and higher rental yields. In failing to cater for this type of business, it is argued that the policies relating to the supply of employment land are out-of-date.
37. The appellant submits that the conflict with these policies should therefore attract limited weight and, when balanced against other up-to-date policies which are complied with, the proposal would accord with the development plan, taken as a whole. Alternatively, if I find that the proposal would conflict with the development plan as a whole, it is submitted that the out-of-datedness of the aforementioned policies triggers the presumption in favour of sustainable development at Paragraph 11(d) of the Framework, and that the identified harms would not significantly and demonstrably outweigh the benefits of the proposal.
38. The Council responds that the BBLP allocates sufficient land to meet needs arising over the plan period. That need, for some 6,900 additional jobs, is set out at Policy 69S, with a focus on the urban areas of Bedford and Kempston and allocated employment sites. I have no substantive evidence from the appellant to suggest that the overall delivery of employment land to date has fallen short of expectations, and I am not aware of any interim targets or other benchmarks in this respect. The evidence before me indicates that a number of the allocations have been developed or are under development, but this is an indication of the policies being effective, rather than a sign of the plan not delivering employment development as planned.

39. The BBLP provides further flexibility through Policies 72S and 75 to develop employment sites in other areas, including the countryside, where certain criteria are met. The appellant is critical of Policy 72S for only supporting development on sites of over 5 hectares, and thus being silent on sites smaller than this. However, Policy 72S clearly refers to 'strategic' development and informs the scale of development to be considered, with requirements to not only to demonstrate demand and need that cannot be met elsewhere, but also significant economic benefits to justify development of unallocated land. This echoes the wider approach of the spatial strategy under Policy 3S to focus on strategic locations related to the primary road network. This aside, Policy 75 does not set out any minimum size requirement and is capable of supporting a smaller scale of development where the criteria are met. The BBLP also supports development within the urban area of Bedford without a minimum size of site.
40. The Framework at Paragraphs 85 to 87 sets out that policies and decisions should help create the conditions in which businesses can invest, expand and adapt. They should also recognise and address the specific locational requirements of different sectors, including making provision for storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.
41. In these respects, I agree that there is support in the Framework for the proposed use as part of the wider supply chain of the logistics industry, and that the 2024 update expands on the importance of supporting storage and distribution operations where it is needed to support the supply chain. However, I do not concur with the appellant's position that this change means that policies that do not cater for the specific type of development proposed should be considered out-of-date. The BBLP has been adopted following examination and in light of the Framework, which has long set out support for storage and distribution operations, including at the time it was examined.
42. When read together, the policies of the BBLP afford a broad range of opportunities for employment development to come forward, including in the countryside and including storage and distribution operations, where they meet relevant criteria. In this respect, I find that these policies accord with the aims of the Framework to make sufficient provision for employment development (Paragraph 20) and enable the sustainable growth and expansion of all types of business in rural areas (Paragraph 88). The qualifying criteria of the policies also ensure other aims of the Framework, in particular the protection of the countryside and the sustainable location of development, are also addressed. The fact that a specific type of business may not find an appropriate site in the area to meet their needs does not negate that the policies, taken together, offer sufficient and varied opportunities for employment development to come forward. Consequently, I do not regard these policies as being out-of-date.

Lack of Suitable Sites

43. The appellant has produced evidence in respect of the constraints of their existing site in Bedford, feasibility studies for a new site, and a market

assessment (MA) dated March 2024. The MA covers a search area from the south-east of Bedford along the A421 corridor as far as the southern edge of St Neots. The assessment identified a number of sites which were discounted for various reasons, including size of buildings and yards; accessibility from the SRN; planning uses; neighbouring uses and lack of availability. The MA goes on to consider the availability of land allocated for employment use in the BBLP and the emerging local plan, concluding that no sites are suitable due variously to unavailability, preferences of the landowners/developers for other types of development and timescales not being compatible with the appellant's aspirations.

44. The appellant makes much of the Council's lack of objection to the MA, and I acknowledge its findings are a matter of common ground between the main parties. However, concerns have been raised by Roxton Parish Council, and my own considerations raise a number of concerns with the appellant's approach.
45. Firstly, the search area is limited in size to a narrow section of land along the A421 corridor between Bedford and the A1. As is evident from the appellant's own submissions, this is based largely on the commercial preferences of the appellant to locate development to the eastern side of Bedford. This is related to its franchising agreement with DAF Trucks to cover a certain geographical area. I also glean from discussion at the hearing that the appellant wishes to avoid competition with their other locations, in particular at Milton Keynes. In any event, the consequence of the search area being so narrowly drawn is to exclude areas that may potentially fulfil these needs but also provide more suitable locations in planning policy terms. Notably, the search area does not encompass the A1 corridor just to the east of the appeal site, which would appear to offer the necessary access to the SRN whilst still locating to the eastern side of Bedford.
46. This is also the case in respect of the stretch of the A421 just to the south of Kempston which includes a number of allocated employment sites within the development plan and sites potentially to be allocated in the emerging plan. This area is within 1-3km of the defined search area and is closer to the centre of Bedford than the appeal site. I am not persuaded by the appellant's claims that these locations are unsuitable due to proximity to Milton Keynes, which is over 11 miles away. In these respects, I consider the appellant's search area to be unnecessarily constrained. The result of this is an incomplete assessment of potential alternative sites.
47. Moreover, the parameters of the search are narrow, requiring specific sizes of buildings, yards and locations, yielding predictably few results. I observed a number of these on site and found them to be unsuitable due to their location creating access issues or surrounding uses being incompatible. However, when compared to the proposal ultimately advanced by the appellant, particularly in respect of the large scale of external areas proposed, I am unconvinced that the search exercise has sought out genuine possibilities from the outset. Moreover, the MA discounts sites on the basis of incompatible planning use. However, it does not explain whether discussion has taken place with the Council as to the feasibility of a change of use or redevelopment of any of these sites, or others. As such, I give limited weight to the discounting of sites on this basis.

48. I note that the EGD in their comments state that the appellant has been offered a number of sites since 2015, none of which were taken up and not all of which have since been developed. This somewhat undermines the importance placed by the appellant on timelines. Beyond this, I have noted the evidence advanced by the appellant regarding the difficulty in accessing the larger allocated sites due to their scale or delays in them coming forward because of long-term masterplanning. However, the evidence indicates that allocated sites, such as AD11, remain available, even if they are not suited to the appellant's specific requirements. Moreover, there is little substantive evidence before me to indicate that all allocated sites will have timelines beyond 2029 when the appellant's lease expires at the Bedford site, or that the appellant has made enquiries as to the feasibility of developing on these sites.
49. I recognise that there is no policy requirement to formally undertake a sequential test to determine the most suitable location for development. However, the proposal seeks to develop a greenfield site in the open countryside and thus it is relevant to consider whether other, less harmful, alternatives exist. It is alluded to by the appellant that other greenfield sites were considered under earlier applications, but no evidence has been adduced under this appeal that any assessment has been undertaken of other greenfield sites in the countryside, in agricultural or other uses, to consider whether there are any which were preferable in overall planning terms. In short, it is unexplained as to why the appeal site in particular has been chosen over others, and in the absence of any evidence to demonstrate it is the least harmful option, the MA does not provide substantive justification for development of a site in the open countryside.
50. The proposal is argued to support the town's employment base. Whilst it would provide employment, these would largely be transfers from the existing site. Indeed, it is predicted that jobs would in fact reduce in number. I am mindful that the failure of the business to acquire a new site in Bedford could ultimately lead to job losses if the appellant does not continue operations at the existing site. However, the existing lease is to 2029 and the company operates a number of other sites in and around Bedfordshire. As such, it is not inevitable that job losses would ensue were this appeal to fail, as it would still be open to the appellant to explore other possible locations before the lease expires at the Bedford site, or to transfer at least some operations and jobs to its other locations. I therefore afford limited weight to this factor.
51. Reference is made to the emerging local plan and potential employment site allocations. There are question marks in respect of some sites, such as EMP8 close to the site at the Black Cat Roundabout due to the proposed East-West Rail Line, and HOU14 following its acquisition by Universal. The preparation of the plan is presently paused to address concerns relating to delivery of housing and strategic infrastructure, and the parties agreed at the hearing that limited weight can be afforded to the emerging plan at this stage. Furthermore, there is nothing before me to indicate that there is a serious risk of the identified need for employment land not being met by the emerging plan, such that the appeal site would need to be developed to address a shortfall. Indeed, the site has already been considered and discounted as an allocation in the 2040 plan.
52. In summary, the evidence before me does not substantively demonstrate that it is necessary to develop the appeal site due to a lack of suitable alternatives, and I afford only limited weight to this as a material consideration. However,

I recognise that the proposed site would deliver advantages for the appellant's business in terms of access to the SRN and it would contribute to a limited extent towards economic growth of the area by providing additional, modern industrial facilities in connection with the logistics and distribution sector.

Other Matters

53. The Council did not refuse permission on the basis of harm to heritage assets, but I am mindful of, and have had regard to, the statutory duties in respect of conservation areas and listed buildings. Roxton Conservation Area (RCA) encompasses much of the central core of the village. The proposal would result in development within the wider rural setting of the RCA, but as set out above, it would not be visually prominent from within the RCA itself. The proximity of the site to the A421 and its traffic noise means it does not contribute to the tranquil village character experienced from within the RCA. I am satisfied, therefore, that the proposal would preserve the setting of the RCA and would cause no harm to its heritage significance.
54. College Farmhouse is a Grade II listed building, dating from the 16th and 17th century and noted for distinctive features including close-studded timber framing and striking external chimney stacks. These features are best experienced in close views from High Street and within the grounds of the building itself. Views to and from the appeal site are limited by the intervening tree cover, and I concur with the comments of the Council's conservation officer that little of the building's significance is appreciated in views from the appeal site. Moreover, this tree cover provides an immediate, verdant setting to the farmhouse which makes a greater contribution to the significance of the listed building compared to the wider rural hinterland containing the appeal site. Therefore, the proposal would preserve the setting of the listed building.
55. Reference is also made to a scheduled ancient monument (SAM), Round Hill, comprising earthwork remains of a probable prehistoric burial mound located in a prominent position on high ground to the north-west of the village of Roxton, with evident archaeological significance. The SAM is located to the opposite side of the A421, which would prevent the proposed development from intruding in its setting. Consequently, there would not be a harmful impact on the setting of the SAM.
56. The existing site comprises some 1.2 hectares of Grade 2 agricultural land and 1 hectare of Grade 3a land. It is common ground that the proposal would result in the loss of best and most versatile agricultural land, but that this loss would not be significant. Nonetheless, the appellant accepts that the loss of BMV agricultural land is a limited harm weighing against the proposal.
57. The Council's initial reason for refusal related to a lack of information in respect of the impacts of the development on ecology in the area, in particular reptiles. Following further submissions by the appellant, including a commitment to undertake further reptile surveys, the Council is satisfied that any outstanding matters, including mitigation measures, are capable of being addressed by planning conditions. I have no substantive evidence to counter these conclusions. Similarly, it is common ground that the proposal would be capable of delivering biodiversity net gain on site as required by Policy 43, that could be secured by condition.

58. The appellant has provided a noise assessment which concludes that the rating level of noise would remain at least 5 dB(A) below the prevailing background noise levels at the nearest dwellings, 51 and 53 Bedford Road. It adds that the proposals would result in a low potential for adverse impacts and that the occupants of the neighbouring properties would not be exposed to any adverse noise impacts. I acknowledge the concerns raised in respect of noise impacts from the operation of the HGV servicing, but I have no substantive evidence to counter the technical assessment of the appellant. I accept that the operations will generate some noise, but given the separation distances to the nearest dwellings and the continuous noise from the A421, I am satisfied that they would not lead to material harm to residents' living conditions.
59. The proposal would increase HGV traffic in the area. The appellant's evidence indicates that the volume would not be significant and would be capable of being absorbed by the existing road network. The site benefits from proximity to the SRN at the nearby Black Cat Roundabout, which the majority of traffic would be expected to use when travelling to and from the site. I have noted concerns regarding HGV traffic through Roxton and other pinch points locally, including the bridge at Great Barford. However, HGV traffic would not be constant, and given the ease of travel via the SRN, traffic using alternative routes on smaller roads is unlikely to be a regular occurrence. Ultimately, there is insufficient evidence to counter the technical assessments of the appellant's transport consultant. I am satisfied that the proposal would not lead to unacceptable impacts in terms of highway safety and/or congestion.
60. The Council did not find harm in respect of other matters, including archaeology, flood risk, drainage, fire safety, waste and energy sustainability. On the evidence before me, I have no reasons to conclude otherwise. In addition, I have had regard to other matters raised in representations, but none lead me to identify additional material harms or benefits to be weighed in the planning balance, and so I do not address them further.

Conclusion

61. For the reasons set out, the proposal would conflict with the development plan in respect of the location of development. The proposal would also result in harm to the character and appearance of the area and minor loss of best and most versatile agricultural land. There would be conflict with Policies 3S, 7S, 28S, 29, 30, 37, 69S and 75 of the BLLP. The fact that the proposal may meet certain sub-criteria of these policies does not mean overall compliance with these policies, nor does it lessen the fundamental conflicts I have identified. Overall, and notwithstanding that there would be compliance with other policies in respect of matters where no harm has been identified, I find that there is conflict with the development plan, taken as a whole.
62. Furthermore, I find that the policies of the BBLP which are most important for determining the appeal are not out-of-date, for reasons already stated. Accordingly, the presumption in favour of sustainable development at Paragraph 11 of the Framework is not engaged. Nor is the similar presumption set out at Policy AD1 of the Allocations and Designations Local Plan 2013 engaged. Rather, the proposal falls to be determined in accordance with the development plan, unless material considerations indicate otherwise.
63. Benefits in this case would include the continuation of the appellant's business in the local area, and associated retention of jobs. There would be some limited

economic benefits from the construction of the development and subsequently in the appellant's existing site becoming available for a new use. Modest benefits would accrue in respect of biodiversity net gain and new landscaping.

64. I have considered the evidence regarding the need to locate the business at the appeal site, but find that it has not been robustly demonstrated that there are no less harmful locations for the development. I acknowledge that a potential consequence of dismissing the appeal is the appellant's business leaving Bedford. However, the scale of the loss, and the potential for other enterprise to replace the appellant at the existing site in Bedford, mean that the negative impact of this would be limited in comparison to the harm that would result from the appeal proposal. As such, this consideration attracts limited weight.
65. Overall, I find that material considerations in this case do not justify a decision other than in accordance with the development plan. Therefore, for the above reasons and taking account of other matters raised I conclude that the appeal should be dismissed.

K Savage

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Charles Streeten	Barrister, FTB Chambers
Francis Caldwell BA (Hons) M.Phil MRTPI	Managing Director, Aragon Land and Planning Limited
Nathan Andrews MRICS	Surveyor
Tristram Bushby BA (Hons) Bsc (Hons) MA CMLI	Landscape Architect
Brian Currie	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Alastair Wren MTRPI	Team Leader, Appeals and Enforcement
Kim Wilson MRTPI	Team Leader, Planning
Penny Jewitt	Senior Planning Officer
Lee Ganderton	Planning Officer
Harry Pinder	Planning Officer

INTERESTED PARTIES:

For Roxton Parish Council:

David Graham	Barrister, FTB Chambers
Justin Griffiths	Roxton Parish Council
Claire Rose	Roxton Parish Council

Documents Handed Up during/after the Hearing

- Amended copies of Proposed Conditions (one each from Bedford Borough Council and Roxton Parish Council in hard copy).
- Email from Council dated with link to National Highways Website re: Black Cat Roundabout works.
- Copy of Pages 33-34 of the BLLP 2030
- Copy of SUDS Supplementary Planning Document
- Copy of *Basingstoke* judgment
- Copy of Appeal reference 3160370
- Comments from appellant and reply from Roxton Parish Council in respect of *Basingstoke* and Appeal 3160370; final comments from appellant in respect of same.
- Final draft list of planning conditions
- Comments from appellant, Bedford Borough Council and Roxton Parish Council in respect of revised Framework.