



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: 10th January 2025

Appeal Ref: APP/P0240/W/24/3345457

College Wood Farmhouse, Bedford Road, Northill, Bedfordshire SG18 9AL

- 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 John Barber against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/03700/FULL.
 - The development proposed is construction of a new 4 bedroom house with garage, relocation of an existing highway access and substantial landscaping works which adds around half an acre of woodland, creating a wider wildlife corridor between College and Home woods.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. As part of the appeal the appellant has submitted additional information and proposed amendments to the scheme. The additional information is an Updated Predicted Energy Performance Assessment; a Built Form and Relative Location of Other Buildings in the Vicinity plan; Updated Building Regulations Part L Compliance Report; and a plan showing ancient woodland buffers of 15m. The amendments include the deletion of the proposal to relocate the bluebells; deletion of part of the vehicle access track to the sewage treatment plant; and relocation of the proposed pond.
4. Although the additional information and amendments represent a change to what was considered by the Council at the application stage, the Council has provided detailed comments on the information submitted at appeal within their evidence.
5. On this basis, having regard to the 'Wheatcroft Principles'¹ and the judgment in *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin), I consider that the additional information and amendments do not result in a substantial or fundamental change to result in a different application. Moreover, as the Council has commented, no party would be unfairly prejudiced.

¹ [1] Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

6. Nevertheless, the deletion of part of the access track and the relocation of the pond have not been shown on any revised plans and I, therefore, am unable to consider these amendments as formal changes to the proposed scheme.

Main Issues

7. The main issues are:
 - whether the proposed development would meet the policy exception for new dwellings in the countryside as set out in paragraph 84e of the Framework and the local housing strategy; and
 - The effect of the proposed development on trees.

Reasons

Dwellings in the countryside

8. Section 9 of the Central Bedfordshire Local Plan 2015-2035 (the LP), sets out the settlement hierarchy and seeks to focus all new development in the identified service centres and villages. Policy SP7 of the LP advises that windfall development, of sites not specifically identified in the local plan, would be supported in the service centres and large villages. Outside of settlement envelopes the policy resists new development unless it is for one of the exceptions listed.
9. The appeal site is divorced from the nearest settlement identified in the LP and is, therefore, located in the countryside for planning purposes. It is not wholly isolated as there are other dwellings in the immediate area including the new dwelling built on the neighbouring Orchard Farm. Nevertheless, the appeal site constitutes isolated development in the countryside due to the limited number of houses in the area.
10. The proposal is not for any of the exceptions listed in Policy SP7 of the LP. Consequently, there are no policies in the development plan which expressly support the principle of the proposal in this location and the development would be contrary to the local housing strategy set out in the LP in regard to the location of new housing.
11. Paragraph 84 of the Framework seeks to avoid the development of isolated homes in the countryside unless one or more of a number of circumstances apply. The circumstance relevant to this appeal is part e) which supports development where the design is of exceptional quality in that it: i) is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and ii) would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
12. Policy SP7 of the LP is broadly consistent with the Framework in seeking to restrict development in the countryside to recognise its intrinsic character and beauty. The lack of the same exception as provided at paragraph 84e) does not make the policy out of date or inconsistent with the Framework. Despite Policy SP7 not having the same exception, as the Framework is a material consideration in planning decisions, I can give weight to paragraph 84e) in determining the appeal.

Whether the proposal is truly outstanding and reflecting the highest standards in architecture

13. The site is currently an open, grassed, field. College Wood, which is recognised as an ancient woodland and a County Wildlife Site, lies on two sides of the site. Orchard Farm, a recent equestrian development which includes a single storey dwelling, permitted under a different subsection of paragraph 84 of the Framework, sits next to the site with a post and rail fence boundary between. Trees line the site edge along Bedford Road though there are views of the site through the trees and through the existing access point. Home Wood, which is an ancient woodland, part of the Grade II Ickwell Bury Registered Park, and also a County Wildlife Site, lies on the opposite side of Bedford Road.
14. The wider area includes other detached houses of varying sizes, designs, and materials including brick, timber framing, timber cladding, tiles, and slate. With the exception of the timber clad dwelling at Orchard Farm, the houses are predominately traditional design, detailing, and proportions. The character of the area is open countryside with a mix of detached houses and farms set in areas of woodland.
15. The proposal is for a four bedroom property. It would also include relocation of the existing access, provision of driveway, garage, parking and turning areas, a courtyard garden, and areas for additional woodland planting, other landscaping, a pond, and a bund. The design of the dwelling includes tall, arched windows with brick detailing, smaller windows to the side and rear elevations, a steeply pitched metal roof and large areas of brickwork.
16. Reference is made to photographs of the surrounding area, properties in Northill Village, the church in Northill, houses in Ickwell Green, nearby agricultural buildings, and the historic association with brickmaking in the area as sources for the design and materials of the proposed dwelling. Reference is also made to equestrian businesses and larger properties as sources for the proposed courtyard arrangement and landscaped gardens.
17. The appellant's management of College Wood and their civil engineering background, along with the topography and existing features on and around the site, has also influenced the design of the dwelling and the proposed landscaping. The proposal is a combination of the dwelling, and the landscape works together and the desire to extend College Wood is a key driver.
18. The dwelling would, as viewed from Bedford Road, be positioned against a backdrop of mature trees in the woodland, and additional planting would be provided between the dwelling, the road, and Orchard Farm. The proposed development would introduce a new dwelling onto an open field where there is currently no development and also introduce additional woodland and planting to the area. Although there would be some benefits of the new planting and the proposal would be built adjacent to the woodland, allowing the woodland to extend around the new house, the proposal would result in a new house in the countryside.
19. That there has been another dwelling built near the site, at Orchard Farm, would not justify further development, unless it would comply with either the policies of

the LP and Northill Parish Neighbourhood Plan 2019-2031 (the NP) or one of the subclauses of paragraph 84 of the Framework.

20. The use of brick and other local materials would ensure that the materials fit in with the surrounding area. The reference to the church windows would pick up on a local feature, albeit a feature of one of the most important buildings in Northill rather than a feature that is reflective of the housing in the local area. The smaller arched windows in the cottages in Northill and the arched porches are significantly different to the appeal proposal in form, scale, and design.
21. From the entrance into the site and the road, the appearance of the proposed dwelling would be dominated by the arched windows and the large areas of brickwork, which although partially screened by the proposed landscaping would still be visible from the road. These features, albeit seeking to provide a design that is modern and forward-thinking, are not features that I saw on the houses in the immediate area or the village. Consequently, the proposal would result in a dwelling that would be out of keeping with the other houses in the immediate area. Moreover, due to the use of features and materials which are similar, but not the same, as other buildings, neither is it so distinctively different as to be exceptional in its own right. Even though paragraph 84 allows for new dwellings in the countryside and so allows for changes to the character and appearance of the area, from the public vantage points along the road, the eye would be drawn to the large and untypical dwelling. The design and scale of the proposed dwelling would not sit comfortably within the landscape.
22. Exceptional quality, truly outstanding and reflecting the highest standards in architecture are very high bars to reach. I accept that the design of the dwelling and the landscaping is good and follows the core principles of good architecture, architectural quality, and project management. The appellant has also taken into account the Government's national risk register, climate change, ease of maintenance, the living conditions of neighbouring dwellings, security of the dwelling and site, light spillage, and noise, amongst other matters. Materials would be locally sourced and could be secured via a suitably worded condition.
23. Nevertheless, even though the proposed dwelling would not include large areas of glass that are the feature of some houses approved under paragraph 84e), integrating a new design of dwelling into a very rural landscape is a challenging exercise. I also acknowledge the letter of support received and that a paragraph 84e) dwelling does not have to be jarringly modernist. It does, however, have to be an exceptional dwelling rather than one that falls within the parameters of good quality buildings the Framework otherwise seeks.
24. Having read the documentation that accompanied the application and assessed the site and its surroundings, although the proposal is different and clearly a rural dwelling and the brick arches would require specialist brick workers, in my judgement, there is nothing within the evidence to show that the proposed dwelling, even with the additional landscaping, would be so remarkable or excellent as to pass the threshold of being a truly outstanding design. Moreover, I have not seen anything in the evidence that demonstrates that the design of the building brings anything new and, in that regard, I struggle to see how it would be said to reflect the highest standards in architecture.

25. The appeal before me is, therefore, materially different to the appeal at Merrymeeting Farm in which both main parties and the Inspector agreed that the proposal was of exceptional design quality and, as such, satisfied paragraph 84e).
26. The proposed energy efficiency measures including the use of air source heat pumps, solar panels, water recycling, electric vehicle charging points, and a layout that incorporates solar gain are beneficial features. I also acknowledge that the house is on track to achieve an energy performance certificate A rating and is designed following Passivhaus principles. Moreover, the house has been designed to accommodate disabled access, multigenerational living, and adaptability. However, there is little evidence that these benefits would amount to a truly outstanding design that would provide benefits significantly over and above what would be expected to comply with Building Regulations and Policy.
27. For the above reasons, I find that the proposal would not be truly outstanding and would not reflect the highest standards in architecture.

Whether the proposal would help raise standards of design more generally in rural areas

28. The appellant indicates that the proposed dwelling has been designed for buildability and maintenance, cost control, and considered the Government's National Risk Register. In that context, they assert that the learning outcomes would be linked to raising design standards generally in rural areas. The appellant also suggests that the initiatives proposed would be applicable to other builds. The evidence before me is limited as to how any of these matters would help to raise the standard of design more generally in rural areas and many of the supporting documents are general in nature and need not be written to demonstrate exceptional quality.
29. Nevertheless, any well-designed scheme is likely to assist in raising standards of design to some extent by setting an example that others should follow. I have found that the appeal scheme would be a good design, albeit not truly outstanding. Consequently, I find that it would help to raise the standard of design more generally in rural areas. However, this does not necessarily mean that planning permission should be granted as both elements of paragraph 84e) are required to be met.

Whether the proposal would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

30. The proposal to extend the woodland into the appeal site would be beneficial to the immediate setting and the landscaping proposals are part of the appeal scheme as a whole.
31. However, even as a dwelling with a courtyard arrangement in a large plot, the scale, design, and appearance of the proposed building is not similar to the farmhouses, equestrian properties, or other detached houses in the countryside around Northill. Neither does it reflect design features of the dwellings in the village. The windows referred to in the upper floors of the village cottages are clearly very different to the design of the proposed windows. Moreover, although the size and shape of the windows are more like the windows in the church, it would not be appropriate to replicate church designs in a dwelling.

32. In its present form, the part of the appeal site where the new dwelling is to be located is perceived as an area of natural vegetation within a tree-lined backdrop, which is attractive in its own right. Whilst the proposed new dwelling might also be considered attractive as a result of its architecture and the proposed landscaped setting, it represents a change as opposed to a quantifiable improvement. Moreover, the change would be harmful as the proposal would introduce development into an open field in the open countryside.
33. Therefore, even with the additional landscaping proposed, I find that, the proposal would introduce a dwelling that is not reflective of the character and appearance of other dwellings in the immediate area. Consequently, the scheme would not significantly enhance its immediate setting, and neither would the property be sensitive to the defining characteristics of the local area.
34. That the appellant has discussed the proposal with a variety of parties is not determinative in the appeal, even with the local support received. The Design Review Panel feedback does not read as support for the appeal proposal, even if there is general support for the principle of building a paragraph 84e) dwelling on the site.

Conclusion on exceptional quality

35. Drawing these matters together, the proposed dwelling does reflect good design and architecture and the proposal would help raise standards of design more generally in rural areas. Nevertheless, even considering the appellant's supporting information, including, but not exclusively, the bullet points at paragraph 7.6 of the Planning Statement, I conclude that the proposal, as a whole, would not be truly outstanding or reflect the highest standards in architecture. Additionally, despite landscaping and the numerous biodiversity enhancements, the proposed development would not significantly enhance the immediate setting and would not be sensitive to the defining characteristics of the local area.
36. The Policies in the Local Plan are clear that the appeal site is not one where residential development would normally be permitted. Paragraph 84 of the Framework allows for isolated dwellings in the countryside provided that both limbs of the test in Paragraph 84e) are met. I have found that, whilst the proposal is well designed, it would not be truly outstanding, nor would it significantly enhance its immediate setting and, as a result, the tests in Paragraph 84e) would not be met.
37. I, therefore, find that the proposed development would not meet the policy exception for new dwellings in the countryside as set out in paragraph 84e of the Framework. It would also conflict with Policies SP7, HQ1 and EE5 of the LP. Collectively these policies seek to limit development outside of settlement envelopes, recognise the intrinsic character and beauty of the countryside, resist development that would have a detrimental effect on the built and/or natural environment and settlement character, ensure that all developments are of the highest possible quality and respond positively to their context, enhance, reinforce and reflect local character and distinctiveness, relate well to existing local surroundings, take account of the landscape setting, and assess the local landscape character and views.
38. For the same reasons, the proposal would also fail to comply with Policy NP10 of the NP and the advice in the Central Bedfordshire Design Guide, August 2023,

which, taken together, require development to contribute to the conservation or enhancement of the rural character of the countryside, be designed to respond to the landscape context of the area, and fit visually with, and compliment, the character of the surrounding landscape.

39. The Council has also referred to Policies EE4 and CC1 of the LP in the first reason for refusal. Policy EE4 relates to the effect of a development on trees and is, therefore, relevant to the second main issue and I will return to this matter. Policy CC1 seeks to ensure that all new development increases its resilience to the effects of climate change, incorporates renewable energy technologies, reduces carbon emissions, and achieves water efficiency measures. From the evidence before me the appeal scheme is seeking to achieve compliance with Policy CC1. Although I have found that these matters do not amount to an exceptional design, I have no compelling evidence that the proposal would not comply with Policy CC1 of the LP and I, therefore, find no conflict with this policy.

Effect on trees

40. The appeal site comprises an open grass field with trees to three sides. A Tree Survey was submitted with the planning application which surveyed four individual trees and nine groups. The groups included two of the sections of College Wood closest to the appeal site. The only works recommended in the Tree Survey are the removal of the deadwood from the two oak trees on the roadside boundary. No other works are proposed to the trees surveyed and the surveyor recommends infill planting in a number of the groups.
41. I acknowledge that the appellant manages College Wood as a commercial woodland under a Woodland Management Plan approved by the Forestry Commission. I also note that the appeal proposal includes a substantial amount of new planting within the appeal site and that the proposal would provide enhancements to the landscaping and biodiversity of the appeal site.
42. Nevertheless, the submitted Tree Survey, albeit indicating the location of the trees and indicative root protection areas, does not constitute an Arboricultural Impact Assessment (AIA) or an Arboricultural Method Statement (AMS), which were recommended in the pre-application response as documents required to be submitted. Moreover, the Tree Constraints plan within the submitted Tree Survey recommends the submission of both an AIA and an AMS, and a Tree Protection Plan.
43. The proposed dwelling would be outside the buffer zones for the ancient woodlands and the County Wildlife Site. However, the appeal proposal includes the main vehicular access to the site, a track along the northern edge of the site, and a pond which would all be within the buffer zones of the woodlands. Although part of the track and the pond are indicated to be removed/moved as part of the amendments at the appeal stage, these changes have not been formally submitted as amended plans. I would not be able to condition the requirement to submit these amendments whilst also approving the plans as there would be conflict between the conditions and uncertainty over what was approved. Moreover, part of the track and the main vehicular access would remain within the buffer zone and close to existing trees.

44. I saw, at my visit, that there are ditches between the site and College Wood, and between the site and the road. However, the trees within College Wood and along the roadside are close to the ditch. The required buffer zone for both woodlands extend across the ditches to within the site. Without the submission of an AIA and AMS I cannot be certain that the trees on the roadside and the trees within the ancient woodlands would not be adversely affected by the appeal proposal, even with the presence of the ditches between and even with no-dig proposals for the access track. Any detrimental effect on the trees within the woodlands would also adversely affect the County Wildlife Site as a biodiversity habitat.
45. Even if I were to agree with the Inspector in the Clear View Farm² appeal decision, that the provision of drainage within the buffer zone is not unacceptable, that scheme was designed to ensure the avoidance of tree root protection areas. I cannot be certain that the development in the appeal before me would equally avoid root protection areas and would, therefore, not adversely affect the ancient woodland.
46. The submitted Landscape Statement confirms that the proposal would provide a significant amount of new planting, which would include additional planting along the roadside and new woodland trees and orchard trees within the site. This would be likely to be sufficient to mitigate any potential loss of existing landscaping and could be secured by condition. However, the Landscape Statement does not provide sufficient information to offset the requirement for an AIA and AMS of the existing trees and it would not be appropriate to condition the requirement for these reports as the information may affect the layout of the development. Moreover, the submitted Landscape and Ecology Management Plan relates to the management of the proposed landscaping rather than the existing landscaping and only refers to the woodland trees to confirm that they are managed as part of the woodland.
47. For the above reasons, considering all of the evidence submitted by both parties, on the basis of the submitted information I cannot be certain that the appeal proposal would not result in an adverse effect on trees, the ancient woodlands and county wildlife sites. The proposal would, therefore, fail to comply with the requirements of Policies HQ1, EE3 and EE4 of the LP and Policy NP11 of the NP which, taken together, seek to ensure that proposals take account of the landscape setting, are designed to prevent any adverse impacts on county wildlife sites, not adversely affect ancient woodland and ensure that they are protected and buffered, seeks to resist developments which damage or result in the loss of ancient trees or woodlands, including Home and College Woods, unless in exceptional circumstances, and incorporate existing trees and hedges to enhance developments.

Other Matters

48. Although the appellant submits that a forestry workers dwelling could be secured on the appeal site and the floor plans show a farm office, the proposal is submitted on the basis of compliance with paragraph 84e) rather than any other criteria of that paragraph. Furthermore, there is no substantive evidence to demonstrate that the dwelling would be required for the forestry business.

² Appeal reference APP/C1435/W/23/3317468

49. The appeal proposal is also for a self-build unit. The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
50. Although the appellant suggests, in their Planning Statement, that there is a shortfall and that the Council has under delivered on approving self-build permissions, I have limited evidence of the extent of the shortfall to confirm whether it is significant or not. Nevertheless, the benefit of providing one self-build unit, if I accept that there is a shortfall in supply, would be moderate. However, this would not outweigh the significant harm I have identified in the main issues.
51. The development would also provide social and economic benefits both during and post construction. Given the small scale of the development these benefits are limited but do contribute positively and carry limited weight in favour of the proposal. Nevertheless, these benefits would also not outweigh the environmental harm I have identified in the main issues.

Conclusion

52. I have found that the appeal site is not a suitable location for new residential development and would not meet the requirements of Paragraph 84e) of the Framework. I have also found that it has not been satisfactorily demonstrated that the proposal would not adversely affect trees. As such, the proposal would not comply with a number of Policies in the LP, the NP, and would not comply with the Framework.
53. There are no material considerations to indicate that the decision should be made otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

K Townend

INSPECTOR