



Appeal Decision

Hearing held on 27 November 2024

Site visit made on 28 November 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Appeal Ref: APP/P0240/W/24/3348840

Sear Farm, Harlington Road, Upper Sundon, Luton LU3 3PE

- 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 Christopher Glenister of The Glenister Family against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/03009/FULL.
 - The development proposed is the demolition of existing buildings and erection of nine dwellings and a new estate road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have had regard to the updated National Planning Policy Framework (the Framework) which has been recently published. I note that national policies relating to housing land supply and the Green Belt have changed and consequently it has been necessary to consult the parties on these changes and I have taken account of their comments on the updated Framework in the determination of the appeal.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposed development on the openness of the Green Belt and on the purposes of including land within the Green Belt;
 - The effect of the proposed development on the character and appearance of the area, including whether or not it would conserve and enhance the landscape beauty of the Chilterns National Landscape;
 - The effect of the proposal on the significance of a heritage asset; and
 - Whether or not the harm by reason of the proposal being inappropriate development within the Green Belt, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not inappropriate development

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions and certain other types of development that are also not inappropriate in the Green Belt as set out in paragraphs 154 and 155 of the Framework. Of note is the new guidance in relation to grey belt land which I will return to below.
6. Policy SP4 of the Central Bedfordshire Local Plan 2015-2035 adopted in July 2021(CBLP) is generally consistent with the Framework as it sets out that within the Green Belt there is a general presumption against inappropriate development and that development proposals will be assessed in accordance with government guidance including that contained within the Framework.
7. At the Hearing the main parties agreed that the proposed development would represent inappropriate development within the Green Belt having taken account of policy SP4 of CBLP and the Framework as it applied at that time.
8. However, since the close of the Hearing, the updated Framework now includes a further category of development as set out in paragraph 155 of the Framework that may not be inappropriate if it would utilise grey belt land and would meet other specified criteria.
9. The definition of grey belt land is set out in the glossary of the Framework and is land in the Green Belt comprising previously developed land and/or any other land that does not strongly contribute to any of the purposes (a), (b) or (d) in paragraph 143 of the Framework.
10. The appeal site does not comprise previously developed land. However, it is common ground that the appeal site does not strongly conflict with any of the purposes of (a), (b) or (d) in paragraph 143 of the Framework. I agree and subject to considering areas or assets in footnote 7 of the Framework, which I will return to later, at this stage I am satisfied that the appeal site meets the definition of grey belt land.
11. Paragraph 155 sets out other criteria that needs to be met for a development not to be regarded as inappropriate including meeting the 'Golden Rules' requirements set out in paragraphs 156-157 of the Framework. Paragraph 156 deals with major development. Notwithstanding that the proposed development was not advertised as such, it meets the definition of major development contained within the glossary of the Framework as it has an area of more than 0.5 hectares. I do not accept that because the appeal site is only just over the size criterion it somehow lessens the requirements associated with major development. Rather I am satisfied that the appeal site meets the definition of major development, and I have determined the appeal on that basis.

12. Paragraph 156 of the Framework sets out that where development plan policies have not been updated in accordance with paragraphs 67-68, paragraph 157 of the Framework applies. This requires that in the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The appellant accepts that this applies and has not been met by the scheme. I agree.
13. Consequently, the Golden Rules would not be met, and it follows that the proposed development would be inappropriate development within the Green Belt. That is the case notwithstanding that the proposed development would meet the other Golden Rules as it would provide new green space that would be accessible to the public and there is no indication that any necessary improvements to local or national infrastructure are required.
14. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. I will now consider other issues and considerations before undertaking an overall balancing exercise.

Openness and Green Belt Purposes

15. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. There are existing buildings and hardstanding areas on the appeal site. I also note that there are some existing items stored on the appeal site some of which are not stored within the existing buildings. Vehicles associated with nearby cottages currently park on the appeal site, although I accept these do not have any formal right to do so and would not be able to continue parking on the appeal site in the event planning permission is granted.
16. At the Hearing, there was disagreement between the main parties about the existing land covered by hardstanding. Having looked at the situation at the site visit, although areas of hardstanding had become overgrown, I accept the appellant's figures.
17. On that basis, the starting position is that the hardstanding area amounts to 1095m² and the footprint of the existing buildings on site amounts to 1238.5m², so the total area covered by buildings and hardstanding is 2333.5m².
18. According to the appellant's figures, the footprint of the proposed buildings would be 719.3m². However, the Council highlight that this figure does not make any allowance for cycle storage, bin storage or any other buildings such as sheds and consider that a further 54m² should be added. The appellant does not agree to that figure, but at the hearing accepted that a certain allowance could be made for the provision of cycle storage, particularly as the statement of common ground included a condition requiring such facilities. On that basis I consider it reasonable to add a further 18m² to the footprint figure. So, even if I were to agree that no other buildings would be erected on site, the total footprint of the proposed buildings would be 737.3m².
19. Similarly, according to the appellant's figures the proposed hardstanding area would be 1471 m². It was agreed at the hearing that it would be reasonable to

add a modest patio area for each dwelling. On that basis it is also reasonable to increase the total proposed hardstanding area to 1624 m². Consequently, the proposed development would result in a slight increase in the floor area covered by buildings and hardstanding. Further, I observed at the site visit that a significant part of the appeal site, particularly the north-eastern and south-eastern portions are currently undeveloped. The proposed layout would introduce buildings into these currently open areas, and although there would be a central area of public open space, overall, the existing sense of openness across the site would be harmfully diminished.

20. Moreover, the existing buildings on the site are modest in height and scale and blend well into this edge of village location acting as an effective and compatible transition between the existing dwellings along Harlington Road and the open countryside to the north-west of the appeal site.
21. Most of the proposed buildings would be taller than the existing buildings. Although the proposed single storey dwellings in the north-eastern and north-western parts of the appeal site (Granary and Cartshed) would be lower than building E, building heights of the other buildings would step up towards Harlington Road, with the proposed farmhouse, which would be nearest to the rear of Nos 39 and 41 Harlington Road, being over 9 metres high.
22. The greater height, mass, and scale of the proposed buildings sited towards Harlington Road would diminish openness in that part of the appeal site closest to the village and, even taking account of the proposed landscaping scheme, would be visually apparent from the rear facing windows of properties along Harlington Road and from the central area of public open space. Moreover, glimpsed views would be possible through the access road that would serve the proposed development.
23. Furthermore, the appeal plans show that timber fencing would be introduced to separate rear gardens of each of the proposed dwellings. Notwithstanding that boundary treatment could be controlled by a suitably worded condition, some sort of physical means to separate gardens would be likely which would further diminish openness. Again, this arrangement would be visible from the rear facing windows of properties along Harlington Road. As a result, in these visual terms the proposed development would diminish openness.
24. I accept that even taking account of the introduction of cycle storage, the volume of the proposed buildings would be marginally smaller (approximately 30 m³) than existing. However, I note that according to the appellant's figures, the existing building with the largest volume is the barn in the north-west part of the site, annotated as building E on the existing site layout plan, which currently stores a combine harvester and other farm related items. However, because this building is open on all sides it has the least impact on openness of all the existing buildings on the appeal site. Nevertheless, although the volume of the proposed buildings would be slightly less, that does not alter my view that overall, because of the spread and position of development across the site, the proposal would result in the existing sense of openness being harmfully diminished.
25. Views of the appeal site are possible when walking along the Chilterns Way and building E is particularly prominent when walking towards the village. However, the proposed development has been designed to ensure that single storey dwellings would be located in that part of the site which is most visible

from that vantage point. Consequently, visually the proposed development would have limited presence in public views from the Chilterns Way. However, overall, the lack of public views from this vantage point does not alter my finding that the proposed development would harmfully diminish the openness of the Green Belt.

26. As outlined above, the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. Although, the proposal would not conflict with many of the purposes of the Green Belt, given the important role the appeal site plays in acting as a transition between open countryside and the existing dwellings along Harlington Road, the introduction of the proposed building (Cartshed) in the north-eastern part of the appeal site and the introduction of the proposed dwellings (Cottages 1&2) on undeveloped land behind existing dwellings located along Harlington Road would fail to keep land permanently open and also fail to assist in safeguarding the countryside from encroachment. As a result, the proposed development would conflict with the purposes of including land within the Green Belt.
27. I therefore conclude that the proposed development would represent inappropriate development within the Green Belt, would harmfully diminish the openness of the Green Belt and would conflict with the purposes of including land within it. It would therefore conflict with Policy SP4 of the CBLP and the associated policies of the Framework as set out above.
28. Bearing in mind that the proposal would result in the removal of existing buildings, hardstanding and other items stored on the appeal site, overall, the totality of harm the proposal would have on the Green Belt would be moderate to which I give substantial weight.

Character and appearance

Character and appearance

29. The appeal site is located to the rear of existing dwellings. These dwellings comprise a mix of terraced and detached houses that are located along Harlington Road with rear gardens that back onto the appeal site. To the south and south-west are further dwellings comprising a mix of housing types from different periods, including terraced houses, bungalows and detached properties. Behind these properties is a field which adjoins the appeal site. To the north-west are agricultural fields. The north-eastern boundary of the appeal site adjoins the rear gardens of other residential properties which are set back from Harlington Road and consequently do not have the same linear pattern of development that is seen elsewhere along the road. There are other dwellings further along Harlington Road to the east which are also set back from the road.
30. As outlined above, there are a number of existing buildings on the appeal site which are modest in height and scale and blend well into this edge of village location. They act as an effective and compatible transition between the existing dwellings along Harlington Road and the open countryside to the north-west of the appeal site. That said, many are dilapidated and overall, the majority of buildings themselves do not make a positive contribution to the

character and appearance of the area, although it is common ground that one is a non-designated heritage asset which I will discuss further below.

31. Notwithstanding the existence of buildings and other items that have been stored on the site, as outlined above, a significant part of the appeal site remains undeveloped, and a number of the existing buildings are low rise and unobtrusive. This combination ensures that the north-eastern and south-eastern parts of the appeal site appear as predominantly open green land which creates a sense of spaciousness which contributes to the character and appearance of the area.
32. The proposed development would involve the introduction of nine dwellings that, unlike the location of the existing agricultural buildings, would be spread out and buildings would be pushed towards the outer edge of the appeal site. Public open space and a pond would be located within the central area along with an access road and parking areas. Such an arrangement would introduce a much more formal layout than currently exists which would be at odds with the prevailing pattern and grain of development and consequently the character and appearance of the area. Further, the introduction of buildings towards the outer edges of the appeal site, particularly where there are currently no buildings would harmfully diminish the existing sense of spaciousness within the site.
33. I appreciate that in architectural design terms the proposed buildings have been designed to look like agricultural buildings and would be constructed of appropriate materials. However, the proposed farmhouse in the southern part of the appeal site with a bedroom and ensuite at second floor level and four further bedrooms an ensuite and bathroom at first floor level, together with a height of over 9 metres would introduce a building that would be out of scale and unacceptably dominant with its surroundings.
34. Consequently, the proposal would result in development that would be at odds with the existing pattern and grain of development which would not relate well to the existing local surroundings. Overall, the proposed development would unacceptably harm the character and appearance of the area.
35. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area. Consequently, the proposed development conflicts with Policies HQ1 and HQ8 of the CBLP which among other things seek to ensure that developments are of the highest possible quality, respond positively to their context and that the size, scale, massing and appearance relate well to the existing local surroundings and that backland development should not be at odds with the existing pattern and grain of development or harm the character and appearance of the area.

Chilterns National Landscape

36. The north-west boundary of the appeal site adjoins the Chilterns National Landscape (CNL), formerly the Chilterns Area of Outstanding Natural Beauty (AONB). Policy EE5 of the CBLP sets out that in order to safeguard the intrinsic character, scenic beauty and perceptual qualities of the landscape, all development proposals need to have regard to the key characteristics and sensitivities of the site and its setting as set out in the Central Bedfordshire Landscape Character Assessment (CBLCA). Policy EE7 of the CBLP sets out that planning permission for any proposal that affects the setting or

appreciation of the AONB will be restricted to proposals that conserve and enhance the special qualities, distinctive character, tranquillity, and remoteness and avoids adverse impact from individual proposals unless they can be satisfactorily mitigated.

37. The relevant landscape character area, which includes the appeal site and the CNL is the Houghton Regis-North Luton Rolling Chalk Farmlands. The character area is described as having variable landform which includes levelled out areas of high ground close to the escarpment ridge, with historic settlements, including Upper Sundon associated with smaller fields/copses. This is consistent with the landscape character in the vicinity of the appeal site as there are agricultural fields immediately to the north and north-west.
38. Notwithstanding my findings in relation to Green Belt harm and the harm the proposal would have on the character and appearance of the area, as outlined above, the proposed development has been designed to ensure that single storey dwellings would be located in that part of the appeal site closest to the CNL. Consequently, visually the proposed development would have limited presence in public views from the Chilterns Way and consequently from the CNL.
39. In addition, although the proposal would be spread out on the appeal site and buildings would be pushed towards the outer edge, the proposed landscaping along the north-western boundary would involve a band of dense new planting to reinforce the retained existing vegetation, which would ensure that the proposed development would conserve the landscape beauty of the CNL.
40. I therefore conclude that the proposal would safeguard the intrinsic character, scenic beauty and perceptual qualities of the CNL and consequently the proposal would not conflict with policies EE5 and EE7 of the CBLP as set out above.
41. So overall, notwithstanding that the proposal would not harm the CNL, for the reasons set above I have found that the proposal would unacceptably harm the character and appearance of the area. However, the level of harm is tempered by the fact that the proposal would result in regeneration of the appeal site and some of the buildings are dilapidated and therefore I ascribe moderate weight to the harm the proposal would have on the character and appearance of the area.

Non-designated heritage asset

42. As set out in the statement of common ground, the main parties agree that the traditional 19th century farm building in the south-west corner of the appeal site is a non-designated heritage asset. I also agree.
43. Having considered that available evidence including that provided at the Hearing, the significance of this traditional farm building derives from its historic value which contributes to an understanding of the manner that previous generations farmed the agricultural land immediately adjacent to the settlement of Lower Sundon.
44. The building has fallen into disrepair and the majority of the traditional external materials have been replaced with corrugated steel sheeting, although some of the slate roofing may well be original. The proposal would result in the complete loss of the heritage asset.

45. In considering the effect on the significance of non-designated assets, the Framework advises that a balanced judgement will be required having regard to the scale of any harm. The appellant considers that the proposal would result in limited harm to its significance, whereas the Council consider it would result in moderate harm. Given the nature of the proposal and the fact it would result in the total loss of the asset, but also taking account of its dilapidated state and the fact that it is common ground that subject to prior approval, the building could be demolished, I agree with the Council that the proposal would result in moderate harm to the significance of this non-designated heritage asset and I will undertake an overall balanced judgement on that basis later in the decision. I would only add that the harm would not be adequately mitigated by a condition requiring historic building recording.
46. I therefore conclude that the proposal would result in moderate harm to the significance of a non-designated heritage asset. Consequently, the proposal would conflict with Policy HE3 of the CBLP which among other things requires that the appellant has demonstrated that opportunities to avoid harmful impacts have been explored and where this is not possible set out necessary mitigation measures. The Policy also sets out that where development proposals will lead to harm to a non-designated heritage asset, they be assessed against the relevant criteria in the Framework which itself sets out that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Other Considerations

47. I turn first to consider housing supply. The appellant has highlighted a recent appeal decision involving a site on land to the east of Langford Road, Biggleswade and north of Queens Way and Denny Crescent, Langford issued on 11 November 2024¹ (the Langford Road appeal decision). Following an Inquiry held between 28 August and 10 October 2024, the Inspector in that case found that the Council's housing land supply was 4.84 years. Given how recent the decision was made in relation to this Hearing, I afford this previous appeal decision significant weight in the determination of this appeal.
48. Nevertheless, I have examined the issues afresh in the light of all the evidence before me. The Council accept the previous Inspector's position in relation to Marston Vale New Village (Ref HT 206) which deducts 220 houses. In relation to Chase Farm & west/north east High Street (Ref HT005), the appellant accepts that things have moved on and the 20 houses deducted by the previous Inspector can be added back into the housing supply figure. Based on these positions, the Council consider that there is a 5.22 year housing land supply figure whereas the appellant consider the figure should be 4.85 years.
49. In relation to other sites, not only do the Council consider that the situation has moved on, but they are also of the opinion that the previous Inspector reached the wrong conclusion based on the available evidence, particularly in relation to lead in times on the site at Great Thickthorn Farm (Wixams Southern Extension) (Ref:HT237).
50. However, the previous Inspector clearly set out in her decision that based on the evidence submitted at the Inquiry the site would begin to deliver homes within the relevant 5-year period, but it had not been assigned a realistic lead-

¹ APP/P0240/W/24/3341832

in-time for doing so. The evidence relied on by the Council at this Hearing in relation to lead in times was not materially different from the evidence presented at the Inquiry. As a result, I have found no reason to reach a different conclusion in relation to this site from the other Inspector. Although I note that the Council did accept that 33 houses could be deducted from their figure, I consider it reasonable to deduct the full 259 which is consistent with the previous Inspector.

51. In relation to the other sites, the Council were able to provide some updates on progress. These included the names of preferred or confirmed housebuilders for some sites and that various sites were being marketed. That in relation to Phase 4 of Land North of Houghton Regis, Site 1 (Ref:HT057) a design code has been approved, that technical objections had been resolved and the reserved matters application had been approved. Also, that the grant funding application for affordable housing could now be submitted for the site at Mancroft Road, Caddington (Ref:HT125ii).
52. However, with the exception of the positions outlined above, there was nothing provided prior to, at the Hearing or afterwards that was so materially compelling to satisfy me that I should depart from the findings of the previous Inspector in relation to housing land supply. As a result, and on the basis of the information available at the time of this Hearing, I consider that based on this analysis it leads to a housing land supply position of 4.85 years.
53. In reaching that view on housing land supply I have also taken account of the previous appeal decision dated 15 October 2024 involving a proposal for up to 180 dwellings at land north of Braeburn Way, Cranfield that has been brought to my attention by the Council² where they say that the appellant in that case provided clear evidence that they would provide the housing within 5 years. However, in that case outline planning permission was granted following an Inquiry and the Inspector noted that the proposal was being put forward by a strategic land company and was in outline and it was therefore possible that the houses would not come forward within five years. Consequently, this previous decision, which pre-dated the Langford Road appeal decision has not altered my conclusions on the housing land supply situation.
54. I am also conscious that in subsequent submissions, when submitting responses in respect of the updated Framework, the Council took the opportunity to update their housing supply figures and to provide some further information. As a result, they reduced their housing land supply figure from 5.22 years to 5.05 years. However, notwithstanding the additional information provided, I am not persuaded that I should depart from my findings in relation to the disputed sites and, consequently, if this further information is factored into the analysis, it would be appropriate to reduce the housing supply figure by the reduction that the Council has calculated, and this would provide a supply of 4.57 years. I therefore conclude that the housing supply position would not meet with the Framework requirements.
55. In terms of benefits of the proposed scheme, it would deliver nine new dwellings and consequently the proposal would be valuable in boosting housing stock in accordance with the Framework and in circumstances where there is a current shortfall. Consequently, I afford this consideration significant weight in the determination of this appeal.

² APP/P0240/W/24/3343707

56. In terms of further justification for the development, the appellant highlights that there is no adjacent land available to serve the existing agricultural use on the appeal site and considers that there is no realistic suitable alternative use other than for housing. I have considered the appellant's report on the potential of Sear Farm, Upper Sundon for future farming use and the submissions made at the Hearing. I accept that the appeal site is mainly unused, some of the buildings on site are dilapidated and may not be suitable for modern agriculture and certain agricultural uses may not be feasible because of the limited access and the relationship of the appeal site with surrounding residential dwellings. Clearly it is not for me to speculate about what may or may not be an appropriate future use for the appeal site. However, I am not satisfied that it has been adequately demonstrated that the proposal before me, with its associated harms, is the only realistic suitable use or that housing is the only option. I therefore give this matter limited weight in the determination of the appeal.
57. I accept that the proposal would not have an adverse impact on the living conditions of neighbouring residents, however this is a neutral factor in the determination of the appeal. I also accept that the proposed development may have less impact on the living conditions of neighbouring residents than some potential uses of the appeal site. However, bearing in mind that the appeal site is mainly unused and its previous use as a pig farm has ceased, it is not possible to meaningfully speculate about whether or not redevelopment for the proposed use would have less impact than some other unspecified possible future use. Consequently, I afford this matter limited weight.
58. Another benefit of the scheme is that it would result in the regeneration of the appeal site and would result in the removal of some dilapidated buildings. I also accept that the proposal would make efficient use of the appeal land in an edge of village location close to services and facilities. The dwellings would provide units that would be designed to meet the needs of older persons, would provide a modest area of public open space and would provide a safer use of land in this village location by removing potential risks for trespassers. It would also have limited economic, social, and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase, and once occupied residents would support services and local facilities in the village. Collectively these matters attract moderate weight.
59. I note that the proposal would result in an increase in biodiversity net gain (BNG) which would help to achieve the environmental objective, one of the overarching objectives as set out in the Framework. I am satisfied that this could be achieved by a suitably worded condition in any approval. Taking account of the particular biodiversity proposals which involve the creation of a wildflower rich meadow, a wildlife beneficial pond, tree planting and the retention of existing trees and the associated benefits I afford the BNG moderate weight.
60. The appellant sets out that it has been established by case law³ that this is a material consideration of significant weight. However, I do not agree that is necessarily the case. The judge found in that case that the Inspector had mistakenly reduced the weight he had afforded to the BNG as he had

³ NRS Saredon Aggregates v SSLUHC & Another [2023] EWHC 2795 (Admin)

incorrectly believed that some of the net gain would be required in any event by reason of forthcoming legislation. As the legislation did not yet apply and could not be applied retrospectively, the judge found that was an error in law which meant that the Inspector in that case exercised his planning judgement as to the weight to given to that material consideration (namely the net gain) on a basis which was wrong in law. I have made no such reduction, and I am not obliged to ascribe the benefit associated with BNG significant weight in the determination of this appeal. Rather, I have exercised my own planning judgement and ascribed weight accordingly based on the BNG that would be achieved from the proposed development.

61. I also note that some local residents support the proposal as they consider that the removal of the dilapidated buildings and the redevelopment of the appeal site would improve the visual appearance of the area. I have taken account of this support and as set out above I have afforded weight to the benefits identified by local residents, including the fact that the proposal would result in the regeneration of the appeal site and the removal of some dilapidated buildings.
62. Finally, I am aware that the appeal site is located relatively near to Sundon Post Office and General Stores and Hill Farmhouse which are Grade II Listed. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special regard to the desirability of preserving their setting. The historic built context of these two period properties positively contributes to their significance. Nevertheless, given the location and extent of the proposed development and bearing in mind there is no significant visual relationship between the appeal site and these buildings, the proposal would preserve the setting of these listed buildings and the contribution that setting makes to their significance. I note the Council has no concerns in this regard either. Consequently, this matter is a neutral factor in the determination of the appeal.

Green Belt Balance

63. The submissions set a series of benefits which the scheme would deliver, and I have summarised the main benefits above. In particular the development of 9 new dwellings, built to a modern and sustainable standard, in this location would provide a welcome boost to housing supply, in an area where there is not a Framework compliant supply. The existing site and its dilapidated buildings would be addressed by the scheme. Although the provision of 9 dwellings would be a worthwhile contribution to housing supply, the scheme and its associated benefits are fairly modest given the scale of development in this locality. Nevertheless, I consider that the combined benefits should be attributed significant weight in favour of approval.
64. However, I have found that the proposal would result in harm to the Green Belt by virtue of its inappropriateness, its impact on openness and it would conflict with one of the purposes of including land within it. As required by the Framework I have afforded these harms substantial weight. As set out above I do not accept that because the appeal site is only just over the size criterion it somehow lessens the requirements associated with major development. It also follows that I do not consider this factor makes the harm to the Green Belt de minimis or reduces the weight I should ascribe to that harm.

65. Furthermore, I attach moderate weight to both the fact that the proposal would harm the character and appearance of the area, albeit not the National Landscape, and the scheme would harm the significance of an existing traditional 19th century farm building which is a non-designated heritage asset. These harms add to the Green Belt harm that I have identified. They combine to afford substantial weight against the scheme which would not be outweighed by the benefits of the proposed development.
66. I have found that the proposal is inappropriate development in the Green Belt, having undertaken a balanced judgement, the resulting harm and any other harm, would clearly not be outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the proposed development do not exist. It follows that the application of policies in the Framework that protects the Green Belt provides a strong reason for refusing the proposed development.

Planning Balance and Conclusion

67. As set out above, based on the available evidence I have found that the Council can demonstrate a housing land supply of 4.85 years at the time of the Hearing and 4.57 years based on the subsequent figures provided by the Council. This is below Framework requirements and as a result Paragraph 11(d) of the Framework is relevant.
68. However, for the reasons set out above, the application of policies in the Framework that protects the Green Belt provides a strong reason for refusing the proposed development. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is disengaged and the scheme should be considered under a normal planning balance.
69. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.⁴
70. In this case, the proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

S Rawle

INSPECTOR

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

APPEARANCES
FOR THE APPELLANT
Mrs D Sharples, LLB Solicitor – Birketts LLP
Mr B Spurden BA (Hons) MLA CMLI – CSA Environmental
Mr B Barrow BSc (Hons) MRICS – Acorus Rural Property Services Ltd
Mr J Buttel BSc (Hons) BArch RIBA – DCA Architects
Mr J Shephard – J & J Design
Mr C Glenister, The appellant
FOR THE COUNCIL
Mr P Hughes FRGS MCMi MRTPI – PHD Chartered Town Planners
Mr T Mead BSc (Hons) MA MRTPI – Central Bedfordshire Council
INTERESTED PARTIES
Ms S Petrou, local resident
Ms A Samouel, interested party

HEARING DOCUMENTS

1	Statement of Common Ground dated 26 November 2024
2	Statement under Reg 122 for s106 Obligation
3	Extract of Policy EE13: Outdoor Sport, Leisure and Open Space
4	Speaking note – Significance of Non-designated Heritage Asset
5	Drawing No 230221-RAP-XX-XX-DR-TP-4102 – Swept Path Analysis
6	Table SoCG1 – Housing Land Supply – Disputed Sites
7	Existing Site Layout Plan showing hardstanding areas
8	Certified Copy – Unilateral Undertaking dated 27 November 2024