



Appeal Decision

Site visit made on 3 January 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/P0240/W/24/3347214

Land adjacent to High Gables, Clophill Road, Maulden MK45 2AA

- 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 Jonathan Gotzheim (Aldbury Homes (Maulden) Ltd) against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/01759/FULL.
 - The development proposed is construction of 29 dwellings (bungalows) with associated infrastructure, landscaping, attenuation, car and cycle parking and circulation areas. Includes ten affordable dwellings and three self/custom build plots.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A signed Unilateral Undertaking, dated 2 October 2024, was provided by the appellant after submission of the appeal. This addresses the contributions required by the Council as set out in its fifth reason for refusal. The Council has had the opportunity to consider the Undertaking and confirms that the reason for refusal has been satisfactorily addressed. Therefore, I have taken account of the Undertaking in my consideration of the appeal.
3. The Council also indicates that part of the second reason for refusal, concerning the number of units served from a private drive, has been addressed. Consequently, I have not considered this matter further.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have had the opportunity to comment on this and I have taken account of the comments made.

Main Issues

5. The main issues are:
 1. whether the appeal site is a suitable location for the proposed residential development, with regard to the effect on a designated countryside gap and on the character and appearance of the appeal site and surrounding area;
 - whether the proposal would meet relevant standards for vehicular access;
 2. the effect of the proposal on parking and highway safety, with regard to the provision of on-site visitor parking;
 3. the effect of the proposal on highway safety, with regard to the adequacy of on-site turning space for vehicles servicing the proposed pumping station; and

4. whether the Council is able to demonstrate a five year supply of deliverable housing sites.

Reasons

Suitability of location

6. The appeal site is a substantive area of grassland with a frontage on Clophill Road and boundaries to the developed settlement edge of Maulden to the west and the settlement 'end' of Maulden Green End to the east. To the south is open countryside. The site is open except for a copse of trees to the south-east corner, with an uneven landform that drops away from the Clophill Road frontage. Opposite the site on the other side of the road is the small residential estate at Wheatlands Close and the more recent development at Carnegie Crescent.
7. The site is located beyond the settlement envelope of Maulden on an unallocated site and, therefore, the proposal is for windfall development in the open countryside, in accordance with Policy SP7 of the Central Bedfordshire Local Plan 2015-2035 (2021). Policy M1 of the Maulden Neighbourhood Plan (2024) reflects the provisions of Policy SP7.
8. The proposed development is not one of the development types identified in Policy SP7 as appropriate for this location and the site is not previously-developed land, although the appellant provides evidence that the site has previously been occupied. The location is accessible to services and facilities in Maulden, which is designated as a large village in the settlement hierarchy.
9. The site forms the southern part of an Important Countryside Gap (ICG) designated in the Local Plan: reference CG8, *land between Maulden main village and Green End Maulden*. Policy SP5 of the Local Plan says that within ICGs new development will be permitted provided that it does not result in the physical or visual coalescence of settlements or settlement 'ends' and would not undermine the separate character and/or identity of settlements.
10. The site is also located within the Mid Greensand Ridge landscape character area as defined in the Central Bedfordshire Landscape Character Assessment (LCA). The LCA sets out the key characteristics of the large area, which includes a wide range of natural and built features, as well as key positive features and strategic sensitivities. Relevant to the locality of the appeal site, these include villages of traditional intact character, which remain vulnerable to development, infill and settlement expansion and loss of identity, particularly the more loose knot settlements and 'ends'. The guidelines related to these features and sensitivities are to monitor new development in order to prevent further settlement coalescence and loss of individual village identity¹.
11. Policy EE5 of the Local Plan requires development proposals to have regard to the key characteristics and sensitivities of the site and its setting as set out in the LCA; and to demonstrate landscape mitigation and enhancement. I note the appellant's contention that the site and its immediate setting does not represent a '*valued landscape*' in the Framework's terms. However, this does not detract from the particular local considerations set out in the LCA and relevant development plan

¹ LCA 6B.1.23 and 6B.1.32.

policies, which predominantly relate to the separation of defined settlements and their 'ends', and the retention of village identity.

12. Both main parties draw attention to other decisions involving residential development, including a number along Clophill Road. However, not all of these are directly comparable to the appeal proposal, particularly because they do not involve development within an ICG. Indeed, the Inspector in the most recent appeal referred to by the appellant specifically noted that the site is not designated as an ICG with regard to any concerns about coalescence².
13. The two most relevant cases are appeal decisions for residential development at the appeal site³ and for the now completed development at Carnegie Crescent⁴. I recognise that there are differences between these earlier proposals and the current one, not least because they pre-date the ICG designation in the adopted Local Plan and involve outline applications. Nonetheless, they do have a direct bearing on consideration of the physical and visual effects of development in this location and, therefore, I have had regard to them.
14. The proposed site plan shows development set back from the road frontage, with an area of open space next to the western boundary and a landscape buffer running the full depth of the site to its eastern side. Development would be laid out either side of the principal road, which runs the full depth of the site, north to south. As such, despite the planned areas of open space, a substantive part of the whole site would be developed.
15. Despite involving a larger number of dwellings, the indicative layout of the earlier appeal proposal on the site was not dissimilar, with development set back from the road frontage and eastern boundary. In that case the Inspector found that *'the development of the site for large-scale in-depth development would result in a degree of coalescence between the two distinct parts of the settlement'*.
16. In the current proposal, the dwellings adjoining the gardens of properties on Russell Crescent and the development on the other side of the principal road would extend the built form on Maldon's settlement edge across the majority of the site's width. Consequently, while the development would not result in the physical coalescence of Maulden and Maulden Green End, it would materially contribute to it.
17. In terms of the effect on local character and identity of settlements, the Inspector in the earlier appeal for residential development of the site noted that there are nearby examples of in-depth development, but *'it is apparent that the 'ends' of the village are characterised predominantly by linear development and that the in-depth developments are reasonably limited'*. The Inspector in the appeal for the Carnegie Crescent development opposite the appeal site similarly found that the *'existing built form along Clophill Road is largely ribbon development'*. From my inspection on the ground and of the submitted details I concur with these views.
18. There are examples of nearby residential development, either built or approved, that introduce a greater depth of development than is characteristic. These include Russell Crescent, Wheatlands Close and the more recent development at Carnegie Crescent, although the depth from the road frontage in each case is limited. The

² APP/P0240/W/23/3335858 dated 19 September 2024.

³ APP/P0240/W/18/3218992 dated 10 July 2019.

⁴ APP/P0240/W/19/3223970 dated 30 October 2019.

approved scheme on land at 29 Clophill Road on the opposite side of the road involves a deeper form of development, but the site was allocated for employment use and as with other nearby development, except for Carnegie Crescent, does not form part of an ICG.

19. In contrast to the prevailing built form, the proposal would largely infill the full depth of the site with a substantial amount traversing its width. This would create a substantive concentrated block of development that would be deeper on the site and in distance from the road than the existing examples referred to, including the development directly opposite at Carnegie Crescent. Consequently, the extent and depth of development would conflict with the prevailing linear character of development, with single properties or small groups close to the road frontage. These findings are consistent with those in the earlier appeal for development of the site, which as noted above involved a similar indicative layout.
20. I acknowledge that the design and layout of the scheme is intended to mitigate its visual effects. This is apparent from the set back of development from the road frontage, the fact that all the dwellings would be single storey and the retention of open land at the site's highest point to the east. In considering the visual effects of the proposal I have had regard to the appellant's Landscape and Visual Impact Assessment (LVIA).
21. Views into the site from Silsoe Road to the west and particularly from in front of Russell Crescent, where development would be closest to established dwellings, are not readily available. The site frontage is delineated by a mature hedgerow, which when not in leaf as at the time of inspection allows for views through it into the site from along the road frontage. From these views, the openness of the site is readily apparent in terms of its role in separating the distinct parts of the settlement and providing a visual connection to the open countryside beyond the site's southern boundary.
22. The mitigating factors described above would help reduce some of the visual effects of the development. Nonetheless, the extent of the developed site would be apparent from views along Clophill Road, particularly the principal road and the roofs of dwellings, most noticeably those nearest the site frontage. These views would be exacerbated by the substantive gap in the hedge to facilitate vehicular access and the two smaller gaps for pedestrian routes. Consequently, this will harmfully reduce the current openness across the site, thereby increasing the perceived closure of the existing gap between the distinct parts of the settlement.
23. Based on the site inspection and LVIA, the potential for other visual effects are in views from higher ground to the north. In this regard, the Inspector in the previous appeal on the site found that there were long views available across the countryside, through the appeal site and beyond; and that the in-depth development would harmfully alter these views.
24. The principal change that has a bearing on these views is the Carnegie Crescent development, with dwellings directly opposite the appeal site; and, to a lesser extent, other approved development on the same side of Clophill Road. The Carnegie Crescent development in particular has the effect of largely obscuring views into the appeal site from FP3 to the north, as found in the LVIA. However, the assessment shown in viewpoint 8 is from a single fixed point and FP3 runs for some length to the north of the site.

25. Despite the development on Clophill Road, views of the site will be available from positions along the path and the effects found in the earlier appeal from the in-depth development will be apparent, albeit to a lesser extent due to the smaller number of dwellings. These effects will also be apparent, but at greater distance, from the Greensand Ridge Walk further to the north, from which views the separation of the distinct parts of the settlement and the open connection from Clophill Road through to the countryside to the rear will be diminished.
26. Taking these findings as a whole, the development would not result in the physical coalescence of the distinct parts of the settlement. Moreover, it would provide some landscape enhancements in accordance with Policy EE5, while the effect on the hedgerow to the site frontage would not be sufficient to result in material harm and so there is no conflict with Policy EE4 of the Local Plan.
27. Conversely, the proposal would be out of keeping with the character and appearance of the locality. It would also result in the perceived closure of the existing gap between the distinct parts of the settlement, leading to visual coalescence contrary to the purpose of the ICG and the key positive features and strategic sensitivities included in the LCA.
28. Accordingly, for the reasons given above, I conclude that this would not be a suitable location for the proposed residential development as it would have a materially harmful effect on a designated countryside gap and on the character and appearance of the site and surrounding area. The proposal is, therefore, contrary to Policies SP7, SP5 and EE5 of the Central Bedfordshire Local Plan 2015-2035 and to Policy M1 of the Maulden Neighbourhood Plan, as described; and to Policy HQ1 of the Local Plan and Policy M3 of the Neighbourhood Plan, concerning the quality of development, including the need to respond positively to local context.

Vehicular access

29. The appellant submitted an additional drawing⁵ that the Council accepts has demonstrated that the gradient issues regarding the access road could be addressed by engineering works. Additional concerns, however, are raised about the eastern pedestrian access, in particular whether this could meet the Council's permissible maximum gradient and national accessibility standards.
30. I note the Council's contention that a planning condition requiring the detailed design of the footpath would not be appropriate. However, in principle use of a condition in these circumstances would not be unusual and in this instance there is insufficient evidence to suggest that the requisite standards could not be achieved were a detailed design to be required by condition. Moreover, I am unaware of any evidence to suggest that detailed design considerations could not satisfactorily address surface water drainage requirements.
31. Accordingly, for these reasons, I conclude that with such a condition in place there would be no conflict with Policy T2 of the Local Plan, which requires proposals to provide safe and convenient access, having regard to relevant design and construction standards.

⁵ Ref YBD52301-C-001 Rev A.

Highway safety – visitor parking

32. The nine proposed visitor parking bays exceeds the requisite eight for the size of development proposed. The Council's concern, however, is that these are concentrated in the northern half of the site, which is likely to lead to on-street parking pressures. This could have an adverse effect on the ability of service vehicles to access the pumping station and for refuse and other large vehicles to turn within the site.
33. While I acknowledge these concerns, the overall size of the site means that the distances involved in using the visitor bays and walking to other parts of the site are not significant. Moreover, it is unclear whether consideration has been given to parking restrictions within the areas where there are the greatest concerns about the effects of on-street parking.
34. Given the conclusion on the first main issue, the outcome on this issue is not determinative for the appeal. Nonetheless, for the reasons given, this issue should not count against the proposal. Therefore, I conclude as such and there is no conflict with Policy T3 of the Local Plan, which concerns parking.

Highway safety – turning space

35. The appellant provided a swept path plan to support the proposed site plan, which includes turning space associated with the pumping station, although the Council states that it has not seen this plan. I note, however, that a condition is proposed which requires details of turning and parking areas for the proposed pumping station to be submitted and approved prior to commencement of development. Consequently, I conclude that with this condition in place the Council's concerns would be addressed and there is no conflict with Policy T2 of the Local Plan, which includes the requirement that development proposals must make adequate provision for circulation and servicing and vehicle turning.

Housing land supply

36. As the current Local Plan was adopted less than five years ago, the Framework requires the Council to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the Plan's housing requirement; plus a 5% buffer⁶. While the appellant refers to the higher housing figure derived from the national standard method, this does not currently alter the requirement set out in the Framework.
37. Both main parties refer to a range of appeal decisions to support their position. The most recent decision drawn to my attention is the most relevant in this regard as it provides the most up-to-date assessment⁷. In that case the Inspector considered the disputed status of a number of sites included in the Council's supply and, having discounted some of them, concluded that the housing land supply at that time was 4.84 years.
38. Following this, the Council published a response to the decision detailing changed circumstances relating to the sites discounted from its supply⁸. Consequently, in its

⁶ Paragraph 78.

⁷ APP/P0240/W/24/3341832 dated 11 November 2024.

⁸ *Response to the Inspector's decision for land to the east of Langford Road, Biggleswade and north of Queens Way, and Denny Crescent, Langford*, 22 November 2024.

most recent Housing Land Supply Statement, covering the five year period from 1 October 2024, the Council states that it has a supply of 5.05 years' worth of housing. The appellant refers to this as these documents are publicly available and, therefore, has had a chance to consider the latest position.

39. The Council's updated evidence in relation to the sites previously discounted in the earlier appeal is specific and seeks to address the particular concerns raised by the Inspector. Without repeating the full details, this includes accepting the Inspector's conclusions and removing a site, providing evidence of named housebuilders for other sites, confirming recent approvals of reserved matters and design codes, and reducing housing numbers for some sites due to concerns about lead-in times, while also providing greater certainty about such timescales.
40. However, given the number of changes to the housing land supply position relatively recently, the current figure of 5.05 years, which is only marginally above the five year requirement, is vulnerable to further changes. I note in this regard that in the most recent appeal, having established the supply figure of 4.84 years, the Inspector commented that *'the housing land supply shortfall would be greater if the appellant's approach to past oversupply and large windfall sites were to be favoured'*. However, there is no evidence regarding these matters before me in this case.
41. The appellant supports the Inspector's findings, but does not specifically dispute the basis for the Council's updated evidence or provide an alternative figure. Nonetheless, for the avoidance of doubt, were I to conclude that there is a shortfall in the five-year housing land supply, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to certain key policies⁹.
42. In reaching this view, I have had full regard to the benefits of the scheme including the provision of bungalows, some of which would be affordable, to respond to identified housing need and demand; provision of self-build and custom housing; and addressing the national objective of boosting housing supply, which together should be accorded significant weight.
43. There would be some short-term economic benefit from the dwellings' construction and their occupants could help to support local services within the surrounding area. However, given that these benefits would partly be temporary, they should attract moderate weight. The proposal to exceed the standard 10% Biodiversity Net Gain on site would contribute to national policy objectives and should be afforded moderate weight.
44. Other benefits include landscaping, public access and provision of play areas. Contributions to local services, facilities and infrastructure would be secured through the Unilateral Undertaking, in accordance with policy requirements. These benefits attract moderate weight.
45. Conversely, it has been found that the proposal would cause material harm to a designated countryside gap and to the character and appearance of the appeal site and surrounding area. As such, as well as it being contrary to up-to-date policies in the recently adopted development plan, it is also contrary to the Framework's

⁹ Paragraph 11d) ii.

requirement that development should be sympathetic to local character, including the surrounding built environment and landscape setting¹⁰. This is one of the key policies referred to in the balancing exercise required by the Framework. As such, I give substantial weight to the conflict with the Framework in this regard.

46. The benefits of the proposal in this location are not of sufficient weight to overcome the extent of the conflict with the development plan and the Framework. Therefore, I conclude that in this case the adverse impacts of granting permission significantly and demonstrably outweigh the benefits.

Other Matters

47. Given the conclusion on the first main issue which results in the appeal's failure, it is not necessary to consider further the contributions set out in the Unilateral Undertaking.
48. I have had regard to the representations made by interested parties, some of which raise matters addressed under the main issues. I acknowledge the concerns raised about other matters. However, as these would not change the above findings or overall conclusion in this case, I have not considered them further.

Conclusion

49. The proposal is contrary to development plan policies and to the Framework as it would cause unacceptable harm. The presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

¹⁰ Paragraph 135c).