



## Appeal Decision

Site visit made on 14 January 2025

**by K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

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**Appeal Ref: APP/P0240/W/24/3348116**

**The Cricketers, Manor Road, Caddington LU1 4EE**

- 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 K McBride on behalf of Jawbox Harpenden Ltd against the decision of Central Bedfordshire Council.
  - The application Ref is CB/24/00423/FULL.
  - The development proposed is demolition of existing public house and associated structures to be replaced with two apartment blocks incorporating nine residential apartments with associated access, parking, landscaping, amenity, and bin store.
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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 with a further minor revision on 7 February 2025. 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 new floor plans which have been annotated with information relating to the adaptability of five of the proposed apartments. Although this is new information it would not result in a substantial or fundamental change to result in a different application. Moreover, as the amended plans were submitted with the appeal documents the Council has had an opportunity to comment on them. As such, neither main party would be unfairly prejudiced and I, therefore, have considered the amended plans in determining this appeal.

### Main Issues

4. The main issues are:
  - the effect of the proposal on the character and appearance of the area, including the setting of the Caddington Conservation Area;
  - whether the development provides sufficient adaptable homes, having regard to the development plan policies; and
  - the effect of the development on the Chilterns Beechwoods Special Area of Conservation (SAC).

## Reasons

### *Character and appearance*

5. The site comprises the existing building, the Cricketers Public House, its pub garden, and an area of hard standing used for parking. It is located on the corner of Manor Road and Orchard Close, within the commercial heart of the village with a pharmacy and surgery on the opposite side of Orchard Close and a vehicle repair garage on the opposite side of Manor Road from the pharmacy. There is other retail, commercial and business uses on the same side of Manor Road as the appeal site. There are also residential properties opposite the pub, behind it, on Orchard Close, and in the wider area. However, the appeal site is seen in the context of the village centre and commercial properties.
6. The houses in the area are a mix of single-storey and two-storey. The pharmacy is two-storey and fits in with the residential scale and character of the houses around it. The vehicle repair garage is part two-storey with a pitched roof and part single-storey, flat roofed. The units immediately to the side of the Cricketers are a row of single-storey units with rooms in the roof space served by low lying dormers. In the main the buildings around the appeal site are two-storey.
7. I saw one taller building, on the junction of Manor Road and Dunstable Road which has an off-set first floor and rooms in the roof. This building is distinctly different to the rest of the village centre. However, it serves as a gateway corner which defines the entrance to the commercial core of the village. There is no overriding consistency in the design or appearance of the buildings in the commercial core. Nevertheless, their modest height and scale is a cohesive aspect only interrupted by the corner unit.
8. The village green is near the appeal site with trees, footpaths, bins, and benches. It provides a green and pleasant space in the centre of the village. The modest height of the buildings and the village green ensures that the commercial core continues to relate to the scale and massing of the village as a whole.
9. The existing pub is two-storeys with a pitched roof and set at the back of pavement. The building takes about half of the frontage of the site with the remainder given over to the parking area. The appeal before me proposes two buildings with a gap in-between. Other buildings in the commercial core of the village have similar width frontages and limited gaps between. In my judgement, the proposed development would, therefore, reflect the widths of other buildings in the area.
10. The front elevations of the proposed development would include projecting gables and a range of materials and finishes which would assist in reducing the massing of the buildings. However, the proposed development would have higher eaves and ridge levels than the two-storey buildings in the surrounding area. The proposal also includes dormer windows in the roof and large areas of brick between the top of the first floor windows and the eaves. Collectively these factors would result in the development appearing materially and incongruously taller than other buildings in the area, including the other commercial properties.
11. Moreover, the gable end facing over Orchard Close would be highly visible in the street scene and from further along Manor Road due to the pharmacy being set back from the street. The proposal would appear as a three-storey elevation with

only three small windows and would, therefore, not provide any interest or articulation to this prominent elevation.

12. I acknowledge that the height has been reduced from the scheme considered under the previous appeal. While that may be the case, the height and design of the buildings would continue to have an excessive scale and appear overly dominant in the street scene, detracting from the character and appearance of the village. The submitted street scene drawings and comparisons with the previously submitted schemes have not provided any substantive evidence that the height of the appeal scheme would not be out of keeping with the surrounding area.
13. Due to the footprint of the proposed buildings the car parking and turning space would take up a significant proportion of the appeal site. Even if I accept that it is appropriate to provide a lower level of car parking than would be required by the Council's standards, the hard surfaced area would be substantial. I acknowledge that the development would provide new hedge and tree planting, reduce the amount of hardstanding from what is existing, increase landscaping and provide nesting boxes, artificial bat roosts and bee hotels. It would, therefore, be an enhancement on the current situation on the appeal site, nevertheless, it would only provide a limited improvement.
14. The ground floor gardens for units one, four and five, would provide more than the 5sqm required as set out in table 12 of the Central Bedfordshire Design Guide, August 2023 (the Design Guide). The communal garden area provided on the edge of the site, albeit over 50sqm, would be long and narrow and would sit between the neighbouring restaurant and the proposed car parking area. This garden would not provide a pleasant area for the future occupants of the properties. I also have no compelling evidence that this garden area would be usable and incorporate appropriate seating, play areas, hard and soft landscaping and an area for clothes drying, as required by the Design Guide. Moreover, the size of the garden falls short of the Design Guide requirement, even if I were to accept that only six of the flats need to be provided for within this garden area.
15. Notwithstanding this shortfall and poor shape, the village green is close to the appeal site and includes areas for sitting out and benches. The village green would provide an area of open space accessible for the future occupants of the development for outdoor recreation and leisure. Therefore, a smaller on-site garden would be acceptable and would be capable of providing space for clothes drying and children's play.
16. The appeal site lies just outside the Caddington Conservation Area (CCA). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides, at section 72(1), that with respect to any buildings or other land, in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character, or appearance of that area.
17. The CCA is focused on the village green and the buildings around it. The significance of the CCA is, in part, derived from its historic interest. The community buildings within it contribute positively to the character and appearance. As the appeal site lies on the edge of the CCA it lies within its setting and can be appreciated from within the CCA. Nevertheless, the significance of the CCA is largely based on the buildings immediately surrounding the village green. The buildings that are further from the CCA and outside its boundary contribute little to

the significance. The existing building on the appeal site, although of some architectural interest, contributes little to the significance of the CCA and its removal is acceptable, in principle.

18. Although the proposal would detract from the character and appearance of the area, it would have limited effect on the significance of the CCA or the contribution the setting pays to the significance. For these reasons, the development would preserve the character and appearance of the CCA.
19. Even though I have found no harm to the Caddington Conservation Area, for the above reasons, the development would harm the general character and appearance of the area. It would, therefore, conflict with Policy HQ1 of the Central Bedfordshire Local Plan (the LP) which seeks to ensure that all developments are of the highest possible quality and respond positively to their context by, amongst other matters, ensuring that the size, scale, massing and appearance relate well to the existing local surroundings, and make the most efficient use of land available whilst reflecting the existing character of the surrounding area.

#### *Adaptable homes*

20. Policy H2 of the LP requires all new build dwellings to deliver at least 35% Category 2 Requirement M4(2) adaptable homes and at least 5% Category 3, Requirement M4(3) wheelchair adaptable homes. This requirement is based on the need to provide a supply of flexible and adaptable homes within new developments, as set out in 11.2.5 of the supporting text to Policy H2, to offset the financial cost of retrofitting for disabled persons.
21. The plans considered by the Council, during the application stage, did not include any information to indicate compliance with Policy H2. However, the amended plans provided with the appeal submission have now provided the required evidence to show that the development would achieve the percentage of adaptable homes, without any need to amend the layout, appearance or internal arrangements of the development as submitted.
22. For the above reasons, I find that the development would provide sufficient adaptable homes, having regard to the development plan policies. It would, therefore, comply with the requirement of Policy H2 of the LP.

#### *Effect on SAC & SSSI*

23. The appeal site lies within the zones of influence for the Chilterns Beechwoods Special Area of Conservation (SAC) and the effect of the development on the SAC was included as a reason for refusal. The appeal scheme would result in a net increase in residential accommodation which could result in adverse effects upon the integrity of the SAC through increased recreational use.
24. A signed and dated unilateral undertaking has been provided by the appellant which would secure a financial contribution payable to the Council, prior to the commencement of development.
25. As the competent decision-making authority, if I had been minded to allow the appeal, I would need to examine these matters further and undertake an Appropriate Assessment of the implications of the appeal scheme upon the SAC. However, as I am dismissing the appeal on other main issues, the outcome of an

assessment would have no bearing on the overall outcome of the appeal. Therefore, it is not necessary for me to consider this matter further.

### **Other Matters**

26. I noted that the existing building is in a poor state of repair, and, at the time of my visit, the car park was full of vehicles. The Council has raised no objections to the demolition of the public house or its loss as a village facility and I have no substantive reasons to disagree with their findings on this matter. However, although the principle of redeveloping the site is acceptable and would enhance the area, this would not outweigh the harm that I have identified to the character and appearance of the area.

### **Conclusion**

27. For the reasons given above the appeal should be dismissed.

*K Townsend*

INSPECTOR