



Appeal Decision

Site visit made on 22 January 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Reference: APP/P0240/W/24/3355198

20 Mill Lane, Barton-le-Clay, Bedford, MK45 4LN

- 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 R O'Neill against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/01067/FULL
 - The development proposed is Construction of one bedroom house.
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Decision

1. The appeal is allowed and planning permission is granted for Construction of one bedroom dwelling at 20 Mill Lane, Barton-le-Clay, Bedford, MK45 4LN in accordance with the terms of the application, Ref CB/24/01067/FULL and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2302-24-P-01; 2302-24-P-02.
 - 3) No development shall commence unless and until the following information in the form set out in Planning Practice Guidance¹ has been provided to and accepted in writing by, the local planning authority:
 - Pre-development biodiversity value of the appeal site
 - Completed metric calculation tool
 - Statement as to pre-application activities and potential degradation.
 - 4) No development shall commence unless and until a scheme for the management of surface water run-off has been submitted to, and approved in writing by, the local planning authority. The development shall proceed in accordance with the approved details.

Preliminary Matters

2. The Council have raised four reasons for refusal (RFR). RFR 3 relates to the requirement for development to demonstrate a biodiversity net gain (BNG) after the completion of the development and refers to an inadequacy of information as to the pre-development biodiversity value and suggests that the biodiversity of the site

¹ Paragraph 010 Reference ID: 74-010-20240214

has been degraded, however I have nothing before me to support or refute that assertion. The date of the application was 9 April 2024 which is one week after the exemption for 'small development' expired. Planning Practice Guidance² (PPG) indicates that such information absent 'the local planning authority will likely refuse to validate the application', however the Council validated the application, seemingly without regard to the deficiency referred to in RFR3. However, as it appears that there is reasonable capacity for appropriate BNG to be provided on site, this need not be a reason for refusal but, whilst the provision of an Overall Biodiversity Gain Plan prior to commencement is a statutory requirement such that a condition to provide that plan prior to commencement is not necessary, I consider it appropriate to rectify the error of the parties by the application of a pre-commencement condition that minimum requirements set out in PPG are provided³ and there is clarity as to what should have been included with the application. I further consider that the Biodiversity Gain Plan would also address the requirements of Policy EE2 of the Central Bedfordshire Local Plan (2021) (CBLP).

3. RFR 4 identifies a lack of information as to how the proposal would address an elevated risk of surface water flooding which is a matter that might reasonably be addressed by suitably worded condition. I therefore consider the main issues to be those set out below.

Main Issues

4. The Main Issues are the effect of the development upon:
 - The character and appearance of the area, and
 - Living conditions of neighbouring users

Reasons

Character and Appearance

5. The appeal site is described as being in a prominent corner location whereas it is found at the rear, and to the north, of No.20 Mill Lane (No.20) a recently constructed one and a half storey dwelling which is itself prominently located in this established residential area, being the westernmost of a number of large plots developed with bungalows in the mid-twentieth century. The visual context of the proposed dwelling would not be this pattern of development along Mill Lane to the east, but the more recently constructed two-storey houses to the west and north of No.20 fronting a turning head at a point where Mill Lane becomes a footpath and cycleway. The character within which the proposal would be found differs from that described by the Council in that the proposal would sit between the well-established hedging which runs to the north of the site alongside the path/cycleway and the rear garden of No.20 where a high boarded fence appears to have replaced suburban-hedged perimeter which was a feature of the street scene along the main frontages of Mill Lane.
6. The proposed small two-storey dwelling would not introduce a form alien to its surroundings which is dominated by recently constructed⁴ two-storey housing in modest garden plots, some of which, for instance the housing in Smithcombe Close adjacent to the site, are similarly detailed. By its position, the proposal would not detract from the mixed and characterful housing found in the main section of Mill

² Paragraph: 010 Reference ID: 74-010-20240214

³ Paragraph: 011 Reference ID: 74-011-20240214

⁴ Erected within the last thirty years

Lane which is not typical of that found in the more recent housing which lies to the north of that road and directly surrounds the site.

7. Although the plot is not generous, as I have indicated, the proposed dwelling would be set within its plot leaving suitable gaps to boundary fencing of the adjacent plots and a proportionately appropriate amount of outdoor amenity space at the rear. In that regard I consider the proposal would make an efficient use of a seemingly vacant parcel of land within an established residential area and does so in a way which is visually acceptable. Overall, I find little conflict with the aspirations for high quality design set out in Policy HQ1 of the CBLP which seeks efficient use of land that is sympathetic to local character.

Living Conditions

8. The Council refer to the proximity of the proposed dwelling to its northern side boundary, my observations on site are that the boundary to the rear of 21-23 Smithcombe Close (No.21-23), a terrace block of 3 small two-storey houses are separated from the proposed development by an intervening, slightly tapered, strip of land approximately 1.5 metres wide. Whilst the gardens to Nos.21-23 are narrow they are of reasonable length, ranging between (approximately) 11m and 13m in length although the shortest of these (No.21) has an outlook over the rear garden proposed and not the proposed dwelling itself. Taking into account the intervening access (or separation strip) and otherwise open southerly outlook the result would be neither oppressive nor overbearing to occupiers of these, or any other neighbouring property. I therefore find little conflict with the aspirations of Policy HQ1 of the CBLP or with the relevant sections of the Central Bedfordshire design Guide.
9. Consequently, for the reasons given and taking all matters raised into account, the appeal succeeds subject to the usual plans and timing conditions and further conditions as I indicate as a preliminary matter.

Andrew Boughton

INSPECTOR