



Appeal Decision

Site visit made on 15 January 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 26th February 2025

Appeal Ref: APP/K0235/W/24/3349671

Land to the South of Roxton Road, Great Barford, Bedford

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Lone Star Land Limited and Burling Land Investments LLP against the decision of Bedford Borough Council.
 - The application Ref is 22/02242/PIP.
 - The development proposed was originally described as “Permission in Principle for the Residential Development of land for five Self and Custom Build Dwellings at land to the south of Roxton Road, Great Barford.”
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 5 and a maximum of 5 Self and Custom Build dwellings at Land to the south of Roxton Road, Great Barford, Bedford, in accordance with the terms of the application, Ref 22/02242/PIP.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development¹. The permission in principle consent route has 2 stages: the first (‘permission in principle’) stage establishes whether a site is suitable in-principle and the second (‘technical details consent’) stage is when the detailed development proposals are assessed. This appeal relates to the first stage.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted². All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. As specified on the Application Form, the appellant sought “Permission in Principle for the Residential Development of land for five Self and Custom Build Dwellings at land to the south of Roxton Road, Great Barford.” The Council subsequently changed the description of development to “Permission in Principle for the development of up to 5 dwellings”. The Council then sent a letter acknowledging the submission of the application, which included the following paragraph, “Please check the description of development and if you think it does not cover your proposal, please contact us within 7 days of this letter. This may result in your application being made invalid.” The appellant acknowledges that they did not

¹ PPG Permission in principle Paragraph: 001 Reference ID: 58-001-20180615

² PPG Permission in principle Paragraph: 012 Reference ID: 58-012-20180615

respond to the letter despite the change in the description of development from the Application Form.

5. Notwithstanding this, the appellant did not explicitly agree to amend the description of development. Furthermore, as part of this application they never sought consent for anything other than Self and Custom Build housing. Moreover, although the Appeal Form duplicates the description of development from the Decision Notice, the appellant has indicated that the description has not change from that stated on the Application Form. The Council also considered that the proposed dwellings would be Self and Custom Build dwellings when determining the planning application. Interested parties have also referred to Self and Custom Build dwellings within their representations.
6. My assessment of the appeal proposal is based upon the description of development as originally sought by the appellant. As the Council and interested parties have assessed the proposal to be for Self and Custom Build dwellings they would not be prejudiced by this approach.
7. Section 5A of The Town and Country Planning (Permission in Principle) Order 2017 specifies that the local planning authority must specify the minimum and maximum net number of dwellings which are, in principle, permitted. Therefore, the description of development in my formal decision includes reference to the minimum and maximum net number of dwellings, as specified on the Application Form.
8. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I sought submission from the parties on this matter. I have considered their additional submissions alongside the original representations. Also, on 12 December 2024 the Government published the results of the 2023 Housing Delivery Test (HDT). Over the preceding three years 145% of the Council's housing requirement was delivered, this has increased from 130% which was the measurement within the 2022 HDT. Consequently, it was not necessary to consult the parties on the result of the HDT as the position with regard to the overperformance has not changed, and the result is not materially different.
9. The Council has submitted the Bedford Local Plan 2040 (eLP) for examination. However, my understanding is that the examination has been paused as the Inspector has identified "fundamental soundness issues." The Council has not contested the appellant's assertion that part of the delay is related to the need to allocate further land for housing. Although the eLP is at an advanced stage of its preparation, it appears as though there are significant unresolved objections regarding the spatial strategy. In accordance with paragraph 49 of the Framework, I ascribe limited weight to the policies contained within the eLP.

Main Issue

10. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location

11. The appeal site is outside of the Settlement Policy Area boundary as shown on the Policies Map associated with the Local Plan 2030, Planning for the future, January

2020 (LP). Therefore, for the purposes of planning policy the appeal site is in the countryside. LP Policy 7S supports development in the countryside in specific circumstances. The proposed development does not conform with any of the specified exceptions, as such, the proposal would be contrary to this policy.

12. LP Policy 3S sets out the spatial strategy for the plan area. This includes strategic residential development in key service centres, one of which is Great Barford. LP Policy 4S identifies that it is necessary to identify sites in and around the defined Settlement Policy Area boundary of Great Barford for 500 homes, to ensure that the objectively assessed need for housing in the period 2015-2030 would be met. LP Policy 4S goes on to state that all sites for specified settlements, including Great Barford, will be allocated in Neighbourhood Development Plans. Policy H1 of the Great Barford Neighbourhood Plan 2020-2030, January 2022 (NP) allocates 'Land at Great Barford West' for development of up to 500 dwellings.
13. At the time of submitting the appeal, a planning application for development at 'Land at Great Barford West' had not been submitted. With this in mind, it is unlikely that 500 dwellings would be delivered on that site by 2030. Nevertheless, the lack of certainty over the delivery of houses on that site, and others, before 2030 would be reflected within the Council's supply of deliverable housing land. A matter which I will return to later in my decision.
14. There are several facilities within Great Barford which would meet future occupiers' day-to-day needs, this includes a school, a medical centre, post office, supermarket, a public house, and a restaurant. These facilities could be accessed from the appeal site using sustainable transport modes and public transport.
15. Notwithstanding this, the appeal site would not be a suitable location for residential development as it would be contrary to the spatial strategy outlined within the LP and NP. The proposal would be contrary to LP policies 3S, 4S and 7S and NP Policy H1 for the reasons given above. The NP includes an allocation for 500 homes, which would meet Great Barford's identified housing requirement, and it was made less than 5 years ago. I therefore ascribe significant weight to the harm that would be caused by the proposal being contrary to the spatial strategy.

Proposed land use and amount of development

16. The appeal site is part of a field adjoining existing residential development in Great Barford and opposite a development comprising of 77 dwellings which is outside of the Settlement Policy Area boundary. It adjoins the southern side of Roxton Road and extends partially across the gap between a small group of houses located to the east. The field itself is free from development and is bordered by tall, mature hedgerows. These characteristics combine to create a spacious and verdant, but semi-rural character that provides a setting for Great Barford. The appeal site is characteristic of the Great Ouse Clay Valley landscape character as identified within the Landscape Sensitivity Study³. However, given the proximity of neighbouring houses the character of the wider area is influenced by built development.
17. Although development of the appeal site would reduce the extent of the gap between the village boundary and the group of houses to the south of Roxton Road, the appeal site is large and, as such, the proposed dwellings could be well

³ Landscape Sensitivity Study, Group 1 and Group 2 Villages, Bedford & Kempston Urban Edge, April 2017

separated. The separation of the dwellings, alongside an appropriate landscaping scheme would help maintain the spacious and verdant character of the area. Given the appeal site is set down from the road, there could be views between the proposed dwellings across the open fields behind toward the village boundary. This would maintain the semi-rural setting of the settlement.

18. A row of houses adjoining Roxton Road would appear similar to the development opposite and to the east of the appeal site. The proposed development would continue the pattern of development on the edge of Great Barford and appear congruous within the street scene.
19. Increasing the amount of built development in the area would have an urbanising effect. However, the character of the area is influenced by the recent addition of housing opposite. The proposed development would have a negligible effect and would conserve the prevailing semi-rural character. My assessment on the character of the area differs from the Inspector who determined a previous appeal⁴ in proximity to the appeal site. However, that decision was made prior to the construction of dwellings opposite the appeal site and therefore, their assessment is materially different to mine.
20. Initial owners of the homes would need to have primary input into the final design of their house to comply with the definition of self-build and custom housebuilding as set out within the Self-build and Custom Housebuilding Act 2015 (the 2015 Act). Nonetheless, this does not override the need for the dwellings to conserve or enhance the character and appearance of the area. There is sufficient control at the technical details consent stage to ensure that the proposed design of the dwellings would be in keeping with the area.
21. When considering the proposed land use and amount of development only, the site is suitable for residential development and would comply with LP policies 28S, 29 and 30, and NP Policy D1. These policies indicate that development will be expected to contribute to good place-making and respect the context within which it will sit; and proposals for good quality new development will be supported, subject to the specified criteria; amongst other matters.

Other Matters

Self-build

22. Section 2A of the 2015 Act indicates that an authority must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet demand in the authority's area.
23. LP Policy 59S states that the Council will support self-build and custom build housing developments. There is also support within the eLP for self and custom build dwellings on larger sites. Although the NP does not include explicit references to self-build and custom housebuilding, it does indicate that the proposed development at 'Land at Great Barford West' should provide a range of housing. This could include the provision of self and custom build dwellings.
24. Nevertheless, the Council acknowledge there is currently a deficit of self-build plots when considering demand. This indicates that the spatial strategy is not leading to enough suitable permissions to meet demand for self-build and custom

⁴ Appeal Ref. APP/K0235/W/22/3306645, Decision date: 23 February 2023

housebuilding. The Council has not commented on the extent of the deficit, nor has it challenged the appellant's assertion that the deficit is more than 200 serviced plots.

25. The PPG is clear that it is not possible for conditions to be attached to the grant of permission in principle⁵ or for planning obligations to be secured at this stage⁶. Notwithstanding this, at the technical details consent stage the Council could ensure that the proposed housing meets the definition of self-build and custom housebuilding dwellings as set out in the 2015 Act. Moreover, Section 2A of the 2015 Act defines development permission as either planning permission or permission in principle. This establishes that permission in principle applications could be used to secure self-build and custom housebuilding.
26. Section 70 of the Town and Country Planning Act 1990 and the PPG⁷ are clear that an application for technical details consent must be in accordance with the permission in principle specified by the applicant. Given the applicant sought permission for "Self and Custom Build Dwellings", it would be necessary for any technical details consent application to demonstrate that the dwellings would be secured as self and custom build dwellings. Therefore, I am satisfied that in this instance a grant of permission in principle would not allow the construction of any other housing types.
27. Even if the deficit of self-build plots is much smaller than claimed by the appellant, it is agreed that the Council is not meeting its statutory duty. There is no compelling evidence to suggest this will change in the future. I therefore ascribe significant weight to the benefit of providing 5 self and custom build dwellings.

Other considerations

28. Additional benefits include economic benefits related to the construction period and the support five extra households would provide to the local economy; alongside the contribution five dwellings would make toward the Council's supply of deliverable housing land.
29. The appeal site is in proximity to both Brook House⁸, and 8 and 10 Roxton Road⁹, which are Grade II listed. I am mindful of the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have had special regard to the desirability of preserving the buildings' settings. The historic built backdrop and sylvan surroundings of the buildings positively contributes to their significance. Given the distance between the appeal site and the intervening development, I consider that the proposal would preserve the setting of the Grade II listed buildings. I note that the Council had no concerns in this regard either.
30. The NP indicates that most vehicle movements from the area would be toward Bedford. Whilst the proposal would lead to increased vehicular movements through the village centre, there is no evidence that the proposal would have an unacceptably harmful effect on highway safety, or that the residual cumulative impact on the road network would be severe. Also, the precise design of the access(es) would be subject to approval at the technical details consent stage.

⁵ PPG Permission in principle Paragraph 020 Reference ID: 58-020-20180615

⁶ PPG Permission in principle Paragraph 022 Reference ID: 58-022-20180615

⁷ PPG Permission in principle Paragraph 003 Reference ID: 58-003-20190615

⁸ List Entry No. 1137544

⁹ List Entry No. 1114884

31. There is no compelling evidence before me that the proposed development would harmfully effect water pressure to neighbouring properties. There is also no evidence before me that local facilities are at or close to capacity and that cumulatively the appeal proposal would have a harmful effect. Moreover, details of waste and recycling collection could also be agreed at the technical details consent stage.
32. Whilst only part of the field would be developed, allowing the appeal would not set a precedent for the development of the rest of the field. Each proposal would be assessed on its own merits.

Planning Balance

33. The LP dates from January 2020 but the weight to be attached to it does not hinge on its age. Rather paragraph 232 of the Framework advises that due weight should be given to existing policies according to their degree of consistency with the Framework.
34. The Framework indicates that strategic policies should set out a clear strategy for accommodating objectively assessed needs and that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. Therefore, the spatial strategy set out in the LP is in general accordance with the Framework. Consequently, the conflict between the proposal and LP policies 3S, 4S and 7S should be given significant weight in this appeal.
35. As there are no policies in the LP or the NP which positively favour development of this kind in this location, and as the proposal would be contrary to the policies listed above, there would be a conflict with the development plan as a whole.
36. The Council can only demonstrate 3.46 years' supply of deliverable housing land. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
37. Paragraph 14 of the Framework is clear that when the presumption in favour of sustainable development applies to applications involving the provision of housing; the adverse impacts are likely to significantly outweigh the benefits when the neighbourhood plan was made less than five years ago and includes policies and allocations to meet its identified housing requirement. Notwithstanding this, the spatial strategy is not leading to the granting of enough suitable permissions to meet demand for self-build and custom housebuilding, or to maintain a five-year supply of deliverable housing land. The proposal would assist the Council with meeting its statutory duty with regard to self-build and custom housebuilding and would help boost the wider supply of homes in the area. As such, the benefits associated with the proposal would be significant. Consequently, the adverse impacts on the spatial strategy including the NP would not significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development, as set out within the Framework and Policy AD1 of the Allocations and Designations Local Plan, July 2013, would apply.

Conditions

38. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, type and amount of development. Therefore, I have not imposed any conditions.

Conclusion

39. The proposed development would conflict with the development plan but material considerations, specifically the presumption in favour of sustainable development, indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

J Hobbs

INSPECTOR