



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: 04 March 2025

Appeal Reference: APP/P0240/W/24/3351612

Land between Nos. 33 and 37 Moor Lane Maulden Bedfordshire MK45 2DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Nigel Worrall, Bedford I-lab against Central Bedfordshire Council.
 - The application Ref is 24/00502/OUT
 - The development proposed is 1 No. Self Build Serviced Plot (Self/Custom) [Dwelling House].
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal arises from the failure of the Council to determine the planning application described in the heading. Decision Notice absent, the Council have offered three reasons which would have applied. Taking these into account and having considered the representations of the appellant the main issues in this matter would be as follows.

Main Issues

3. The Main Issues are:
 - Whether the proposed development would be suitably located having regard to the relevant policies of the development plan and the effect of the proposal upon the character and appearance of the area, and
 - Whether the proposal would be afforded safe and suitable access, and
 - Whether the Council have granted sufficient permissions to comply with the requirements of the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (SBCHA).

Reasons

Suitability of Location, Character and Appearance

4. The proposed self-build/custom serviced plot (the Plot) is located just outside the defined settlement envelope for Maulden which appears as a 'Large Village' in the Central Bedfordshire Local Plan (July 2021) (CBLP), and thus in the countryside as

defined in local planning policy terms. With no built development for some 100m from the edge of the settlement, Mill Lane in the vicinity of the appeal site is experienced as the commencement of open countryside serving a handful of sporadically-placed dwellings with a rural character before narrowing into an unpaved track and bridle way. A significant number of community allotments lie to its south-west side, opposite the appeal site at a slightly lower level to the Lane.

5. The submitted plans suggest that the proposed dwelling would be finished externally with a number of different construction/cladding materials, seemingly with little justification for their selection in terms of local distinctiveness. The use of materials in this arbitrary way would lend a suburban character which is incompatible with the locality and a countryside location. In addition, the proposal would be located between two separate dwellings, 37 and 39 Mill Lane which are otherwise well-spaced. The effect of the development would be to create a grouping of built form which would conflict with the sporadic and informal layout of development on Mill Lane where it is in open countryside and this would conflict with the character and appearance of the rural area. This significant change would be emphasised by the likely necessity for extensive work to the front boundary to create access and address the difference in levels between the site and the road.
6. Whilst Policy SP7 of the CBLP seeks to support windfall development outside settlement envelopes, this is subject to specific provisions which, the appellant accepts, are not accounted for by the proposal. Similarly, Policy M1 of the Maulden Neighbourhood Plan, other than for exceptions which do not apply in this case, does not support development beyond the settlement envelope of the village. I therefore conclude the location of the proposal would conflict with these policies of the development plan. Further, the change which would be brought about by the development would cause unacceptable change to the open countryside character of the locality which would conflict with Policy EE5 of the CBLP which seeks to safeguard the intrinsic character of the countryside and Policy EE8 that requires new development to respect the topography of the landscape and minimise visual impact.

Safe and Suitable Access

7. Mill Lane, at the point where the proposal would be located is a narrow single lane road with an embankment at its northern side. There are no passing or designated or paved parking areas within the highway although a verge opposite serves as a small, informal, parking area for allotment holders or visitors. Beyond the site where Mill Lane becomes a track it serves many more allotments and is therefore well used by pedestrians and local people. Given the large number of allotments to be accessed there will be times when demand for parking exceeds availability and presents potential for conflict between the different users of the lane.
8. The appellant has provided little topographical information as to the existing site levels or layout of the proposed parking and access arrangements. It is therefore not apparent whether visibility adequate for safe use can be achieved. Whilst vehicle speeds will be low due to road conditions and the risk of injury to pedestrians therefore slight, I am not persuaded by the information provided that the difference in ground levels can be accommodated in conjunction with manoeuvring room for vehicles to leave the site in forward gear. Nor is it demonstrated that this can be achieved without an unduly wide access which would contribute harm to the rural character of the area in the way I have previously

described. Policies T2 and T3 of the CBLP require that development should be afforded safe and convenient access and sufficient parking. Due to the limited information provided I have nothing before me to demonstrate that the proposal would, even if subject to suitably-worded conditions, be able to accord with these provisions. In the circumstances I have described, and given the potential for harm that I have identified, I conclude, for these reasons, that the proposal would conflict with Policies T2 and T3 of the CBLP.

Self-Build Housing

9. The appellant suggests that a deficient supply of self-build housing plots weighs in favour of the proposal sufficient to outweigh conflict identified in the first main issue. At the end of each base period specified in the SBCHA, being one year ending on 30 October, local planning authorities have 3 years to give permission for an equivalent number of plots of land to the number of those recorded on the Council's register as wishing to build their own home.
10. Policy H6 of the Central Bedfordshire Local Plan, adopted in July 2021) (CBLP) requires larger sites to make a 10% contribution of self-build plots and this has resulted in an uplift in delivery of such sites in subsequent years, I note that the appellant has not submitted any final comment upon the Council's statement in this regard, but the Council's annual monitoring report for 2022-2023 shows that permission was granted for some 388 self-build dwellings, resulting in a cumulative overprovision for each of the preceding three years. Whilst subsequent registrations are not quantified, there is no evidence before me as to any likelihood of under-provision such that this would be material to the proposal.
11. I note that the appellant refers to the application of the 'tilted balance' in relation to their assertions as to a deficiency of Self Build Custom Housing plots (SBCH). The Council's five year housing land supply statement dated 19 July 2024 indicates a 5.36 years supply such that the relevant policies of the development plan cannot be regarded as out-of-date. Whilst housing needs assessments must address a range of needs, such that were there to be a deficiency of SBCH this would weigh in favour of the proposal, a deficiency of SBCH plots, if it existed, would not, on its own, be determinative of a housing land supply position.

Conclusion

12. The proposal would be located in open countryside where development is only supported in circumstances which are not met by the proposal which would, by its design and positioning, detriment the rural character of the location. Although I have considered, in relation to the details of access and parking, whether the proposal could be made acceptable in planning terms by the application of suitable conditions, details absent I am not persuaded that a satisfactory provision of parking and access could be made such that there would be no conflict with highway safety. In relation to the third main issue I have concluded that the Council have demonstrated a sufficiency of SBCH plots such that the proposal attracts little weight in that regard. Consequently, for the reasons given and taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR