



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: 5th March 2025

Appeal Ref: APP/P0240/W/24/3349844

Hilltop, Pipers Lane, Aley Green, Central Bedfordshire LU1 4DS

- 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 G Allen against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/02948/FULL.
 - The development proposed is erection of two no. four-bedroom detached chalet bungalows.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of two no. four-bedroom detached chalet bungalows at Hilltop, Pipers Lane, Aley Green, Central Bedfordshire LU1 4DS in accordance with the terms of the application, Ref CB/23/02948/FULL subject to the conditions in the attached schedule.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I sought submissions from the parties on the December changes. I have, therefore, considered their additional comments alongside the original submissions in determining the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies; and
 - the effect of the proposal on the integrity of the Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) within the Chilterns Beechwoods Special Area of Conservation (SAC).

Reasons

Whether inappropriate development

4. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain criteria. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.
5. Policy SP4 of the Central Bedfordshire Local Plan 2015-2035 (the LP) sets a general presumption against inappropriate development and advises that

proposals will be assessed in accordance with government guidance in the Framework and the National Planning Practice Guidance. The supporting text to the policy advises that the Green Belt purposes are to safeguard the identity of Central Bedfordshire, maintain the openness of the countryside, prevent the coalescence of the towns, and protect the dispersed settlement pattern characteristic of the area.

6. The appeal site is within an area washed over by the Green Belt where paragraph 8.6.2, of the supporting text to Policy SP4, advises that only replacement buildings and limited infill development would be allowed. Paragraph 8.6.3 generally defines infill development as small-scale development, in a small gap, in an otherwise built up frontage; and 8.6.4 requires infill development to be wholly in accordance with the surrounding character, pattern, and grain of development, having regard to plot size, frontage length and dwelling size.
7. For the purposes of limited infilling in a village under Paragraph 154 of the Framework, and Policy SP4 of the LP, the village does not have to be defined in the LP. When considering whether a site is in a village, the decision maker should have regard to the situation on the ground, as well as any relevant policies. Having regard to the Tate case¹, it is for the decision-maker to form a view in light of the specific facts.
8. The appeal site comprises a parcel of land between existing housing on Pipers Lane. It forms a gap between Hilltop and two recently built dwellings. Aley Green is not identified as a village, or any other settlement, within the LP. Nevertheless, Aley Green is a large group of houses set along two roads, Pipers Lane and Mancroft Road. The housing is mainly road fronting and at the end of the housing, on Mancroft Road, is Aley Green Methodist Church.
9. I saw that the houses in Aley Green form a clear group along the two roads, surrounded by open countryside. There is clearly a feeling of arriving in the settlement from either direction along Mancroft Road, passing the Aley Green signs. There is also a reduced speed limit of 30mph, speed humps and bus stops which give the impression of being in a settlement. On Pipers Lane, near to the appeal site, there is a sharp bend. Once around the bend the entrance to the appeal site and the existing houses on Pipers Lane are clearly visible and form a built up area.
10. From the situation on the ground, although Aley Green is not defined as a settlement in the LP, and although its only community facility is the church, it is made up of a large number of houses clearly set in a cluster along two roads. It is not very limited in scale, and I find that it is of sufficient size to be classes as a village for the purposes of considering limited infill development in the Green Belt.
11. For the above reasons, I, therefore, find that the appeal site is located within the village of Aley Green. The appeal proposal is for two dwellings. It can only be described as a small-scale development and the gap is an appropriate size for two dwellings. The two units would follow the pattern and grain of development being built back from Pipers Lane and would be of a similar footprint and height to the other houses. The proposed plot sizes and frontage widths would not be dissimilar to other properties on Pipers Lane, and, in that regard, the development also

¹ R (Tate) v Northumberland County Council [2018] EWCA Civ 1519

respects the plot size, frontage length and dwelling size, as recommended by the supporting text to Policy SP4.

12. The proposed development would be for two dwellings within a gap between existing housing. Although the proposed houses would not be immediately fronting Pipers Lane this is the same as the other two recently built houses. The driveway serving the recently completed properties creates a frontage against which the development is proposed to be built. However, paragraph 154(e) does not require infill development within a village to be within a built-up frontage and, in that regard, Policy SP4 of the LP is inconsistent with the Framework. The dwellings would face towards Pipers Lane and would be set at a similar distance back from the lane as other dwellings further along, towards the junction with Mancroft Road.
13. The two dwellings proposed, although similar in design to each other, would be different to the other properties along Pipers Lane, including the two recently built. The appeal proposal would, therefore, add to the existing variety of styles and material finishes along Pipers Lane, which forms part of the character of the village. Moreover, the appeal proposal continues the chalet bungalow style of the properties on Pipers Lane and the site is on the same side as the existing housing.
14. For the above reasons, the proposed development would, therefore, constitute limited infilling within a village and would comply with Paragraph 154 of the Framework and Policy SP4 of the LP. Consequently, the appeal proposal would not be inappropriate development in the Green Belt, having regard to the Framework and the relevant development plan policies.
15. Given that I have found that the appeal proposal would not be inappropriate development it is not necessary for me to consider whether the site would fall within the definition of Grey Belt land set out in the Framework. Moreover, and for the same reasons, it is not necessary for me to consider the tests set out in Paragraph 155 of the Framework.
16. It is also not necessary for me to consider whether the appeal proposal results in harm to the openness of the Green Belt or whether very special circumstances have been put forward by the appellants.

Effect on SAC and SSSI

17. The appeal site lies within the Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (SAC). The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. This responsibility falls to me as the competent authority in the context of this appeal.
18. The SAC is designated for its beech forests, seminatural dry grasslands and scrub, and its population of Stag Beetles. The evidence indicates that the principal pathway of impact on the SAC is the effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents. The conservation objectives are to ensure the integrity of the site is maintained and restored. The SAC includes the Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) which is managed for its conservation and recreation

value and is used for a range of outdoor activities including walking, dog walking and cycling.

19. As a development for two new houses within the Zone of Influence there is a high likelihood that the future occupants of the proposed development would visit the SSSI and the SAC for recreation purposes. In this regard, it is clear that the proposal, when combined with other development in the area, would have a likely significant effect on the qualifying features of the SAC through increased disturbance as a result of recreational activity. I must, therefore, carry out an AA.
20. The features of the SAC which would be affected would include, amongst others, changes to the vegetation composition, loss of species, root damage to trees, loss of habitat for species, and eutrophication. Considering the conservation objectives the proposed development would adversely affect the integrity of the SAC.
21. The Chilterns Beechwoods SAC Mitigation Strategy for Ashridge Commons and Woods SSSI document (the Mitigation Strategy) seeks to mitigate impacts upon the SSSI, and subsequently the SAC. The objectives of the mitigation are set out in the Mitigation Strategy and include deflecting visitors away from the SSSI, managing visitor numbers, and reducing the impacts of recreation by both influencing visitors and protecting sensitive features. Mitigation would be expected to contribute towards strategic access management and monitoring (SAMM) for access management and engagement work within the SAC; and suitable alternative natural greenspace (SANG) involving the provision of alternative recreation opportunities away from the SAC.
22. During the course of this appeal the appellant has provided an executed Unilateral Undertaking (UU). This would secure £364.98 (index linked) for the SAMM contribution and £8546 (index linked) for the SANG. The Council has identified alternative recreation opportunities in the area where the SANG contribution would be spent. I have no evidence to show that these figures are not proportionate to this appeal proposal or that the Council would not be able to use the contribution as per the Mitigation Strategy.
23. I have consulted Natural England, and it has confirmed that it is content that the secured financial contribution would be effective in terms of avoiding adverse effects to the integrity of the SAC. There is no evidence before me to suggest I should reach a contrary conclusion.
24. As such, I am satisfied, on the basis of the specific evidence before me, that the UU is a sufficient mechanism to enable the delivery of proportionate and relevant mitigation pursuant to the Council's strategy for development which could affect this SAC. I therefore find, within my AA that, with the provided mitigation, the proposal, even when taken in combination with other plans and projects, would not have an adverse effect on the integrity of the SSSI or the SAC. It would therefore accord with Policy EE3 of the LP which only permits development where it would not have an adverse effect on designated sites and requires mitigation to prevent detrimental impact. The proposal would also comply with the provisions of the Habitats Regulations and the Framework insofar as they seek to secure the long term protection of SACs and mitigate any adverse effects on their integrity.

Other Matters

25. Interested parties have raised concerns regarding, amongst other matters, the effect of the development on the living conditions of the occupiers of neighbouring properties. The layout and design of the proposed development would ensure that there would not be overlooking of the existing properties to either side of the appeal site. The houses along Mancroft Road are a substantial distance from the appeal site which would ensure that there would not be unacceptable levels of overlooking to these properties. I, therefore, find that the appeal proposal would not result in adverse effects on the living conditions of neighbouring properties.
26. I have no compelling evidence that the development would not be capable of being provided with appropriate drainage, including foul drainage, nor that the access, parking and turning is not sufficient for the development proposed or that Pipers Lane and the surrounding road network is not capable of accommodating the additional traffic. Whether the existing development has been completed in accordance with the approved plans is not a matter for me to consider as part of the current appeal. Bin storage arrangements can be secured by an appropriately worded condition, and I saw an area of hard standing which would serve as a location for residents to leave bins on collection days.
27. I also walked the first section of the public right of way (PROW) which runs close to the appeal site and is accessed off Pipers Lane. Views of the appeal proposal would be seen from the PROW alongside the two recently completed dwellings. Although the appeal proposal would increase vehicle movements in the area near to the access to the PROW, the increase in vehicle movements would not be significant and would, therefore, not be such as to result in harm to the safety of the users of the PROW.
28. The appeal site is currently an area of open grass and, therefore, has limited biodiversity benefits. The appeal scheme would result in development on the site. Nevertheless, there would also be an opportunity to provide biodiversity enhancements which could be secured by condition.
29. While I understand the concerns regarding further development in and around Aley Green, my decision is based firmly on the characteristics of this particular site. As such, it would not set any precedent that can apply more generally to the area.

Conditions

30. The Council has provided a list of conditions that it considers would be appropriate and the appellant has commented on this. I have considered these in light of the Framework and the Planning Practice Guidance, and I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity.
31. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
32. In order to ensure a satisfactory appearance, I have included a condition requiring the submission of samples of the materials to be used for the external surfaces of the dwellings and a condition to require the submission of the details of the boundary treatments for the development.

33. Given the narrow width of Pipers Lane, that the access driveway serves existing dwellings, the proximity of nearby neighbouring properties and the proximity of the site to open countryside, I agree that a condition is required to ensure that the development complies with the Council's adopted 'Construction Code of Practice for Developers and Contractors' and the 'Environmental Code of Practice'. However, I have combined the suggested two conditions into one.
34. Furthermore, in the interests of highway and pedestrian safety I have included conditions to require the provision of suitable visibility splays and the parking and turning areas to be provided prior to occupation of either of the approved dwellings. I have also included a condition to require one electric vehicle charging point per dwelling, to encourage sustainability and the use of electric vehicles, and a condition to require the provision of cycle parking, to provide the future occupants with a genuine choice of alternative means of travel. However, it is not necessary for details of the cycle storage to be submitted for approval given the residential nature of the development and the size of the plots proposed.
35. A condition to limit water usage to ensure efficiency is necessary to comply with Policy CC1 of the LP, to ensure that the development contributes towards reducing water consumption. To ensure that the development provides biodiversity enhancements I have also included a condition to this effect, however, I have removed some of the requested subsections which are not necessary given the scale of the development proposed.

Conclusion

36. For the reasons set out above, the appeal scheme would accord with the development plan and the Framework. Accordingly, the appeal should be allowed, subject to the conditions set out below.

K Townsend

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings: site location plan, proposed block plan TM/AG/002, proposed landscaping TM/AG/005, plot 1 floor plans & elevations, and plot 2 floor plans & elevations.
- 3) The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors' and the Council's adopted 'Environmental Code of Practice.'
- 4) The dwelling hereby approved must comply with the water efficiency standard of 110 litres per person per day as detailed by Regulation 36(2)(b) of Part G of Schedule 1 and Regulation 36 to the Building Regulations 2010 (as amended).
- 5) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to the occupation of the development details of the positions, height, design, materials, and type of boundary treatments to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed in accordance with the approved details before either of the dwellings are first occupied.
- 7) Prior to the occupation of the development hereby permitted, a scheme for the storage and collection facilities of waste receptacles for the dwellings shall be submitted to and agreed in writing by the local planning authority. The scheme shall include details of the refuse collection point at the vehicular access. The storage area and collection point shall be provided before either of the dwellings are first occupied and shall thereafter be kept available at all times for those purposes.
- 8) Prior to the occupation of the development hereby permitted visibility splays of a minimum of 2.4m by 43m shall be provided at the point where the access meets Pipers Lane. The visibility splays shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.
- 9) No dwelling shall be occupied until space has been laid out within the site, in accordance with drawing no. TM/AG/002 for three cars per dwelling to be parked, for one visitor parking space, and for vehicles to turn so that they may enter and leave the site in a forward gear and that space shall thereafter be kept available at all times for those purposes.
- 10) No dwelling shall be occupied until a secure and covered facility for the storage of bicycles has been provided and that space shall thereafter be kept available for the storage of bicycles.
- 11) Prior to the construction of the vehicle parking areas details of an electric vehicle charging point shall have been submitted to and approved in writing

by the local planning authority. The scheme shall include details of the siting and specifications of the charging point infrastructure. The approved details shall be fully implemented prior to the first occupation of the development and thereafter shall be retained and maintained in accordance with the approved details.

- 12) No development shall take place until an Ecological Enhancement Strategy (EES) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, hedgehog holes in fences and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content shall include the:
- a) timetable for implementation, demonstrating that works are aligned with the of construction;
 - b) persons responsible for implementing the works;
 - c) details of initial aftercare and long-term maintenance.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

*** END OF CONDITIONS ***