



Appeal Decision

Site visit made on 11 December 2024

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/P0240/W/24/3342445

Land to the south of Ashridge, Pepsal End Road, Pepperstock LU1 4LJ

- 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 Harpers of Pepperstock Limited against the decision of Central Bedfordshire Council.
- The application Ref is CB/23/03523/FULL.
- The development proposed is the erection of two detached four-bedroom dwellings on an infill basis.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published during the appeal. The main parties were given the opportunity to comment and I have considered the revised Framework in my decision.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - (ii) The effect of the proposal on the living conditions of future occupiers, with regard to noise;
 - (iii) The effect of the proposal on highway safety;
 - (iv) The effect of the proposal on the character and appearance of the area; and
 - (v) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

4. The appeal site is a parcel of land off Pepsal End Road, within Pepperstock and located in the Green Belt. It sits to the south of the residential property of Ashridge, and to the north of the dwellings of Nos. 11-12 Pepsal End Road. The proposal seeks planning permission to erect two dwellings at the site.

5. Policy SP4 of the Central Bedfordshire Local Plan (the CBLP) states that development in the Green Belt will be assessed against the Framework. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate. This is subject to exceptions, including paragraph 154(e) - limited infilling in villages. 'Limited infilling' is not defined by the Framework. Supporting text to Policy SP4 states it is small scale development in a small gap in an otherwise built-up frontage. There is no dispute between the main parties that the scheme is limited infilling, and I have no reason to disagree.
6. The main parties have differing opinions as to whether Pepperstock is a village. Table 9.1 of the CBLP sets out the Council's settlement hierarchy, and does not include it as a village, while Table 8.1 of the CBLP does not identify it as a Green Belt settlement. Furthermore, the Coddington and Ship End Neighbourhood Plan refers to Pepperstock as a hamlet. Conversely, the appellant points to various websites and documentation that do address Pepperstock as a village. Nevertheless, it is necessary to consider the facts on the ground.
7. The site is part of a small grouping of residential development set around the junction of Pepsal End Road, Half Moon Lane, and Front Street. West of these dwellings lies a residential mobile home park, which evidence suggests contains 100 plots. Planning permission was granted for a school immediately opposite the appeal site, which the appellant states would serve 48 pupils and employ 32 staff members. I observed signage for the school to be in place during my visit.
8. However, other commonly found features of a village to meet the needs of residents are very limited. I note the former presence of the Half Moon Pub and Harper's food production, coffee shop, and retail premises. However, these have since been replaced by the school. I acknowledge the reference by the appellant to the fireworks store and paintballing centre located beyond the mobile home park. However, while I note their scale, even if I were to find these facilities formed part of Pepperstock, they too would not be services that would support or assist the day to day lives and needs of surrounding residents. In addition, despite the grouping of development at the crossroads, I did not observe there to be a clear focal point that would assist in defining Pepperstock as a village.
9. Accordingly, I do not find Pepperstock is a village as per paragraph 154(e) of the Framework. It reads as a largely self-contained grouping of development but, with limited community facilities, cannot be a village for such purposes. For these reasons, the proposal would not meet the exception set out in paragraph 154(e).
10. Paragraph 155 of the Framework states that development of homes in the Green Belt should not be regarded as inappropriate where all of the following apply: a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; b) there is a demonstrable unmet need for the type of development proposed; c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and d) where applicable, the development would meet the Golden Rules requirements set out in the Framework.
11. The Framework defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to three of the five purposes of Green Belt, as set out in the Framework.

That is a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns from merging into one another; and d) to preserve the setting and special character of historic towns.

12. The main parties disagree as to whether the appeal site is grey belt land, and whether there is an unmet need for the type of development proposed, given differing stances on housing land supply. Nevertheless, it remains that paragraph 155 of the Framework specifically refers to the development being in a sustainable location, with particular reference to paragraph 110 and 115.
13. Paragraph 110 of the Framework states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, but recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account. Paragraph 115 states, among other things, that: it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development, and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts on highway safety can be cost effectively mitigated to an acceptable degree.
14. The appellant contends that the site is in a sustainable location, pointing to the school and other properties. The Officer's Report is clear that, due to the scale of the proposal and the footpath link to Slip End, the location of the site was on balance not a reason for refusal. Nevertheless, the Council considers that future residents would be reliant on private car to meet day to day needs and has confirmed that it does not consider the site to be a sustainable location.
15. I have outlined above my observations regarding the limited services in Pepperstock, such that the daily needs of future residents of the proposal could not be met by services within the immediate surrounds of the site. While further services may be present in Slip End, I observed these to be some distance by foot from the site such that, even noting the footpath connectivity, it is unlikely that future occupiers would undertake trips to and from these services by foot on a regular basis. There is also nothing substantive either before me or observed on my visit to suggest a regular and reliant public transport service within easy reach of the site. This would align with references by the Council and interested parties to limited public transport links.
16. Having regard to all these matters and even noting the rural location of the site, I cannot be certain that the appeal site is in a location that is, or can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes. Taken together with my findings below on highway safety, I find that the proposal would not align with paragraph 155c) of the Framework. As such, even if I were to find that the site was grey belt land and that there was a demonstrable need for this type of development, the proposal would remain inappropriate development.
17. For this reason, the proposal would also not meet the exception set out in paragraph 155 of the Framework. There is no suggestion that it would meet any other exception in the Framework. It would therefore be inappropriate development, which is harmful to the Green Belt. In this regard, it would also conflict with Policy SP4 of the CBLP.

Living conditions

18. The site is in proximity to the M1 motorway, such that there is realistic potential for associated noise and disturbance from nearby vehicular activity to impact the living conditions of future occupiers of the proposal. However, no noise assessment for the scheme has been submitted, either at the application or appeal.
19. The main parties refer to an extant planning permission for six workers dwellings to the rear of the site, which would be closer to the motorway than the proposal. A copy of the acoustics report for this has been provided, and it was a pre-commencement condition of that development that an approved noise protection scheme be implemented in accordance with this report. However, in addition to this report being of some age, it does not relate to the proposal before me.
20. Given the proximity of the motorway to the appeal site, and the precise nature of the proposal, it is important that the potential for such effects is assessed prior to the granting of any planning permission. In the absence of such an assessment, I do not find that a pre-commencement condition would be appropriate in this instance. Accordingly, even acknowledging existing and approved surrounding development, on the evidence before me I cannot rule out an adverse impact on the living conditions of future residents of the proposal through undue noise and disturbance.
21. For the reasons given, I have insufficient information to find that the proposal would not result in significant adverse harm to the living conditions of future residents, with particular regard to noise and disturbance. As such, it would fail to comply with Policy CC8 of the CBLP and the provisions of the Framework, insofar as they seek to ensure the impacts of noise are minimised to an acceptable level without compromise with the quality of life for occupiers.

Highway Safety

22. A pre-existing access point to the wider appeal site is in place along Pepsal End Road, where the road curves to the north towards Front Street. However, even noting traffic speeds in the vicinity, I observed there to be sufficient intervisibility between the access point and Pepsal End Road and Front Street. As such, the use of this precise access point by vehicles would not, in itself, give rise to highway safety concerns. In this regard, I further note that the use of this access point was permitted for the approved workers dwellings scheme to the rear of the appeal site, under which it would connect directly to a road leading to these dwellings.
23. However, the access road to the proposal would sit perpendicular, and in close proximity to, this Pepsal End Road entrance. The narrow nature of this access road, along with the planting shown on submitted plans, would limit intervisibility with the access point onto Pepsal End Road. As such, there is a clear potential for conflict between highway users entering and exiting the access road of the proposal and those using the Pepsal End Road entrance and exit point.
24. In addition, there is limited turning space for vehicles, particularly light goods vehicles, provided as part of the proposal. As a result, it would not be possible for all vehicles to enter and exit the access road of the proposal in forward gear. Movements to and from this road in reverse would further increase conflict with highway users at the Pepsal End Road entrance, introducing complicated manoeuvres in the surrounding highway network that would further contribute to

collision risk. Even noting the two-dwelling nature of the proposal such risks of conflict and collision would result in severe highway safety impacts.

25. I note that the main parties disagree as to whether the permission for the workers dwellings to the rear of the site is extant. However, should such development come forward this would further aggravate the identified highway safety impacts by introducing further vehicle movements along the approved road for this scheme in close proximity to the access road of the proposal and the entrance and exit point onto Pepsal End Road.
26. For the reasons given, I find that the proposal would have severe adverse impacts on highway safety. As such, it would fail to comply with Policy T2 of the CBLP and the provisions of the Framework insofar as they seek to ensure that development would not have a detrimental effect on highway safety.

Character and appearance

27. The appeal site is currently free from development. It provides an element of separation between the dwellings at Ashridge and Nos. 11-12 Pepsal End Road, adding a sense of spaciousness to the immediate area that would be lost as a result of the scheme.
28. However, the proposed dwellings would be experienced in the context of these immediately neighbouring properties, in addition to those at the junction of Half Moon Lane and Front Street. Among these residential uses, with the range of plot sizes and boundary treatments, the proposal would not appear as an out of place addition. Within the surrounding context, the setback of the proposal from both Pepsal End Road and the properties at either side would ensure that it does not read as cramped within the site. Furthermore, the main parties agree that the external finish would not be at odds with the prevailing dwelling design of the area and, based on my observations, I have no reason to disagree.
29. Concerns have been raised by the that the proposed level and positioning of parking would lead to an overtly formal and urban frontage. However, in addition to residential frontage parking at the junction of Half Moon Lane and Front Street, I observed Ashridge to have a sizeable front driveway that could accommodate multiple vehicles, which is readily visible in the immediate surrounds. As such, frontage parking is not an uncommon feature of the area. Combined with the setback of the proposed spaces from the road, and the fact that the access from the highway is pre-existing, I do not consider the parking aspect of the proposal would result in undue visual harm to the area.
30. I acknowledge the extant planning permission for six workers dwellings to the rear of the appeal site. It is unclear from the evidence submitted whether this has been implemented within the required timeframe, and I did not observe anything on site to suggest that this has occurred. Nevertheless, even with this approved scheme in place and the level of development that would result within the immediate vicinity, it remains that the proposal, when viewed from Pepsal End Lane, would not alter the experienced character and appearance of the surrounds.
31. For the reasons given, the proposal would not result in a significant adverse effect on the character and appearance of the area. As such, it would comply with Policies HQ1, EE4, and EE5 of the CBLP and the provisions of the Framework,

insofar as they seek to ensure high quality development that responds positively to its context and has regard to the key characteristics of the site and its setting.

Other considerations

32. The appeal site lies within the zone of influence of the Chilterns Beechwood SAC. The appellant has submitted a completed unilateral undertaking in this regard, as agreed with the Council. However, as I am dismissing for other reasons, I have not explored this issue further. Similarly, while Council consultees have concerns that the placement of the proposal in the site could not ensure the longevity of the trees to be retained, as I am dismissing for other reasons I have not assessed this.
33. Reference has been made to numerous other appeal decisions and applications. However, each scheme is decided on its own site-specific merits and the reference to development elsewhere carries little weight.
34. The proposal would result in the creation of two dwellings, adding to housing mix and choice among established residential uses. It would make efficient use of space and optimise the use of the site. However, even noting the important role small and medium sized sites can play in meeting housing supply, due to the two-dwelling nature of the proposal this benefit carries only moderate weight. It would also have some socio-economic benefits due to employment during construction and contribution to the local economy by future occupiers. However, each of these benefits would be modest in scale and thus attract limited weight.

Conclusion

35. The proposal would result in inappropriate development in the Green Belt. By definition, this would be harmful to the Green Belt and the Framework indicates that such harm should be given substantial weight. I have also found harm with regard to highway safety and cannot be certain that the scheme would not harm the living conditions of future residents with regard to noise and disturbance. While I have concluded that the proposal would not have a significant adverse effect on the character and appearance of the area, this represents a lack of harm which is neutral in the overall planning balance.
36. I find that the other considerations in this case when taken together do not clearly outweigh the harm that I have identified. My conclusion in this regard would remain the same even if I were to find that the proposal would not result in harm to the longevity of the trees at the site or to the Chilterns Beechwood SAC. Consequently, the very special circumstances necessary to justify the development do not exist.
37. The main parties disagree as to the housing land supply position. However, even if I were to find paragraph 11d) of the Framework to be engaged, the harm I have identified to the Green Belt would provide a strong reason for refusing the development proposed in line with paragraph 11d)i. and corresponding footnote 7 of the Framework.
38. For the reasons given, I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR