



Appeal Decision

Site visit made on 18 February 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2025

Appeal Ref: APP/K0235/W/24/3351635

Land off Station Road, Turvey Station, Turvey, Bedfordshire MK43 8BH

- 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 Jamie Vaughan of Inspired Villages Group Ltd against the decision of Bedford Borough Council.
 - The application Ref is 24/00658/FUL.
 - The development proposed is Change of use of land and diversion of existing public right of way to form additional outdoor amenity space in the form of further landscaping, wildflower planting, woodland planting, and pedestrian walking routes and links to the existing public right of way, which would be for use by residents of the retirement village and the local community.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above from the application form. The submitted plans include the detail of buildings which are clearly referred to as being part of the development in the Planning, Heritage, Design & Access Statement. The Council considered the scheme with the buildings. I have had regard to these in the determination of this appeal.

Main Issues

3. The main issues are:
 - whether or not the proposed development would be an appropriate form of development in the countryside;
 - the effect of the proposed development upon the character and appearance of the area; and,
 - the effect of the proposed development upon the enjoyment of a public right of way.

Reasons

Countryside

4. The position of surrounding existing and proposed development, the size of the appeal site, its width and its continuity with the adjoining open land, is such that the proposal is not infill within the settlement. It is on the edge of, but on the outside of the built form of Station End, and so falls within the countryside under Policy 7S of the Local Plan 2030 (2020) (the LP). In the countryside development

is well restricted and must meet certain criteria. Under Policy 7S development is permitted if listed in criteria i) – v), or, exceptionally if meets all relevant criteria vi) – x) and xi) – xiii). The scheme is not of the type listed in i) – v).

5. Under vi) – x) amongst other things, a proposal is required to demonstrate it responds to an identified community need, have identifiable community support and be supported by the Parish Council or other constituted body, and, be of a scale appropriate to serve local needs or to support local facilities. The Council's Planning Policy Briefing Note in relation to Policies 5S, 6 and 7S, provides guidance upon what the Council may expect to address the policy requirements.
6. Even were I to take the appellant's view that it may not be a whole community in need, and that community is not defined by the policy, there is very little substantive technical analysis or study demonstrating a need for the facility, including in terms of the amount of the population and space necessary. While there would be benefits in respect of matters such as enjoyment, health and well-being, there are several supporting representations, and the village might be more desirable to live, these alone do not equate to demonstrating an identified need.
7. Some completed village units have balconies, there are some internal facilities, and some hard and soft landscaped outdoor areas accessible for some with mobility difficulties. There is also close access to public rights of way for those that are able to use it. The evidence does not demonstrate access to further outdoor space is necessary to provide satisfactory and healthy living conditions, or that this was not given due regard in the phase 1 and 2 developments, or that the developments demonstrated there would be an unmet need that must be satisfied. It is also not clear that other suitable wider facilities that residents could transport themselves or be transported to, are unavailable or not sufficient.
8. I have noted the appellant's justification and some strongly held interested party views. However, for the reasons set out above, there is not a robustly identified need for the proposal, so criteria vi) is not met. It is also not demonstrated the scale of the proposal is appropriate to serve local needs or to support to local facilities under viii).
9. The scheme proposes a community facility on private land, yet there is no planning obligation provided to secure community use in perpetuity. The Planning Practice Guidance (PPG) states¹ that in exceptional circumstances a condition might be appropriate where there is clear evidence delivery would otherwise be at risk, such as for particularly complex developments. Heads of terms or principal terms need to be agreed prior to granting permission².
10. I see no reason this appeal scheme can be regarded as complex, and there are no heads of terms before me. Therefore, it would not be appropriate to address this matter by conditions. The absence of a community use agreement means it is not ultimately ensured that community access secured and maintained so that it could be regarded as a community facility under Policy 98 of the LP. However, even were it the case, this would not address matters under Policy 7S identified above.
11. There was a public consultation evening, and the appellant suggests letters were sent to a significant proportion of the settlement. The Parish Council supports the

¹ Planning Practice Guidance Reference ID: 21a-010-20190723.

² Ibid.

scheme, there are supporting representations, and a large number of supporting signatories in petitions, by residents of the retirement village, Station End and the local area. In referencing community engagement for criterion vii) the Briefing Note is somewhat vague, with little in the way of clear definable criteria.

12. Though engagement may not of the level the Council seeks, and notwithstanding some objections, it appears there is a strong level of support. Therefore, I see no substantive reason why criterion vii) of Policy 7S has not been demonstrated. The Council's evidence suggests x) is not relevant, so there would be no conflict with it.
13. Notwithstanding a finding the scheme does not conflict with some of the relevant criteria in Policy 7S, a proposed development must comply with all relevant criteria. For the reasons set out above, based upon the evidence before me, the proposal does not demonstrate criteria vi) and viii). Therefore, it is not an appropriate form of development in the countryside under Policy 7S of the LP.
14. Due to their relevance to character and appearance matters, criteria ix) and xi) are considered under the next main issue.

Character and appearance

15. This part of the settlement is characterised primarily by planned residential and residential institution development with some well landscaped communal and private garden spaces. The settlement edge appeared very well defined by residential boundaries, trees and hedgerows due north and east of the appeal site, providing a strong delineation between the settlement and the open countryside.
16. The appeal site included some temporary construction fencing and soil storage due to the construction of phase 2. However, there is no suggestion these would not be removed, and the site would comprise open rough pasture and landscaping that are contiguous with the surrounding open undulating field. By virtue of the boundary vegetation and its verdant and undeveloped nature, the appeal site has a strongly rural open character that makes a marked positive contribution to the character and appearance of the area.
17. The proposal would segregate a sizeable proportion of land that is greater in size than the individual spaces within existing settlement development nearby. Its scale and shape it would be at odds with the surrounding layout and pattern of development. The network of hardsurfaced paths and areas, parking, engineered walls, greenhouse, storage and battery buildings would result in the encroachment of a significant amount of built development where there was previously little.
18. There may be some benefits through improving some boundary treatments and maintenance, and some elements would have a rural appearance. However, the amount, arrangement and appearance of much of development would not be reflective of the settlement pattern, or the character and appearance of the area. Its contribution to settlement character would also not be a positive one. It would be harmfully at odds with the open, undeveloped, somewhat distinctive pastoral character, and the intrinsic beauty and appearance of the local landscape.
19. The harm would be visible to users of the right of way and from rural land to the south and west, with some more limited filtered views from residential properties north and east. While visibility would reduce in time as landscaping matures, it would take a significant number of years to provide meaningful mitigation, even

after which the harm would not be fully mitigated. Having regard to the scope of suitably worded conditions in respect of matters such as materials, boundary treatments and landscaping, I am not persuaded the harm could be overcome.

20. Therefore, for the reasons set out above the proposed development would adversely affect the character and appearance of the area. This would conflict with relevant criteria of Policies 7S, 28S, 29 and 30 of the LP. Amongst other things these require that development is in keeping with its context, positively contributes to the character of the settlement, the character and identity of the area, recognises the intrinsic character and beauty of the countryside, and respects, promotes and enhances local distinctiveness and the landscape.
21. The proposal conflicts with some aims of, and Policies T3 and T7 of the Turvey Neighbourhood Development Plan (2021) (the NDP), insofar as they require that development does not have a significant adverse impact upon open landscape areas and complements the character of the immediate site context in terms of the relationship of built and open areas. It would also conflict with paragraph 187b) of the National Planning Policy Framework (2024) (the Framework) insofar as this requires planning decisions should contribute to and enhance the environment by recognising the intrinsic character and beauty of the countryside.

Rights of way

22. Policy 7S xii) of the LP requires development must not give rise to other impacts that would adversely affect the use and enjoyment of the countryside by others. The proposed diversion of a section of public footpath would be from a route that right angles through the appeal site, to one that would remove the right angle along a section of the western boundary before re-joining the existing route west. The Council's report suggests the route may have been agreed in principle with the rights of way team, and I note no objection from them.
23. From what I could see, the footpath is currently temporarily diverted along a similar alignment to accommodate phase 2 construction works, though it appeared to be across the grass with no formal surfacing in place. The temporary route would reduce the right angle, bring the route along a section of the landscaped garden boundary away from the new buildings on a similarly shallow slope.
24. The matters of the Council's concern appear to primarily be the surfacing and width of the diversion, not the principle of the route itself. For a permanent diversion there might be differing requirements to a temporary one in terms of surfacing and width. However, in principle I see no reason why, subject to its approval under the appropriate highway legislation, the specifications and details could not be the subject of a suitably worded planning condition. Were the diverted route surfacing, width or detailed alignment ultimately unsatisfactory in planning policy terms, there would be discretion not to discharge the condition.
25. Therefore, I see no substantive reason why it could not be ensured that the footpath diversion would maintain the enjoyment of the public right of way. In this regard I do not find a conflict with the aims of Policy 7S xii) of the LP, insofar as this seeks that development does not give rise to other impacts that would adversely affect the use and enjoyment of the countryside by others.

Other Matters

26. The appeal site lies within the setting of Elderswell Farm and Station House which are Grade II Listed Buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard is had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
27. The significance and special architectural and historic interest of Elderswell Farm is from its physical fabric, historic and evidential values. Its evidential value is from its construction, development and use, as well as a historical value as a surviving element of the local postmedieval landscape illustrative of the farming economy during this period. However, it is quite enclosed which limits its appreciation from the appeal site. Its setting includes the village, and the agricultural landscape with which it was associated and viewed within. As an open agricultural field with clear intervisibility, the appeal site makes a positive contribution to the setting and significance of Elderswell Farm.
28. The proposed development would segregate a small proportion of the field. However, once matured the planting scheme would be reflective of nearby hedgerows and provide some additional screening to village buildings. Given the distance to the farm, the orientation of its primary elevation, the remaining field and securing planting detail and long-term retention, the appeal scheme would preserve the setting and significance of Elderswell Farm.
29. Surrounding railway infrastructure has largely been removed from around Station House. Its significance and special architectural and historic interest derives from its architecture and history. These include its 19th century origin, its historic function and evidential interest from its association with the Midland Railway, and its architectural features, such its limestone rubble construction, gabled windows with scalloped bargeboards, casement windows, large gable door hood and its supporting and decorative timbers.
30. From what I could see the intervisibility with the appeal site is very limited due to the retirement village. I share the Council's and Appellant's view that the appeal site no contribution to the significance and special interest of Station House. Once matured, planting would be reflective of nearby hedgerows and the setting and significance of Station House would be preserved.
31. The appeal site ridge and furrow is fragmented, not well preserved, and has few significant components. Though enjoyable from the footpath, the pattern of ridges and furrows were not easily legible. The appellant's Desk-Based Assessment and what I saw leads me to the view they are of limited significance, although there understood to be some potential for Iron Age, Roman, or pre-historic remains. A condition would be necessary to secure archaeological evaluation and possible mitigation. This would be a neutral matter.
32. It is suggested the Council's decision contrasts with its approaches to others in the area. However, exceptionally little is set out of their details, merits and circumstances to allow any meaningful comparison with the appeal scheme. Therefore, the references to these other decisions attract little weight.

Planning Balance

33. The appeal scheme gains some support from the Framework, development plan policies and objectives to promote healthier lifestyles, reduce inequalities and deliver Green Infrastructure. It would provide an outdoor facility for village residents including those with mobility difficulties, with associated social, health, well-being and recreational benefits, making the village more desirable, although the absence of a planning obligation means these are not secured for the wider community. This moderates the weight to be attributed to this matter.
34. There would be climate change and sustainability benefits from storing energy from solar panels if permitted, reducing draw from the grid. Despite requesting further submissions from the Council and Appellant, the capacity is not precisely set out. Based on the scale of storage, it is likely to be a moderate benefit. Given the existing site value, a biodiversity net gain of the order of 10.72% in habitat and 83.66% in hedgerow units in the longer term and other measures in the Preliminary Ecological Appraisal, attract moderate weight in favour of the scheme.
35. Were I to agree the appeal scheme would or subject to the imposition of suitably worded planning conditions, could be made compliant with policies in respect of matters such as the living conditions of neighbouring occupiers, lighting, flood risk, managing ecological and arboricultural effects during construction, highway design, access and parking requirements, these would be neutral matters in the balance. A suitable route and construction of footpath would also be a neutral matter in the balance, as are the effects I have found to heritage assets.
36. However, the proposed development is not compliant with development plan policy for development within the countryside, which is an important matter. Given the size of site and nature of conflict, this attracts significant weight against the scheme. It would also be harmful to the character and appearance of the area, which would be of a moderate level. Overall, the harm from the appeal scheme outweighs the benefits. Therefore, the appeal should not succeed.

Conclusion

37. The proposed development is contrary to the development plan read as a whole, and the Framework. There are no considerations advanced, including the policies of the Framework, which outweigh these findings. Accordingly, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR