



Appeal Decision

Site visit made on 4 March 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/P0240/W/24/3355209

The Swallows, Flitton Hill, Flitton, Central Bedfordshire MK45 2BE

- 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 Jeremy Tilston against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/01007/FULL.
 - The development proposed is the conversion of existing garage block into a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework do not affect the main issues in the case, the parties have not been invited to make further comments in this regard. References to paragraph numbers of the Framework in this decision pertain to the most recent version.
3. Additional documents providing a Highways Technical Note and Flood Risk Assessment and Drainage Strategy, along with amended plans showing the turning movements for cars and fire tenders were provided with the appeal. These provide additional information however do not change the nature of what permission has been sought for. I have therefore taken these into account here as there is no substantial difference or a fundamental change to the application. Moreover, as the Council has commented on these plans, I am satisfied that no party has been prejudiced by my consideration of them.

Main Issues

4. The main issues are:
 - 1) the effect of the proposed development on highway safety,
 - 2) whether sufficient information has been provided to consider the effect of the proposed development on flood risk and drainage, and
 - 3) whether the site is in a suitable location for the proposed development having regard to its proximity to services, facilities and public transport.

Reasons

Highway safety

5. Access to the site is taken via an unmade, single-lane access track which itself is taken from Flitton Hill. Aside from the appeal site, the access track only appears to serve a further additional dwelling and a barn/commercial unit to the east in addition to a barn adjacent to Flitton Hill itself. Flitton Hill is a rural road that is subject to the national speed limit. It features no pedestrian footways and, other than at the junction with Ampthill Road, no line markings.
6. The Council consider the vehicle visibility splays from the junction with Flitton Hill should be 2.4 by 215 metres and this accords with the advice in the Design Manual for Roads and Bridges (DMRB). However, I note that this guidance is primarily aimed at the design, assessment and operation of motorways and trunk roads. Whilst I recognise that Flitton Hill is a national speed limit road and subject to reasonable levels of traffic, the use of the DMRB may not necessarily be wholly appropriate for the scale of the development proposed here. I have further considered the guidance in Manual for Streets (MfS) although, equally, as with the DMRB the application of this document is not necessarily applicable to this scenario.
7. The appellant has provided a plan (29078_08_020_01 Rev B) and this indicates visibility splays of 2.4 by 120 metres to the south of the access and 2.4 by 90 metres to the north. Reasons for reduction in the 2.4 by 215 metre splay are given and these include a small number of trips to and from the site, speeds of 38.2mph and 39.4mph (northbound/southbound) (although I note the Council's disagreement as to the location of the speed measuring equipment) and no personal injury collisions being recorded for the period of 2018-2022.
8. I have considered that the southern visibility splay does appear to include third party land. However, at the time of my visit, this area of land was clearly formed of a well-established grass verge with no indication of encroachment from the hedgerow. To this extent, the sight lines nominated on the visibility splay plan would appear to be achievable.
9. On balance, I find that whilst the DMRB standards represent a good baseline for considering the merits of the access onto Flitton Hill, the data provided by the appellant does suggest that strict adherence to these standards are not necessary in this instance. Therefore, given the low number of movements from a single one-bedroom dwelling, reasonable standard of the vehicle access and lack of personal injury collisions, I consider the access onto Flitton Hill to be satisfactory.
10. Turning to the access track; this is shown as falling within the red edge of the appeal site; from the junction to a point just beyond the site entrance itself. The parties disagree on the visibility available and required from the site itself onto the access track. From my site visit I noted that this was heavily restricted by surrounding vegetation and the nature of this rural lane. However, this access track is unmade, narrow and serves a very limited number of other premises. Due to the nature of this access track and the low number of premises it serves, I find that vehicle speeds are likely to be very low and vehicles using the track equally low. The potential for conflict between users would be minimal given this low number of trips and this is including taking into account the potential for

pedestrians/walkers to be using it. As such, I can find no objection to the vehicle access between the site itself and the access track.

11. Concerns were expressed by the Council regarding the ability for fire tenders (and I have assumed this also applies to pantechnicons or the like) to turn within the site. However, the parties broadly agree that a fire tender could traverse the access track itself to a point well within 45 metres of the dwelling. Many larger vehicles, such as delivery vans or ambulances, would be able to turn within the site and only the largest of these may have difficulty. It is likely that such very large vehicles would be supported by a banksman and, for a single dwelling, visits by such vehicles seems to me to be a very rare occurrence.
12. A condition could secure details of bin and cycle storage within the site and sufficient space for this to be accommodated is available. Although not ideal, bins could be placed near the junction with Flitton Hill on collection days and this falls within the appeal site. A condition could further be imposed to ensure that adequate turning and parking space is provided within the site to include larger vehicles.
13. I therefore conclude that the proposed vehicle access arrangements to the site are satisfactory and would not be detrimental to highway safety. However, my findings here on the safety of the access are limited to considerations of the pure functionality of the vehicle access points themselves in highway safety terms. The site is set within a relatively remote location amongst a small cluster of dwellings but is set beyond the limits of any established town or village. The roads within the vicinity of the site are not typically line-marked, subject to the national speed limit and do not feature pedestrian footways.
14. I have not been provided with detailed evidence on the availability of public transport provision from the site. However, assuming public transport provision is available from along the nearby A507, this remains a not insignificant walking distance along roads which are not suitable for pedestrians as they are unlit and have no footways. The future residents of the proposed dwelling would be highly unlikely to be able to walk safely to nearby services and facilities and would have a distinct reliance on the private motor vehicle. The residents would, in effect, have little choice other to access shops and services locally due to these safety considerations.
15. The proposal therefore conflicts with policies with policy T2 of the of the Central Bedfordshire Local Plan 2021 (CBLP), Central Bedfordshire Parking Standards for New Developments SPD, policy TT1 of the Flitton, Greenfield and Pulloxhill Neighbourhood Plan 2021 (FGPNP) and provisions of the Framework. This is insofar as the proposal would result in situations where pedestrians would be unable to access the site with safety and convenience.

Flood risk and drainage

16. The appeal site relates to an existing building which is proposed for conversion. The only additional works that would create impermeable surfaces therefore comprise the areas of hardstanding around the building.
17. The Council revised the extent of its concerns relating to flood risk and drainage following review of the Flood Risk Assessment and Drainage Strategy. Statements provided by both parties indicate that revisions to the drainage arrangements for

the site including attenuation and the use of permeable surfacing for paved areas could resolve these matters and, in this instance, I am satisfied that these technical details could be resolved through the use of an appropriately worded condition.

18. Therefore, subject to a condition, I find that the development could comply with policy CC5 of the CBLP so as to reduce overall flood risk through the reduction in discharge rates and volumes to pre-development levels for previously developed sites

Suitability of the site

19. The appeal site comprises an existing detached garage which is set on land at the rear of The Swallows. It is set outside of any village envelope in a rural location. Policy CD1 of the CBLP sets out that the re-use of existing buildings in the countryside will be supported, subject to proposals complying with various criteria, including whether the proposed use is suitable, and would not be of detriment to the existing communities. Policy T2 sets out that proposals should be well integrated with the existing transport network and promotes walking and cycling permeability.
20. Paragraph 115 of the Framework sets out that sustainable transport modes should be prioritised and safe and suitable access to the site can be achieved for all users. In this instance, I have found that the lack of pedestrian footways and the nature of the national speed limit roads in the locality would likely require the future residents to have a reliance on the private motor vehicle in the interests of their own personal safety.
21. Whilst I am satisfied that the development could be made acceptable on flooding grounds with conditions, and that it would not be detrimental to highway safety for vehicles, the site is in a remote location and would not offer a safe or welcoming environment for pedestrians. The proposal is therefore not suitable as it would adversely affect pedestrian safety for the future occupants. It is not accessible to nearby services and facilities by sustainable modes of transport and the proposal therefore conflicts with policies DC1 and SP7 of the CBLP and provisions of the Framework.

Other Matters

22. Reference has been made in documentation regarding land ownership disputes and rights to access land. This, however, is beyond the scope of my consideration insofar as it relates to this appeal.

Planning Balance and Conclusion

23. The proposed development would be located beyond any defined settlement boundary and is distant from services, facilities and sustainable transport infrastructure. This includes a lack of accessibility for pedestrians. The site is therefore not in a suitable location for residential development. The Council claims a land supply position of 5.52 years in its evidence and this is not challenged by the appellant. Accordingly, I have therefore not gone on to consider any implications in relation to paragraph 11 of the Framework.
24. The development would not result in harm to highway safety for vehicles, nor would it result in adverse flood risk or drainage implications subject to a condition.

Other considerations including there being no detrimental impact on the living conditions of neighbours, or the character and appearance of the area are neutral considerations.

25. However, the proposal conflicts with the development plan due to its unsuitable location due to a lack of access for pedestrians. The material considerations do not indicate that the appeal should be decided other than in accordance the development plan, therefore for the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR