



Appeal Decision

Hearing held on 27 and 28 February 2025

Site visit made on 28 February 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/P0240/W/24/3347671

Holly Farm, Flitton Hill, Flitton, Central Bedfordshire MK45 5EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jeremy Tilston of JRT Architectural Design Ltd against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/03584/OUT.
 - The development proposed is the erection of nine self build dwellings with new access road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought, with all matters reserved except access. The application was accompanied by an outline block plan, subsequently revised, showing an indicative plot and road layout, and a plan showing proposed access arrangements. Therefore, I have determined the appeal based on the proposed access arrangements plan with the revised outline block plan for indicative purposes only.
3. The appellant submitted rebuttal documents, and the Council and appellant submitted several statements of common ground, appeal decisions, and other information on housing and self build housing land supply prior to the hearing. I accepted this information as it provided up to date information on the land supply position and was helpful in narrowing the matters in dispute. As a result, the initial hearing date was postponed.
4. The National Planning Policy Framework (the Framework) was revised in December 2024. As this could affect the issues and matters in this case, I sought a statement of common ground from the Council and appellant on the implications of this. My decision reflects the latest version of the Framework, and the parties' comments on it.
5. The appellant sought to submit additional landscape evidence before the hearing, but I did not accept this as landscape information had already been submitted and other parties would need a reasonable period to review it, which could have led to a risk of a further postponement of the hearing.
6. An interested party also sought to submit a custom build brochure for another site in the Council's area, but I did not accept this as I considered that they had adequately explained the point in the discussion. However, I accepted a

plan from the appellant showing a walking route and viewpoints which assisted me with my site visit.

Main Issues

7. The second reason for refusal relates to potential impacts on breeding birds and the provision of biodiversity net gain (BNG). The appellant submitted a breeding bird report and an updated BNG report with the appeal documents and a signed unilateral undertaking (UU)¹ dated 25 October 2024 which includes arrangements for implementing and managing BNG. A revised outline block plan was also submitted, showing a proposed new wildflower meadow on land adjacent to the site which would mitigate against the impacts of the proposal on breeding ground nesting birds. As this does not alter the proposal for the site, my consideration of this information would not cause procedural unfairness or prejudice to interested parties. The Council confirmed that these documents and revised plan overcome this reason for refusal. Thus, my considerations in this appeal are focussed on the remaining matters in dispute.
8. The main issues in this appeal are:
 - whether the site would be a suitable location for housing, having regard to the provisions of the development plan and the accessibility of services and facilities; and
 - the effect of the proposal on the character and appearance of the area;

Reasons

Suitability of the location

9. The Central Bedfordshire Local Plan 2021 (LP) sets out a hierarchy of settlements based on their access to services and facilities to help inform where new development should take place. Flitton, Greenfield and Wardhedges is defined as a small village which contains few services and facilities with limited availability of public transport links.
10. Policy SP7 of the LP states that settlement envelopes provide a distinction between settlements and the countryside. It allows some development within the settlement envelopes of small villages but only allows certain types of development in the countryside outside them. The appeal site lies adjacent to but outside the settlement envelope for Flitton, Greenfield and Wardhedges, and the proposed scheme does not fall within any of the types of development allowed in the countryside by Policy SP7.
11. Policy ND1 of the Flitton, Greenfield & Pulloxhill Neighbourhood Plan 2021 (NP) follows a similar approach to LP Policy SP7 though the types of development allowed outside the settlement envelope slightly differ and it states that these should be located adjacent to the settlement envelope where possible. Nevertheless, the appeal proposal is not one of the development types allowed by Policy ND1.

¹ Under S106 of the Town and Country Planning Act 1990

12. At the hearing, there was also reference to Policy SP1 of the LP which sets out the strategy for growth in Central Bedfordshire over the plan period. In setting out a minimum number of homes, it does not place a cap on the number of dwellings which will come forward and the locational strategy is predicated on the settlement hierarchy, with some development being brought forward through medium and small-scale extensions to villages and towns as identified in the LP and through Neighbourhood Plans. However, the appeal site is not allocated for development in either the LP or the NP and does not fall within the types of development allowed in the countryside by their policies.
13. Policies T2 and HQ1 of the LP require development to be well integrated with the existing transport network, promote walking and cycling permeability, and provide safe, attractive and convenient routes that encourage travel by sustainable modes and meet the needs of all users. Further, NP Policy D1 outlines the need for developments to provide convenient pedestrian/cyclist access to community services and facilities.
14. The Council and the appellant agree that Flitton, Greenfield and Wardhedges is a small village with pubs, a church, greenspace and a village hall. The nearest bus stops lie on the High Street by the church in Flitton, some 600m walking distance from the centre of the site. There are limited bus services, with buses every two hours (comprising five buses a day) from Mondays to Saturdays between Flitwick railway station and Biggleswade bus station, and other local buses between nearby villages operating only once a day on one day per week. The nearest primary school is around 1.8km away, with a wider range of services available in Flitwick over 4km away.
15. The National Design Guide indicates that walkable places are ones where local facilities are no more than a 10 minute walk (800m radius).
16. Flitton Hill is a busy country lane where some traffic calming measures have been installed between the village entrance and the High Street. These include line markings delineating areas for pedestrians on both sides of the road. There is one streetlight adjacent to a road hump. However, there is no separate raised footway and whilst there are some verges, pedestrians are required to walk along the sides of the lane, most of which is unlit. The road is too narrow to allow two vehicles to pass if a pedestrian is using it. This would deter future occupants of the development from walking along this route.
17. There is no recent history of collisions on this part of Flitton Hill, the highways officer does not object to the proposal, the bus stops would be within an 800m walking distance and some facilities would be less than 2km away. However, future occupiers of the proposed scheme would have to use Flitton Hill to access them, and this is not a route which would encourage regular walking for the reasons given above.
18. The Framework recognises that sustainable transport options vary between urban and rural areas. Nonetheless, it requires developments to prioritise sustainable transport modes and achieve suitable access to sites for all users. In this case, walking, cycling and use of buses would be an option for some trips by some people. However, the nature of the route, the frequency of buses and the distance to services would limit their attractiveness, particularly for older people, those with reduced mobility or with children and at times of darkness and bad weather. As such, I consider that the future occupiers of the

proposed dwellings would be likely to be reliant on private vehicles to access services.

19. The provision of electric vehicle charging points would encourage the use of electric vehicles by future occupiers, thus reducing carbon emissions in the long term as the use of such vehicles becomes more widespread. Nevertheless, it would not eliminate the reliance on private motor vehicles to access facilities nor therefore promote the health and environmental benefits from regular active travel such as walking and cycling.
20. There is reference to an appeal allowed in Greenfield Road, Flitton² where it was concluded that there was suitable access to shops, services and facilities by means of transport other than the private motor vehicle. However, the Greenfield Road site is closer to bus stops and the school, in an area where local footpaths allow convenient access to some nearby facilities. This is not the case for the appeal site and thus the two cases are not comparable.
21. Consequently, I conclude that the site would not be a suitable location for the proposed development, having regard to the provisions of the development plan and the accessibility of services and facilities. In this respect, the proposal would conflict with Policies SP7, T2 and HQ1 of the LP and Policies ND1 and D1 of the NP.
22. Policy TT2 of the NP relates to making provision for cycling, horse riders and pedestrians. However, this does not directly link to the harm identified and thus I find no specific conflict with Policy TT2 when reaching my conclusion.

Character and appearance

23. The appeal site comprises part of a field in the countryside adjacent to Flitton Hill. It lies between existing residential development within Flitton and the house and farm buildings at Holly Farm. Within the village along Flitton Hill, there is a linear pattern of houses facing the road.
24. Due to the rising topography of the lane, parts of the site lie significantly above the adjacent houses and road. There are grassed verges, hedges and trees beside development on Flitton Hill, and the verdant character becomes more pronounced alongside the site towards the top of the hill on exiting the village into the countryside. There is a public right of way (PROW) to the south of the site which connects to other PROWs, providing access to different parts of the village and the wider countryside.
25. In landscape terms, the site is within the Bedfordshire Greensand Ridge national character area and the Mid Greensand Ridge local character area. These areas are characterised by a large scale ridge with a gently undulating ridge top and settlements dispersed along river valleys. There are contrasts between open agricultural landscapes and more enclosing woodland features.
26. As the site is set away from the valley sides on undulating arable land above much of the existing development in Flitton, it positively contributes to the landscape character of the wider area. Landscaped field boundaries are a local feature, with a line of trees separating the site from a field to the west and a hedge along the roadside. Whilst the site is not readily apparent in wider views, it is visible from Flitton Hill and nearby PROWs.

² Appeal Ref: APP/P0240/W/19/3228837 'the Greenfield Road site'

27. The proposal is for nine self build dwellings with a new access onto Flitton Hill. The site is not within any statutory or non-statutory landscape designation and the evidence presented does not indicate it is a valued landscape in terms of the Framework. Nevertheless, the loss of part of the grass verge and a large chunk of the boundary hedge to form the access and associated visibility splays would significantly erode the verdant character of this part of the lane. Due to the number of dwellings, the need for access and parking areas to serve them, and the amount of domestic paraphernalia associated with nine properties on currently undeveloped land, the appeal scheme would result in significant urbanisation of the landscape.
28. A few houses on the opposite side of the lane are substantially above the road level. However, the proposal would extend further up the hill and be sited much higher than the existing properties on this side of the road, exacerbating the harm to local landscape character. Although matters including scale, appearance and landscaping are not under consideration at this stage, the development would be inherently visible to users of this part of Flitton Hill, including through the proposed vehicular access. The vegetation and topography would limit views of the proposed houses from further down the valley within Flitton, but the scheme would clearly impinge on views of the rural landscape from nearby PROWs. Therefore, the proposed development would harmfully erode the open countryside and rural character regardless of what form, scale or appearance it took.
29. The rear boundary of the appeal site aligns with the rear of built development at Holly Farm. However, a large part of it lies behind existing houses fronting Flitton Hill and the site extends much further from the road than adjacent properties on High Street. The proposed dwellings would be served by a single access onto Flitton Hill, and the indicative plans show a line of plots with a potential build zone set back significantly from the road and existing buildings on this side of the lane. As the scheme would introduce development behind and substantially beyond existing residential properties in this part of the village and given the proposed single access arrangement for multiple dwellings, it would fail to reflect the prevailing linear pattern of development.
30. Consequently, I conclude that the proposal would significantly harm the character and appearance of the area. This would be contrary to Policies SP7, HQ1, HQ8, EE5 and EE8 of the LP and Policies D1 and RC1 of the NP. Together, these require proposals to retain the character of the landscape, including respecting the landscape of the Greensand Ridge Nature Improvement Area, reinforce local distinctiveness and reflect the existing pattern and grain of development, amongst other things.

Other considerations

Housing land supply

31. The Council and the appellant agree that Central Bedfordshire has an annual housing requirement of 1,883 dwellings, equating to 9,415 dwellings over the five year period from 1 October 2024 which includes a 5% buffer.

32. There are references to several appeal decisions since July 2024 in which Inspectors found that the Council did not have a five year housing land supply which the Council disputes.
33. In the appeal decision for a site east of Langford Road, Biggleswade issued on 11 November 2024³, the Inspector found that the number of deliverable homes within the five year period from five sites should be removed or reduced. Following a hearing held on 27 November 2024, an Inspector considering an appeal at Sear Farm, Upper Sundon⁴ found no sufficiently compelling evidence to depart from the findings of the Inspector in the Langford Road appeal in respect of housing land supply.
34. In relation to the Marston Vale New Villages site (ref HT206), the Council accepts the Langford Road appeal Inspector's findings that the 220 homes proposed are not deliverable within the relevant five year period and has removed these from its five year housing land supply.
35. Approval of reserved matters was granted for the Mancroft Road, Caddington site (ref HT125ii) in October 2024 and the appellant does not now contest that this should be counted towards the Council's housing land supply. Further, as the Chase Farm and west/north east High Street site (ref HT005) now has planning permission, the appellant does not dispute that all 155 dwellings on this site are now deliverable.
36. Based on the above positions, the Council considers that there is a 5.05 year housing land supply amounting to 9,510 dwellings, whereas the appellant considers that the current supply is 4.69 years. The dispute arises in relation to the contribution which two sites make towards the Council's deliverable housing land supply discussed in further detail below.

Great Thickthorn Farm (Wixams Southern Extension) (ref HT237)

37. The Inspector for the Langford Road appeal considered that the Great Thickthorn Farm (Wixams Southern Extension) site will begin to deliver homes within the relevant five year period but did not consider that a realistic lead-in time had been assigned. As such, the claimed supply from this site was reduced by 259 homes in that decision, but at the hearing the Council stated that it was unclear how this figure had been derived. The Council currently expects this site to deliver 400 homes in the five years from 1 October 2024.
38. I agree with the previous Inspector that the site will deliver homes within the relevant five year period. Since the Langford Road appeal decision, an application for reserved matters for the first phase of 351 dwellings was approved in November 2024 and there is no indication that this information was before the Inspector considering the Sear Farm appeal. No conditions other than the reserved matters have been discharged, but the reserved matters approval provides greater certainty of delivery of these homes within the five year period.

³ Appeal Ref: APP/P0240/W/24/3341832 'the Langford Road appeal'

⁴ Appeal Ref: APP/P0240/W/24/3348840 'the Sear Farm appeal'

39. There is no planning application nor written agreement confirming delivery and build out rates for the second phase. However, there is nothing to demonstrate that the second phase is subject to any different constraints to the first. Moreover, the Council's housing trajectory reflects the developer's position and a planning performance agreement is in place. As such, I am satisfied that there is clear evidence that the second phase would start to deliver dwellings in the latter part of the relevant five year period. Therefore, I consider that the lead in times are realistic and it is reasonable to expect that this site will provide 400 dwellings by October 2029.

North of Houghton Regis (Site 1) (ref HT057)

40. Land north of Houghton Regis forms part of a large strategic development plan site allocation with outline planning permission. The Inspectors for the Langford Road and Sear Farm appeals found that phases 3b and 4 were being marketed as there is no known housebuilder. In relation to phase 4, a masterplan and design code had been approved.
41. The Council does not agree with the previous Inspectors' findings that 416 homes should be removed from phases 3b and 4. Its latest housing trajectory indicates that the Council expects these phases to deliver 742 dwellings in the relevant five year period.
42. Since the Langford Road and Sear Farm appeal decisions, a developer has been named as the owner and housebuilder for phase 3b, and a planning performance agreement has been put in place. This phase is expected to deliver 506 homes, and the Council expects the first reserved matters application for around half of those dwellings to be submitted by the end of April 2025. Advanced infrastructure, including highways, drainage and strategic landscaping, has been approved and is being implemented which will reduce the lead in times compared to other phases of this development. On this basis, I consider that there is clear evidence that 506 homes will be deliverable within the relevant five year period.
43. Advanced infrastructure is also being provided for self build and custom housing (SBCH) and the residual of phase 4. However, for this phase, there remains no known housebuilder, no planning performance agreement and no clarity on timescales for reserved matters applications. Therefore, from the available evidence, it is not clear that SBCH or any other part of phase 4 would be provided by October 2029. As such, the claimed supply from this site in the first five years of the trajectory should be reduced by 236 dwellings.
44. Therefore, from the evidence before me I find that the Council's housing land supply is currently around 4.93 years.

Self and custom build housing supply

45. Councils are required to establish and publicise a register of those who are seeking to acquire serviced plots of land in their area for their own self-build and custom housebuilding⁵. Authorities must have regard to their register when carrying out their planning functions and there is no exemption from this duty⁶.

⁵ Self-build and Custom Housebuilding Act 2015 'the SBCH Act'

⁶ Paragraph: 029 Reference ID: 57-029-20210208 of the Planning Practice Guidance

46. The SBCH Act previously required Councils to give suitable development permission, defined as development that could include SBCH, in respect of enough serviced plots to meet demand for SBCH in their areas arising in each base period. However, this was changed on 31 January 2024 to require Councils to give development permission for the carrying out of SBCH on enough serviced plots to meet the demand for SBCH in their areas in respect of each base period⁷. The appellant and the Council dispute whether this revised duty applies retrospectively.
47. The Council and the appellant agree that the Council was required to provide 744 plots to meet demand from the register for base periods 1 to 6 by 30 October 2024.
48. Using information from the Council's 2023-2024 Authority Monitoring Report (AMR), the Council considers that 759 plots have been granted permission to meet the demand for base periods 1 to 6. However, when adding the plots from the agreed and disputed sites in the appendices to the SBCH Statement of Common Ground November 2024 (SBCH SOCG), plus an additional site at Cranfield Road, Salford, the Council considers that it has granted permission for 857 plots over the relevant period. It is unclear why there is such a large difference in the figures.
49. The disputed sites list includes many for one or two plots for which the Council was unable to produce any evidence that SBCH could be provided or articulate why they had been included in its supply. At the hearing, the Council accepted that those which predated the SBCH Act and those with approved lawful development certificates should not be included in its supply for base periods 1 to 6. The small sites for which there is no evidence of SBCH or which the Council agreed should be excluded for other reasons total over 300 plots.
50. Further, the Council considers that 150 plots can be counted from the approval of outline planning permission for land east of Biggleswade on the basis that it will provide 10% of dwellings as SBCH in accordance with LP Policy H6. However, whilst the section 106 agreement⁸ includes reference to self build homes, it does not specify the amount that should be provided or refer to the requirements of Policy H6. Thus, there is no certainty that SBCH plots will be provided on this site.
51. At the hearing, the parties agreed that permission had been granted for 134 SBCH plots from 31 October 2024 to 14 February 2025. However, this falls within base period 7 and even if the additional demand from those registering during this period is discounted and these plots are counted towards the supply for base periods 1-6, there remain insufficient plots granted planning permission to meet the demand arising from base periods 1-6.
52. Therefore, regardless of whether the Council's revised duties under the SBCH Act amendments apply retrospectively and whether using the figures in the AMR or the SBCH SOCG, the Council has not demonstrated that it has granted sufficient development permissions to meet the demand for SBCH in its area for base periods 1 to 6.

⁷ Section 10 of the Housing and Planning Act 2016.

⁸ Under Section 106 of the Town and Country Planning Act 1990

53. Since September 2021, the Council has charged a fee for those entering its register which is payable every three years. This has resulted in fewer entrants onto the register from base period 7 onwards. Further, secondary data sources indicate that the demand for SBCH plots could be significantly greater than the numbers on the Council's register. The appellant indicates that up to 4,756 people may be interested in building their own home in the Council's area in the foreseeable future. As this is based on statistics that one in 50 of the adult population want to purchase SBCH rather than a specific local assessment, it seems unlikely that there would be this level of demand in the Council's area. The Council's Local Plan evidence indicates a forecast demand over the plan period for at least 2,680 serviced plots and given the numbers joining its register for base periods 1-6, this seems a reasonable indication of demand for SBCH plots over the 20 year plan period.
54. Policy H6 of the LP requires proposals for sites of 10 or more dwellings (excluding schemes for 100% flats or conversions) to deliver a minimum of 10% of the site's dwelling capacity as serviced plots for SBCH, subject to viability considerations. Some LP residential site allocations were granted permission prior to this policy coming into effect and therefore do not include SBCH plots. Nonetheless, the policy is resulting in the significant delivery of plots on allocated and windfall sites, many secured via section 106 agreements, to meet demand. This includes recent permissions on land north of Biggleswade and land east of Barton Le Clay securing 42 and 50 plots respectively in accordance with the policy requirements. This is likely to continue as sites come forward over the remaining Local Plan period, meeting demand from the register and much of the wider demand for SBCH plots.
55. The SBCH Act states that SBCH means the building or completion by individuals, associations of individuals or persons working for them of houses to be occupied as homes by them, but it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person. The LP defines SBCH as a residential dwelling built or commissioned by individuals or groups of individuals for their own occupation.
56. These definitions do not appear to rule out the provision of a building shell where those who will occupy the house have mainly determined its external design and internal layout. At the hearing, it was indicated that some on the Council's SBCH register have had difficulty finding a suitable site for a self-build house and current options are largely restricted to custom-build dwellings. Nevertheless, the legislation and the LP policy requirements do not distinguish between the need to provide self-build or custom-build dwellings.
57. There is interest in SBCH plots in Flitton and Greenfield parish and the three custom build plots being provided on the Greenfield Road site will help meet local demand. The Council's Housing Strategy and Implementation Officer supports the proposed provision of self build dwellings but recognises that the site is outside the settlement envelope and the scheme needs to be considered accordingly. Nonetheless, those on the register set out multiple parishes as their preferred location for plots and there is no legal requirement or local policy requiring plots to be provided in specific parts of the Council's area.

Other benefits

58. The proposal would provide a new wildflower meadow and native hedgerows on adjacent land, secured via the UU, resulting in significant BNG for at least 30 years. Further, the homes would have net zero carbon emissions, electric vehicle charging points and other measures to reduce energy and water use, contributing towards national policy objectives in respect of climate change. In addition, there would be economic and social benefits during construction and from new residents supporting services.

Other Matters

59. The Council did not find harm or development plan conflict in relation to several other matters, including flood risk, loss of agricultural land, trees, heritage, highway safety and living conditions. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

Planning Balance and Conclusion

60. I have found that the Council can currently only demonstrate a 4.93 year supply of housing land. This represents a shortfall against the required five years and therefore paragraph 11(d) of the Framework is engaged.
61. Paragraph 11(d)(ii) of the Framework confirms that, in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
62. The Framework seeks to significantly boost housing supply and highlights the important contribution small and medium sized sites can make, including small sites for SBCH. The scheme would make a modest contribution of nine dwellings to the supply of housing. It would contribute towards Central Bedfordshire's overall housing supply, making a small difference to addressing the modest shortfall, and therefore I attribute moderate weight to this benefit.
63. The proposal would also contribute self build dwellings capable of early delivery towards meeting the significant current unmet demand for SBCH in the area. However, the scheme would provide only a modest number of such dwellings towards meeting this demand. Further, LP Policy H6 is substantially contributing to the delivery of SBCH plots and the shortfall in provision is likely to dissipate as the policy continues to take effect. Therefore, in this instance, I give moderate weight to the provision of nine self build dwellings.
64. The BNG, reduced energy and water use, and economic and social benefits also carry weight in favour of the proposal. However, given its relatively small scale, these benefits would be limited.
65. In contrast, the site would not be a suitable location for the proposed development, and the proposal would significantly harm the character and appearance of the area. This would conflict with the Framework where it requires developments to prioritise sustainable transport modes, achieve suitable access to sites for all users, be sympathetic to local character and

recognise the intrinsic character of the countryside. The proposal would also be contrary to Policies SP7, HQ1, HQ8, EE5, EE8 and T2 of the LP and Policies D1, RC1 and ND1 of the NP. Indeed, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

66. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Corbet Burcher	No 5 Chambers
Mr Shephard	J & J Design
Mr Neesam	The Landscape Partnership
Mr Moger	Tetlow King Planning
Mr Jones	Tetlow King Planning

FOR THE LOCAL PLANNING AUTHORITY

Mr Hughes	PHD Chartered Town Planners Limited
Ms Newell	Central Bedfordshire Council
Mr Harrison	Central Bedfordshire Council
Ms Rance	Central Bedfordshire Council

INTERESTED PARTIES:

Mr Ellis	Flitton and Greenfield Parish Council
Ms Cross	Local resident
Mr Knox	Local resident
Ms Wright	Local resident
Mr Cooper	Interested party
Mr and Mrs Harkin	Interested parties