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## 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: 15 April 2025

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**Appeal Ref: APP/P0240/W/24/3350233**

**Grange Stud Farm, Flitwick Road, Ampthill, Central Bedfordshire MK45 2NY**

- 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 Resolution Homes Limited against the decision of Central Bedfordshire Council.
  - The application Ref is CB/24/01072/FULL.
  - The development proposed is the demolition of existing stables, hardstanding & manege and the erection of three new dwellings.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing stables, hardstanding & manege and the erection of three new dwellings at Grange Stud Farm, Flitwick Road, Ampthill, Central Bedfordshire MK45 2NY in accordance with the terms of the application, Ref CB/24/01072/FULL, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework affect the main issues in the case, the parties were invited to make further comments in this regard. I have taken these comments into account in reaching my conclusions here. References to paragraph numbers of the Framework in this decision pertain to the most recent version.

### Main Issues

3. The main issues are:
  - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies including the effect of the proposal on the openness and purposes of the Green Belt, and
  - 2) the effect of the proposed development on the character and appearance of the area.

### Reasons

#### *Effect on the Green Belt*

4. The site comprises a range of stables which are set adjacent to the dwelling at Grange Stud Farm. They are arranged into a fairly tightly knit group but are

surrounded, noticeably to the east, by an area of gravel/hardstanding whilst a manege is located towards the north. The site is within the Green Belt wherein Policy SP4 of the Central Bedfordshire Local Plan 2021 (CBLP) applies. This policy sets out that there is a general presumption against inappropriate development and any such proposals within the Green Belt will be assessed in accordance with Government guidance contained in the Framework and Planning Practice Guidance (PPG). For the purposes of this appeal, I have taken this to mean Chapter 13 of the Framework and related sections of the PPG.

5. Paragraph 142 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Paragraph 154 establishes that new buildings would be inappropriate unless it meets a listed exception. The proposal has been put forward under paragraph 154 g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
6. The parties agree that part of the site comprises previously developed land having regard to the description at Annex 2 of the Framework however there is disagreement relating to the extent of this. The Council have provided a plan, based upon one provided by the appellant, which indicates the extent of land that it is satisfied comprises previously developed land. I have appended this plan to this decision with my annotations for ease of reference.
7. Area A forms an access track to the remains of a former building. This track effectively peters out and whilst it could not be said to be grassed or vegetated, I am not satisfied that this is sufficient for it to amount to part of the site curtilage or previously developed land. It has effectively blended into the landscape. Indeed, the aerial imagery provided by the Council from 2021 highlights that this area was formerly fully grassed. Area B is a vegetated area which includes features of trees and hedging. To my mind, this reads as a patch of landscaped area which is of little difference to a field boundary or margin. Other than general maintenance of this area, which would be the case if the area of land was simply part of a field boundary, I noted limited evidence of development or other intervention in this area such that it could not reasonably be regarded as previously developed land. It may be regarded as the curtilage of the developed land but, as the Framework advises, it should not be assumed that the whole of the curtilage should be developed.
8. Area C is formed of the manege. This area clearly has a functional relationship to the adjacent stables and is a clear human intervention in the appearance of the land. Whilst the surfacing of the manege is not "fixed" as in it is physically attached to the ground, it remains an area which would have to be maintained in a manner that would likely require greater attention and care than say a gravel driveway or the like. In this regard it does have the characteristics of fixed surface infrastructure which was lawfully developed. I therefore conclude that in this instance, considering the nature of the manege and its relationship to the stables, that this area does amount to previously developed land.
9. I do not have the precise dimensions of the agreed area of previously developed land plus the manege. However, it appears to me that the curtilage for the

proposed dwellings (including driveways, gardens and the footprint of the dwellings) is closely similar and potentially less than the present area of previously developed land when taking into account the agreed area plus the manege. The scheme would result in the removal of the existing manege and its return to grass landscaping. Moreover, the proposed developed area would be contained to a small parcel and there would therefore be an overall marginal benefit in terms of the effect on the openness of the Green Belt in a spatial and visual dimension.

10. Turning to the proposed dwellings themselves, there would be a reduction in the overall footprint of land covered by buildings. This would be a benefit to the openness of the Green Belt in a spatial dimension. However, the existing stables are low ranged and fairly diminutive structures with shallow pitched roofs and a limited span giving a low ridge height. Conversely the proposed dwellings would be two storey, albeit with the upper floor rooms largely being within the roof space. Even so, the height and bulk of the buildings would be noticeably increased. The buildings are larger than the stables with robust footprints giving them a much greater visual impact by comparison to the existing situation.
11. The proposed dwellings sit below the brow of the hill but may still be visible in certain views from the north. The extensive screening to the boundaries of this wider parcel of land mean that the site is not readily visible from most aspects except in very deliberate views. Indeed, I agree with the assessment and conclusions reached in the Council's Statement on Landscape and Visual Matters in terms of the effects on the Green Belt.
12. I therefore conclude that, whilst the proposed curtilage to the dwellings would result in a comparable or lesser impact on the openness of the Green Belt, the height and bulk of the proposed dwellings would be detrimental to openness from a visual perspective.
13. Since the determination of the application and submission of this appeal, the Framework was revised in December 2024 and I have consulted the parties on these changes. These changes were made to the Framework comprising (inter alia) the addition of paragraphs 155-157 (commonly known as the grey belt and the golden rules). However, there were other revisions and these included changes to paragraph 154 g). The requirement to "not have a greater impact on the openness of the Green Belt than the existing development" was removed from this paragraph. Therefore, in essence, the requirement for the impact on the Green Belt now hinges on whether the proposed development "would not cause substantial harm to the openness of the Green Belt".
14. In this regard, I have taken into account the Central Bedfordshire and Luton Joint Green Belt Study which identifies this parcel of land as falling within area AH2 that makes a relatively strong contribution to Green Belt purposes. On a more localised level, it appears to me that this parcel of land, formed by surroundings rounds and the edge of the Ampthill built up area makes a moderate contribution to the purposes of the Green Belt under paragraphs 143 a) and b) as it is partially enclosed by existing development and forms a small part of the gap between towns. The proposed dwellings would be harmful to the openness of the Green Belt, however considering the relatively contained position of the site and that this part of the Green Belt only makes a moderate or relatively strong contribution to it, I am unable to find that the harm to the Green Belt would amount to substantial harm to its purposes or to openness. This is due to the size of the proposed

buildings, the reduction in footprint and other landscape improvements incorporated into this scheme.

15. Therefore, I conclude that the proposed development would accord with the provisions of paragraph 154 g) of the Framework and thus would also comply with policy SP4 of the CBLP. As I have found that the proposal would comply with this element of the Framework, it is not necessary for me to go on to consider the implications of the proposal under paragraphs 155 to 157.

#### *Character and appearance*

16. The proposed dwellings would alter the character and appearance of the site and change the nature of the cluster of buildings from being a fairly diminutive range of stables to a comparably bold built form. Despite the fairly low range of the proposed dwellings, they would still mark a change in the character and appearance of the area. I appreciate that this is a sensitive location as it is set in one of the few remaining notable areas of separation between Ampthill and Flitwick.
17. However, the site is relatively well screened from the surrounding area due to the boundary landscaping along adjacent roads. As I have noted above, views of the site would certainly be possible but, as noted by the Council, would still be filtered. Moreover, the site sets on a southern slope below the brow of the hill and this would minimise view from the north.
18. I must also be mindful that the proposal incorporates the removal of the existing manege, and this would assist in turning at least part of the site back to a more natural landscaped setting.
19. On balance, I find that whilst the proposed dwellings would be more prominent and would not benefit from the rural charm of the existing stables, given the site context, the levels of screening around the boundaries, removal of manege, this would not result in harm to the character and appearance of the area. As such, I conclude that the development would comply with policies SP7, EE5, EE8 and HQ1 of the CBLP insofar as the development would respond positively to its context.

#### **Planning and Green Belt Balance and Conclusion**

20. I am aware that the Council's current housing land supply position is disputed between the parties. The appellant considers that the Council cannot demonstrate a five year supply of deliverable housing land. However, in this instance, I have found the proposal to be acceptable on its own merits and therefore the provisions of paragraph 11 d) of the Framework do not need to be considered. Regardless, there are benefits associated with this proposal, including that it would make a small but relevant contribution to the overall supply of housing land within the Borough.
21. Other neutral considerations, including an acceptable impact on the highway network, there being no adverse impact on the living conditions of neighbours and the position of the site within flood zone 1, have also been factored in here.
22. The proposal accords with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

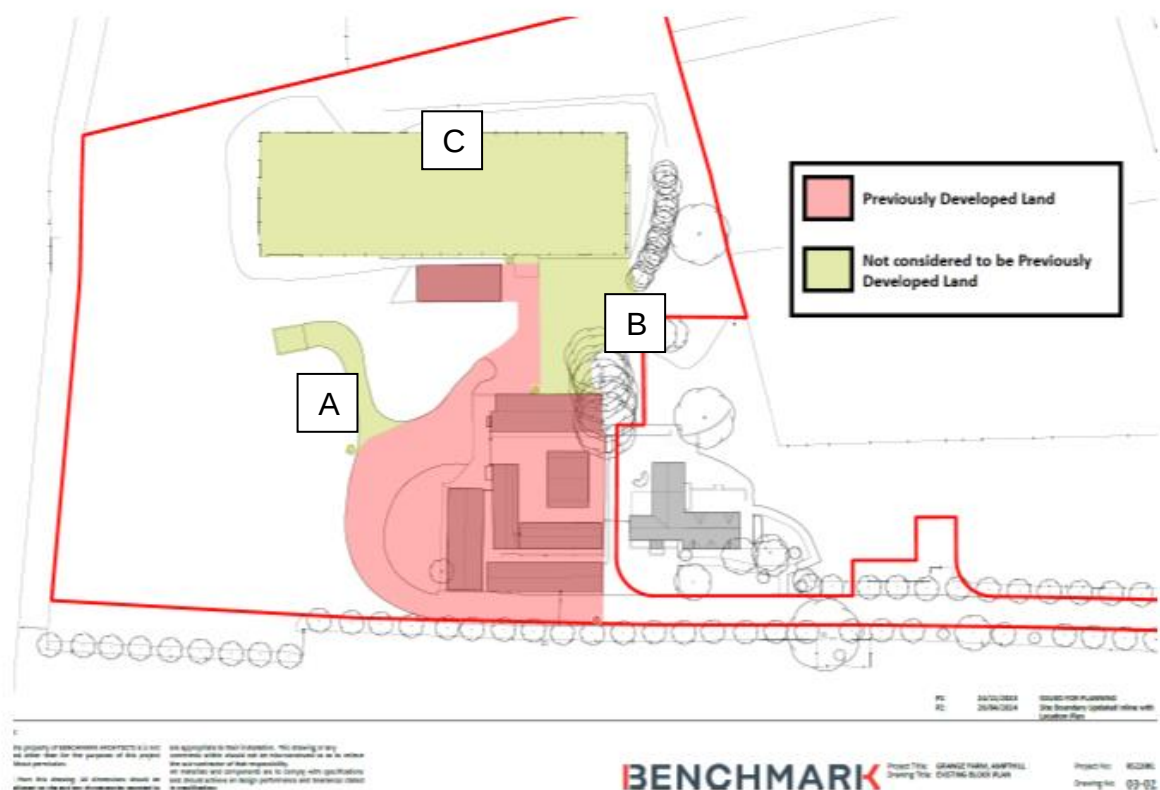
## Conditions

23. I have considered the conditions suggested by the Council and have imposed these here with modifications and edits. A number of conditions are pre-commencement conditions, and the appellant has been consulted on these. I have imposed a general time limit condition to accord with the Act and a plans condition for certainty. I have required materials to be those shown on the approved plans.
24. I have imposed a condition requiring the submission of a Precautionary Method of Working to minimise the impacts of construction.
25. Conditions 5 and 6 relate to ecological considerations and to ensure that these are undertaken during construction and thereafter maintained.
26. A condition concerning ground contamination is addressed at 7.
27. Landscaping of the site is covered under conditions 8 and 9 and this includes the removal of the manège as part of the completed landscape works as this is a reason for granting permission here.
28. I have imposed a condition relating to electric vehicle charging in the interests of promoting more environmentally friendly manners or travel.
29. Surface water drainage and run off is addressed in condition 11 to mitigate the effects of the development in this regard.
30. Details of external lighting are required under condition 12 in the interests of the character and appearance of the area being mindful of this rural location.
31. Finally, conditions 13 to 16 are highway relevant conditions and are imposed in the interests of the safety and convenience of users of the development and the surround road network.

*N Bowden*

INSPECTOR

## Appendix – plan referred to in paragraphs 6 to 9



## Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this permission.
- 2) The proposed development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 03-02-002 rev P2; 03-02-003 rev P1; 03-02-100 rev P5; 03-02-101 rev P5; 03-02-110 rev P1; 03-03-100 rev P2; 03-03-101 rev P2; 03-03-200 rev P2; 03-03-201 rev P2; 03-04-101 rev P2; 03-05-100 rev P2; 03-05-101 rev P2; 03-05-102 rev P2; 03-05-200 rev P2; 03-05-201 rev P2; 03-05-202 rev P2; 03-91-100 rev P1; 03-91-101 rev P1; 03-91-102 rev P1; 03-91-103 rev P2; 03-91-104 rev P1; 03-91-105 rev P1; 03-91-106 rev P1; 03-91-107 rev P1; 23.1808.001 rev D; and 23.1808.002 rev D.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plans 03-05-100 rev P2; 03-05-101 rev P2; 03-05-102 rev P2; 03-05-200 rev P2; 03-05-201 rev P2; 03-05-202 rev P2.
- 4) No development shall take place (including any site clearance) until an ecological Precautionary Method of Working (PMW) has been submitted to and approved in writing by the local planning authority. The PMW shall include the following:
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of “biodiversity protection zones”;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) The approved PMW shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 5) 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 following:
  - a) purpose and objectives for the proposed works;

- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) 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.

- 6) All ecological measures and / or works shall be carried out full in accordance with the details contained in the Preliminary Ecological Appraisal ref: RSE\_7459\_R3\_V2\_PEAR dated April 2024 and the Bat Survey Report ref: RSE\_7459\_R4\_V1 dated May 2024.
- 7) No development shall take place until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
  - a) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with LCRM. The report shall include a detailed quantitative human health and environmental risk assessment.
  - b) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
  - c) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
  - d) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 8) Landscaping of the site shall be carried out in full accordance with the details and specifications included in Landscape Plan refs: 23.1808.001 rev D and 23.1808.002 rev D. The Landscaping of the site shall be implemented by the end of the full planting season immediately following the completion of the development (a full planting season means the period from October to March).

- 9) No development shall take place until a scheme for landscape maintenance, for a period of five years following the implementation of the landscaping scheme, has been submitted to and approved in writing by the Local Planning Authority. The landscaping of the site shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.
- 10) Prior to first occupation of any dwelling hereby permitted, a scheme for the charging of electric and ultra-low emission vehicles, to serve the residential development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with Policy T5 of Central Bedfordshire Local Plan and the Electric Vehicle Charging: Guidance for New Developments – SPD (2022) and shall include the following:
- a) Details of active charging posts or passive provision such as cabling and electricity supply for each space provided.
  - b) Timescales / triggers for implementation of the scheme.

The development shall be completed in accordance with these approved details including the agreed timescales / trigger and retained thereafter in perpetuity.

- 11) No development shall take place until a detailed surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100 year event (+40%CC), via combined infiltration and attenuated discharge to a watercourse, and a maintenance and management plan for the scheme has been submitted to and approved in writing by the Local Planning Authority. The final detailed design shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval. The discharge rate from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards.
- 12) The development hereby permitted shall not be occupied or brought into use until the details of any external lighting to be installed on the site, including the design of any lighting unit, any supporting structure and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.
- 13) The visibility splays indicated on the approved plan no. DR-TP-3200 rev P01 shall be implemented before the development is brought into use and thereafter, remain free of any obstruction to visibility.
- 14) The west boundary of the parking area for the existing dwelling shall not exceed a height of 600mm measured from the adjacent access. The splay shall be retained thereafter unless otherwise agreed by the local planning authority.

15) Any gates provided shall open away from the highway and be set back a distance of 8.0 metres from the highway boundary. The gates shall remain unlocked to allow access to the turning area for all vehicles using the site (inclusive of delivery and service vehicles).

16) Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable materials in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the vehicular areas of the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

**End of Schedule**