



Appeal Decision

Site visit made on 9 May 2025

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2025

Appeal Ref: APP/P0240/W/24/3353695

R/O Wellsfield, Blunham MK44 3PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr and Mrs P and P Hall against Central Bedfordshire Council.
 - The application Ref is 24/00643/FULL.
 - The development proposed is use of land for the stationing of 5 mobile homes for tourism and stationing of a mobile home for agricultural purposes and use of land for agriculture.
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Decision

1. The appeal is dismissed and planning permission for the use of land for the stationing of 5 mobile homes for tourism and stationing of a mobile home for agricultural purposes and use of land for agriculture is refused.

Preliminary Matters

2. Although the Council failed to issue a decision within the prescribed period, it has provided evidence which indicates that it would have refused permission. The reasons given have therefore formed my main issues.
3. The appellants have stated that the five mobile homes intended for use for tourist accommodation would not be fixed to the ground and would not constitute operational development. It is also stated that the siting of a mobile home for agricultural purposes would not constitute development, nor would the use of land for agricultural purposes. I am aware that a certificate of lawful development has previously been issued in relation to a single mobile home for agricultural purposes being located on the land.
4. It is not within the scope of this appeal to determine whether any elements of the proposal would be lawful without the grant of planning permission. Even if I were to agree, the appellants have made an application for planning permission and included all of these elements within the description of the proposal. I have, therefore, considered the appeal on the basis of the application as made, regardless of whether individual elements may, or may not comprise development, operational or otherwise.

Main Issues

5. The main issues are:
 - whether or not the proposal is acceptable in respect of flood risk having regard to national and local policies and guidance;

- the effect of the proposal upon the character and appearance of the area, including the significance of the setting of Blunham Conservation Area;
- the effect of the proposal upon the living conditions of occupiers of existing dwellings with particular regard to disturbance;
- the effect of the proposal upon highway safety;
- the effect of the proposal upon biodiversity, and;
- whether the site is a suitable location for the proposal, having regard to the spatial strategy;

Reasons

Flood Risk

6. The Council identifies that the appeal site is located within Flood Zones 2 and 3. The Environment Agency identifies that the appeal site as being with Flood Zone 3. This has not been disputed by the appellant, and it follows that the site has a high probability of flooding.
7. The National Planning Policy Framework ('the Framework') and Central Bedfordshire Local Plan ('CBLP') Policy CC3, in relation to flood risk, set out a sequential, risk-based approach to the location of development. Paragraph 174 of the Framework advises that this approach aims to steer new development to areas with the lowest risk of flooding from any source, and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
8. Annex 3 of the Framework sets out a Flood Risk Vulnerability Classification, which identifies mobile homes, such as proposed here, as being "highly vulnerable". I am aware that both the Council and Bedfordshire and River Ivel Internal Drainage Board have identified that the river adjacent to the appeal site has flooded several times in recent years. Third party representations refer to flooding issues on and around the appeal site. None of this evidence has been disputed.
9. Both Paragraph 181 of the Framework and CBLP Policy CC3 state that where appropriate, applications should be supported by a site-specific flood risk assessment. This includes all development in Flood Zones 2 and 3.
10. No site-specific flood risk assessment has been provided in relation to the proposal, nor has a sequential test been undertaken. It has not been shown, therefore, that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, or that the development would be safe without increasing risk elsewhere.
11. Accordingly, the proposal would not be acceptable in respect of flood risk. It would conflict with CBLP Policies CC3 and CC5. Together, and amongst other factors, these policies require the provision of site-specific flood-risk assessments, that the sequential approach is applied, that the occupiers of the site would be safe during all flood events, and that proposals reduce overall flood risk.

Character and appearance

12. The appeal site is a large, flat area of grassland located to the north of the River Ivel. The southern and eastern boundaries of the site comprise raised bunds. The

northern boundary of the site formed by a mature tree and hedgerow boundary. The western boundary of the site is more open, with views across open grassland towards Blunham itself.

13. There are two accesses to the site, one located in the north-western corner of the site, accessed via a track, the other located towards the south-western corner, across a small bridge over a watercourse. This is reached across open space which forms part of Wellsfield, which is a small development of bungalows. Although I understand that the appellant has a right of access across this land, there is no road or track at present.
14. Public Footpath FP3 follows the line of the track serving the north-western corner of the appeal site, and continues eastwards, along the northern boundary. Given the openness of the western boundary of the appeal site, views into and across it are readily apparent from this footpath.
15. Blunham Conservation Area ('the CA') comprises much of the southern and eastern areas of the village, focused around the church and historic core. The appeal site is located outside of the CA, but adjoins its eastern extent. The significance of the CA is derived, insofar as it relates to this appeal, from the form of the historic core of the village, the age and quality of buildings within it, and from the setting of the village within a flat area of floodplain. Given the local topography, the prominence of the church within this landscape is a further important characteristic.
16. The use of the land for agriculture, would, in itself, be unlikely to be harmful to the character and appearance of the area, or the significance of the CA. However, the proposal includes 5 mobile homes for tourism purposes, and a further mobile home for agricultural purposes. I also understand that certificate of lawful development has previously been granted for the location of a mobile home on the land for agricultural purposes. I also saw a mobile home situated on the site at the time of my visit.
17. The evidence before me does not make clear whether any of the mobile homes which form the appeal proposal would be in addition to, or would replace either the existing mobile home, or any other mobile home subject to the certificate of lawful development. Nevertheless, it is clear that the proposal would result in a number of mobile homes being located within the site, and in greater numbers than could be expected at present. Those mobile homes proposed for tourism use would likely be accompanied by vehicles owned by visitors, as well as other paraphernalia associated with such a use.
18. No details are before me as to the colour treatment of the proposed mobile homes, or whether any additional landscaping work is proposed. It is therefore probable that the proposal would form a prominent visual feature and would be particularly visible, at close proximity, from Public Footpath FP3. The proposal would appear as a harmfully urbanising feature and erode the sense of isolation within an agricultural floodplain landscape which the village exhibits, and which forms part of the significance of the CA. This harm to the heritage asset would be less than substantial.
19. Paragraph 208 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that the harm should be weighed against the public benefits of the proposal.

20. The proposal would represent a contribution to the local visitor economy, and would be located close to Blunham, where it would provide support for local businesses and services. It could also represent the diversification of a rural enterprise. However, given the scale of the proposal, and the lack evidence before me in terms of the nature of the operation, or the agricultural operation, I afford these benefits of the proposal only modest weight.
21. As set out above, the proposal would have a negative effect upon the significance of a designated heritage asset and the Framework states that great weight should be given to the conservation of such assets. The public benefits identified would not outweigh this harm.
22. Given the above, the proposal would harm the character and appearance of the area, including the significance of Blunham CA. It would conflict with CBLP Policies EE5, HQ1 and HE3. Together, and among other factors, these policies state that all developments should have regard to the key characteristics and sensitivities of the site, respect retain and enhance the character of the local landscape, enhance or reinforce local distinctiveness, relate well to existing local surroundings, and preserve, sustain and enhance the special character, significance of heritage assets, including their setting.

Living conditions

23. The appeal site includes an access route which would cross the existing grass green space within which the bungalows of Wellfield are located. I understand that these bungalows form part of a housing scheme for the over-55s. At present no formal track or roadway exists. The track serving the access at the north-western corner of the site appears to fall outside of the appellant's control.
24. On this basis, it appears that access to the proposal would be taken via Wellsfield. The Council accepts that the appellants may have a right of access by this route, but there is no other evidence in this regard before me. I saw that the grassed area in question effectively forms a communal garden area, where the bungalows have no defined rear gardens. It affords the development an open and tranquil setting and assists in feathering the edge of Blunham into the surrounding countryside. It is stated, and it is not disputed, that the area is well used by residents.
25. The nature of the proposed operation means that traffic generated would be greater than that which currently might be expected in relation to any existing agricultural use, and would result in vehicles crossing the grassed area in close proximity to the existing bungalows, on a regular basis. This would lead to disturbance to occupiers of the bungalows, erode the tranquil character of the area, and discourage the use of grassed area.
26. Overall, the proposal would lead to harm to the living conditions of existing occupiers with particular regard to disturbance. It would conflict with CBLP Policy HQ1. This policy states that proposals should not result in unacceptable impacts upon nearby existing uses, including impacts upon amenity or noise.

Highway safety

27. There are no details before me in relation to whether the access route would be improved or demarcated. At present a small area of dropped kerb exists to provide access to the grassed area, but no further indication as to the intended route of access. It is therefore possible that vehicles accessing the appeal site would be

crossing the grassed area via an informal route. Given the potential role of this space for amenity purposes, the possibility of conflict between vehicles and pedestrians would be high, particularly where drivers may be first-time visitors to the site, and therefore unfamiliar with access arrangements.

28. The proposal would lead to harm to highway safety. It would conflict with CBLP Policy T2, which among other factors, states that proposals should provide safe and convenient access.

Biodiversity

29. It is not disputed that the appeal site lies adjacent to Zwetsloots Pits County Wildlife Site and the Rivers Ivel and Hiz County Wildlife Site. I saw the appeal site itself is largely grass meadow, with some areas of shrubbery and trees.
30. The evidence before me does not include any appraisal of the ecological value of the appeal site beyond a condition assessment which concludes that the site comprises scrub in poor condition. It is unclear how, or by who, this assessment was undertaken. Given that I saw that much of the site was grassland, I afford it little weight.
31. There is no evidence before me in relation to the likelihood of protected species being present. However, given the proximity of the appeal site to designated wildlife sites and its largely undeveloped nature, I consider that there is a reasonable likelihood that protected species may be present.
32. Section 40 of the Natural Environment and Rural Communities Act 2006 requires me to have regard to the purpose of conserving biodiversity. Circular 06/2005 advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It goes on to state that surveys should be carried out before planning permission is granted.
33. Ultimately, with no substantive evidence before me with regard to the ecological interest of the appeal site, it is simply not known whether protected species are present and, if there are, whether or what mitigation measures would be appropriate.
34. Therefore, even if were to agree with the appellant that the proposal would not be required to deliver biodiversity net gain, it has nevertheless not been shown that the proposal would avoid harm to biodiversity and protected species. It would be contrary to CBLP Policy EE2, as well as Chapter 15 of the Framework, which together state that development should seek to avoid, mitigate or compensate for any adverse impacts on biodiversity.

Suitable location

35. Although located close to Blunham, the appeal site is located within the countryside. CBLP Policy SP7 states that development outside of settlement envelopes will be limited, and that proposals for employment, tourism, leisure, rural and community uses, will be supported provided that they conform with other policies within the development plan.
36. CBLP Policy EMP4 states that proposals to expand existing employment generating uses within the rural area and those related to the visitor economy will

be supported where they would have no adverse impact on the location, neighbouring land uses or residents; the proposed use can be demonstrated to be viable; there would be an increase in the number of jobs; there would be no detrimental impact upon traffic generation, and where accessibility and sustainable forms of transport can be demonstrated; and where any identified adverse impacts upon the historic and natural environment can be appropriately mitigated.

37. As set out above, I have found that the proposal would be harmful to the living conditions of existing residents, the significance of Blunham CA, and that suitable access would not be provided. Therefore, even if I were to find that the proposal would otherwise meet the criteria of CBLP Policy EMP4, it would nevertheless remain contrary to the policy as it requires all elements to be met. In conflicting with CBLP Policy EMP4, the proposal would also conflict with CBLP Policy SP7.
38. It therefore follows that the appeal site would not be a suitable location for the proposal having regard to the spatial strategy set out in the development plan, and the proposal would be contrary to CBLP Policies SP7 and EMP4, as set out above.

Other Matters

39. It is stated that visitors would be able to work on the agricultural land within the appeal site, although not for employment purposes, and enjoy the riverbank location, and that as a result that there is no other land that would be better suited to accommodate the proposal. However, no consideration of alternative sites has been undertaken to demonstrate this. Accordingly, this factor carries limited weight in my considerations.

Conclusion

40. The proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework which would indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Harding

INSPECTOR