



Appeal Decision

Site visit made on 2 June 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/K0235/W/24/3356591

Land at Box End Road, Kempston MK43 8RS

- 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 outline planning permission
 - The appeal is made by Mr F Newberry of DBF Construction Ltd against Bedford Borough Council.
 - The application Ref is 24/01439/OUT.
 - The development proposed is the erection of dwelling house (self build).
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Decision

1. The appeal is dismissed and planning permission for the erection of dwelling house (self build) is refused.

Preliminary Matters

2. The proposal is for outline planning permission, and the application form makes clear that approval is also sought at this stage for access but not for appearance, landscaping, layout and scale. A drawing has been submitted showing the proposed access along with a layout. I have treated the layout element as being illustrative and have proceeded with the appeal on this basis.
3. The appeal is made against a failure to give notice within the prescribed period of a decision on an application for outline planning permission. In response to the appeal, the Council has prepared a statement outlining its view that permission should be refused. I have had regard to this statement and the suggested reasons for refusal within it in framing the main issues below.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for housing having regard to development plan policy and accessibility to services and facilities;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on ecology, including whether the proposed development would make adequate provision for biodiversity net gain (BNG); and
 - whether the proposal would provide suitable disposal of foul sewage.

Reasons

Suitable location

5. The appeal site is part of a larger field to one side of Box End Road. The parties agree that the site is outside of any defined Settlement Policy Area. Policy 3S of the Local Plan 2030 Planning for the future (LP) sets out the spatial strategy for the Borough, including safeguarding the intrinsic character of the countryside. In addition, Policy 4S of the LP sets out the amount and distribution of housing development.
6. The LP defines Kempston Box End as a Small Settlement. Policy 6 of the LP supports development within the built form of Small Settlements where they positively contribute to the character of the settlement and are appropriate to the structure, form, character and size of the settlement as a whole. The supporting text to Policy 6 states that places with a scattered development form, comprising no reasonably definable core are considered to form part of the countryside.
7. Kempston Box End has a primarily linear pattern of development on either side of Box End Road largely focussed towards the junction with West End Road. Beyond this consolidated development around the junction, development is more dispersed with dwellings set within large plots on either side of Box End Road. The scattered development and open areas separate the built form of Kempston Box End from the site. While the site is adjacent to a row of dwellings, it is detached from the built form of the Small Settlement of Kempston Box End, and is therefore part of the countryside.
8. Policy 7S of the LP sets out the circumstances where development will be permitted in the countryside and states that exceptionally development proposals will be supported on sites that are well-related to a defined Settlement Policy Area, Small Settlements or the built form of other settlements where it meets five criteria. The site is not well-related to the built form of any settlement and there is no substantive evidence before me that demonstrates that there is identifiable community support for the proposal. Moreover, there is no evidence before me that demonstrates that the development is supported by the parish council.
9. While the proposal would not be an isolated home, the site is detached from the nearest settlements and remote from everyday services and facilities. The lack of suitable footways with street lighting would discourage future occupants from walking and cycling to access facilities and services within settlements. In addition, there is no indication as to the proximity of bus stops to the site or the level of service available. Accordingly, the likelihood is that future occupiers would be reliant on private vehicles to access facilities and services in larger settlements.
10. I conclude that the site is not a suitable location for the proposed development, with regard development plan policy and accessibility to services and facilities. The development therefore conflicts with Policies 3S, 4S, 6 and 7S of the LP, as set out above.

Character and appearance

11. The site is part of a large field, which extends to the side and rear. Development in the area is typically dispersed but includes a row of dwellings adjacent to the site, which are set back from Box End Road. A post and rail fence forms the front

boundary and the site allows for views to the landscape beyond. The large open field is bounded by mature trees and hedges, particularly along the boundary fronting Box End Road. The open field and surrounding vegetation gives a verdant feel that contributes positively to the rural character of the area.

12. The proposal has been submitted in outline form, with scale, design and layout of the dwelling being reserved matters. The plan accompanying the submission provides an illustration of how development could be accommodated at the site. The layout indicates that the dwelling could be set back within the site, broadly in line with the linear pattern of development adjacent to the site. However, the development at the site would be highly visible from the access point and would have a distinctively domestic appearance that would jar with that of the rest of the wider field. The proposal would lead to a harmful encroachment of development into the open field and would erode the spacious rural character of the site. Furthermore, the development would limit views through to the rear of the site to the landscape beyond, including the River Great Ouse.
13. While the appearance, landscaping, layout and scale of the dwelling are reserved matters, the urbanising effect of the proposal could be limited through the implementation of a comprehensive scheme of landscaping. Nonetheless, the planting would take a significant period of time to establish and would be unlikely to effectively integrate the dwelling with its surroundings. Moreover, even if the planting was considerable, the proposal would not reflect the open and spacious character of the area. Consequently, the proposal would harmfully erode the inherent qualities and rural characteristics of the area, to the detriment of the intrinsic character and beauty of the countryside.
14. I conclude that the proposal would harm the character and appearance of the area. The development would therefore conflict with Policies 28S, 29 and 30 of the LP, which collectively require proposals to have a positive relationship with the surrounding area, integrating well with and complementing the character of the area in which the development is located, respect the context within which it will sit and the opportunities to enhance the character and quality of the area and local distinctiveness, and give particular attention to the relationship of the development with the context in which it is placed. The proposal would also conflict with the National Planning Policy Framework (the Framework), which states that decisions should contribute to and enhance the natural and local environment including by recognising the intrinsic character and beauty of the countryside.

Ecology and BNG

15. The Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. In addition, Circular 06/2005 states that the presence of protected species is a material consideration when a development proposal would be likely to result in harm to the species or its habitat. It goes on to say 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.
16. The site is part of a large field bounded by mature trees and hedgerows and is in a rural location where natural features may provide suitable habitat for protected

species. In this context, it would be expected that a formal ecological or habitat assessment would be undertaken to determine the presence or not of protected species at the site or in the immediate area. There is no convincing evidence before me which clarifies whether or not there are protected species present on the site or in the near vicinity and how the proposal would affect them.

17. The appellant indicates that an application for permission in principle means that information usually necessary for full applications is not required. Nevertheless, the proposal is for outline planning permission rather than for permission in principle. Consequently, and given the characteristics of the site and the area, it would be expected for this information to be provided.
18. The proposal has been submitted as a self-build dwelling. However, there is no mechanism before me, including a planning obligation, that would secure the proposal as a self-build dwelling. Consequently, the proposal would not benefit from a BNG exemption.
19. I conclude that it has not been satisfactorily demonstrated that the proposal would not have a harmful effect on ecology in the area and would be able to achieve BNG. The development would therefore conflict with Policies 42S and 43 of the LP, which collectively require that development proposals assess the impact of the proposal on the biodiversity and geodiversity value of the site and its surroundings and provide a net increase in biodiversity. The development would also conflict with the Framework, which states that if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

Foul sewage

20. Policy 50S of the LP requires that development must not adversely affect the quality, quantity and flow of both ground and surface water. Additionally, the policy states that proposals involving non-mains drainage will only be considered acceptable where it can be demonstrated that it is not feasible to connect to an existing public sewer and that the proposal would not have a detrimental impact on ground or surface water.
21. The application forms indicates that it is unknown how foul sewage would be disposed of and it is also unknown whether the dwelling would connect to an existing drainage system. The evidence before is limited and indicates that the proposal would not connect to an existing public sewer. Nonetheless, given the size of the site and its existing character, there is no strong reason why a solution to foul drainage could not reasonably be achieved without causing risk of pollution. Details of any proposed tank and arrangements for its discharge could be secured by condition
22. I conclude that the proposal could provide adequate disposal of foul sewage. The development therefore accords with Policy 50S, as set out above.

Other Matter

23. The site is distant from Crossland Fosse, which is a Grade II listed building. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting. The parties agree that given the distance and intervening

features, including buildings and landscaping, the site does not contribute to the significance of the heritage asset. Based on the evidence before me, I see no reason to disagree with this conclusion.

Planning Balance

24. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the LP, with the associated conflict reflecting that the site is an unsuitable location, the proposal would harm to the character and appearance of the area and ecology, and would not deliver biodiversity net gain. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise
25. The Council concedes that it is currently unable to demonstrate at least a five year supply of housing land that the Framework requires. The Council has not disputed that it can demonstrate a 3.46-year supply of housing land stated in a recent appeal¹. Paragraph 11 d) of the Framework indicates that permission should be granted unless any 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.
26. The appellant asserts that the dwelling would make a contribution to meeting the Council's requirements in respect of self-build and custom housing. The Council acknowledges that there is shortfall of 20 plots and is therefore not meeting its requirements in this regard. However, there is no mechanism before me, including a planning obligation, that would secure the development as a self-build dwelling that would contribute to the delivery of self-build and custom housing.
27. The proposal would deliver a single dwelling, which would provide a boost to the supply of housing through the efficient use of land. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. In addition, the proposal would deliver social and economic benefits both during construction through the creation of jobs, and following occupation through the use of facilities and services in the surrounding settlements. However, the contribution of a single dwelling and the associated benefits are limited by the scale of development proposed.
28. In the particular circumstances of this case, I have concluded that the proposal would not be a suitable location for the housing, would harm the character and appearance of the area and ecology, would not achieve biodiversity net gain, and would conflict with the relevant policies of the development plan and the Framework. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development.

¹ APP/K0235/W/24/3352555

Conclusion

29. The proposal conflicts with the development plan. The material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR