



Appeal Decision

Site visit made on 21 May 2025

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/P0240/W/25/3360194

Firdale, Narrow Path, Aspley Heath, Central Bedfordshire MK17 8TF

- 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 & Mrs Mark Pickersgill against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/02771/FULL.
 - The development proposed is detached single storey dwelling and new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

1. The appellants submitted additional material outside the normal time period for appeal submissions. As these concern factual matters about refuse collection and access for emergency vehicles along Narrow Path, I have had regard to them and to the Council's comments on them.

Main Issues

2. The main issues are:
 - whether the proposed dwelling would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - the effect on highway safety, with regard to the access from Narrow Path on to Church Road;
 - the effect on highway safety, with regard to the intensification of use of Narrow Path; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site forms part of the garden of Firdale, a detached dwelling located on Narrow Path, a private road running off Church Road. Narrow Path includes predominantly detached properties of individual design and appearance, with dwellings fronting Church Road immediately to the west on higher ground. The residential gardens and adjoining land are well-planted with extensive tree cover, providing a verdant character and appearance to the residential setting. The site is

within the Aspley Heath Conservation Area and the settlement is washed over by the South Bedfordshire Green Belt.

Whether the proposal would be inappropriate development

4. Policy SP4 of the Central Bedfordshire Local Plan 2015-2035 (2021) indicates that development proposals within the Green Belt will be assessed in accordance with guidance contained in the Framework and Planning Practice Guidance. The Framework states that an exception to inappropriate development in the Green Belt is limited infilling in villages, which is the relevant exception in this case referred to by both main parties¹.
5. It is common ground that the site is located within the settlement boundary of Aspley Heath and, therefore, is within a village. There is no reason to disagree with this conclusion, having regard to the situation on the ground and following the approach in relevant case law². The terms 'limited' and 'infilling' are not defined in the Framework and, therefore, these will essentially be a question of fact and planning judgement. Given that a single dwelling is proposed, it is reasonable to conclude that the proposal is 'limited'.
6. Despite the lack of guidance in the Framework, the supporting text to Policy SP4 provides guidance on infill development, which it says can generally be defined as small-scale development in a small gap in an otherwise built up frontage, utilising a plot in a manner which should continue to complement the surrounding pattern and grain of development³.
7. The parties refer to a range of appeal decisions to support their arguments on this matter. These are of limited relevance in terms of comparison between the specific development proposals in each case and the appeal proposal, given that the assessment of whether the development is 'limited infilling' is a question of fact and planning judgement. Nonetheless, I am mindful that appeal decisions should be consistent where relevant considerations are essentially the same. In this case, the most relevant consideration relates to the definition of infilling supporting Policy SP4 and how this has been applied. As such, a number of the appeals and other decisions referred to by the appellants are not directly relevant as they involve proposals outside Central Bedfordshire or the decisions pre-date the current adopted Local Plan.
8. Two recent appeal decisions referred to by the Council are instructive in establishing that the Inspectors had full regard to the definition of infill development supporting Policy SP4 in reaching their conclusions⁴. Consequently, the same approach is appropriate here.
9. The surrounding pattern and grain of development is essentially linear with dwellings arranged on plots of varying size along the road frontages on Narrow Path and Church Road. The siting of the proposed dwelling would continue this pattern of development by establishing a new dwelling along the western side of Narrow Path, directly opposite No 13.

¹ Paragraph 154e).

² *Julian Wood v SSCLG and Gravesham Borough Council* [2015] EWCA Civ 195.

³ Paragraph 8.6.3.

⁴ APP/P0240/W/23/3325285, dated 31 January 2024 and APP/P0240/W/24/3343421, dated 7 November 2024.

10. The dwellings located on the western side of Narrow Path represent a continuous built-up frontage that currently ends with Firdale as the southernmost property. Immediately south of the appeal site is an extensive area of woodland and other undeveloped land. Consequently, while the proposal would complement the surrounding pattern and grain of development, the site does not represent a small gap in an otherwise built up frontage. For this reason, the proposal would not be limited infilling and, therefore, would be inappropriate development in the Green Belt assessed against this exception in the Framework and Policy SP4 of the Local Plan.
11. The appeal decision referred to by the appellants in Central Bedfordshire is not directly comparable as the Inspector found that the proposal would be within a gap in a built-up frontage, albeit a relatively large gap⁵. Similarly, the recent development at No 23 Church Road infills a gap along the road frontage.
12. The appellants also contend that the proposal is not inappropriate development because it complies with the Framework's provisions regarding grey belt land. The Framework states in this regard that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where a number of criteria all apply⁶.
13. The Framework provides a definition of grey belt which includes previously developed and/or other land that does not strongly contribute to specific Green Belt purposes. In accordance with the assessment provided by the appellants, I accept that the site does not strongly contribute to checking the unrestricted sprawl of a large built-up area, or to preventing towns merging into one another, or to preserving the setting and special character of a historic town. I am not aware that this is disputed by the Council.
14. The definition of grey belt excludes land where the application of certain policies in the Framework would provide a strong reason for refusing development. While the site is in the Aspley Heath Conservation Area, the effect of the proposal on the designated heritage asset does not, according to the Council's assessment, provide a strong reason for refusing development, in accordance with the Framework⁷. I see no reasonable basis to disagree with this assessment. Accordingly, the appeal site meets the definition of grey belt land.
15. Turning to the criteria against which proposals for new homes should be assessed, there is no evidence that the proposal would fundamentally undermine the purposes of the remaining Green Belt across the plan area. As this case involves a single dwelling within an established residential curtilage, I find that there would be no conflict with criterion a.
16. Criterion b. requires that there is a demonstrable unmet need for the type of development proposed, which includes for housing proposals the lack of a five year supply of deliverable housing sites. The Council indicates that it could demonstrate a housing supply of 5.05 years at 1 October 2024. The appellants, however, draw attention to three appeal decisions that post-date October 2024 in which it was found that the Council could not demonstrate a five year supply⁸. As I have no

⁵ APP/P0240/W/23/3317654.

⁶ Paragraph 155.

⁷ Footnote 7.

⁸ APP/P0240/W/24/3348840, dated 24 January 2025; APP/P0240/W/24/3352282, dated 4 March 2025; and APP/P0240/W/24/3350507, dated 11 April 2025.

evidence to suggest that the situation has changed since these recent appeal decisions and that the requisite supply can now be met, I find that there is a demonstrable unmet need for the proposal.

17. Criterion c. requires that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. The only evidence available in this regard is the Council's statement in the officer report that while there are no public transport connections in the vicinity of the site, the local amenities and services in nearby Woburn Sands would be accessible by foot. As the proposal is not significant development, comprising a single dwelling, and there is access to some services and facilities by non-car modes, I find that there would be no conflict with this criterion. The final requirement concerning the 'Golden Rules' set out in the Framework only applies to major housing development and so is not relevant in this case.
18. Taking these findings as a whole, the appeal site meets the definition of grey belt land and all the relevant criteria apply to the proposal for it to be regarded as not inappropriate development in Green Belt. Consequently, it is not necessary to consider the effect of the proposal on the openness of the Green Belt or whether very special circumstances exist.

Highway safety - access from Narrow Path on to Church Road

19. Church Street is a residential road running from Woburn Road, a main distributor road, with a 30mph speed limit at the point of the access from Narrow Path. Accordingly, the Council indicates that using the standard Manual for Streets (MfS) parameters, from a setback of 2.4 metres the visibility in each direction should be at least 43 metres. This is achievable to the south, but to the north No 21's wall and particularly the hedge above it materially reduces the available visibility in this direction.
20. As the wall and hedge at No 21 are within the control of a third party, it is uncertain that the requisite visibility can be achieved and there are no proposals to do so. The Council estimates that the visibility achievable within land not in third party control is approximately 11 metres, which accords with my own observations at the inspection. Therefore, I give limited weight to the appellants' contention that a splay of some 35 metres is achievable and visibility is sufficient by looking over the wall; nor do alterations resulting from development at No 23 have a direct bearing on these findings. As the actual and realistically achievable visibility falls substantively short of the required standard, use of the access is likely to result in material harm to highway safety.
21. In practice, however, the access is already in use by residents living on Narrow Path. Therefore, the main consideration with regard to the proposed additional dwelling is the level of associated use of the access compared to the current situation; particularly whether highway safety would be compromised to an unacceptable level over and above that which would otherwise exist from the established use of the access.
22. While the proposal is not for a large dwelling, it does nonetheless have the potential to result in a materially greater number of vehicle movements than at present, particularly as it is not inconceivable that at least two if not more vehicles could be associated with its occupation. I note in this regard that three parking spaces are proposed and the Council estimates that the proposed dwelling could

generate some eight vehicle movements a day. The appellants contend based on TRICS data that the movements are likely to be fewer. However, based on the submissions and site inspection as a whole, I consider that the proposed development would result in a material increase in its use. This would occur in circumstances where there is no certainty that sufficient, safe visibility to the north can be achieved. I have had regard to the fact that there are no recorded accidents in the vicinity of the access. However, this is not sufficient reason to set aside potential harm to highway safety resulting from a material increase in use of an existing substandard access.

23. Accordingly, I must conclude in these circumstances that the proposal would have an unacceptably harmful effect on highway safety, as it would not provide a safe and suitable vehicular access. Therefore, the proposal is contrary to Policy T2 of the Local Plan, which requires that new development must not have a detrimental effect on highway safety and should provide safe and convenient access; and to the Framework, which says that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety⁹.

Highway safety – use of Narrow Path

24. Evidence provided indicates that Narrow Path is between 2.7 and 3.5 metres wide along its length, while the MfS minimum road width for two cars to pass is 4.1 metres. Consequently, vehicles travelling in opposite directions would result in one having to reverse to reach a point where passing is possible. Given the number of other properties along the road, such movements are likely to result in conflict, including potentially with other vehicles, pedestrians and cyclists. The potential for such conflict increases with larger vehicles.
25. The position of the proposed dwelling at the furthest possible point along the road from the single access onto Church Road adds to the likelihood of conflict, compared to vehicle movements closer to the access. It has already been found that the additional vehicle movements generated by the new dwelling would be a material increase to those already occurring within Narrow Path. As such, due to these additional movements combined with the location of the dwelling, the proposal would lead to an increased potential for user conflicts, resulting in material harm to highway safety.
26. While there are driveways to other properties along the length of Narrow Path, these should not be considered as suitable passing points, not least because such use impinges on neighbouring properties and creates the potential for conflict with parked vehicles. The Council indicates that the appellants have served notice on the residents of other properties for use of the driveways, but I am unaware of further details or any reliable means of securing such agreement in perpetuity. As such, it would not be appropriate to impose a condition in this regard.
27. The proposal includes a turning head as part of the access to the new dwelling. The parties take different views on whether this would enable larger vehicles to access the site and leave in forward gear. I note, however, that recent information from the Council indicates that refuse vehicles are unlikely to need to enter the road in future due to alternative collection arrangements. Moreover, the appellants provided a swept path analysis that shows that larger emergency vehicles are likely to be able to turn using the turning head. I accept, therefore, that the turning head

⁹ Paragraph 116.

could have some benefits in terms of avoidance of larger vehicles being unable to turn and reversing back along Narrow Path.

28. The appellants indicate that the new turning head will be made available to all users of Narrow Path in perpetuity by providing a right of way over the land. It is not clear, however, how the provision of the turning head would overcome the findings with regard to the potential for vehicle conflict along the full length of Narrow Path given the position of the proposed dwelling. I note in this regard the Council's contention that even with the turning head in place conflicting vehicles would still have to reverse either onto Church Road or for prolonged distances within Narrow Path. Consequently, the provision of the turning head does not overcome the findings of harm resulting from the proposal.
29. Accordingly, for these reasons, I conclude that the proposal would result in material harm to highway safety with regard to the intensification of use of Narrow Path. Consequently, it is contrary to Policy T2 of the Local Plan and to the Framework, as described above with regard to the second main issue.

Other Matters

30. It has been found above that there is a shortfall in the five-year housing land supply. Consequently, the Framework states that the policies which are most important for determining the application are out-of-date¹⁰ and 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 certain key policies¹¹.
31. While the proposal is for a single dwelling it would make a small but nonetheless important contribution to addressing the shortfall from the requisite five year housing land supply, in support of the Framework's objective to boost housing supply. Moreover, it would provide a self-build dwelling, which the Framework promotes in terms of meeting a range of housing needs. These benefits of the proposal attract substantial weight.
32. Conversely, it has been found that the proposal would cause material harm to highway safety. As such, as well as it being contrary to the adopted development plan, it is also contrary to the Framework's provisions concerning highway safety. I give significant weight to the conflict with the Framework in this regard.
33. The benefits of the proposal in this location are not of sufficient weight to overcome the extent of the conflict with the development plan and the Framework. Therefore, I conclude that in this case the adverse impacts of granting permission significantly and demonstrably outweigh the benefits.

Conclusion

34. The proposal is contrary to the development plan and to the Framework, and there are no other considerations that outweigh this conflict. Accordingly, for the reasons given, it is concluded that the appeal should be dismissed.

¹⁰ Footnote 8 to paragraph 11d).

¹¹ Paragraph 11d) ii.

J Bell-Williamson

INSPECTOR