



Appeal Decision

Site visit made on 16 June 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2025

Appeal Ref: APP/P0240/W/25/3363523

Silver Birches, Deepdale, Potton, Central Bedfordshire SG19 2NH

- 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 Mrs C Markham against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/02274/OUT.
 - The development proposed is the erection of one self-build dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline, with all matters reserved for future consideration, except for access. Indicative plans depicting the layout of the proposed development, roof and floorplans, elevations and enclosures, together with some landscaping details, materials and a streetscene elevation, were submitted with the application, and I have considered them on that basis.

Main Issues

3. The main issues are:
 - whether or not this is a suitable location for the proposal, having regard to policies which direct housing to existing settlements, and to the site's accessibility to services and facilities;
 - the scheme's impact on the character and appearance of the area;
 - the scheme's impact on the safety and convenience of highway users; and
 - the scheme's impact on biodiversity.

Reasons

Accessibility

4. Policy SP7 of the Central Bedfordshire Local Plan 2015-2035 (2021) ('CBLP') seeks to direct most development, including housing, to settlements with an 'envelope', and considers areas outside of them to be countryside, where only particular types of development will be permitted. Amongst other things, this is to ensure accessibility to nearby services and facilities by sustainable modes of transport.

5. Paragraphs 109 and 110 of the National Planning Policy Framework 2024 ('Framework') set out that transport considerations are integral to planning decisions, and that patterns of growth shall be actively managed in support of more sustainable transport choices. However, it continues that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making.
6. For the purposes of the development plan, the appeal site is in the open countryside. It lies on Deepdale - a narrow lane which runs north from Sandy Road - the B1042, before dividing just beyond the site, with a track leading to the west, a bridleway running east towards Potton, and a bridleway open to all traffic ('BOAT') continuing straight on as Mill Lane to Everton Road.
7. The nearest settlement is Potton, which contains facilities, such as a school, a doctor's surgery and a range of shops. It can be reached on foot via the bridleway. However, as it is roughly 2 kilometres from the site to the centre of the village, future residents would be unlikely to frequently use that route for day-to-day services, and for most residents it would not represent a convenient option, especially if accompanied by young children, during hours of darkness, or in inclement weather.
8. There is a bus route on the B1042, roughly 500 metres to the south of the site. However, even if busses stop around the junction on request as claimed, based on the evidence at Appendix 3 of the appellant's statement of case, there is only one bus in each direction about every two hours, going towards Potton or towards the much larger settlements of Sandy and Bedford; and no service in the evening after about 17:45, or at all on Sundays.
9. Consequently, future residents of the proposed dwelling would be reliant on the private car for most daily trips, with few realistic alternatives. I therefore conclude that the appeal site is not suitable for residential development having regard to its location with poor accessibility to services and facilities. The proposal would therefore conflict with CBLP Policy SP7 and with the Framework's stance at Section 9 on promoting sustainable transport choices.

Character and appearance

10. Deepdale falls within the Everton Heath Greensand Ridge Character Area¹. It comprises a fairly steeply-sided, wooded valley, with eight scattered dwellings and other buildings principally on the eastern side of the road, often with large gaps between them. The dwellings typically sit well back from the road on spacious, well-landscaped plots, where they are often partially concealed from the streetscene. As a result, Deepdale has the character and feel of the countryside, as opposed to a hamlet or a settlement.
11. There are small timber outbuildings on the site, but whilst there may previously have been other buildings or structures, the remains of hardstanding and low block walls are now largely hidden by vegetation. The site is mainly open towards the front, and contains mature trees where the topography rises steeply towards the rear.

¹ Central Bedfordshire Landscape Character Assessment, at Appendix 6 of the Statement of Case

12. The erection of a dwelling in this location would represent an encroachment of development into an existing gap between buildings, thus eroding the locally distinctive pattern of dispersed development, and resulting in a greater concentration of development in the locality. Given Deepdale's containment, the scheme's effect on the wider landscape would be limited, but it would nevertheless be harmful to local landscape character.
13. Additionally, whilst layout is a matter reserved for future consideration, given the site's topography and the presence of mature trees towards the rear, I share the Council's concerns that a dwelling would need to be positioned towards the front, as illustrated on the indicative site layout plan, where it would be prominent and its visual impact on the streetscene would be greatest, and where it would fail to reflect the distinctive local pattern of buildings set discretely back from the road behind mature trees and landscaping.
14. As layout is reserved for future consideration, and as most of the significant vegetation is concentrated towards the rear of the site, I am not persuaded that the scheme would result in a harmful loss of trees. In this regard, the proposal would not therefore conflict with CBLP Policy EE4's requirement to ensure that existing trees and hedgerows are incorporated to enhance developments.
15. As Policy HO-5 of the Potton Neighbourhood Plan 2016-2035 (2019) ('PNP') is directed at detailed design requirements and development within towns, it is of little, if any, relevance to this proposal for outline planning permission in the countryside.
16. However, for the above reasons, the scheme would significantly harm the character and appearance of the area. As a result, it would conflict with those parts of CBLP Policies SP7, EE5, EE8 and HQ1, and PNP Policy EV-5, which seek to protect or respect the landscape, require recognition of the intrinsic character and beauty of the countryside, and require proposals to have regard to matters such as local distinctiveness, sense of place, and patterns of development. It would also conflict with the similar stance on ensuring that development is sympathetic to local character, and recognises the intrinsic character and beauty of the countryside, at Sections 12 and 15 of the Framework.

Safety and convenience of highway users

17. The Council maintains that the Mill Lane/Everton Road junction, and the Deepdale/Sandy Road junction, are substandard, and that as no provision has been made for adequate driver intervisibility in those locations, the scheme would be detrimental to the safety and convenience of highway users.
18. To access the former junction, occupants and visitors would be required to navigate the narrow BOAT, which is not hardsurfaced. Given the characteristics of this route, and the alternative available, I consider that most drivers would not choose it. The scheme would not therefore result in significant additional maintenance costs for the BOAT, or significantly more traffic using it or the Mill Lane/Everton Road junction.
19. The alternative would involve driving 500 metres or so down Deepdale to its junction with Sandy Road. Deepdale is surfaced with tarmac, but is narrow and unlit; and shared with walkers and horse riders. That said, there are areas where vehicles can pass, it is subject to a 20mph limit, and it widens closer to the junction.

Although it represents just a snapshot in time, from my own observations it appears to carry a modest volume of traffic, some of which was accessing a camp site, a veterinary practice and an informal parking area.

20. Given its modest scale, the proposal would generate a limited volume of traffic, which the appellant estimates at around 8 vehicle movements per day which, he says, based on an automatic traffic count, represents less than a 2.5% increase on existing movements². Consequently, and given the context I have described, I am not persuaded that the additional traffic would significantly inconvenience other highway users on Deepdale.
21. The Sandy Road junction is also unlit, and it forms a staggered crossroads with Carthagen Road. Westbound traffic on Sandy Road is permitted to overtake in this location, and the road was busy at the time of my visit with fast moving vehicles given the 50mph speed limit. Whilst I have not been provided with visibility splays, I observed that visibility for drivers emerging from Deepdale is poor due to the curvature of the road and a boundary wall looking east, and by vegetation and highway signage poles looking west. According to the Central Bedfordshire Highways Development Management Team the normally required highway visibility splays of 2.4m x 160m do not appear to be achievable in this location; and based on Crashmap data there has been a serious injury collision here in the last 5 years.
22. Not all drivers, such as visitors and delivery drivers, would be aware of the junction's limitations, and drive accordingly. For these reasons, whilst I have found that the scheme would generate a limited volume of traffic, on the basis of the evidence before me, I share the Council's concerns that it would be detrimental to highway safety. It would therefore conflict with CBLP Policy T2.

Biodiversity

23. The site falls within the Greensand Ridge Nature Improvement Area, as set out in CBLP Policy EE8, where proposals will be supported if they demonstrate how a net gain in biodiversity will be delivered. The Council maintains that there is insufficient information to demonstrate that the scheme will achieve that, contrary to the policy, and to the similar stance in CBLP Policy EE2.
24. However, whilst landscaping is a matter for future approval, the indicative site layout plan shows how additional landscaping could be provided, and the Planning Design and Access Statement sets out that there would be bat and bird boxes, with additional habitat creation referenced in the Ecological Appraisal³.
25. I am therefore satisfied that detailed biodiversity measures could be secured by conditions should the appeal be allowed, and that there would be no conflict with those policies; nor, on this issue, with PNP Policy EV-5 which gives particular support for schemes which would deliver a net-positive biodiversity gain.

Other considerations

26. The Framework seeks to meet the housing needs of different groups in the community, including people wishing to commission or build their own homes, and continues that local authorities should give enough suitable development permissions to meet the identified demand.

² Appendix 7 of the Statement of Case

³ Preliminary Ecological Appraisal and Roost Assessment by Arbtech

27. I have been provided with a planning obligation under S106 of the Act which would ensure that the proposal is constructed as a self-build or custom build dwelling ('SCB'), and that it would be first occupied by a person or persons who had a primary input into its design and layout, and who is on the Council's register in accordance with the Self Build and Custom Housebuilding Act 2015 (as amended).
28. However, whilst CBLP Policy H6 supports the delivery of serviced plots, it states that outside of settlement envelopes these will only be supported where it enables delivery of affordable housing on 'rural exception sites', which would not apply here.
29. That said, the appellant maintains that there is a shortfall in local provision of SCB plots and has referred to an appeal decision dated April 2025⁴ where the Inspector concluded that the Council had not demonstrated that it has granted sufficient permissions to meet the demand for SCB. For its part, the Council has provided a copy of its Annual Monitoring Report which covers the period to 31 March 2024, and which, it states, demonstrates that it has met the required provision for SCB, including making up for a previous shortfall.
30. Given the very recent appeal decision referenced by the appellant, I have proceeded on the basis that the Council is not currently providing enough SCB plots to meet identified demand. The provision of a SCB plot is therefore a material consideration which attracts positive weight in the overall planning balance.
31. The appellant also maintains that the Council cannot demonstrate a minimum of five years' worth of housing as required by Framework paragraph 78, and has provided copies of appeal decisions in November 2024 and January 2025 which support that finding⁵. The Council disputes this and sets out in a table at appendix 2 of its statement that it can demonstrate 5.05 years' supply of housing sites; and its appendices 3 to 6 rebut recent appeal decisions which found otherwise.
32. However, whilst the information in the Council's appendix 2 appears to be reasonably up-to-date, it is only a summary of its housing supply position, and I have no detailed evidence on which to assess it and form my own conclusion. Thus, given the recent appeal decisions referred to by the appellant, and giving her the benefit of the doubt, I have proceeded on the basis that the Council cannot demonstrate the required housing land supply.
33. As this would be a very small scale development, I give the benefits identified above moderate weight. Additionally, as there would be modest economic benefits during construction, and from future residents who would contribute to Council Tax receipts and who would help to support existing services and businesses, I attribute this limited weight.
34. As I have found that the site is within the countryside, the scheme does not benefit from the Framework's support for making use of brownfield land within settlements for homes. Notwithstanding the removal of an agricultural occupancy condition from the dwelling at Silver Birches⁶, having regard to the site's history as part of a pig farming enterprise, and as the remains of former structures have blended into the landscape, I am not persuaded that the site constitutes 'previously developed land', as defined in the glossary at Annex 2 of the Framework.

⁴ Ref: APP/P0240/W/24/3347671

⁵ Appendix 8 of the Statement of Case

⁶ Ref: T/APP/C/87/J0215/12-13/P6

35. The S106 would also make a financial contribution to facilitate the stopping up of a public bridleway whose line on the definitive map crosses the site frontage, roughly where the internal access would be. However, as the need for this arises from the proposal, and as horse-riders, cyclists and pedestrians can, and do already, use the adjacent highway, this is not a public benefit which needs to be addressed in my overall planning balance.

Planning Balance and Conclusion

36. Given that the Council cannot demonstrate a five year supply of deliverable housing sites, those development plan policies which are most important for determining the application are deemed to be out of date, and Framework paragraph 11d) is engaged.
37. This sets out that 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.
38. The Framework seeks to significantly boost housing supply and notes the important contribution of small and medium sized sites, and the need for SCB plots. As the scheme would make a very modest contribution of one unit to housing supply, I attribute moderate weight to these benefits, and I have attributed limited weight to the economic benefits.
39. Set against that, in this location, the future residents would be largely reliant on unsustainable modes of transport to access services and facilities, the scheme would significantly harm the character and appearance of the countryside, and there would be limited harm to the safety of highway users. In these regards, it would conflict with those Framework policies which require development to be sympathetic to local character and recognise the intrinsic character and beauty of the countryside, to manage patterns of growth in favour of sustainable transport choices, and to achieve safe and suitable access for all users.
40. In this case, the adverse impacts of granting planning permission would therefore 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 and securing well-designed places. The scheme does not therefore benefit from the Framework's presumption in favour of sustainable development.
41. The proposal would conflict with the development plan, and material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. For these reasons, and having regard to all other matters raised, including representations in favour and opposed to the scheme by interested parties, the appeal is dismissed.

Chris Couper

INSPECTOR