
Appeal Decision

Site visit made on 16 June 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2025

Appeal Ref: APP/K0235/W/25/3363241

Dairy Farm Cottage, St. Neots Road, Renhold, Bedford MK41 0JF

- 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 N Smith against the decision of Bedford Borough Council.
 - The application Ref is 24/01253/FUL.
 - The development proposed is described as 'erection of ancillary residential outbuilding and equestrian storage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants claim that the description of development in the Council's decision differs from that contained in the application form and that this prejudices their case. However, I have not identified any amendment made by the Council. The appellants confirm that reference to the equestrian stable relates to a personal use. Therefore, I proceed on the basis of the appellants' own description, as set out in the banner heading above, taking into account the clarification provided.
3. The development plan comprises the Bedford Borough Local Plan 2030 adopted in 2020 (LP). Whilst the plan is now over 5 years old, the National Planning Policy Framework (the Framework) sets out that the policies may still be given weight depending on the degree of accordance with the Framework. I deal with this matter in my reasoning below.

Main Issues

4. The main issues are:
 - whether the appeal site would be an appropriate location for the proposed development, having regard to local and national planning policies;
 - the effect of the proposed development on the character and appearance of the rural area; and
 - whether the proposed development could deliver the mandatory biodiversity net gain (BNG).

Reasons

Location

5. The appeal site comprises a two-storey dwelling, Dairy Farm Cottage, its associated domestic outbuilding and land to the east. Located within the parish of Renhold and accessed off St Neots Road, the site lies away from any settlement defined in the development plan, surrounded by agricultural land in the open countryside.
6. The evidence from both parties indicates the land upon which the proposed outbuilding would be located does not fall within the current domestic curtilage. Implicitly, the appeal proposal seeks the change of use of the land to form part of the residential planning unit. Indeed, I observed on site that grassed paddock land lies beyond the existing outbuilding to the east, in the location of the proposed appeal building.
7. Policy 7S of the LP supports appropriate development in the countryside provided it accords with other named policies in the plan, subject to criteria. The criteria requires that developments recognise the intrinsic character and beauty of the countryside, do not give rise to adverse impacts that would affect the use and enjoyment of the countryside by others, or would have a significant effect on the environment.
8. Policy 66 of the LP is the only policy relevant to this appeal that is referred to within the text of Policy 7S. This provides support for the creation of ancillary domestic buildings subject to three criteria. Two of the criteria are that (vii) it is not used for any purpose other than the enjoyment of the existing dwelling or as a residential annex to the dwelling; and (viii) the design and size of the proposal is in keeping with the existing dwelling.
9. The appellant has confirmed that the building would be used for their personal use thus meeting criterion (vii) of Policy 66. However, first and foremost, to benefit from the support of Policy 66, the building should be ancillary. My interpretation of 'ancillary', in an ordinary sense, refers to something that is subordinate or secondary to the main function or use.
10. As a single storey outbuilding, I acknowledge that the height of the proposed outbuilding would not rival that of the two-storey dwelling. However, the appeal proposal relates to an expansive outbuilding, which the plans show to be approximately 8.4m by 24.3m in footprint. The sheer size of this in plan form would compete with the footprint of the dwelling, which would appear smaller by comparison. The result would be a development that would be disproportionate in terms of size for the host dwelling.
11. Accordingly, I am not satisfied that the building constitutes an outbuilding that would be ancillary nor am I satisfied that the size of the dwelling is in keeping with the existing dwelling. The development is therefore not an appropriate form of development for its location, in direct conflict with the requirements of policies 7S and 66 of the LP.
12. There is disagreement between the parties regarding the consistency of the LP policies with the Framework and the level of weight that should be attributed. In so far as is relevant to these policies, I identify nothing in the Framework that leads

me conclude there are inconsistencies that justify a reduced weighting should be applied.

Character and appearance

13. The appeal site lies within a rural area where dwellings and agricultural buildings are sporadically located. There is a good level of mature vegetation surrounding the site, such that wider views of the building would be somewhat limited. However, glimpses would still be achievable, particularly from St Neots Road and particularly during the winter season given the deciduous nature of the trees between the highway and the appeal site.
14. Whilst the style of the proposed outbuilding is not in dispute, its size takes it beyond that of a domestic scale and appearance. It would have a poor relationship with the existing house and garage, sitting beyond the existing built form and sprawling into the adjacent open, flat landscape. This encroachment would interrupt the otherwise undeveloped nature of the landscape and have an adverse effect on the character and appearance of the rural area.
15. This would be contrary to policies 66, 7S, 28S, 29 and 30 of the LP which, amongst other things, require proposals to integrate well with their surroundings and have no adverse effect on the character and appearance of the area. These policies are aligned with the Framework, particularly paragraphs 131, 135 and 187 and I attribute full weight to them.

Biodiversity net gain (BNG)

16. The appeal proposes that mandatory BNG would be provided off-site, within the land edged blue. To secure this, an appropriate mechanism is required, such as a section 106 agreement. No such agreement has been advanced.
17. However, if the appeal were to succeed, it would be subject to the statutory pre-commencement biodiversity gain condition ('the condition') as set out in Schedule 7A to the Town and Country Planning Act 1990 (as amended). In this scenario, guidance contained in the National Planning Policy Guidance (NPPG) states that it would generally be inappropriate, when determining a planning application for a development subject to BNG, to be refused on the grounds that the biodiversity gain objective will not be met.
18. The NPPG advises that more broadly, consideration may be required as to whether 'the condition' is capable of being successfully discharged. It is common ground that on-site BNG could not be achieved due to the constrained extent of the site, denoted by the red line. Equally, it is agreed that BNG could, in principle, be achieved off-site on land adjacent. The issue of contention is with how this would be secured, and its timing.
19. 'The condition' sets out that development cannot begin until the Biodiversity Gain Plan (BGP) has been approved. It would be for the Council to consider the BGP, and whether or not the measures are acceptable and secured. I see no reason why an appropriate agreement could not be entered into at BGP stage. In any event, off-site provision could still be achieved through an appropriate conservation covenant, which is separate to the planning process, or through the purchase of biodiversity credits as a last resort. As such, I am as satisfied as I can

be, that 'the condition' is capable of being discharged, broadly following the hierarchy.

20. Therefore, I find the development is capable of meeting the mandatory requirements for BNG, in accordance with the statutory framework.

Other Matters

21. The Framework contains broadly high-level strategic policies. Even so, I have not identified any conflicts between it and the development plan. Nor has the appellant drawn any specific examples of the perceived conflicts to my attention.
22. The appellant points to inconsistent weight attributed by the Council to its policies around place making and design matters citing a decision made¹ in 2025. Even if that were the case, in the context of this appeal it would not have resulted in a different outcome such is the degree of conflict with policies 7S and 66 of the LP.

Conclusion

23. Whilst I am satisfied that proposed development could deliver BNG, I have found that the proposed outbuilding could not reasonably be considered as ancillary. Even if I had found the outbuilding was ancillary, it would not alter my view on its accordance with policies given the harm identified in respect of its encroachment into the rural landscape and its adverse effect on the character and appearance of the countryside. For the reasons given above, the scheme would conflict with the development plan as a whole and the Framework. Therefore, I conclude that the appeal should be dismissed.

C Walker

INSPECTOR

¹ 24/02221/FUL