



Appeal Decision

Site visit made on 8 July 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th August 2025

Appeal Ref: APP/P0240/W/25/3360938

Red Lion House, 119 Tilsworth Road, Stanbridge LU7 9HY

- 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 Susan Sutton against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/03684/OUT.
 - The development proposed is an outline application for the proposed introduction of a two storey detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey detached dwelling at Red Lion House, 119 Tilsworth Road, Stanbridge LU7 9HY in accordance with the terms of the application, Ref CB/23/03684/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline, except for access, layout and scale. Appearance and landscaping are reserved for subsequent approval. I have dealt with the appeal on that basis and treated the detailed plans provided as illustrative insofar as it relates to those matters which are reserved.
3. During the course of the appeal a certified and executed planning obligation in the form of a Unilateral Undertaking (UU) dated 31 July 2025, was provided. The Council have commented upon this and I have taken account of it in reaching my decision here.

Main Issues

4. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies including the effect of the proposal on the openness and purposes of the Green Belt,
 - 2) the effect of the proposed development on the character and appearance of the area, and
 - 3) the effect of the proposal on the integrity of the Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) within the Chilterns Beechwoods Special Area of Conservation (SAC).

Reasons

Effect on the Green Belt

5. The site is within the Green Belt wherein policy SP4 of the Central Bedfordshire Local Plan (CBLP) applies. This policy sets out that there is a general presumption against inappropriate development and any such proposals within the Green Belt will be assessed in accordance with Government guidance contained in the Framework and Planning Practice Guidance (PPG). For the purposes of this appeal, I have taken this to mean Chapter 13 of the Framework and related sections of the PPG.
6. Paragraph 142 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Paragraph 154 establishes that new buildings would be inappropriate unless it meets one (or more) of a listed exception. The appeal proposal has been put forward under both paragraphs 154 e) and g), namely as limited infilling in villages or (in summary) the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.
7. Whilst I accept that the site is within a village, it is not limited infilling as the site is abutted by an open playing field to the Stanbridge and Tilsworth Recreation Ground. This is a distinct and generous area of open space and there is nothing for the proposal to infill. The development therefore cannot comply with the provisions of paragraph 154 e) as it is not infilling.
8. However, considering paragraph 154 g), the proposal is the garden area to the host dwelling. It presently comprises hardstanding, outbuilding, a shipping container, gravel drive and other associated domestic accoutrements. It sits at the end of a row of homes which address Tilsworth Road and these form a distinct cluster on the fringe of the village.
9. The proposal would add a modest amount of built form to the edge of this group. As a two storey building in scale, it would have an effect on the openness of the Green Belt in a spatial and visual dimension. It would replace some existing structures. I have no reason to believe that these are unauthorised, despite no express grant of planning permission for them, and in any case, they clearly form part of the domestic curtilage of the host dwelling. Nevertheless, the introduction of the proposed dwelling, which is neatly aligned, in terms of its layout and scale, with the remaining homes in this group could not be regarded as having a substantial effect on the openness of the Green Belt. This is assisted by the generous landscaping around the property and clear boundary with the adjacent recreation ground.
10. It therefore follows that the proposal complies with paragraph 154 g) of the Framework and thus accords with policy SP4 of the CBLP. As I have found that the development accords with these provisions, I have not gone on to consider any implications with regard to other issues under chapter 13 of the Framework.
11. In reaching my conclusions here I have had regard to the similar proposal cited by the Council at Bendbrooke House¹. Although I do not have sight of the plans, I must recognise the similarities as they have been set out in that decision letter.

¹ APP/P0240/W/23/3315083

However, I note that that proposal was refused permission due to it not amounting to limited infilling and the decision was made under an earlier version of the Framework. This is the same conclusion as I have reached here, that the proposal does not amount to limited infilling. As I have found this proposal to be acceptable under paragraph 154 g) of the more recently revised Framework, there is no inconsistency or conflict with this other decision.

Character and appearance

12. The site is set at the end of a row of homes of varied forms. There is a pleasing mix of detached, semi-detached and terraced homes that read together because of their shared alignment and detailing. They are spaced slightly unevenly with a mixture of sizes of homes and spaces between them.
13. The proposed dwelling would be detached and set quite close to the existing building. It would, perhaps, appear a little cramped with a smaller plot width than many of its neighbours. Even so, it would not be the smallest and, in this context, I am unable to conclude that this would be harmful to the character of the area and this observation is supported by local residents. The scale of the house is commensurate with others in the area and no doubt its appearance can be made to align with that of its neighbours in any Reserved Matters submission.
14. The site is well landscaped, and the proposed dwelling could be accommodated on the site without disrupting this and conditions can be applied to ensure this is the case. This is particularly so given that it is positioned on an area which is otherwise occupied by existing structures or hardstanding and the like.
15. As such, I conclude that the proposal would be of a high quality design and would not be at odds with the pattern and grain of development in the surroundings. It follows, therefore, that the proposal complies with policy HQ1 of the CBLP.

Integrity of the SSSI and SAC

16. The Habitats Regulations require that permission may only be granted for a development where the competent authority has ascertained that it will not adversely affect the integrity of a European Designated Site. The appeal site is within a 12.6km zone of influence around the SAC, in particular the SSSI. The qualifying features of the SAC include beech forest and semi-natural dry grassland and scrubland with habitat for stag beetle. As the competent authority it is necessary for me to conduct an appropriate assessment in relation to the effect of the proposed development on its integrity.
17. New residential development within the zone of influence is likely, either alone or in combination, to adversely affect the integrity of the SAC and SSSI. These are vulnerable to harm through increased recreational disturbance arising from population growth. Consequently, a mitigation strategy is in place to secure Strategic Access Management and Monitoring (SAMM), along with provision of Suitable Alternative Natural Greenspace (SANG), funded through developer contributions in relation to additional housing development. This strategy is supported by Natural England.
18. A signed UU dated 31 July 2025 has been submitted with the appeal committing the appellants to make the contributions required in the strategy. Natural England have confirmed that where appropriate contributions are secured the development

will not affect the integrity of the SAC or SSSI. Indeed, I note that payment in the amount of £4,655.49 (for SAMM and SANG) plus £1,446.00 for the Council's legal fees has already been made. Whilst this does not identify the specific purposes to which the contribution would be put, I am satisfied that this sum can be allocated by the Council as appropriate in accordance with their mitigation strategy.

19. I am therefore satisfied that the contributions secured by the UU would ensure that the development would not adversely affect the integrity of the SAC and SSSI. It would therefore accord with policy EE3 of the CBLP and the aims of the Framework, which include conserving and enhancing the natural environment.

Other Matters

20. The proposal has been nominated as Self-Build and Custom Housebuilding (SBCH). However, as I have found the proposal to be acceptable on its merits I have not gone on to consider this further here. This is particularly the case here as there is no mechanism, in the form of a certified and executed planning obligation, in place to secure the proposal as SBCH and this gives me limited opportunity to afford it any weight.
21. Equally, and for similar reasons, I do not need to explore the housing land supply position in relation to SBCH or whether the Council can demonstrate an overall five year housing land supply having regard to paragraph 11 d) of the Framework.

Conditions

22. The Council has provided a schedule of conditions in the event that the appeal is to be allowed, and I have imposed these with edits and modifications, as detailed below, in order to meet the tests set out in the Planning Practice Guidance (PPG). Some conditions are pre-commencement conditions however, having regard to s100ZA of the Town and Country Planning Act 1990 (as amended) (the Act) and the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, further consultation on these is not required here because the proposal is in outline only.
23. Conditions 1 and 2 are imposed to ensure that the development is delivered in a reasonable time frame and to accord with the provisions of the Act. Condition 3 is a plans condition and affixes the development to those matters which have been approved.
24. Conditions 4 and 5 are imposed in the interest of the safety and convenience of the operation of the highway.
25. Condition 6 is to prevent the increased risk of flooding both on and off site and to ensure the development is satisfactorily drained.
26. I have imposed conditions 7 and 8 to ensure the retention of established trees and ensure the development is satisfactorily landscaped in the interests of the character and appearance of the area. Indeed, the landscaping is important as a reason for allowing the appeal.
27. Likewise, condition 9 is imposed to ensure the height of the dwelling accords with its surroundings in the interests of the character and appearance of the area.

28. Conditions 10 and 11 are imposed for the avoidance of doubt and to ensure that the dwelling is not of an excessive size and does not exceed a single dwelling. Although the Council suggested limited this to 1.5 to 2 storeys, the plans show a two storey home therefore I have applied this here.
29. Finally, condition 12 directs the appellant's attention to the Council's codes of practice for construction in the interests of trees on site and the living conditions of neighbours.
30. I have not imposed the recommended condition relating to SBCH as I have found the development to be acceptable on its merits without exploring the manner of its construction. Furthermore, even if I were to consider the proposal as SBCH, having regard to the PPG, this could not be satisfactorily secured through the use of a condition, and a planning obligation would be required.

Conclusion

31. The proposed development meets the exception at paragraph 154 g) of the Framework insofar as it amounts to the redevelopment of previously developed land. The proposal would also not be detrimental to the character and appearance of the area. Further, I have found that the appeal scheme would not harm the integrity of the SSSI and SAC.
32. It follows that the proposal complies with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
33. The appeal is allowed.

N Bowden

INSPECTOR

Schedule of Conditions

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.
- 2) No development shall take place until approval of the details of the Appearance and landscaping of the development within that area (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number 2715-SK02B ‘Proposed Site Plan and Street Scene’ and in general accordance with the details shown on the submitted plans, number 2715-SK03A ‘Indicative Plans and Elevations’.
- 4) Prior to commencement of development details of the access/junction arrangements, shown for indicative purposes on drawing no. SK02 REV B, shall be submitted to and approved in writing by the local planning authority and no dwelling approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works, including the provision of visibility splays, clear of all obstruction, have been implemented.
- 5) Any subsequent reserved matters application shall include the following:
 - a) Vehicle parking and garaging in accordance with the Council’s standards applicable at the time of submission.
 - b) Cycle parking and storage in accordance with the Council’s standards applicable at the time of submission.
 - c) A refuse collection point located at the site frontage outside of the public highway and any visibility splays.
 - d) A vehicular turning area within the curtilage of all premises taking access directly from the public highway.
 - e) A plan showing the area for construction worker parking provision, deliveries, materials storage clear of the public highway.
- 6) No development shall commence until a detailed surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100 year event (+40%CC), via attenuated discharge to an existing watercourse, and a maintenance and management plan for the scheme has been submitted to and approved in writing by the Local Planning Authority. The final detailed design shall be based on the agreed FRA & Drainage Strategy (Ref: WRA, V3, 23/4/24) and DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval. The discharge rate

from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards. The applicant should address the following points 1 to 11 when submitting details to discharge the condition (see informative notes to applicant).

- 7) Notwithstanding the details submitted, any subsequent reserved matters application shall include a BS 5837 : 2012 Tree Survey, Tree Constraints Plan and an Arboricultural Impact Assessment, prepared by a suitably qualified Arboricultural consultant, with the purpose of accommodating both existing and future canopy spread and Root Protection Areas from boundary trees and hedging, and also to provide sufficient spatial separation from the new dwelling, which seeks to minimise the perception of risk and nuisance from the trees and hedging, once the pressures of home occupancy come to bear.
- 8) No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.
- 9) Any Reserved Matters application shall be accompanied by details of the existing and final ground and slab levels of the building proposed. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in full accordance with the approved details.
- 10) The dwelling included as part of any Reserved Matters application shall not exceed two storeys in height.
- 11) Any Reserved Matters application for the development at the site shall not exceed one dwelling.
- 12) The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Environmental Code of Practice' and 'Construction Code of Practice for Developers and Contractors.'

End of Schedule