



Appeal Decision

Site visit made on 3 September 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2025

Appeal Ref: APP/P0240/W/25/3360732

Land adjacent to The Oaks, Brick Kiln Farm, Chaul End Road, Caddington, Bedfordshire

- 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 Gill against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/03081/FULL.
 - The development proposed is New build chalet bungalow with associated landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for a new build chalet bungalow with associated landscaping at Land adjacent to The Oaks, Brick Kiln Farm, Chaul End Road, Caddington, Bedfordshire, in accordance with the terms of the planning application Ref. CB/24/03081/FULL, dated 24 October 2024, subject to the conditions set out in the attached schedule.

Procedural Matter

2. During the consideration of the appeal, it was found that a limited proportion of the appeal site was owned by someone other than the appellant. This is a matter I have sought the Council's views upon. It was necessary for the appellant to submit the correct ownership certificates, give requisite notice of the proposal in accordance with legislation, and give those parties sufficient opportunity to make representation about the proposal should they wish. Having regard to the matters and the evidence before me, I am satisfied that no party is prejudiced by my determination the appeal. I discuss the matter further below.

Main Issues

3. The main issues are:
 - the effect of the proposed development upon designated habitats sites;
 - whether or not the proposed development would be inappropriate development in the Green Belt, including its effect upon openness; and,
 - the effect of the proposed development upon highway safety.

Reasons

Habitats sites

4. The appeal site is within a 12.6km zone of influence (Zoi) of the Chilterns Beechwoods Special Area of Conservation (SAC), as a designated habitats site

under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). The Regulations require where a project is likely to result in likely significant effects (LSEs) upon a habitats site, the competent authority is required to make an Appropriate Assessment (AA) of its implications on the integrity of that site in view of its conservation objectives. Any LSEs from a development need to be considered alone and in combination with other development in the area, adopting the precautionary principle.

5. The SAC qualifying features are its beech forests on neutral to rich soils, semi-natural dry grasslands and scrubland facies on calcareous substrates, and the stag beetle. Its conservation objectives are to maintain and restore the extent and distribution of the natural qualifying habitats and habitats of the qualifying features, the structure, function and supporting processes of the qualifying natural habitats and habitats of the qualifying species, and the populations and distribution of the qualifying species within the site.
6. Recreational visits to the SAC are resulting in disturbance with a range of adverse effects that are affecting its integrity. Advice from Natural England (NE) and as set out in the Council's Mitigation Strategy for Ashridge Commons and Woods SSSI (the MS), confirms that any net increase in dwellings in the Zol results in LSEs, so are required to provide mitigation and avoidance measures to rule LSEs out, and to maintain the integrity of the SAC.
7. Measures in the MS comprise Strategic Access Management and Monitoring (SAMM) and Suitable Alternative Natural Greenspaces (SANGs). SAMM is to directly manage and avoid impacts at their source and to better educate visitors, and SANGs are greenspaces that are created or enhanced to absorb recreational pressure that would otherwise occur at the SAC. These can be funded by a per dwelling contribution, of which there is no dispute the scheme should be required to provide. These contributions are important component of mitigation and avoidance measures to offset the harm from each new development.
8. The evidence before me sets out how SAMM and SANG contributions are used to ensure mitigation is delivered. The Council confirms there is SANG capacity for the appeal scheme. NE has been consulted upon the appeal proposal and is satisfied the SANG and SAMM contributions would mitigate the LSEs. Based upon the evidence before me, I am satisfied the sums would be directed in the manner intended towards the timely delivery of mitigation for the appeal proposal.
9. The appellant's Unilateral Undertaking (UU) seeks to secure SAMM and SANG contributions. The latest UU states that it is an obligation, is signed, dated, has been executed, witnessed, binds the successors in title, identifies the Council, the site and planning application. It defines the obligations, the SAMM and SANG contributions in accordance with the MS that are index-linked, to be paid in full prior to commencement, as well as a monitoring contribution.
10. Following clarification in respect of land ownership, I am assured the correct certificates are signed and notices served. The appellant owns the significant majority of the appeal site, and the development can be constructed in full within land the appellant owns. The obligation is enforceable against the appeal scheme, the owner of it, or any future successors in title.
11. I am therefore satisfied, following an AA, that the proposed mitigation is sufficient to mitigate LSEs from the scheme, is appropriately secured and will be delivered

by the UU, in a manner to mitigate LSEs from the appeal scheme, to maintain or restore the integrity of the SAC consistent with its conservation objectives.

12. Therefore, the proposal would not adversely affect the integrity of designated habitats sites. It complies with Policy EE3 of the Central Bedfordshire Local Plan (2021) (the LP) which requires that proposals shall avoid negative impacts on biodiversity. It complies with paragraph 193a) of the National Planning Policy Framework (2024) (the Framework) which has similar objectives. The proposal would also be compliant with Regulation 63(5) of the Regulations which states that the competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

Inappropriate development

13. Policy SP4 of the LP designates Green Belt, states that within the Green Belt there is a general presumption against inappropriate development, and that proposals will be assessed in accordance with government guidance contained in the Framework and PPG. It states redevelopment of brownfield sites will be acceptable as long as it would not have a greater impact on the openness or the purposes for including land within the Green Belt than the existing development.
14. Framework paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 states development in the Green Belt is inappropriate, unless one of the exceptions apply. An exception at 154g) which was updated in the most recent iteration of the Framework, is the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt.
15. Insofar as LP Policy SP4 states a general presumption against inappropriate development and that proposals will be assessed in accordance with the Framework and PPG, it is consistent with the Framework. However, while it does not appear to define such development as inappropriate, its implication that redevelopment of brownfield sites should not have a greater impact on openness, or Green Belt purposes, is inconsistent with the updated Framework.
16. The delegated report explains in previous applications and an appeal decision¹ it is accepted the appeal site forms previously developed land (PDL), and that it views the site is PDL that could fall within the exception at paragraph 154g) subject to consideration of openness. The site is part of land occupied by permanent structures and fixed surfacing, enclosed by fencing, and covered by hardstanding. From the evidence before me and what I saw, the site should be regarded as PDL.
17. The single, quite modestly sized dwelling would have first-floor accommodation largely within and under the roof, with a new parking area and enclosed garden. There would be a new building, associated new scale, bulk and massing of built development, associated domestication and comings and goings. Its plot width and depth would be similar to the neighbouring property, it would be well related to dwellings to its north and east, and the footprint, scale, bulk and massing would be modest in the context of development surrounding. Vehicles, paraphernalia, comings and goings may well increase above existing, but would be limited.

¹ Ref. APP/P0240/W/19/3226590.

18. Green Belt openness has visual and spatial elements. The position close to the highway and some generally open land in a rural location, means the proposal would have a discernible adverse effect upon Green Belt openness. Given the previously developed extent of the site, despite the increased development and associated activity, the effects upon spatial openness would not be significantly adverse. The effect upon the visual openness would be significant. However, taken all together the overall effects upon openness would not be of such a magnitude to be regarded as substantial, and it would not be inappropriate development having regard to the exception at Framework paragraph 154g).
19. I note the main parties' views in respect of Green Belt purposes. The scheme would have a very minor overall effect from encroachment and upon the overall physical and visual sense of separation from the main settlement. However, the changes to the Framework mean there is a significant inconsistency within SP4 between stating proposals shall be assessed in accordance with the NPPF and NPPG, and the paragraph in respect of assessing brownfield sites. The Council's evidence does not fully explain how the inconsistency should be reconciled.
20. The more stringent requirements for brownfield land are inconsistent with the Framework, whereas the earlier part of the policy is up to date and in accordance with the key tenets of Green Belt policy in the Framework for assessing whether a proposal constitutes inappropriate development. I find the earlier part of the policy can be attributed greater weight and is determinative upon the matter of inappropriate development, and the proposal can be regarded as compliant with Policy SP4 read as a whole.
21. The Council's reason for refusal states the proposal would be harmful to the visual amenity of the Green Belt and there are no very special circumstances demonstrated. However, where a proposal is not inappropriate development there is no need to further assess it's the effect upon the Green Belt, or, whether there are other considerations and whether they amount to very special circumstances.
22. Therefore, for the reasons set out above, the proposed development would not be inappropriate development. It is compliant with Policy SP4 taken as a whole, and paragraphs 153 and 154g) of the Framework, the relevant provisions of which I have set out above.

Highway safety

23. The Council explains the highway access does not have what may be deemed adequate visibility splays, but a previous appeal decision² concluded it was adequate. In a 2017 appeal decision³ for an additional dwelling the Inspector was satisfied the southern visibility should and would meet Manual for Streets (MfS) standards. Given the visibility to the north and presence of other residential accesses drivers would be aware to take care, so that scheme would not result in a material increase in risk to safety or convenience. A condition required splays of 2.4m x 59m to the south and 2.4m x 29m to the north be provided and retained.
24. The Highway Officer explains the access has been upgraded as required and initially sought wider visibility splays, but in a subsequent response to the application, these are not referred to, and previous Inspector findings are

² Ref. APP/P0240/W/20/3252269.

³ Ref. APP/P0240/W/16/3163175.

acknowledged. However, a fence has been erected southeast of the access, obstructing the visibility splay, meaning there would be inadequate visibility, prejudicial to highway safety.

25. This dwelling would be likely to result in a very limited number of additional movements. Noting the views of previous Inspectors, there is no substantive evidence demonstrating highway and access conditions are now such, that an alternative level of visibility to that previously found acceptable by a previous Inspector, is required. While my visit can only represent a brief snapshot in time I also saw nothing to suggest there has been any material changes having regard to the accounts of the surrounding highway layout, vehicle speed or volume set out in previous decisions. I am, overall, satisfied the appeal scheme would not be prejudicial to highway safety or convenience.
26. Highway safety is an important matter, but I disagree with the Council's view a condition to require removal of the fence would not be enforceable or meet the tests set out for conditions in the Framework. The fence is close to the highway on land within the appellant's control, and even were it not, it is not clear that a condition requiring an appropriate splay be provided outside a site is inherently unreasonable, cannot be complied for this scheme, or would be unenforceable.
27. While the Council's suggested condition seeks 2.4 x 82m visibility splays, this is more than the splays required under the 2017 decision, and are not justified by what I saw and the substantive evidence before me. However, I am satisfied a Grampian-type condition requiring visibility splays previously judged acceptable would meet the tests of being necessary, relevant to planning and the development permitted, enforceable, precise and reasonable in all other respects.
28. Therefore, subject to the imposition of suitably worded conditions the proposal would not result in conditions prejudicial to highway safety. It would not conflict with Policy T2 of the LP which requires proposals do not have a detrimental impact upon highway safety and movement patterns, provide appropriate access, and will be refused if they have severe residual cumulative impacts. It would also not conflict with Framework paragraphs 115b) and 116 which have similar objectives.

Other Matters

29. The site is close to the boundary of the Chilterns National Landscape (CNL) for which there are legislative duties⁴ and planning policies including as set out in Framework paragraph 189, to which I have had regard. The site is separated from the CNL by the highway, which is lined by strong vegetation cover to the west, and is viewed in the context of other built development to its north and east. The dwelling would not be out of keeping with neighbouring buildings, and provision of a high-quality landscaping scheme secured by a suitably worded condition would soften the scheme appearance and represent an overall landscaping gain.
30. Overall, the proposal would result in a minor benefit to the character and appearance of the area. It would respect, retain and enhance the character and distinctiveness of the landscape, safeguard the intrinsic character, landscape and scenic beauty, and perceptual qualities of the CNL and wider landscape, and would not adversely affect the setting of the CNL.

⁴ Section 85 of the Countryside and Rights of Way Act 2000, Section 245 of the Levelling-Up and Regeneration Act 2023.

31. Suitable noise attenuation measures could be accommodated within the scheme. The site is devoid of ecological features and exempt from Biodiversity Net Gain (BNG) requirements, however, LP Policy EE2 seeks that proposals result in an overall net gain. The new garden area would increase biodiversity features markedly, so subject to suitable landscaping secured under the suggested condition, there would be a habitat gain, ensuring compliance with Policy EE2 and the Framework in this regard.

Planning Balance

32. Though it does not usurp the primacy of the development plan under section 38(6) of the Act, the Framework is an important material consideration. The Council suggests its housing land supply (HLS) is around 4.85 years, so Framework paragraph 11d) is engaged. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against 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, and securing well-designed places.
33. Though it does not set out reasons for refusal in such regards, the Council considers the site is outside a settlement boundary, and in a location with reliance upon private car journeys, suggesting a conflict with LP Policy SP7. However, the site is quite a short distance from amenities in Caddington which provide several services and facilities for the day-to-day needs of future occupiers. While some future occupiers might be reliant upon the private car for access to a number services and facilities, many such journeys would typically be quite short ones. In consequence the conflict with development plan and Framework policies and objectives in these regards, attract limited weight against the scheme.
34. The proposal would make a more effective use of land, result in a limited temporary economic benefit during construction, and once occupied a small on-going benefit to the local economy, with some support to local services and facilities. Given the evidence of need and HLS, a single additional dwelling is a limited contribution to supply, attracting limited weight in favour of the scheme. Subject to the imposition of suitably worded conditions, as a matter of planning judgement there would be some benefits to the character and appearance of the area, and biodiversity, attracting limited weight in favour of the scheme.
35. Compliance with policies in respect of matters such as the living conditions of future and neighbouring occupiers, parking and land contamination, are neutral matters in the balance. That the appeal scheme does not constitute inappropriate development in the Green Belt, would not result in LSEs to designated habitats sites and would not be detrimental to highway safety are also neutral matters.
36. The appeal scheme could be regarded as conflicting with policies for the location of new development if I agreed with the Council about it being outside a settlement, and access by non-car modes, so could be regarded as conflicting with the development plan read as a whole. However, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the Framework taken as a whole. Therefore, there are material considerations that indicate the decision should be made other than in accordance with the development plan.

Conditions

37. I have considered the Council's suggested conditions and where appropriate amended them to more closely align with the Planning Practice Guidance. As well as the standard commencement condition, for certainty a condition requiring the development is carried out in accordance with the approved plan is necessary. As the materials appear only in the application form, I have added this to it.
38. In the interests of highway safety and convenience conditions to secure the parking on the approved plan, and sufficient visibility splays are necessary. It is necessary for splay provision to be a pre-commencement condition given construction traffic. I have amended the specification set out by the Council as it has not been demonstrated the longer splays are necessary and I have added they shall not be obstructed above 0.6m as referenced by the Highway Officer and appellant. In the interests of highway safety, a condition is necessary to ensure the access is suitably surfaced and the appeal scheme is drained to ensure surface water does not discharge onto the highway.
39. In the interests of human health, a condition to require the submission of appropriate site investigation schemes for contamination is necessary. Given groundworks may be affected by this, it is necessary to be a pre-commencement condition. In the interests of the living conditions of future occupiers a scheme of noise insulation is necessary. While it may require construction early in the build, it is not necessary for this to be a pre-commencement condition.
40. In the interests of encouraging sustainable modes of transport, a condition securing cycle parking provision is necessary. Though the Highway Officer refers to turning space for light goods vehicles (LGVs), there was no reason for refusal, or condition set out. The dwelling is off the main thoroughfare served by a two-way access, and it is not demonstrated it is necessary for this to make the development acceptable.
41. In the interests of the living conditions of neighbouring and future occupiers and highway safety and convenience, a scheme to ensure the provision of a suitable refuse collection point is necessary. In the interests of the character and appearance of the area, and securing a biodiversity gain, a condition for a landscaping and maintenance scheme is necessary. In the interests of the living conditions of neighbouring occupiers it is necessary for construction to be in accordance with the adopted Construction Code of Practice for Developers and Contractors. I have omitted the weblink in case this changes over time.

Conclusion

42. The proposal conflicts with the development plan read as a whole. However, there are material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is allowed.

Mr D Szymanski

INSPECTOR

----- Schedule of Conditions -----

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried in accordance with the details shown on the submitted plan numbered OAKPL-65 dated 22/10/2024, and the proposed materials set out in the planning application form.
- 3) Prior to the commencement of the development hereby permitted, details of the access/junction arrangements shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the provision of vehicular visibility splays of 2.4m x 59m in a southerly direction and 2.4m x 29m in a northerly direction, which shall not be obstructed above a height of 0.6m in both directions. The development shall not commence until such time as the approved works, including the visibility splays, have been provided, which shall be retained thereafter.
- 4) No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
 - A Phase 2 Site Investigation (where shown as necessary by the Phase 1 Desk Study);
 - A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.
- 5) Notwithstanding the approved plan, no development shall take place above slab level until a scheme for protecting the proposed dwelling from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the recommendations identified in the Syntegra Consulting Ltd report (Ref: 19-5860) dated June 2021. The dwelling shall not be occupied until the approved scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.
- 6) The dwelling hereby permitted shall not be occupied until a landscaping scheme for all hard and soft landscaping, including boundary treatments, and maintenance for a period of five years following implementation, has been submitted to and approved in writing by the Local Planning Authority. Any trees or shrubs at the site frontage shall be set back at least 1 metre into the site measured from the highway boundary. The approved scheme shall be implemented by the end of the first full planting season (October to March) following the occupation of the dwelling. The landscaping shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed or removed during this period, shall be replaced during the next planting season.

- 7) Prior to the first occupation of the dwelling hereby permitted, the parking scheme for the new dwelling, shown on plan Ref. OAKPL-65 shall be completed, and thereafter it shall be retained for this purpose.
- 8) The proposed vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) as may be approved in writing by the Local Planning Authority for a distance of 5m into the site, measured from the highway boundary, before the dwelling is occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- 9) No development shall take place above slab level until a scheme for the secure and covered parking of cycles (including the internal dimensions of the parking area, stands/brackets to be used, and access thereto), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.
- 10) Details of a refuse collection point located at the site frontage and outside of the public highway and any visibility splays, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to occupation of the dwelling and shall be retained thereafter.
- 11) The development hereby permitted shall be undertaken in full accordance with the Council's adopted Construction Code of Practice for Developers and Contractors.

End of Schedule.