



Appeal Decision

Site visit made on 17 March 2026

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Appeal Ref: APP/P0240/W/25/3375166

Land between 7 and 15 The Rye, Eaton Bray, Dunstable LU6 2BQ

- 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 Lisa and Samantha Taylor and Daniels against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/03529/FULL.
 - The development proposed is the erection of a 3 bedroom self-build dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Lisa and Samantha Taylor and Daniels, against Central Bedfordshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In the banner heading above, I have used the address and description of development provided in the appellant's appeal form and used by the Council in its decision notice.
4. During the appeal, a draft version of the National Planning Policy Framework (the Framework) was published for consultation. Having regard to the matters in dispute between the parties and the draft status of the document with the possibility of change following consultation, I attach limited weight to it. I am therefore satisfied that the interests of the parties would not be prejudiced by proceeding to determine the appeal without inviting further comments.
5. The Council's Statement of Case indicates that in relation to its reasons for refusal on protected species (Reason 4), highway safety (Reason 5) and archaeology (Reason 6), the additional evidence submitted as part of the appellant's appeal documentation has addressed its concerns, subject to conditions. Having reviewed this documentation, I have no reason to take a different view, and these reasons for refusal will not form part of this decision.
6. In relation to Reason for Refusal 7, the Appellant has submitted a completed Unilateral Undertaking (UU) with the appeal documentation to secure contributions towards the Council's mitigation strategy for the Chiltern Beechwoods Special Area of Conservation (SAC). The Council considers that the UU would satisfy its

requirements and that it resolves this reason for refusal. I see little reason to disagree. I will, however, return to the matter below.

7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 202 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Main Issues

8. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt, having regard to the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - The effect of the proposal on the character and appearance of the area, including the significance of a listed building; and
 - If the proposal is inappropriate development, whether the 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 necessary to justify the proposal.

Reasons

Whether inappropriate development

9. The appeal site is a rectangular paddock which lies between 7 and 15 The Rye. It has a road frontage and links to agricultural fields at the rear. It lies to the north west of the village envelope of Eaton Bray and is identified as being within the South Bedfordshire Green Belt.
10. National Policy on development in the Green Belt is set out in the Framework, which advises that the Government attaches great importance to Green Belts. It mentions that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It further establishes that most new buildings should be regarded as inappropriate, but for certain defined exceptions. Policy SP4 of the Central Bedfordshire Local Plan (2021) (CBLP) sets out the Council's approach to development in the Green Belt and is broadly consistent with the requirements of the Framework.
11. Paragraphs 154 and 155 of the Framework set out several categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Paragraph 154, Exception e) refers to limited infilling in villages.
12. The appeal site lies outside the defined formal settlement envelope to Eaton Bray identified in the local plan. However, I am mindful of caselaw established in

Wood¹, which concluded that a village boundary defined in a Local Plan is a relevant consideration but not necessarily determinative, and what constitutes a village for the purposes of the Framework is a matter of planning judgement for the decision maker and there is a need to assess the position on the ground. I have also considered the Braintree judgement² which commented that a settlement would not necessarily exclude a hamlet or cluster of dwellings.

13. On my visit, I saw that the appeal site is clearly separated from the settlement envelope by intervening fields. Near to the appeal site built form along The Rye is mainly linear in character, interspaced with countryside which in places extends between properties and up to the roadside. Although I saw some sections of largely continuous built frontages, especially to the northern side of The Rye, built form tends to be more dispersed properties and individual farmsteads embedded in the surrounding countryside.
14. The appellant has referred to an appeal decision to the rear of properties on the northern side of the road, roughly opposite the appeal site before me³. Here the Inspector concluded that, in relation to 'infilling', the linear pattern of development on the approach to the village centre and 30pmh speed limit were amongst the factors which resulted in a conclusion that the appeal site lay within the village.
15. This appeal appears to relate to a parcel of land to the rear of a largely continuous run of mainly residential properties to the northern side of The Rye. I saw that many of these properties were modern and suburban in character with a similar proximity to the road. The area appeared to me to be a relatively consolidated area of development. In contrast, I found that in the vicinity of the appeal site, on the opposite side of the road, the typically looser arrangement of buildings, open land between them and the wide grassy verges had a very different and more rural character. I, therefore, agree with the Council that the appeal site, on the southern side of The Rye, does not bear the characteristics of a 'village approach' or appears typical of a village location. This view also appears consistent with an appeal decision in 2016⁴ on the appeal site itself. Therefore, the submitted evidence and my assessment do not convince me that the appeal site should be regarded as lying within a village.
16. If I had found the appeal site to be within a 'village' according to the terms of exception Paragraph 149(e) of the Framework, I would then need to consider whether it would represent limited infilling. For the avoidance of doubt, I shall address this.
17. There is no definition in the Framework of 'limited infilling'. However, the preamble to CBLP Policy SP4 defines infill development as 'small scale development in a small gap in an otherwise built-up frontage'. It continues by explaining that the proposal should complement the surrounding pattern and grain of development and, amongst other things, should have no adverse impact on the setting of the site and character of the area. For reasons mainly explained below, I find that the proposed development would not assimilate well with the surrounding pattern and grain of the development, furthermore that it would be harmful to the setting of the adjoining listed building. Nor do I find the frontage to be essentially built-up or the

¹ Wood v SSCLG and Gravesham BC (2015) EWCA Civ 195

² Braintree DC v SSCLG (2018) EWCA Civ 610

³ Appeal decision: APP/P0240/W/20/3262971 Rear of 16 The Rye

⁴ Appeal decision APP/P0240/W/16/3147213

gap between the buildings to be small. Therefore, the appeal proposal would not constitute limited infilling in relation to paragraph 154(e) of the Framework.

18. In relation to Framework paragraph 155, Annex 2 explains that 'greybelt' excludes land where the application of policies relating to areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Footnote 7 specifically excludes land where the policies of the Framework relating to designated heritage assets would provide a strong reason for refusing the development. Therefore, taking account of my findings below, the development would not comply with the exception in paragraph 155, and it is not necessary to consider the proposal against the Golden Rules.
19. Taking account of the submitted evidence, the appeal proposal would not fall within any of the exceptions listed within the Framework which may be regarded as not inappropriate in the Green Belt. It would be inappropriate development in the Green Belt and would conflict with the Framework as well as CBLP Policy SP4. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist.

Effect on openness and purposes

20. The Framework advises that openness is an essential characteristic of Green Belt policy. The construction of a dwelling on the site would result in built development where there is currently none. The significant footprint and bulk of the dwelling, and the other accompanying domestic accoutrements which would follow would inevitably lead to a loss of openness, and that impact would be permanent and significant. Visually, that loss of openness would be clearly seen from the road, removing the open characteristics of the plot and eroding the loose knit character of surrounding built form and views through to the wider landscape. Any additional planting to help filter and screen the development would in itself harm openness.
21. In relation to the purposes of including land within the Green Belt, the appeal proposal would represent an encroachment of built form into the countryside and would therefore conflict with Framework paragraph 143c). Overall, therefore, the proposal would not preserve and would have a harmful effect on the openness of the Green Belt.

Character and appearance and heritage significance

22. No.7 The Rye, adjoining the appeal site, is a Grade II listed building (listed as Ley Farmhouse, Ref.1158440). The list description mentions that the building has a 17th century core at the rear with extensive 19th century additions or rebuilding facing the street. It explains that it is of two storeys and is built in brick with a tile roof and describes the arrangement of openings and various architectural features. It also mentions that the right-hand side elevation has a 19th century porch.
23. From the details available to me, including the list description, and my own observation, I consider that the special interest and significance of the listed building, insofar as it relates to this appeal, is predominantly derived from its age, form, function, historic fabric and architectural detailing. This includes the elegant front elevation with its pair of oriel windows with diamond panes and fish-scale slates, set beneath a decorative barge board. On the elevation facing the appeal site, the design references from the front are continued, including the decorative barge board and similarly detailed porch, together with two diamond pane

windows. This suggests to me that the side elevation was designed to be seen and the porch is the legible entrance to the building.

24. The farmhouse is set back from the road within a spacious plot. The heritage statement identifies that the appeal site was formerly land/orchard serving the farmstead and notes the brick boundary wall which extends along the front of the farmhouse and the appeal site. Although some of the historic trees have disappeared, the grassy plot and the connecting agricultural land at the rear, reflects the agricultural function of the former farmstead. The appeal site therefore helps reinforce the agricultural significance of this farmstead as well as allowing views and an appreciation of the listed building from the road.
25. The Council has referred me to the landscape strategy for Eaton Bray Clay Vale (LCA 5A). On this point, I agree that the appeal site lying close to an historic farmstead, containing remanent orchard and visually connected to outlying fields contributes to the wider rural landscape and reflects many of the area's characteristics. Although, the appellant's Landscape and Visual Appraisal (October 2024) considers that outward visibility from the site is minimal, nevertheless the site is characteristic of rural areas where fields run between buildings to the road. The strategy for this landscape type is for enhancement and renewal to strengthen landscape pattern and distinctiveness.
26. The proposed dwelling would have a significant footprint extending over much of the width of the plot. Although it would be set back from the road, would retain the historic boundary wall and would provide some additional planting, the open nature of the plot would be lost. Thereby the extent to which the current site contributes towards the agricultural setting of the listed farmhouse would be irreversibly harmed. It may be that the farmhouse is not isolated or remote and that the surrounding area appears to be experiencing some new development, increasing density in certain areas, but nevertheless, this does not diminish the importance of this plot in contributing to the setting of the listed building. Whilst that harm would be relatively localised in landscape character terms, with minimal outward visibility into the wider landscape, even with the proposed landscaping, it would still be harmful and would erode the pattern and grain of buildings within the landscape.
27. The proposed building would have a considerable scale and form with an unusually dominant central section and long, linear flanking wings adding to the bulk of the structure. The appearance, although incorporating some design references to neighbouring agricultural structures, appears contrived and rather suburban, such that it would result in a building unlike any of those around it. It would not assimilate well with the adjoining listed building or other nearby buildings. It would distract and draw the eye and that considerable harm could not be successfully mitigated by landscaping.
28. The site to the west appears to be in commercial use but I see no reason why this should influence development on the appeal site, when the overriding character on this side of the road is mostly traditional farmsteads and buildings set in relatively open plots, and given the landscape strategy for the area.
29. All in all, alongside the loss of the open paddock harming the setting of the listed building and wider rural character, the form and appearance of the proposed dwelling together with the domesticizing of the plot, would greatly exacerbate this harm. I therefore find that the proposal would have a harmful effect on the

character and appearance of the area, including the significance of a listed building.

30. In finding harm to the significance of a listed building, paragraph 215 of the Framework requires me to weigh this harm against the public benefits of the proposal. It also advises that great weight should be given to the asset's conservation and that any such harm should have clear and convincing justification. I find a moderate level of less than substantial harm in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal.
31. The development would provide a dwelling which would contribute towards housing land supply, at a time when the Council agrees that it does not have a Framework compliant supply of deliverable housing sites. The development plan and Framework recognise the important contribution that small and windfall sites can make towards meeting the housing requirement in an area and the need to provide for housing for different groups including for those people wishing to commission or build their own homes. However, housing provision should also accord with all other relevant policies in the development plan and the Framework.
32. Mentioning self-build in the description of development alone is unlikely to be sufficient to secure it as such. Furthermore, a condition requiring occupation of the dwelling by the person who built it would be unlikely to pass the tests in the Framework. A Section 106 Obligation is likely to be the most appropriate method of ensuring that the development is self-build, but I do not appear to have one before me. The development would also have some social and economic benefits during construction and occupation and would contribute to local services and facilities. Although this provision is a benefit to housing supply and the local economy, for the reasons stated above, and given that it would only deliver one dwelling, I give these matters limited weight.
33. The appellant references the reintroduction of the historic orchard, retention of trees and the provision of approximately 2% biodiversity net gain. However, the reinstatement of orchard trees would go no way to offsetting the harm caused by the loss of the open field and heritage harm. These matters attract negligible weight as public benefits.
34. Taking the above points together, I find the public benefits in this case to cumulatively be of limited weight. Great weight should be given to the conservation of designated heritage assets. I therefore find in this case that the public benefits, would not outweigh the harm to the significance of the designated heritage asset.
35. As such, the proposal would not comply with the Act or Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage asset. I have also found harm to the wider character and appearance of the area. Accordingly, the proposal would fail to comply with CBLP Policies HE3, HQ1 and EE5 which, in relation to this proposal, seek to ensure that new development preserves the setting of heritage assets and have regard to the key landscape characteristics of the area.

Other considerations

36. The Framework is clear that very special circumstances would need to exist to justify granting permission for the proposal because it would constitute

inappropriate development in the Green Belt and harm openness. It also advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, is clearly outweighed by other considerations. It would also fail to preserve the significance of a Grade II listed building. The harm to significance would not be sufficiently outweighed by the public benefits accruing from the proposal. The Framework requires that great weight is given to the consideration of heritage assets. It would also harm the character and appearance of the area.

37. I have already noted above that the Council does not have a Framework compliant housing land supply. The Council suggest that it is currently 4.85 years, just short of the threshold. However, despite this undersupply, in accordance with Footnote 7 of the Framework, the policies in the Framework that protect designated heritage assets, and the Green Belt provide a strong reason for refusing this development. The presumption in favour of development as set out in paragraph 11d) of the Framework is, therefore, not engaged and the scheme should be determined under a normal planning balance.
38. I have had regard to the other considerations in this case which include the public benefits previously considered. Although this provision is a benefit to housing supply, would be a self-build dwelling and would bring other social and economic benefits, they only attract limited weight.
39. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposal would conflict with the provisions within the Framework which seek to protect the Green Belt and would not comply with CBLP Policy SP4 referred to above.
40. Having regard to my findings in respect of the harm to the Green Belt and the listed building, I consider that the application of the Framework's policies relating to them provide strong reasons for refusing the proposal. Consequently, the presumption in favour of sustainable development contained in the Framework would not weigh in support of the proposal. I have also found harm to the wider character and appearance of the area. It would therefore conflict with the development plan when read as a whole.

Other Matters

41. The evidence indicates that the appeal site lies within the Zone of Influence of the Chiltern Beechwoods Special Area of Conservation (SAC), more specifically, the Ashridge Commons and Wood Site of Special Scientific Interest (SSSI). The Council identifies significant recreational pressure arising from around the SSSI and that new homes are a material consideration.
42. The Conservation of Habitat and Species Regulations 2017 require that the competent authority must ensure that there are no effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SAC. The likely significant effects arising from the proposal need to be considered in combination with other development in the area and adopting the precautionary principle.

43. The Council has produced a Mitigation Strategy setting out measures that would be funded by financial contributions at a specified tariff per dwelling. These contributions seek to offset the negative impacts of development on the SAC. These include measures to reduce the impact on the SAC and other measures to direct visitors elsewhere. I am satisfied, if secured, that the measures would adequately overcome any adverse effects of the proposal on the SAC.
44. Having reviewed the completed UU, and the Council's comments, I am satisfied that it would secure the requirements set out in the Mitigation Strategy. In these circumstances, I conclude that the scheme, either alone or in combination with other schemes, would not have a likely significant or adverse effect on the integrity of the SAC. However, in relation to this appeal, this conclusion on the SAC is a neutral matter weighing neither for or against the proposal.

Conclusion

45. I consider that there are no material considerations, including the provisions of the Framework, of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR