



Appeal Decision

Inquiry Held on 17 to 20 April 2018

Site visit made on 20 April 2018

by **Julia Gregory BSc (Hons), BTP, MRTPI, MCMi**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2018

Appeal Ref: APP/P0240/W/17/3186914

Land situated between Crawley Road and Bourne End Road, Cranfield MK43 0AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Hallam Land Management Ltd against the decision of Central Bedfordshire Council.
- The application Ref CB/17/00976/OUT, dated 24 February 2017 was refused by notice dated 8 June 2017.
- The development proposed is described on the application form as residential development of land situated between Crawley Road and Bourne End Road, Cranfield to provide for up to 222 dwellings including affordable housing; land for doctors surgery and associated parking; green infrastructure accommodating landscaping, allotments, public open space, children's playspace; new roads, car parking, cycleways and footways; associated infrastructure, including a sustainable drainage system; principal vehicular access to be secured from Crawley Road and a secondary pedestrian, cycle and public transport access from Bourne End Road.

Decision

1. The appeal is dismissed.

Preliminary matters

2. All matters apart from access are reserved for future determination. According to the appellant, the development framework plan shows 222 dwellings. The layout, including the internal estate layout and pedestrian footways within the site, and the precise numbers of dwellings, would be the subject of any later reserved matters application. Nonetheless, a condition was proposed at the Inquiry that the built development would be constrained to the areas shown on the development framework plan and I have taken that into account in my determination of the appeal.
3. An executed Unilateral Undertaking (UU) dated 20 April 2018 was provided at the Inquiry. This makes provision for contributions towards infrastructure and affordable housing. As a result of the submission of the UU, the Council withdrew its objections in relation to the third reason for refusal.
4. The doctor's surgery land would be offered to healthcare providers by provisions in the UU and additional funding would be provided for the health care of any future residents. Because of this and also because another recently permitted scheme¹ makes provision for healthcare locally, the Council withdrew

¹ APP/P0240/W/17/3181269 Land off Mill Road, Cranfield

its objections in respect of its second reason for refusal. I shall return to the UU later in my decision.

5. At the Inquiry both main parties considered that I should attach little weight to the consultation draft of the revisions to the National Planning Policy Framework (the Framework). I shall proceed on that basis.

Main Issue

6. At the outset it is necessary to determine whether the Council has a 5 year supply of deliverable housing sites. This is disputed between the main parties. Whether or not the Council can demonstrate such a supply has a bearing on whether policies relevant to the supply of housing are out of date which in turn has a bearing on my reasoning.
7. The development plan comprises the Central Bedfordshire Core Strategy and Development Management Policies November 2009 (LP). LP Policy CS1 sets the development strategy and the overall location for development. Cranfield is identified as a minor service centre where new housing development will help to deliver new community infrastructure and facilities that benefit the sustainability of the town.
8. Section 3.20 of the plan also identifies that there are few physical or planning constraints to development in the village, but that it is relatively isolated from major transport connections, which limits its sustainability for further substantial growth. Various infrastructure requirements are identified up to 2026 and some new housing sites are identified.
9. LP policy CS5 makes housing allocations in various locations including at Cranfield to ensure delivery of at least 17,950 homes between 2001 and 2026. This policy was agreed by the main parties to be not up-to-date because it was based on withdrawn RSS² housing figures. The Council now relies on the OAN³ figure of 32,000 dwellings 2015-2035 set out in the SHMA⁴ which equates to 1600 dwellings a year. If this basis is used, with a 5% buffer, it was agreed that the Council could demonstrate a 5 year housing land supply. Although I note that another Inspector concluded recently that the Council could not demonstrate such a supply, as housing supply evidence on that point is not before me, I am not in a position to dispute the agreed position in the statement of common ground.⁵
10. Although LP policy CS5 is not up to date, because of the update to the figures, that update is in accordance with Government advice in Planning Practice Guidance. The fact that policy CS5 is out of date does not cause the main parties to argue that the development should be determined on the basis of paragraph 14 last bullet point of the National Planning Policy Framework. Neither does it make the broad thrust of the distribution set out in LP policy CS1 out of date.
11. Nonetheless, there was a difference between the Council and the appellant as to whether the OAN should be used as the basis for calculating the 5 year housing land supply. This is because Luton has unmet housing needs, much of

² Regional Spatial Strategy

³ Objectively assessed need

⁴ Strategic Housing Market Assessment for Luton and Central Bedfordshire

⁵ APP/P0240/W/17/3181269 Land off Mill Road Cranfield

which is likely to be provided for within Central Bedfordshire. The Council at the time of the Inquiry was about to submit the Central Bedfordshire Local Plan 2015-2035 for examination. It was seeking to resolve to do that at its Full Council meeting on 26 April and I have no reason to believe that has not happened. The Council should believe the Plan to be sound if it is submitting it for Examination.

12. If that plan is found sound then it will substantially increase the housing requirement from that in the OAN plus 5% to one which includes the supply of housing to satisfy Luton's needs. The plan target would be 39,350 homes to 2035. Against that increased figure, with a 5% buffer, the Council would be unable to demonstrate a 5 year supply.
13. However, that plan has yet to be examined and it became apparent at the Inquiry that there have been many objections to it.⁶ Those may result from housing allocations that have recently been announced, but until the housing requirement has been examined, I attribute its contents in respect of the housing requirement little weight. I have therefore concluded that the Council can demonstrate a 5 year housing land supply based on the OAN figure referred to earlier.
14. Having considered all the matters contained in representations made in writing and at the Inquiry, I consider the main issue to be the effect on the character and appearance of the area.

Reasons

15. There was representation made at the Inquiry that although referred to as a town in LP policy DM4 that Cranfield is a village, albeit that it has a significant number of shops and services. This description is borne out by the later description of Cranfield as a village in section 3.20 of the plan. However, Cranfield can be distinguished from large and small villages in LP policy DM4 terms.
16. The dwellings and doctors surgery would be located outside but adjoining the settlement envelope for Cranfield identified on the Proposals Map. Much of the Inquiry was spent discussing whether LP policy DM4 which relates to development within and beyond settlement envelopes was out of date.
17. This policy permits development within such envelopes commensurate with the scale of a settlement taking into account its role as a local service centre in minor service centres.
18. The accompanying text to the policy makes clear that outside settlements where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted where it accords with the now deleted national guidance in PPS7 - Sustainable Development in the Countryside. The development would not comply with the policy. Nonetheless, since the policy clearly takes reference from superseded national advice and the Framework does not seek to protect the countryside for its own sake, then the policy does not have full weight, but the Framework does recognise the intrinsic character and beauty of the countryside.

⁶ 4551 objections stated in Doc 13

19. Furthermore, there is no restriction on the use of settlement boundary policies in the Framework which sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. The envelopes provide a check on unrestrained development in the countryside outside of villages which in turn contributes to compliance with the spatial distribution of housing identified in LP policy CS1. The Council is not seeking to resile itself from settlement envelopes in its submission Local Plan, albeit that it makes allocations outside of them. I understand that the settlement boundaries shown on the Proposals Map are to be reviewed. The principle of settlement envelopes is not inconsistent with the Framework.
20. An Inspector in another appeal has recently determined that LP policy DM4 was out of date and that only limited weight should be attributed to it.⁷ He dealt with that matter in some detail and had the decisions of some other Inspectors in evidence before him, including some that were dated. Nonetheless, it is for each Inspector to take a view on this matter, if pertinent, on the individual evidence before them. I also note that he was referred to some evidence not provided to me.
21. I acknowledge that paragraph 113 of the Framework seeks to protect landscape commensurate with its status but I was provided with case law I understand that was not provided to the Silsoe Inspector which identifies that ordinary countryside is still afforded some protection in the Framework⁸. Whether that loss of countryside is important in any particular case is a matter of planning judgement for the decision maker.
22. There has been substantial allocation of land outside these settlement limits including sites HA7 and HO8 at Cranfield to accommodate housing. There have also been sites granted planning permission on the edge of Cranfield, including at appeal. It has been stated in other appeals that some 71% of supply is from sites outside settlement envelopes within the District, and I am aware that there is likely to be further development outside settlement limits. Furthermore other minor service centres have experienced significant growth.
23. The Silsoe Inspector considered development outside settlement envelopes when determining that LP policy DM4 was out of date. I am satisfied that it is a proper consideration⁹. Nonetheless, given that the Council intends to review the settlement envelopes I consider that it is not determinative.
24. I note that there is no suggestion that the site is likely to be allocated for housing development in any forthcoming plan. It is not my role to consider the relative merits of any proposed allocations, but I am mindful that this site has not found favour through the Local Plan process which the Framework promotes.
25. Another Inspector also determined that LP policy DM4 was out of date.¹⁰ In that case the Inspector appears to have reached her decision on the basis that any deviation from the guidance of the Framework would make it out of date.

⁷ APP/P0240/W/17/3170248 Land east of High Street, Silsoe

⁸ Document 24

⁹ Document 21 paragraph 25

¹⁰ Paragraph 62 of APP/P0240/W/17/3175605

26. That interpretation of paragraph 215 of the Framework is unsatisfactory because the wording of the Framework indicates that due weight should be given to consistency with the Framework and that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. Although she was entitled to give the policy what weight she considered appropriate based on the evidence, the Framework does not require any inconsistency with the Framework to make it out of date. She also found that the policy could be attributed moderate weight elsewhere in her decision, and so there is some tension in her decision.¹¹
27. It appears that there is some degree of variation in Inspectors decisions. There are two other inspectors who accord LP policy DM4 moderate weight in a more straight forward way.¹² The Cranfield Inspector referred to earlier also concluded that LP policy DM 4 was not out of date, albeit that he considered the moderate weight assessment attributed by the Potton and Clophill Inspectors to be generous.
28. Variations in weight attributed may well reflect how the cases were presented. When reading the plan as a whole, including the limited scale of development indicated in rural areas and the status of Cranfield as a minor service centre, I consider that this policy should still be accorded some weight, and in my view that should be moderate weight bearing in mind the settlement strategy.
29. The site lies within the Cranfield to Stagsden Clay Farmland area, as identified in the Central Bedfordshire Landscape Character Assessment 2015 (LCA). It is a landscape typified by a medium to large scale plateau landscape with an open and exposed character and long distance views. It is predominantly under arable crop, with large open fields and pockets of horse paddocks. This rural plateau landscape definition reflects the National Landscape Character Area 88 and East of England Landscape Typography. The LCA identifies it as moderately sensitive in terms of character with moderate to high visual sensitivity.
30. Whilst there is airpark development proposed to the north west of Cranfield, it is on land substantially separated from Cranfield.
31. The appeal scheme would take up a substantial area of land, some 9.18Ha between Crawley Road and Bourne End Road to the north of Cranfield. Although there is some division of the land, and it is used now as pony paddocks, with stables in one corner, the aerial photographs clearly show that it was previously in two fields divided by hedgerow, with the larger western field cropped and little to differentiate the fields from other fields in the vicinity. The land is still part of the undeveloped countryside.
32. The development for housing and a doctor's surgery would change the fields to built development which would change its essentially rural character. The development would erode the transition to the countryside and provide a much denser block of housing on its edge between Crawley Road and Bourne End Road.
33. Approaching along Crawley Road from the north, the landscape is a flat plateau. From a distance Cranfield appears as a thin strip of built development on the horizon. This is more concentrated to the south of Crawley Road, where the built horizon is being intensified by new housing which consolidates

¹¹ Paragraph 64 of APP/P0240/W/17/3175605

¹² Clophill APP/P0240/W/16/3152707 and Potton APP/P0240/W/17/2176444

- previous incursions outside the settlement envelope. To the north of Crawley Road the impression of development is as being more sporadic with no such substantial estate extensions. Although there are some lighting columns in the football club opposite the site which also has a telecom mast, these structures are limited in their effect on character and appearance. They do not have a significant urbanising effect on the rural area or affect the openness of vistas.
34. Whilst there is a good established hedgerow along the north-western boundary of the site, the presence of the airfield close by limits the height and nature of planting likely to be provided there. Although native thicket planting might be helpful in providing some screening, the block of the doctor's surgery could appear as a building of substantial massing on the horizon.
35. The engineered entrance and footway on Crawley Road to the estate, removing also some hedgerow, would substantially change the character of the frontage of Crawley Road, including footway instead of wide grassed verge. Although the appellant was willing to withdraw the dwellings on the frontage of Crawley Road indicated in the Framework plan, there would be views across to built development in the form of the doctor's surgery from the Crawley Road frontage. Although the development would also add somewhat to traffic along Crawley Road on the appellants undisputed figures, this would not be to the extent that it would have a substantial effect on the existing character of the area.
36. There is a public footpath that runs through part of the west of the site. I acknowledge that the footpath could run through landscaping features, but, to the east of the footpath, there would be a concentrated residential estate of significant density with properties rising in height potentially to 2.5 storeys. To the west of the public footpath there would be a doctors surgery with car parking sited behind some residential properties and a substantial area of car parking, albeit that there would be allotments, landscaping and open space to the north of the doctors surgery.
37. When approaching Cranfield along Bourne End Road from the north there are some sporadic dwellings to the north but the character of Bourne End Road is that of a country lane with fields for the whole of the frontage of the site. Whilst there is a ribbon of properties on the opposite side of the road, the site has a rural character. To the north at Gossards Green, the built form is limited and sporadic.
38. There are no footways in the vicinity of the site in Bourne End Lane and it has a dense boundary hedge, ditch and verge adjacent to the highway. The entrances in that direction are field gates. Whilst the development would have an insignificant effect on traffic flows along Bourne End Road and the character of the area in that respect based on the appellants undisputed figures, an engineered entrance would allow an entrance for buses, and significant lengths of footway would be installed along parts of Bourne End Road, very different to the current grass verges.
39. Additional pedestrian accesses could also formalise what are currently field gates. Although dwellings could be set back some distance from the hedgerow, there would still be built development relatively close to the road and there would be intended to be a pedestrian route along much of the north eastern edge which is likely to result in more hard surfacing and lighting. An extensive length of Bourne End Road would be affected. Whilst a substantial number of

- trees would be planted, many of these would be as street trees within the core of built development.
40. To the south of the site there are residential properties with gardens that adjoin the boundary. Some of these boundaries are relatively open, benefitting from the openness of the views across the land. Those views would change but dwellings could be located so that living conditions need not be harmed, but there is no doubt that the character of the land would change.
 41. The land does not fall within any specially protected landscape. Nonetheless, LP policy CS14 requires development to respect its context, and LP policy CS16 seeks to conserve and enhance the varied countryside character and local distinctiveness in accordance with the Mid Bedfordshire Landscape Character Assessment. Whilst I attribute some weight to the other edge of settlement development in the District and at Cranfield, the development would fail to respect its local context. In addition LP policy DM3 expects development to be appropriate in design and scale to their setting and create a sense of place. I conclude that the scale and nature of development would be contrary to these policies.
 42. Also LP policy DM14 identifies that any development which has an unacceptable impact of the landscape quality of the area will be refused. Whilst I acknowledge that out of settlement housing development has been permitted elsewhere, I conclude that the development would have a harmful effect on the character and appearance of the area which would be contrary to the development plan.
 43. LP policy DM4, even though only accorded moderate weight, expects development, even within settlements to be commensurate with the scale of the settlement. This is a substantial edge of settlement development, although I accept that the Council is intending to make substantial allocations elsewhere.
 44. Based on the evidence including the submitted compliance schedule I am satisfied the development contributions towards education, leisure, bus stops and health care all comply with the CIL Regulations. They would mitigate effects in those regards. The provision of another site for a doctor's surgery in Cranfield where there is a current deficiency could be useful to healthcare providers locally, and help local residents. There could be a condition imposed to provide a link between the development and any contract let for healthcare provision locally.
 45. Although this is not proposed as an exception site, the affordable housing provided for in the UU would be a significant policy compliant contribution in a District where such housing is falling far behind need. The provision of housing to supply for the needs of Luton is an issue for the Examination of the submission Local Plan but the development would provide for up to an extra 222 homes which could help the Council to satisfy an increased requirement.
 46. The development would also have economic benefits deriving from the construction, jobs at the surgery if provided here, and from the expenditure of future residents locally in shops and services. The location of the housing could be attractive to those employed locally now or in future developments including at Cranfield University or the future airpark. Play space, open space and allotments would be provided.

47. I have paid careful attention to all the representations made for and against the proposal, including on other matters. I acknowledge the representations made by consultees, including those within the Council, some of which are supportive. Although foul sewerage connections to existing properties could not be justified by the development, many issues raised in representations could be addressed by conditions discussed at the Inquiry. These include acoustic mitigation from aircraft noise, and matters pertinent to aircraft safety. Conditions would mitigate potential harm in some respects. That does not however add to the benefits previously identified. The combined weight of benefits would not outweigh the harm to the character and appearance of the area.

48. For the reasons given above, I conclude that the appeal should be dismissed.

Julia Gregory

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY: Alexander Booth QC

He called Matthew Heron, Principal Planning Officer

FOR THE APPELLANT: Thomas Hill QC

He called Brian Duckett, Hankinson Duckett Associates
Julian Clarke, Transport Planning Associates
James Stacey, Tetlow King Planning
Mark Hyde, Carter Jonas LLP

INTERESTED PERSONS:

Alan Bastable	Cranfield Parish Council
Roger Baker	Cranfield Parish Council
Sharon White	Local resident
Sue Clark	Ward councillor
Ken Matthews	Ward councillor

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Design Guide
- 2 Central Bedfordshire Pre-submission Local Plan 2015-2035
January 2018
- 3 Opening submissions on behalf of Central Bedfordshire Council
- 4 Statement from Sharon White
- 5 Extract from Mid Bedfordshire Landscape Character Assessment
- 6 Statement of common ground dated 12 April 2018
- 7 Cranfield housing delivery
Completions 2017-2018
- 8 Updated table MH proof
- 10 Extract from Statement of common ground land off Shefford
Road, Meppershall APP/P0240/W/17/3190584
- 11 Extract from closing submissions for the appellant land off
Shefford Road, Meppershall APP/P0240/W/17/3190584
- 12 Complaint and response from the planning Inspectorate in respect
of APP/P0240/W/17/3175605
- 13 Report to Sustainable Communities O and S Committee 8 January
2018
- 14 Minutes Sustainable Communities O and S Committee 8 January
2018
- 15 Extracts from closing submissions for the appellant and Council
APP/P0240/W/17/3170248 and APP/P0240/W/17/3172143
- 16 Extract from Planning Practice Guidance paragraphs 29-32
- 17 Regulation 122/123 CIL compliance Schedule
- 18 Draft conditions
- 19 Executed UU dated 20 April 2018
- 20 Agenda for Council meeting 26 April 2018
- 21 Plan HDA9 2079-3409A
- 22 Local facilities and services plan
- 23 Closing Submissions by the Council
- 24 Gladman Developments Limited v Daventry DC and SSCLG [2016]
EWCA Civ 1146
- 25 Cawrey v SSCLG and Hinckley and Bosworth BC EWHC 1198
(Admin)
- 26 Closing Submissions on behalf of the appellant
- 27 Telford and Wrekin v SSCLG [2016] EWHC 3073 (Admin)