



---

# Appeal Decision

Site visit made on 30 October 2018

by **David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

---

**Appeal Ref: APP/P0240/W/18/3203211**

**Land adjacent to 67 Stockbridge Road, Clifton SG17 5HH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Moore of Wheatley Group Developments Limited against the decision of Central Bedfordshire Council.
  - The application Ref CB/17/05643/FULL, dated 23 November 2017, was refused by notice dated 16 March 2018.
  - The development proposed is development of 20 new dwellings consisting of a mixture of 1 and 2 storey buildings on existing land at Stockbridge Road, Clifton.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. Refusal Reason 2 on the Council's Decision notice relates to failure to provide a Section 106 Agreement that would secure contributions towards affordable housing and infrastructure provision. Since the determination of the planning application, a signed and completed Section 106 Agreement has been submitted by the appellant. The Council's appeal statement confirms that if this matter is agreed prior to the conclusion of this appeal, they no longer wish to pursue this reason for refusal. I have determined the appeal on this basis accordingly and I return to the consideration of this Section 106 Agreement under other matters later.

## Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

4. The appeal site comprises of an open L-shaped agricultural field of about 1.16 hectares on the north side of Stockbridge Road. Residential development is located to the west and south and open fields to the north and east. It lies in a gap between the existing residential dwellings on the eastern edge of the village of Clifton and the open fields located to the east and then the agricultural buildings and residential development on the western edge of the village of Henlow. These neighbouring residential uses have a visible presence along Stockbridge Road that forms a main approach to Clifton. The topography of the site is set down below the level of the adjacent road and residential

development and is set back behind a mature hedgerow interspersed with mature trees running along the boundaries of the site, which adds to the open and rural character of the area. This is further enhanced by the presence of mature landscaping and established trees within the surrounding gardens and open countryside.

5. The appeal site lies outside the settlement envelope for Clifton identified as a large village in the Development Strategy in Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies Development Plan Document adopted 2009 (CSDMP) and in an area designated, in policy terms, as countryside under CSDMP Policy DM4. The supporting text of CSDMP Policy DM4 permits only certain categories of development, including those with an essential need in agriculture or forestry and involving the reuse or replacement of an existing dwelling. The proposed dwellings do not fall within any of the categories of development resulting in a conflict with the policy.
6. However, the weight to be given to CSDMP Policy DM4 is matter of dispute between the parties. The main parties have cited a number of appeal decisions regarding the weight to be attached to this policy<sup>1</sup>. Whilst the aim of CSDMP Policy DM4 to direct development to appropriate locations remains consistent with the aims of the National Planning Policy Framework July 2018 (the Framework), the approach to development in rural areas set out in the policy is based on the now revoked National Planning Guidance in PPS7<sup>2</sup>, which is different to that in the Framework. Paragraph 78 of the Framework states that to promote sustainable housing in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For these reasons, CSDMP Policy DM4 does not reflect the positive approach in the Framework and would not be fully consistent with it.
7. Clifton has a range of facilities and services, including a post office/village shop, primary school, public houses, petrol/service station, church and recreation ground. A range of local facilities and services are also available in Henlow to the south-east of the site including a middle school, village store and post office and public houses. All of these facilities are within relatively easy walking distance of the site along established highway footpaths. A bus stop is situated a short walk from the site on Stockbridge Road. The appellant's highway statement indicates that the village is served by local bus services that run to and from the nearby villages and larger settlements of Henlow, Shefford, Bedford and Hitchin during the day on Mondays to Saturdays on an hourly basis and on a Sunday on a two hourly basis until early evening<sup>3</sup>. As such, although future residents would be likely to depend on the private car to reach the essential services and employment available in nearby larger settlements, some day to day trips could be undertaken by sustainable means.
8. The appeal site is reasonably sustainably located adjacent to the village and built-up area of Clifton and would not be remote from the services and facilities in the village and nearby settlements of Henlow, Shefford, Bedford and Hitchin. There would at least be a choice to use accessible modes of transport to access local services and facilities and additional dwellings in this location would

---

<sup>1</sup> APP/P0240/W/17/3176444 and APP/P0240/W/16/3166033

<sup>2</sup> Planning Policy Statement 7 (PPS7) – Sustainable Development in Rural Areas 2004

<sup>3</sup> MTC Engineering Highways Statement September 2017

support the vitality of the village and surrounding rural communities in accordance with the aims of the Framework.

9. Turning to the effect of the proposal on the environment and the character and appearance of the area. The proposal would involve the construction of 20 no. one and two storey dwellings with associated gardens and parking. The details show a cul-de-sac form of residential development set down within the site with a public open space/landscape buffer along the southern and eastern boundaries of the site and vehicular access off Stockbridge Road. The external finish of the dwellings would be predominantly constructed from brick with gabled pitched roofs.
10. A main objective of the Framework is to take into account the character of different areas, recognising the intrinsic character and beauty of the countryside. Paragraph 170 of the Framework makes it clear that, among other things, valued landscapes should be protected and enhanced. Based on the evidence before me, the site lies in an area which has no national or local designation and as such does not fall within the scope of the valued landscapes under Paragraph 170 of the revised Framework.
11. The appeal site is located within the Upper Ivel Clay Valley (4C) Landscape Character Area (LCA)<sup>4</sup> defined by a mixed land use pattern of predominantly arable fields enclosed by hedgerows with some pasture fields along the river corridors that contribute to the rural character of the area and, a dense settlement pattern of medium and large scale villages with historic centres and more modern development on the outskirts spread along the roads into the surrounding countryside. The LCA guidelines states that new development should avoid the coalescence of towns and villages and enhance the landscape boundaries at exposed urban edges<sup>5</sup>.
12. The Council seeks to protect and enhance the local distinctiveness of these areas. CSDMP Policies CS14, DM3 and DM14 state that development should contribute positively to creating a sense of place, respect the local distinctiveness and the Landscape Character Assessment will be used to determine the sensitivity of the landscape and the likely impact. CSDMP Policy DM14 states any proposals that have an unacceptable impact on the landscape quality will be refused. It is clear from the evidence including the appellant's landscape and visual impact assessment and from my observations during my site visit that, given the topography of the site and the immediate surroundings, the appeal site, in visual terms, would not be highly visible in the wider landscape.
13. Nonetheless, on a more local level, given the scale of the development, it would represent a significant shift of the built up development beyond the edge of the village. The appeal site, together with the adjoining fields, provides a significant contribution to the visual gap, preventing coalescence between the villages of Clifton and Henlow. It adds to the open character and appearance of this part of the village and provides an important contribution to the rural landscape setting of the village. Whilst the separation both physically and visually between villages would not be lost entirely, it would be undermined by the proposed development through reducing the gap between the villages,

---

<sup>4</sup> Central Bedfordshire Landscape Character Area (LCA) Assessment prepared by LUC (February 2016)

<sup>5</sup> LCA Guidelines for New Development – Appendix 1 of Landscape and Visual Impact Assessment prepared by Steve Jowers Associates Ltd - Report Ref: SJA385.100. Rev.0 (September 2017)

- which would significantly urbanise the open and undeveloped nature of the site and exacerbate the coalescence between the villages.
14. These shortcomings would be exacerbated by the proposal's prominent position where it would be visible from a number of public vantage points along Stockbridge Road. I therefore consider that the introduction of the new dwellings and associated features including gardens and other domestic paraphernalia would significantly harm the undeveloped and open character of the site which contributes to the open rural character of the area.
  15. I have considered the appellant's arguments that the scale and layout of the proposed development has been carefully considered in order to minimise any impacts on the area. Whilst I recognise that the layout and design of the dwellings would not be significantly out of keeping with the other properties in the area and the impact of development could be mitigated to some degree by the lower site levels, restricting the height of the buildings and the retention and enhancement of the landscaping around the site, these aspects do not overcome the adverse effects outlined above. I consider that the proposal would adversely harm rather than positively contribute to the rural character and appearance of the area.
  16. I have noted the other developments in the area drawn to my attention by the appellant. However, the existing housing development at Stockbridge Close in the village has different development characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced that its circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as a precedent in this case.
  17. Consequently, I conclude that the proposal would result in significant harm to the character and appearance of the area. The development conflicts with the overall design aims of CSDMP Policies DM3, DM14 and CS14 and the Central Bedfordshire Design Guide 2014. These policies and guidance seek, amongst other things, to ensure all proposals for new development should achieve a high standard of design that is appropriate in scale and design to their setting, respecting local distinctiveness of the site and its surroundings and conserving and enhancing the landscape character. The proposal would also conflict with CSDMP Policy DM4 but for the reasons indicated above, the weight to be attached to the policy conflict with Policy DM4 should be reduced. I find no direct conflict though with CSDMP Policy DM5 which relates primarily to important open space within settlement envelopes.
  18. The proposal would conflict with aims of the Framework that developments should seek to secure a high quality of design (paragraph 124) that are sympathetic to the local character and landscaping setting (paragraph 127) and recognise the intrinsic character and beauty of the countryside (paragraph 170).

### **Other Matters**

19. A signed and completed Section 106 Agreement has been submitted by the appellant towards affordable housing provision and local infrastructure including education provision and improvements to facilities at the existing Clifton Village Hall. However, in light of my findings on the main issue above, it is not considered necessary to look at the Section 106 Agreement in detail, given that the proposal is unacceptable for other reasons.

20. In relation to affordable homes, CSDMP Policy CS7 states that the Council will seek up to 35% of the total number of dwellings on developments of 4 or more dwellings as affordable homes. This will take into account the local needs for affordable housing and the viability of the development. The appellant has stated that they would provide 7 affordable homes in accordance with CSDMP Policy CS7.
21. The Council have stated that Central Bedfordshire has a high level of affordable housing need across the District. The appellant does not dispute this evidence and the signed and completed Section 106 Agreement deals with such provision and would make a contribution towards local affordable housing need. The agreement necessarily sets out the requisite number, tenures, definitions and provision rate in accordance with CSDMP Policy CS7 and the Framework. Based on the evidence before me, I am satisfied that the proposed contribution is necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and the Community Infrastructure Levy Regulations 122 and 123. I have therefore attached significant weight to this aspect of the Section 106 Agreement in reaching my decision.
22. The appellant questions the robustness of the Council's current housing policy position in the Council's latest Five Year Housing Land Supply Update in light of its assessment against the Objectively Assessed Needs (OAN) figure from the Central Bedfordshire and Luton Strategic Housing Market Area (SHMA), the application of a 5% buffer and the Inspector's comments on a recent appeal in Cranfield in March 2018 on the Council's five year supply<sup>6</sup> and recent case law<sup>7</sup>. In addition, the appellant has questioned the deliverability of specific sites in the five year supply, including the reliance on a number of large sites and housing allocations from the emerging Central Bedfordshire Local Plan. The Council states that it is able to demonstrate a housing supply of 5.82 years for the period 2018-2023 with a 5% buffer<sup>8</sup> and cited an appeal decision in Potton<sup>9</sup> in support of this stance.
23. The appellant states that the housing requirement is likely to be higher than identified in the Council's five year supply, based on assessing OAN across the SHMA (including the unmet needs from Luton) and the new standardised methodology for calculating OAN for housing needs, and that this proposal would boost the housing supply in line with the requirements of the Framework. Whilst this maybe so, as accepted by the appellant, in light of the Inspector's comments on the Cranfield appeal, these have not yet been fully tested through the Local Plan examination process. The appellant has calculated a revised Housing Land Supply of 4.8 years with a 5% buffer and 4.2 years with a 20% buffer using the SHMA OAN figure for Central Bedfordshire<sup>10</sup>. However, little substantive evidence has been provided about the details of the specific housing sites used to calculate the revised Housing Land Supply.
24. The appellant considers that the proposal would provide a sustainable form of development that would have social and economic benefits through contributing to the supply and mix of housing in the area, including affordable

---

<sup>6</sup> APP/P0240/W/16/3166033

<sup>7</sup> St Modwen v Secretary of State for Communities and Local Government (SSCLG) et al [2016] EWHC 968 and Oadby & Wigston Borough Council v SSCLG et al [2016] EWCA Civ 1040

<sup>8</sup> Central Bedfordshire Five Year Land Supply statement at 1<sup>st</sup> July 2018

<sup>9</sup> APP/P0240/W/17/3176444

<sup>10</sup> Appellant's Appeal Statement and Five Year housing Land assessment (Appendix 2) May 2018

homes, providing construction jobs, supporting local services and facilities through new residents and financial contributions towards local infrastructure provision. The Framework promotes sustainable development in rural areas, and the housing would make a positive, albeit modest contribution to the supply of housing and supporting the vitality of the village and the surrounding rural communities, that weigh in favour of the proposal and to which I attach moderate weight. Given the high level of affordable housing need, this has social benefits carrying significant weight.

25. In environmental terms, the appellant states that the scheme's design, sustainable construction measures, landscaping, ecological enhancement and the accessibility to services by other means of transport than the car would amount to environmental benefits and would help reduce emissions and mitigate climate, to which I attach moderate weight.
26. However, in this case, I have found that the scheme would harm the objectives set out in the Framework and the great weight it places on conserving the landscape and scenic beauty of the countryside. I have found above that taken overall the adverse impacts arising from locating the proposed development in this location would cause significant harm to the area's character and appearance and would be contrary to the relevant development plan policies set out above. This harm would conflict with the environmental objective of sustainable development.
27. The Framework indicates that in the absence of relevant or up to date development plan policies the balance is tilted in favour of the grant of planning permission except where the benefits are significantly or demonstrably outweighed by the adverse effects or specific policies in the Framework indicate that development should be restricted. If policies for the supply of housing land are not up to date then less weight must be given to policy objectives in relation to the location of development.
28. Therefore, even if I were to conclude that there is a shortfall in the five year land supply as suggested by the appellant and that the relevant policies for the supply of housing could not be considered up to date, the adverse impacts of granting permission that I have identified, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits in this case. As such, the proposal would not comprise sustainable development when assessed against the Framework read as a whole.
29. Accordingly neither this nor any of the other matters outlined above amount to material considerations which would outweigh the conflict with the policies in the development plan when read as a whole. In these circumstances, there are no material considerations to justify making a decision other than in accordance with the development plan.

### **Conclusion**

30. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Troy*

INSPECTOR