



Appeal Decision

Site visit made on 5 November 2018

by **S Harley BSc(Hons) MPhil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 9th November 2018

Appeal Ref: APP/P0240/W/18/3206349
Sand Road, Flitton, Bedford MK45 5DT

- 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 Mr I Clarke against the decision of Central Bedfordshire Council.
 - The application Ref CB/17/04201/OUT, dated 30 August 2017, was refused by notice dated 14 May 2018.
 - The development proposed is erection of 10 dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with all matters reserved for future consideration. I have therefore considered the submitted site plan as indicative of only one way in which the site could be developed.
3. The National Planning Policy Framework 2012 was revised in July 2018 (the 2018 Framework). The Council's Statement reflects this and the appellant had the opportunity to comment on the Statement and was given a separate opportunity to comment on the implications of the revised Framework.
4. The emerging Central Bedfordshire Local Plan has been submitted for examination but is at too early a stage to carry weight in the context of this appeal.

Main Issue

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

Reasons

6. Flitton is a small village with some nearby facilities such as public houses; village hall; Pulloxhill Business Park; and bus services to Flitwick. The appeal site is in the countryside outside the Settlement Envelope as identified in the Central Bedfordshire Core Strategy and Development Management Policies 2009 (the CS). Policy DM4 of the CS states that within the Settlement Envelopes of small villages, development will be limited to infill residential development and small-scale employment uses. The accompanying text explains that outside of settlement boundaries, where the countryside needs to be protected, development is restricted to particular types of development, in

accordance with national guidance. Accordingly I find there would be conflict with Policy DM4.

7. The appeal site adjoins No 11 Sand Road. There are dwellings of mixed sizes and styles on the other side of the road so the site is not isolated. Most of the opposite houses are in a row fronting Sand Road and are well set back from the carriageway behind a footway, grass verge and front gardens. There are also some new dwellings on a cul-de-sac, Eves Fields, and a new dwelling behind 14A. A tall hedgerow runs along the roadside frontage of the appeal site.
8. The appeal site is part of a large agricultural open field a beneficial use in its own right. There are no barns near to it and no other structure between the site edge and the corner with Silsoe Road. The site is visible in longer views across the field to the rear and through the roadside hedges and trees along Sand Road and Silsoe Road, particularly at times the trees are not in full leaf. It has a pleasant rural character that provides an attractive transition between the edge of the village and the open agricultural landscape beyond.
9. The existing properties are screened in longer views by mature hedgerows, including the hedgerow along the boundary of the appeal site. In contrast, the appeal development would be highly visible in the surrounding area. It would protrude development into the open countryside in a prominent location. This would result in an abrupt and harmful transition between the village and the open landscape beyond.
10. The proposal includes planting adjacent to one boundary of the proposed Plot 10. However, this would take some time to mature and would not screen the rear of the proposed properties. The retention of much of the hedgerow alongside Sand Road would be beneficial in terms of the appearance of the proposed development but substantial parts would be removed to provide appropriate access. Policies DM14 and DM3 of the CS reflect the aims of the 2018 Framework in seeking good quality development that conserves or enhances the local area and I find that the development, by introducing 10 dwellings, would have an urbanising effect on this part of the countryside whether or not some of the dwellings would be single storey and whether or not the scale of the proposal is less than that of an earlier scheme which was dismissed in 2017 appeal Ref APP/P0240/W/17/3166582.
11. I acknowledge that scale and siting could be addressed at the detailed planning stage. However, none of these matters lead me to conclude that the proposed development would not cause harm to the countryside in this location even though the site is not subject to any special landscape protection.
12. For the reasons set out above I conclude that the proposed development would have an unacceptable effect on the character and appearance of the area. It would therefore conflict with Policies DM3, DM4 and CS14 which seek to ensure that development is accommodated within settlements; is appropriate in scale and siting to its setting; and respects the local landscape.

Conclusion

13. The Council's Five Year Land Supply Statement of 1 July 2018 indicates that in excess of five years supply of deliverable housing sites can be demonstrated including a 5% buffer. As part of this appeal I have seen no significant

evidence to dispute this and I note that cited appeals¹ for both parties indicate that Inspectors have found that an appropriate housing land supply could be demonstrated since November 2017². Moreover, as set out in the Stotfold and Shefford appeals the unmet need for Luton does not have to be included in the calculations. Notwithstanding the opportunity to comment on the implications regarding housing land supply the parties have relied on their original submissions. For the purposes of this appeal I conclude that the Policies in the CS are not out of date in relation to a shortfall in housing land supply.

14. Inspectors have reached different views as to the weight to be awarded to Policy DM4. This may be as the evidence has been presented differently to them. In this appeal it is common ground between the parties that Policy DM4 is not fully consistent with the Framework. In my view this inconsistency arises because it is more restrictive than the balanced cost/benefit approach set out in the Framework and, whilst it does seek to direct development to more sustainable locations, it does not fully reflect the approach in the Framework to sustainable development. Accordingly I award moderate weight to the conflict with Policy DM4 in accordance with Paragraph 213 of the Framework.
15. I acknowledge that some of the cited appeal decisions have allowed development outside Settlement Envelopes. However, in those cases no significant harm was found to the character and appearance of the area and there were other benefits including affordable housing. Accordingly those decisions lead me to no different view in the case before me. Nor do I attach much weight to the council's support for the planning application Ref CB/17/04583/OUT which related to a site that formed part of a larger allocation that had been assessed through the plan-led approach and put forward for formal allocation in the Submission Version of the emerging Local Plan.
16. As set out above the proposal would result in significant harm to the character and appearance of the area. It would deviate from the plan-led approach. Set against this the proposal would add to the housing stock irrespective of the existing housing land supply. There would be social and economic benefits associated with the provision of 10 dwellings, including support for the vitality of rural communities as envisaged in Paragraph 78 of the 2018 Framework. Even though the weight I attribute to Policy DM4 is moderate I conclude that the harm I have identified would significantly and demonstrably outweigh the benefits of the development.
17. For the reasons set out above I conclude the appeal should be dismissed.

S Harley

INSPECTOR

¹ APP/P0240/W/17/3190584 Shefford; APP/P0240/W/17/3176387 Stotfold; APP/P0240/W/16/3152707 Clophill; APP/P0240/W/17/3176444 Potton

² This is different to the circumstances at an earlier appeal in 2016 Ref APP/P0240/W/16/3154220 where the Inspector found a shortfall in housing land supply