



Appeal Decision

Site visit made on 25 March 2019

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2019

Appeal Ref: APP/P0240/W/18/3211551

Land south of Limbersey Lane, Maulden

- 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 John Gill against the decision of Central Bedfordshire Council.
 - The application Ref CB/17/03937/OUT, dated 10 August 2017, was refused by notice dated 11 May 2018.
 - The development was originally described as erection of 14 Residential Dwellings, 2 x 2 bedroom bungalows, 9 x 4 bedroom detached and 3 x 2 bedroom terraced.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The original application was submitted in outline form with all matters reserved for later consideration. I have determined the appeal on the same basis and so give limited weight to the plans illustrating a layout of the site (which shows 16 units), cross sections and an access.
3. During the Council's consideration of the application, the proposal was changed to 10 dwellings and their decision is based on this amended description. I have determined the appeal on the same basis.

Main Issues

4. The Council refused the application for three reasons, one of which related to the effect of the proposal on archaeology. From the Council's appeal statement it appears that they now consider that the archaeological information received is sufficient to allow any residual archaeological issues to be addressed through a planning condition.
5. Consequently, I consider the main issues now are the effect of the proposal on the character and appearance of the area and whether the development would provide satisfactory living conditions for its future occupiers in respect of noise and disturbance.

Reasons

Character and appearance

6. The appeal site comprises a piece of undeveloped land covered, at the time of my site visit, in ruderal vegetation. It is a long and narrow plot which extends

far back from Limbersey Lane and which falls from south west to north east. The adjacent land to the north east rises away from the site considerably and the land to the south west is slightly higher than the site. There is a public footpath, the Greensand Ridge Way, running along the site's south-western side and a further footpath running along its rear boundary.

7. The parties agree that the site is outside the settlement envelope of Maulden. There are two houses, at No. 70 and at Paddock View, which are adjacent to the south western boundary of the site, and many houses further to the south are visible from the site. As such the site is broadly within the environs of Maulden and, indeed, it is not disputed between the parties that the site is within close proximity of the services and facilities in Maulden, and is not isolated. However aside from those two adjacent dwellings to the south west, all the other neighbouring land is undeveloped. The adjacent land to the north east, and that opposite the site, appears to be pasture and that to the south east behind Paddock View, is a grazed paddock. To the south there is more open land and the large rear gardens of a few dwellings which are separated from the site by a row of tall conifers. As such, though the site's wider setting is semi-urban in nature, its immediate context has a strong rural character. Indeed, from most directions, the site is seen against a backdrop of undeveloped and rising land. Furthermore, the open and undisturbed nature of the site itself also makes a valuable contribution to the swathe of undeveloped land here.
8. Although layout is a reserved matter, the shape of the site would suggest an arrangement of housing that, in order to accommodate 10 units, would necessarily project deep into the site in a generally linear pattern. Indeed, this is the layout shown on the submitted plans. Such a development, surrounded on most sides by fields or paddocks and extending far from the main road, would appear as an intense amount of built form contrasting harshly with its open immediate surroundings. Though landscaping could be provided to reduce the visual effect, it could not be relied upon to fully mitigate for the impact of such a large scale development.
9. Consequently, I consider the proposal would fail to respect its surroundings and would unacceptably harm the character and appearance of the area. It therefore would conflict with policies DM3 and CP14 of the Core Strategy and Development Management Policies document (CSDMP) which requires all development to respect its local context and setting.
10. Policy DM4 of the CSDMP is also identified in the Council's decision notice. The appellant suggests no weight should be given to this policy, which directs development to within the settlement envelopes so as to protect the countryside beyond. The appellant refers to a number of previous appeal decisions which grapple with this policy's degree of consistency with the National Planning Policy Framework (the 'Framework') and the weight that can be given to it. I do not consider it necessary for me to add to the debate as, even if I were to consider that the policy carries no weight this would not outweigh the proposal's conflict with policies DM3 and CP14 that I have found. Also, whilst I accept planning permissions have been granted for housing developments on sites beyond village envelopes elsewhere locally, none of the sites mentioned are directly comparable to this site. Moreover, each proposal must be considered on its own merits

Living conditions

11. Just to the north east of the site there is a haulage yard. This was operational at the time of my visit, though was generating little noise. However it is not unreasonable to expect that when heavy goods vehicles are entering or leaving the site, potentially early in the morning, noise would be generated that could be disturbing to occupiers of the proposed development. I acknowledge the lack of complaints from other nearby residents, but those properties are further from the haulage yard than the proposed houses would be. There is a dwelling within the haulage yard complex, but its location would suggest that it is linked to the operation of that business and therefore the lack of complaints from here is not unexpected. In any case a lack of complaints does not necessarily mean a lack of disturbance.
12. As the appellant has not provided a noise report to demonstrate occupiers of the development would not be disturbed by noise from the operation of the yard, I cannot deduce that acceptable living conditions would be afforded to the occupiers of the development. Therefore I cannot conclude the proposal would accord with policy DM3 which seeks to ensure development is high quality and complies with noise guidance. The proposal would also fail to accord with the Council's Central Bedfordshire Design Guide, which is referred to in the explanatory text to the policy, and which states that noise impact assessments will be required to demonstrate development can be safeguarded from noise pollution.

Other Matters

13. The Framework in paragraph 73 identifies that Council's should identify a supply of specific deliverable sites to provide a five year supply of housing against their local housing need where their adopted policies are over five years old. The CSDMP is over five years old. The Council have commented that using the standard method for calculating local housing need, as set out in the planning practice guidance, is not appropriate in this case as it is based on 2014 household projections which, in this area, do not provide a realistic assessment of demographic growth. As such they have not calculated their local housing need using the standard method. On that basis, I am unable to conclude that there is a five year supply of housing.
14. I acknowledge the Five Year Land Supply Statement dated January 2019 shows a 5.71 year supply based on the 2018 Strategic Housing Market Assessment, and that previous Inspectors have not suggested it is inappropriate to use this in assessing housing supply. However, the appeal decisions I have been provided with all pre-date the introduction of the current standard methodology. Moreover, they do not suggest that using the standard method would necessarily be unsound. I also recognise that the Framework is not statute and should not be followed blindly. Nonetheless it is a material consideration to which I give significant weight and I have no substantive evidence before me to suggest I should adopt a different approach.
15. There is agreement between the main parties that the proposed houses would provide some economic and social benefit. This weighs in the proposal's favour. The support given in paragraph 68 of the Framework to the contribution small and medium sized sites can quickly make to meeting the housing requirement of an area also carries some positive weight.

Planning balance and Conclusion

16. I give positive weight to the economic and social benefits of the development, the fact that it is a small site which could possibly be developed quickly, and the provision of new homes in an area in which I cannot be confident there is a sufficient supply of housing. However these benefits are significantly and demonstrably outweighed by the harm the proposal would cause to the character and appearance of the area, and by its failure to demonstrate that the living conditions of its occupiers would be acceptable. The site's proximity to services carry neutral weight in the balance.
17. Consequently, for the reason given above and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR