



Appeal Decision

Site visit made on 26 March 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 21 May 2019

Appeal Ref: APP/K0235/W/18/3219050

Gardencare Landscape Ltd, Land south east of Oakleys, Hinwick Road, Podington, Bedford, Bedfordshire NN29 7HU

- 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 Francis Jackson Homes Ltd against the decision of Bedford Borough Council.
 - The application Ref 18/00846/MAO, dated 28 March 2018, was refused by notice dated 27 July 2018.
 - The development proposed is the demolition and removal of existing buildings, structures and hardstandings to facilitate the erection of up to 17 no. dwellings and associated infrastructure, including the location of the access to the public highway (Hinwick Road).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was made by Mr John Lee Chambers and Francis Jackson Homes Ltd. The appeal was made by Mr Paul Johnson also of Francis Jackson Homes Ltd. As Francis Jackson Homes Ltd was an original applicant, I am satisfied that this appeal can proceed under this company name which I have used in the heading above.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered which matches that on the Council's decision notice. Although the Council wrote to the appellant to request an alteration to the description of development, the appellant has not provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. Outline planning permission is sought but with access to be considered at this stage. The proposal's appearance, layout, scale and also landscaping are matters which are therefore reserved for future consideration. I have determined the appeal accordingly. Drawings showing an indicative layout of the development were also submitted with the application, and I have considered them on this basis.

Main Issues

5. The main issues are:

- whether or not the appeal site is a suitable location for residential development, with particular regard to the Council's settlement strategy and national planning policy objectives for rural housing and sustainable transport; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Suitable Location

Settlement Strategy

6. The appeal site is immediately adjacent to, but outside, the Settlement Policy Area (SPA) for Podington as denoted in the Bedford Borough Council Allocations and Designations Plan. The Bedford Borough Council Development Plan Document Core Strategy and Rural Issues Plan (CS) also defines the site as being within the Rural Policy Area (RPA). Despite the assessment of the proposal against the criteria for determining an SPA within the appellant's evidence, it is clear that, for the purposes of planning policy, the site is within the countryside.
7. Policy H26 of the Bedford Borough Local Plan (LP) seeks to restrict development outside of the SPA and states that permission for housing within the countryside will not be granted other than in specific circumstances detailed at Policies H27, H28 and H30 of the LP. From the evidence before me, none of these circumstances apply here. However, the restrictive nature of Policy H26 is not entirely consistent with the approach of the National Planning Policy Framework (the Framework). Moreover, it is dated and refers to Policy H30 which was deleted from the LP over ten years ago and replaced by Policy CP17 of the CS. Consequently, to my mind Policy H26 is out-of-date. My assessment in this regard is reinforced by a previous Inspector¹.
8. Policy CP14 of the CS deals specifically with the location of development in the RPA and states that where there is a proven need for development to be located in the RPA, most new development will be focussed in or around the edge of Key Service Centres (KSC). There is nothing before me to indicate that there is a local need for housing within Podington and, in any event, Podington is not a KSC. There is therefore conflict with Policy CP14. That said, I agree with a previous Inspector² that this policy is more restrictive than the Framework which does not require a proven need for housing beyond settlement boundaries.

National Planning Policy

9. Policy CP13 of the CS allows development in the countryside if it would be consistent with national policy. I note that this policy refers to Planning Policy PPS7: Planning and the Countryside which has been withdrawn, and is outdated in that respect. Nonetheless, I find that there is nothing inherently inconsistent with the Framework in terms of the use of SPA's. Indeed, it calls

¹ APP/K0235/W/17/3185253

² APP/K0235/W/17/3190444

for the planning system to take into account the function and character of different areas and the recognition of the intrinsic character and beauty of the countryside. Overall, this policy requires an assessment against the relevant objectives of the Framework. This now follows.

10. The appeal site is adjacent to existing built form and the proposal would therefore not represent truly isolated homes in the countryside with regard to Paragraph 79 of the Framework. However, there are only a limited range of services within Podington, including a recently expanded school, a serviceman's club and a garden centre with a restaurant. In my view, these would not meet the majority of the daily needs of future residents. Whilst there is a bus stop within safe walking distance of the site, bus services to larger settlements appear to be somewhat limited and infrequent. Furthermore, nearby settlements such as Rushden and Wollaston are approximately 3km away from the appeal site. Walking to these settlements would be potentially dangerous, given that they would be accessed via carriageways with no footways that are subject to 60mph speed limits, and especially so during hours of darkness and in inclement weather. For the same reasons, cycling would not be a particularly attractive alternative.
11. On this basis, I find that it is likely that future residents of the proposed dwellings would rely on private vehicles to reach the key services and facilities in larger settlements. Consequently, even though I accept that the Highway Authority has not objected on the basis of the limited access to public transport, I find that the proposal would not contribute to giving people a real choice about how they travel or help towards the achievement of a low carbon future, as advocated by the Framework. This would cause some environmental harm which, in my view, would not be significantly diminished as a result of the rise in home deliveries or the possible use of electric vehicle charging stations.
12. I also note that there have been letters of support for this proposal from some local services and that additional children at the appeal site could attend the nearby school. However, I have not been provided with any substantive evidence to show that nearby community amenities or services require local support or that the proposal is necessary to secure their viability. I am therefore not persuaded that the proposal accords with the Framework insofar as it seeks to ensure rural housing enhances or maintains the vitality of rural communities.

Overall Findings – Suitable Location

13. I understand that the Council has previously considered Podington to be a suitable location for housing and has granted 13 dwellings in the Parish since 2011. However, from the limited details provided about such schemes, I do not know how, or against what policies, they were assessed by the Council. I therefore do not consider them to be directly comparable with the appeal proposal, which I have assessed on its own merits and in the light of current planning policy.
14. Drawing the threads of the above assessment together, I conclude that the appeal site would not be a suitable location for residential development as it would undermine the Council's settlement strategy and would not accord with the rural housing and sustainable transport objectives of national planning policy. It would therefore conflict with Policy H26 of the LP and Policies CP13 and CP14 of the CS. When read as a whole, these seek to actively manage

patterns of growth to allow development in the countryside that is consistent with national policy in accordance with the principles of sustainable development. I also find conflict with Policy CP1 of the CS insofar as the proposal would not contribute to sustainable levels, locations and forms of development in accordance with the stated objectives and policies of the CS.

Character and Appearance

15. The appeal site is a roughly square shaped parcel of land positioned at the south western edge of the village of Podington. It is located behind a detached dwelling known as Oakleys, towards the end of a relatively short ribbon of development which extends out from the main village core along the southern side of Hinwick Road. However, facing the site, across Hinwick Road, there is a distinct absence of built presence and the large open fields along the northern side of this carriageway are only noticeably interrupted by a small building associated with a cricket club. This, together with allotments adjacent to the north eastern boundary of the appeal site and the open countryside that wraps around its rear and south western boundaries, gives this edge of village location an open and rural feel. This provides a soft transition from the village to the open countryside beyond.
16. The appeal site itself accommodates a collection of buildings which vary in size and design. These include barn type structures, containers and greenhouses. There is dispute between the parties regarding the lawful use of these buildings and this is a matter to which I will return to later in my decision. Nonetheless, although some are in a state of disrepair, their agricultural style does not appear particularly out of character in this rural context.
17. The proposal seeks outline permission for the construction of up to 17 dwellings at the site. The indicative plan shows that these would be large properties, some of which would have detached garages. I accept that the proposal would remove all of the existing structures and development at the site would be similar in depth to built form at the nearby school to the north east. Nevertheless, it would introduce a substantial amount of built residential form, including a high proportion of hardstanding, to the site. This would result in a much harder edge to the settlement and, in my view, the considerable presence of development would appear alien and out of place at this rural location.
18. Moreover, the indicative cul-de-sac layout would be markedly different to that of linear residential plots along Hinwick Road and it would not be connected to adjacent built form within the SPA or the countryside beyond the site. I appreciate that this is not the only way in which 17 houses could be arranged on the site. However, I find that development of this scale would therefore appear as a fragmented addition to the village that would be difficult to integrate effectively with the character of the settlement. This would reinforce the proposals alien and incongruous appearance.
19. Taking all of the above into account, whilst it could be said that the appeal site falls within the overarching village envelope, I do not consider that the proposal would visually enhance the site. On the contrary, in my view it would result in a conspicuous urban development which would not function well or add to the overall quality of the area as advocated by the Framework. Although there is established hedging to the front of the appeal site, this harmful impact would be clearly visible from the rear gardens of nearby residential properties

and from the adjacent allotments. The existence of a cul-de-sac development at Hornbeam Close, which is in an area that is more urban in character and closer to the village core compared to the appeal site, does not justify the above mentioned harm.

20. Whilst an acceptable design for the dwellings could be attained through reserved matters, in trying to achieve an appropriate scheme at the reserved matters stage for up to 17 dwellings, there are only a limited number of ways in which the appeal site could be developed. I am therefore not satisfied that a layout that would integrate effectively with the village or the rural character of the area could be achieved for such a quantum at reserved matters stage.
21. My attention has been drawn to residential developments at Naseby, Syresham and Gilmorton. I have not been provided with the full details of these developments and, whilst their density may be comparable to that of the appeal proposal, I do not know how, or against what policies, they were assessed by the Council. I therefore cannot make meaningful comparisons with the scheme before me. In any event, it would appear that these approved schemes concerned developments on sites larger than the appeal site and some included new village facilities or industrial elements. I therefore find that they are not directly comparable to the appeal proposal and they do not alter my findings on this main issue.
22. My attention has also been drawn to an appeal decision³ for a development of five dwellings. Although the Inspector for this appeal considered that the proposal would not harm the character of the village or the wider character of the landscape, each development must be considered on its own merits. In this instance, I have found that this more comprehensive appeal proposal would not achieve this. Consequently, the identified appeal, which is not directly comparable to this appeal proposal, is not a reason to set aside the identified harm.
23. For the reasons given, I conclude that the proposal would result in significant harm to the character and appearance of the area. It would therefore conflict with Policies BE30 and BE35 of the Bedford Borough Local Plan and Policies CP2, CP21 and CP24 of the CS. Amongst other things, these seek to ensure that regard is given to the visual impact of the development and that proposals conserve and enhance landscape character, promote the character and setting of settlements and respect local distinctiveness in terms of layout.
24. Turning to the Framework, I note that this states that windfall schemes and small and medium sized sites can, in the right circumstances, make a valuable contribution to meeting the housing requirement of an area by making efficient use of land. However, it is clear that this should not be at the expense of achieving high quality development which is sympathetic to local character, including the surrounding built and landscape setting. I have found that the scheme before me would not achieve such an outcome. There is therefore conflict with the design objectives of the Framework when read as a whole. As a result, I also find conflict with Policy CS13 insofar as it requires development in the countryside to accord with national policy.

³ APP/G2815/W/16/3149683

Other Matter – Previously Developed Land

25. There is some dispute between the parties with regard to the exact use of the buildings at the appeal site and whether the site represents previously developed land (PDL) as defined by Annex 2 of the Framework. This definition excludes land occupied by agricultural buildings.
26. The Council maintain that the site is used as a plant nursery and is therefore agricultural (horticultural) in use. However, the appellant contends that the Council, through the approval of a Certificate of Lawful Development⁴ (CLD) which removed an agricultural tie from the adjacent property Oakleys, has accepted that the appeal site comprises a commercial operation associated with the design, construction and maintenance of gardens. The appellant therefore considers that the former agricultural use has ceased and that the commercial use of the site now represents PDL.
27. I have not been provided with the full details of the CLD and, in any event, it is not for me to determine the lawful use of the site through an appeal made under section 78 of the Town and Country Planning Act 1990. Nonetheless, were the site to represent PDL, I acknowledge that the proposal would gain support from the Framework, which seeks to promote and support the development of under-utilised land and buildings and encourages the redevelopment of PDL within settlements.

Planning Balance

28. The Council accepts that it is unable to demonstrate a five-year supply of deliverable housing sites in the Borough. Using the standard methodology for calculating local housing need, it considers its supply at this time to be around 3.7 years. I have also found that one of the most important policies (Policy H26 of the LP) for determining this appeal is out-of-date. Under these circumstances, paragraph 11 of the Framework is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
29. The Government is seeking to significantly boost the supply of housing. The proposal would add up to 17 dwellings, of a mixed tenure, to the Council's housing stock in circumstances where there is a local and national shortage against assessed needs. An executed Unilateral Undertaking has also been provided which would secure the provision of up to five affordable dwellings at the site. These factors weigh in the scheme's favour and amount to a social benefit that attracts significant weight.
30. Additionally, the proposal would result in the creation of construction jobs and associated expenditure, albeit over the relatively short build-out period, and there would also be some economic benefits as a result of its occupation. The development would also trigger payment of a New Homes Bonus, but there is no evidence of a connection between the payments and the development to enable it to be taken into account in accordance with the advice in the Planning Practice Guidance. In this context, I give modest weight to the identified economic benefits.
31. I acknowledge that the proposal would be acceptable in a number of other respects. For example, there would be no harm to wildlife and no objection has

⁴ 15/02835/LDE

been raised in terms of flooding and drainage. However, these are requirements which have to be met in order for a development to be acceptable in any event and are neutral factors in the overall balance. The absence of objections from the Parish Council is also a neutral factor in the planning balance.

32. Set against the benefits, the appeal site would not be a suitable site for housing as it would undermine the Council's settlement strategy and would not accord with the Framework's objectives for rural housing and sustainable transport. This would cause some modest environmental harm. That said, conflict with Policies H26 of the LP and CS1, CP13 and CP14 of the CS in this regard carries only limited weight against the proposal as a result of the Council's current land supply position and for other reasons discussed within the first main issue.
33. However, the proposal would also significantly harm the character and appearance of the area. This carries substantial weight against the appeal proposal. In my view, the need for housing, even when it is as pressing as it is in Bedford, cannot be a justification for building new homes of a scale and layout that would so harmfully fail to integrate with the existing settlement and rural character of the area. I consider that this would seriously undermine the social benefits of the proposal.
34. These factors lead me to conclude that the adverse impacts of the scheme would significantly and demonstrably outweigh the social and economic benefits associated with the provision of 17 dwellings. This is so whether or not the site represents PDL. The appeal scheme would not therefore meet the policies of the Framework, which taken as a whole seek to secure the delivery of sustainable development. Consequently, no material considerations justify a decision other than in accordance with the development plan, with which the appeal scheme would clearly conflict.

Conclusion

35. Having regard to the above reasons and to all other matters raised, I conclude that this appeal should not succeed.

M Heron

INSPECTOR