



Appeal Decision

Hearing Held on 11 June 2019

Site visit made on 11 June 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/P0240/W/18/3218992

Land at Clophill Road, Maulden, Bedford, MK45 2AA

- 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 J Gotzheim, Aldbury Homes Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/18/01385/OUT, dated 29 March 2018, was refused by notice dated 29 June 2018.
 - The development proposed is up to 42 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The scheme was submitted in outline, with only access committed, and layout, external appearance, landscaping and scale of development reserved. The parties agreed that the proposed access arrangements, Drawing Number 3.1 of the Transport Statement by Yes Engineering Group Limited (March 2018), was an approved plan but that the indicative layout, Drawing Number 17084 (D) 002 was not.
3. The emerging Local Plan is at a relatively early stage and so I give it limited weight.
4. At the Hearing I was provided with a signed Unilateral Undertaking dated 10 June 2019 in order to address the second reason for refusal. I will consider this document within the following decision.

Main Issues

5. The main issues are:
 - The effect of the development on the character and appearance of the area with specific regard to the landscape and visual impacts; and
 - Whether the council can demonstrate a five year supply of housing land.

Reasons

Character and Appearance

6. The appeal site comprises a large area of open land set between Clophill Road and Silsoe Road/Russell Crescent. The site is bounded by hedging along Clophill Road, and abuts the rear gardens of the existing dwellings on Russell Crescent. There is an existing copse of trees to the south eastern corner of the site, beyond which are dwellings. Opposite the site is an area of open land and a small residential estate, Wheatlands Close. The surrounding area is characterised by a mix of open landscapes, residential dwellings and school premises. Further into Maulden is the village hall and a small local shop.
7. The proposed development would introduce residential development into the appeal site. The layout of the site is not yet committed but indicative plans show a landscaping belt to the front of the site with the dwellings set back from Clophill Road, and the retention of the existing group of trees within the site.
8. Policy DM4 of the Core Strategy and Development Management Policies (2009) (Core Strategy) seeks to direct the majority of development to within the Settlement Envelopes. It also states that where no land is available within the settlement, a site adjacent to the settlement may be granted planning permission and should make the best use of available land and lead to more sustainable communities. The Appellant considers Policy DM4 to be out of date due to it being inconsistent with the provisions of the National Planning Policy Framework (2019) (the Framework) and I have had regard to the previous appeal decisions presented in respect of this matter. Although the Policy takes a settlement-based approach it does not wholly preclude development from outside of these boundaries. I therefore find that although policy DM4 is not wholly consistent with the provisions of the Framework, it nevertheless still attracts moderate weight as a result of its approach to allowing appropriate development adjacent to and outside of the defined areas where required.
9. The appeal site and surrounding landscape are rural in character and undulating with significant changes in levels. Within the appeal site itself the land drops down from the road, before rising again towards the copse of trees. Maulden consists of the main village and separate 'ends' including Maulden Green End and Maulden Hall End. The appeal site is located adjacent to Maulden village and between the village and Maulden Green End.
10. I find that the openness of the appeal site in conjunction with the open field opposite serve to separate and make a distinction between the main village and the 'ends' and therefore the development of the site for large-scale in-depth development would result in a degree of coalescence between the two distinct parts of the settlement. I note that historically the land has been subject to various structures in conjunction with a commercial pheasant breeding business. However, this would have been very different in scale to a housing development and in any event the site is now clear and, in my opinion, forms an important area of open character within the area.
11. There is a dispute between the Appellant and the Council as to whether the character of the area is linear. I acknowledge that there are examples of in-depth developments in proximity to the appeal site, including Wheatlands Close, the development at High Gables and the development to the rear of Sandbourne. In addition, Russell Crescent forms a small crescent of houses set

- back from Silsoe Road. I note therefore that from the appeal site itself it is less evident that the development here is linear. However, when viewed from the plans, it is apparent that the 'ends' of the village are characterised predominantly by linear development and that the in-depth developments are reasonably limited. I therefore find that the scale of in-depth development that would be experienced through the development of the appeal site would be at odds with the prevailing character of the area which is of linear, road frontage development with small groups or individual properties set back from the road.
12. The site is contained within the Mid Greensand Ridge landscape character area. The Central Bedfordshire Landscape Character Assessment (LCA) identifies the key characteristics of this area and highlights that the traditional intact character remains vulnerable to development, infill and settlement expansion. Paragraph 6B.1.32 makes particular reference to the need to monitor linear development and infill of villages in order to prevent further settlement coalescence and loss of individual village identity, in particular for the dispersed, loose settlements and 'Ends'. The indicative layout includes a large swathe of landscaping which would run along the site frontage, breaking to allow the proposed access.
 13. With regard to the Appellant's viewpoints 3 and 5, as a result of the undulating land levels, I find that the introduction of an estate of new dwellings would be visible and would fundamentally alter the rural character of the street scene. I acknowledge that an existing property, Sandbourne, and the property to the rear of this, are set back and visible from these viewpoints, however, the proposed development would extend further back into the site and as a result of the land levels within the site, would result in the potential for a proliferation of visible roofs at varying heights and levels.
 14. Similarly, from viewpoints 10, and 11, although viewed to a degree within the context of the existing housing on Clophill Road and Wheatlands Close the development would be visible and prominent and would result in the erosion of the rural character and openness that the appeal site currently provides.
 15. Viewpoint 15 is taken from higher land from the Greensand Ridge itself and shows an expanse of rural landscaping with some dwellings visible at a distance and flanking the appeal site. However, these dwellings from this point, seem as though they are set in small clusters and I find the key aspect of this view to be the long views across the countryside, through the appeal site and beyond. I acknowledge that Russell Crescent serves to introduce some built form into this landscape view. However, I find that a development of up to 42 properties, which would be in-depth, would fundamentally and permanently alter the views and, as a result, the rural character and appearance of the area. This would have a significantly harmful impact on the Greensand Ridge and views from it and would urbanise this part of Clophill Road, interrupting the wider views and positive landscape character aspects of the area.
 16. The Council have raised further concerns over the impact of the proposed access and the need for provision of footpaths from the appeal site. Paragraph 6B.1.37 of the LCA seeks to conserve rural roads limiting urbanising influences such as kerbing and erosion of verges. The front boundary of the site is currently formed by hedging, with a small gate present. Opposite the site is also an area of hedging, and I find that these make a strong contribution to the rural landscape. The proposed development would result in the punctuation of

a substantial amount of hedging to allow for the access and footpaths into the estate. There is some dispute between the parties over the exact amount of hedging that would be lost as a result of the proposed access, nevertheless I consider that, even on the appellant's estimates, it would be a significant amount which would harm the rural character and would not be sufficiently mitigated by the proposed landscaping either side of the access within the site itself.

17. I acknowledge that the density of the development would be reasonably low, at around 21 dwellings per hectare. However, this would not be sufficient to mitigate the visual impact of up to 42 dwellings and would result in a permanent and significant change to the landscape quality of the site and surroundings. Furthermore, I recognise that over a period of a number of years any landscaping to the front of the appeal site would mature and provide additional screening from the site frontage, however I find for the above reasons that this would not sufficiently screen the proposed development to a degree where it would not detract from the rural character. I note the examples of appeal decisions in respect of landscaping¹ however, these are from other areas and I do not know the full circumstances behind these. Accordingly, they have little bearing on my consideration of the appeal proposal.
18. My attention has been drawn to a number of appeal decisions including Old Farm, Clophill Road² and the site on the opposite side of Clophill Road³. In the case of the Old Farm development, whilst I acknowledge that this site is also along Clophill Road, this is a significantly larger site than the current appeal site and is set opposite a row of housing. Accordingly, whilst similar I find that it is not wholly comparable to the proposal before me. In terms of No 13 Clophill Road, the Inspector dismissed the appeal on the grounds of lack of legal agreement but found that significant landscape harm would not result from the proposed development. The site relating to this example is located directly opposite the appeal site, is of very similar characteristics and is set within the same landscape character areas. However, although again in outline, the development at 13 Clophill Road had an indicative layout showing 14 dwellings only, set against the small estate development of Wheatlands Close, which is substantially fewer dwellings than the proposed scheme before me. Accordingly, the impacts on the landscape character would not be wholly comparable in this instance.
19. I have had regard to the landscape classifications and assessment of landscape value carried out by both parties and I find that, for the above reasons, the proposed development would result in a significant, and permanent, harmful impact on the landscape which would not be sufficiently mitigated by the potential layout or landscaping belt to the site frontage. Consequently, the proposal would fail to comply with Policies DM3, DM4 and CS14 of the Core Strategy, the LCA, and the Framework. Collectively, these seek to ensure that development respects and is appropriate to the local context and distinctiveness, amongst other things. It would also be in conflict with Policy CS14 of the Core Strategy which, although did not form part of the reason for

¹ APP/D3125/W/16/3143885 and APP/D3125/W/17/3182718

² APP/P0240/W/18/3208775

³ APP/P0240/W/18/3194555 – Land to the East of No 13 Clophill Road, Maulden.

refusal, has been referred to in the Council's submissions and states that any development which has an adverse impact on the landscape will be refused.

Housing Land Supply

20. There is a significant dispute between the parties on the matter of the Council's five-year housing land supply. I have been provided with a copy of the Council's latest Quarterly Update for the Housing Land Supply and Housing Trajectory (April 2019) which concludes that the Council can currently demonstrate a housing land supply of 6.03 years. This figure has been derived using the Full Objectively Assessed Housing Need (OAN) and Strategic Housing Market Assessment (SHMA) which the Council consider to be a more accurate and up to date expression of local housing need.
21. The Framework, in paragraph 73 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. Footnote 37 of the Framework states that where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exist, it should be calculated using the standard method set out in national planning guidance.
22. The Council have raised concerns over the use of the standard method for calculating their housing land supply as they consider that the standard method would yield a housing need of 24,280 dwellings over a ten year period which they consider is based on unrealistic assessment of demographic growth and therefore the five year housing land supply based on the standard method cannot be relied upon.
23. The Appellant disputes this and considers that the Local Housing Need (LHN) figure should be used along with the standard method which would yield a housing land supply position of 3.61 years. They also raise concerns over the deliverability of some of the referenced sites which they consider would further reduce the housing land supply to 2.95 which represents a substantial shortfall.
24. The Planning Practice Guidance advises that the 2014 based household projections should be used within the standard method to provide stability for planning authorities and communities, to ensure that historic under-delivery and declining affordability are reflected and to be consistent with the Government's objective of significantly boosting the supply of homes⁴. However, it also states that the use of the standard methodology is not mandatory if it is felt that circumstances warrant an alternative approach.⁵ I note the Council's housing land supply calculations and justification for their methodology is subject to scrutiny at their ongoing Local Plan Examination however no formal conclusions have been made available at this stage.
25. I have had regard to the small number of Councils that I am advised are affected by this issue, namely Central Bedfordshire and Aylesbury Vale. I have also considered the findings of the MHCLG Government Response to the Technical Consultation on Updates to National Planning Policy and Guidance (February 2019) which makes reference to the fact that some respondents raised concerns about the use of out-dated figures, however the number of

⁴ Paragraph: 005 Reference ID: 2a-005-20190220

⁵ Paragraph: 003 Reference ID: 2a-003-20190220

respondents was not clarified in this regard. The Government Response also states that the standard method is the most appropriate approach for providing stability and certainty to the planning system in the short-terms. However, this document does also go on to say that local planning authorities may decide that exceptional circumstances justify the use of an alternative method but can expect these to be tested during the examination of their local plans. Although referring to local plans I do not find that this approach precludes decision making where such considerations are also relevant. As such, I find that the content of this document does not automatically result in the Council's justification and approach being incorrect. Based on the evidence before me I do not find it unreasonable that the Council have proceeded with an alternative approach to the calculation of five year housing land supply. I note that Aylesbury Vale have chosen not to take this approach, but I find that this is their individual preference and has little bearing on the approach of Central Bedfordshire.

26. The Appellant disputes some of the sites included within the Council's calculations as being 'deliverable' and I was provided with an update on some of these during the Hearing. I have considered the sites referred to, however even if I were to conclude that some of these sites would not be deliverable, there are relatively few of these and I consider that it would be unlikely that these would significantly affect the Council's housing land supply to an extent where a five year supply could not be demonstrated.
27. Noting the extensive information, including other appeal decisions, I conclude that, the Council's approach is reasonable and has been sufficiently justified. I therefore find that the Council can currently demonstrate in excess of a five year housing land supply. I acknowledge that this matter will be subject to closer scrutiny as part of the Local Plan examination process Whilst I note that the proposed development would provide up to 42 houses towards the housing land supply, in any event, had I concluded that the Council could not demonstrate a five-year HLS, and the tilted balance was therefore triggered, I find that the landscape harm arising from the development would not be significantly and demonstrably outweighed by the provision of housing in this instance.

Other Matters

28. The submitted Unilateral Undertaking would contribute towards local education, a village hall, a playing field and waste containers, as well as the provision of 15 units for Affordable Housing. The Council have raised no objections to this and I have considered this against the CIL Regulations. I find the agreement to meet all of the necessary tests and therefore satisfactorily addresses the second reason for refusal.
29. Local objections have been received concerning, in addition to the above matters, the potential for flooding, loss of privacy and light, other approvals in and around Maulden, highway safety, impacts on wildlife and the need for additional properties in Maulden. However, it is not necessary for me to conclude on these matters as they would not alter my findings above.

Planning Balance

30. The appeal site is located within proximity to a number of community facilities and services within Maulden, including a local school, small shop, public houses

and recreation facilities. In addition, there are good public transport links available to the surrounding settlements and the Appellant states that the nearby service centres of Ampthill and Clophill can be reached by foot. The site is within walking distance of the Maulden Business Park which may provide employment opportunities. The development would also provide 35% of the dwellings as affordable housing and a number of financial contributions to local facilities.

31. However, I have given substantial weight to the harm to the character and appearance of the landscape that would result for the above reasons and, taken collectively, the benefits do not significantly and demonstrably outweigh this harm.

Conclusion

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

R Norman

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

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|------------------------|-------------------------------------------|
| J Clay | Cornerstone Barristers |
| Sinead Turnbull | DLP Consultants |
| Alastair Macquire CMLI | Aspect Landscape Planning |
| Alex Roberts | Strategic Planning and Research Unit, DLP |
| Laurie Hickin | DLP Consultants |
| Jonathan Gotzheim | Aldbury Homes |

FOR THE LOCAL PLANNING AUTHORITY:

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|--------------------------------|---------------------------------|
| Alexander Booth QC | FTB Barristers |
| Phillip Hughes BA (Hons) MRTPI | PHD Planners |
| DipMan MCMi | Landscape Planner |
| Alison Myers | ORS – Opinion Research Services |
| Scott Lawrence | |
| Stuart Kemp | |

INTERESTED PERSONS:

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|---------------|------------------------------------------------------|
| Phil Jackson | Local Resident and Former Parish Council Chairman |
| Anne Milligan | Local Resident |
| John Milligan | Local Resident |
| Sian Browning | Local Resident |
| Abigail Gann | Local Resident |
| Edward Gann | Local Resident |

DOCUMENTS SUBMITTED DURING THE HEARING

- 1 Opening Submissions on behalf of the Appellant
- 2 Legal Agreement
- 3 Aylesbury Vale District Council Five Year Housing Land Supply
Position Statement – April 2019
- 4 Government Response to the Technical Consultation on Updates
to National Planning Policy and Guidance – February 2019

DOCUMENTS SUBMITTED POST HEARING

- 1 Appeal Decisions APP/P0240/W/18/3206495 and APP/P0240/W/19/3220640