



Appeal Decision

Inquiry held on 30 September 2014

Site visit made on 3 October 2014

by **C Thorby MRTPI IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 November 2014

Appeal Ref: APP/P0240/A/14/2215889

Land to the rear of 102 to 126 High Street, Henlow, SG16 6AE

- 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 Gladman Developments Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/13/02458/OUT, dated 16 July 2013, was refused by notice dated 22 October 2013.
 - The development proposed is outline development for 93 dwellings. Access from Langford Road, Henlow. Demolition of numbers 14 and 16 Langford Road, Henlow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was for outline planning permission with access only to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters.
3. The Council are satisfied that subject to a condition and planning obligations relating to archaeology and/or infrastructure that reasons for refusal two and three have been overcome and they did not defend these at the Inquiry.

Main Issues

4. The main issues in this case are firstly the effect of the proposal on the character and appearance of the area and secondly whether the benefits of the scheme would outweigh any harm.

Reasons

5. *Character and appearance.* The appeal site is an open, agricultural field adjacent to the settlement boundary of Henlow. In itself it is not overly attractive, particularly the area close to the settlement boundary, where there is a hard boundary. However, the field sweeps down to the River Ivel, where it forms part of the small scale, rural setting of the river valley which contributes towards the attractive character around this part of Henlow village. Elsewhere in the district, the river flows through a more enclosed landscape, a typical river valley characteristic. However, the more open landscape at this point has enabled the creation of a wide recreation area where there is a sense of being away from the village buildings in a more rural environment, and where the

- paths and seats are well used showing an appreciation by local residents of the character and appearance of the area.
6. Although in outline only, it is likely that with the number of houses proposed, the area of development would be similar to the illustrative master-plan. The illustrative master-plan indicates that the proposed housing would take up much of the site, with a long, wide buffer of landscaped open space running along the boundary with the recreation area. Over time planting would soften the boundary and filter views of the housing and an enclosed river valley character would be created. However, in terms of the landscape, whilst its sensitivity to change might be moderate and the river valley would remain unaltered, the small scale, rural setting, a characteristic of this part of the river valley, would be eroded. The scheme would bring the built, urban form much closer to the recreation area and the sense of remoteness and walking in a more countrified area outside the urban environment would be permanently lost.
 7. The greatest visual effect would be experienced by people using the recreation area from where the urban character and harsh edge of the proposed housing would come too close to the footpaths, detracting from views within and along the river corridor. The harsh edge formed by the housing would be visible from the recreation area for at least the first five years and beyond, probably taking up to fifteen years for screening to be effective and even then not likely to overcome the urbanising effect of the development.
 8. The harm to the character and appearance of the area would be long term and substantial, conflicting with the Core Strategy and Development Management Policies, policy CS16, 2nd and 4th bullet points. These seek conservation and enhancement of character and distinctiveness of the countryside in line with the Mid Bedfordshire Landscape Character Assessment (which itself seeks the safeguarding of the rural character and quality of the River Ivel Valley) and enhancement of landscape of lesser quality. This is consistent with one of the core principles of the National Planning Policy Framework, to take account of different roles and character of different areas, and paragraph 109 of the same document, which seeks to protect and enhance valued landscapes.
 9. *Benefits and planning balance.* I have had regard to the benefits of the scheme including economic benefits in terms of construction, and future residents contributing to the local economy; some environmental benefits including improved biodiversity, a children's play area and public open space; some social benefits in supporting community infrastructure and modest weight is attached to these benefits.
 10. Whether or not there is a five year supply of housing influences the weight to be given to new housing in the area and whether housing policies are up to date. However, the five year supply is difficult to determine precisely, as the range put to me is so wide (from just over 2 years to nearly 6 years land supply) with substantial differences in objectively assessed needs.
 11. In summary, the Council's market area for the Strategic Housing Market Area of Luton and Central Bedfordshire, generally complies with Planning Advisory Service guidance as the most useful option and seems appropriate in this case. Even though not included in the Subnational population projections and discounted by the Office of National Statistics, it seems illogical not to take into account the disparity of 7000 persons between the anticipated population

- growth and the actual growth (referred to as Unattributable Population Change) in Central Bedfordshire as it is such a large number. It also seems likely that this was as a result of migration, although this could not be proven on the information available. Nevertheless, making some adjustment in numbers in response to this and using longer term trends, after sensitivity testing seems reasonable.
12. The interim figures used by both parties only go up to 2021 and applying the 2008 projections after this date for the next 10 years again seems a practical solution. The Council's approach seemed preferable to the appellant's which sought end figures rising steeply after 2021 appearing difficult to achieve. For the purpose of this appeal, these matters fall towards the Council's lower figures.
 13. However, the appellant's employment/economic activity figures including commuting raised questions about whether a greater uplift than suggested by the Council might be necessary. I was also concerned about affordable housing (where the whole market approach would not follow the stepped approach set out in the Planning Policy Guidance) and possible suppressed household formation rates, and whether the Council's lower number would provide enough housing to overcome these issues rather than perpetuating them. These are complex matters which require more in-depth assessments to come to a definitive conclusion on numbers, but may indicate, in this case, an upward adjustment is necessary to the Council's figures. Both parties sought to demonstrate that their housing numbers would comply with the increases sought by the Barker Review/update, however this adds little to the above assessments.
 14. Turning to the five year supply, apart from April 2015 base date being used by other authorities, it seemed to me that the most relevant date in this case would be April 2014 onwards, which would demonstrate the present position, rather than a future one. The appellant's concerns about the strategic sites in the Green Belt are given some weight. The East Leighton Linslade sites and one of the Houghton Regis sites have not been called in by the Secretary of State; however, Green Belt sites that are unallocated and without planning permission would be difficult to rely upon given that the level of objection is unknown and the National Planning Policy Framework attaches substantial weight to any harm to the Green Belt.
 15. With regard to site HT057, although there is an application for a judicial review, it falls to be taken into account at present (the WainHomes case referred to by the appellant relates to sites without planning permission). This takes the housing on the Council's lower OAN of 7,980 set out in their housing supply document, scenario 2b (including HT057 but not the other sites) to 8,541 which is over a 5 year housing land supply. The 20% buffer and the Sedgefield approach were agreed. Even taking into account the discrepancies in the shortfall and the method of application, and without any possible upward adjustments the Council would be able to demonstrate a 5 year land supply, and the housing supply policies would be up to date.
 16. Nevertheless, it is not possible to come to a robust conclusion on numbers in the circumstances and an upward adjustment noted above could result in the Council not being able to demonstrate a 5 year housing land supply rendering housing supply policies out of date and this has also been considered. In these

circumstances, significant weight would be applied to the provision of housing, (including affordable housing) and added to the other benefits. I have found that the environmental impact is an adverse one, leaving permanent damage to the appearance and character of a landscape important to local character and valued by local residents. The environmental harm to the character and appearance of the area would not meet the environment strand of sustainable development and the harm in this respect would be substantial and of a high order, significantly and demonstrably outweighing the benefits in this case.

17. *Other matters.* The site would be in a sustainable location with access to services and facilities. There would be sufficient capacity on the roads and a safe access would be provided. The appellant has demonstrated that there would be no flood risk either at the site or elsewhere. Archaeology could be satisfactorily dealt with by condition. The planning obligation meets the Council's demands and where necessary would ensure that the local infrastructure could accommodate the proposed development; however, it would not overcome the identified harm and given the decision in this case, I have not considered the obligations any further.
18. *Conclusion.* I have attached weight to the conflict with Development Management policy DM4 relating to settlement boundaries; however, notwithstanding this policy, there would be harm to the character and appearance of the area conflicting with local and national policy and the adverse effects would demonstrably outweigh the benefits. The proposal would not be sustainable development and the appeal fails.

Christine Thorby

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Booth of Counsel

He called

Ms L Newcome

Ms N Dilley

Mr S Andrews

Mr J Lee

Principal Planning Officer

Senior Planning Officer

Team Leader Development Strategy

Managing Director Opinion Research Services

FOR THE APPELLANT:

Mr R Kimblin of Counsel

He called

Mr C Still

Mr M Johnson

Mr D Hartley

My K Nye

Mr J Donagh

Planning and Development Manager Gladman
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Director of Planning Rural Solutions

Associate Director for

Associate Barton Willmore

INTERESTED PERSONS:

Mr S Dixon

Councillor Wenham

Henlow Parish Council

Ward Councillor

Documents submitted at the Inquiry

Doc 1 Consultation letter

Doc 2 Appeal decision examples

Doc 3 SHMA Review in context of Barker findings

Doc 4 Email regarding UPC/migration

Doc 5 Draft conditions

Doc 6 Appellant's note on land supply and timings

Doc 7 Unilateral Undertaking

Doc 8 Education Note

Doc 9 Section 106 briefing table

Doc 10 Response to contributions sought

Doc 11 Letter from Alistair Burt MP

Doc 12 Letter from local resident

Doc 13 Consultation on the 2012 SNPP

Doc 14 Housing delivery timescale

Doc 15 Appellant's revised supply assessment

Doc 16 Council's revised supply assessment

Doc 17 Market area map extract

Doc 18 Council's housing land supply 3.09.14