



Appeal Decision

Site visit made on 1 February 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2022

Appeal Ref: APP/P0240/W/21/3273963

Land off Ewbank Corner, Church Street, Langford, Bedfordshire Easting 518438, Northing 241997

- 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 Warden Developments Limited against the decision of Central Bedfordshire Council.
- The application Ref CB/20/01617/OUT, dated 15 May 2020, was refused by notice dated 23 February 2021.
- The development proposed is residential development of up to 35 dwellinghouses (all matters reserved except access).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with all matters reserved except for access. I have had regard to the colour and monochrome versions of the Indicative Site Layout (Drawing Ref 19-03 Rev P) but have treated each element of the drawing as indicative, apart from details of the proposed access, when considering the likely impact of the proposal on the matters set out in the main issues below.
3. The Council has confirmed that the policies of the Central Bedfordshire Core Strategy and Development Management Policies (2009) quoted on the Decision Notice have been superseded by policies from the Central Bedfordshire Local Plan 2015 – 2035 (Adopted July 2021) (CBLP). Appeal decisions must be based on policies from the development plan prevailing at the time of determination. In the case of this appeal, the Council has suggested CBLP Policies DC5, EE5, H4, HQ1, HQ2, SP1 and SP7 are relevant to the determination of the appeal. The appellants are aware of the policies and have had opportunity to comment on their relevance to the appeal.
4. Furthermore, the Langford Neighbourhood Plan 2020-2035 (LNP) was 'made' by the Council on 27th September 2021. As such, its policies now form part of the development plan. In the case of this appeal, the Council suggests that LNP Policies PD2 and PD4 are relevant to its determination. The LNP was not referred to on the Decision Notice, but the main parties have commented on its content, neither party would therefore be prejudiced by my reference to it.
5. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have commented upon the relevance of any of its revised content, which I have had regard to in my decision.

Main Issues

6. The appeal is supported by a signed Unilateral Undertaking and the Council has accepted its terms. It therefore agrees that this overcomes the conflict with the development plan identified in the second reason for refusal on the Decision Notice. With this in mind, the main issues are:
- whether the proposal would be consistent with policies relating to housing in rural areas, with regard to its location and effect on the intrinsic character and beauty of the countryside and the settlement of Langford; and
 - whether the proposal would lead to a significant loss of Grades 2 and 3a agricultural land.

Reasons

Site and Surroundings

7. The appeal site concerns a roughly rectangular parcel of land, beyond the western edge of the settlement envelope for Langford, as shown on Inset Map 34 of the CBLP. Due to the small quantum of existing services and facilities and fewer public transport links available, Langford is designated as a 'Large Village' in the Council's Settlement Hierarchy¹, beneath Major and Minor Service Centres.
8. The site is adjacent to two protected green spaces. The larger being a linear space to the west, which runs parallel with the River Ivel. There is also a new cemetery to the northeast. Access for the development is taken from the adjacent housing development, which also serves fishing lakes to the south.
9. The village appears to have expanded from its historic core in a linear fashion along the principal routes north and south, but also in the form of development in depth to the east and west. This includes housing of the late-20th Century and more recently at locations such as Lofts Farm, which further to the south and beyond the settlement envelope.
10. Langford is included in the Upper Ivel Clay Valley, the key characteristics of which are set out in the Central Bedfordshire Landscape Character Assessment (LCA). These include a mix of land uses incorporating medium and large-scale arable fields, bound by hedgerows, and found beyond settlements. Pastoral fields of a more intimate scale are found along the River Ivel, the views within the landscape of which are partly enclosed by scattered woodland blocks and tree belts alongside the river. The LCA suggests these views are particularly sensitive to change.
11. The site is grassed and includes some landscaping to its western edge, but its other boundaries to neighbouring land and properties are marked by mature and continuous planting. These characteristics are typical of pastureland found in close proximity of the river and the site maintains separation between the river corridor and the houses immediately east, particularly as they are prominent above the tree and hedgerow planting at their perimeter.
12. The visual qualities of the site, provided by planting at its perimeter and its open and undeveloped nature, together with the separation it affords between

¹ Section 9 of the CLP.

the river and existing built form therefore make a significantly positive contribution to the riverside environment, including its tranquillity. While views across the site are localised due to the presence of existing planting, the site makes a significantly positive contribution to the intrinsic character and beauty of the countryside and the settlement of Langford.

Housing in Rural Areas

13. The proposal would not amount to any of the specified types of development permitted beyond settlement envelopes by CBLP Policy SP7 or LNP Policy PD2, including single dwellings outside settlements, rural exception schemes, limited infilling within the village, or redevelopment of previously developed land.
14. The appeal scheme is indicative and for a maximum of 35 dwellings. I accept that the indicative grain of development would generally be consistent with the majority of development constructed, over time, east and west of the principal routes through the village, including houses immediately east. Nevertheless, it would be a development of significant proportions and prominence to the edge of Langford, within the undeveloped and open site. The subsequent loss of openness and erosion of the site's undeveloped qualities would reduce the degree of separation between built development and the riverside environment and undermine how Langford blends more naturally into the countryside.
15. The appellant has provided a Landscape and Visual Appraisal and Landscape Statement of Case. I accept that the indicative landscape strategy for the scheme would be likely to be integral to the layout of the appeal scheme and reflect planting found in the riverside environment. However, clear views of the site and its relationship with the existing built edge of Langford are available from the riverside and the proposal would be more visually prominent than the existing development east.
16. Land is indicatively set aside within the site for open space and biodiversity enhancements. However, the landscaping therein would be unlikely to mature enough in its initial years of development to achieve the intended screening effect required to soften the visual impact of built development in this sensitive location, particularly throughout the construction and residual phases of development. It would also take a significant amount of time for the tree coverage to reflect the existing character of planting found around the site.
17. For these reasons, the proposal would have a significant and detrimental urbanising effect on the intrinsic character and beauty of the countryside and the settlement of Langford.
18. The density of the proposed development would be lower than the maximum density sought by the LNP and approved developments in the settlement to which I have been referred, namely St Andrews Way, Lofts Farm, and the existing housing east. However, I am mindful that the numerical measure of density, alone, is a poor gauge of the compatibility of a proposal in its spatial context. More relevant are the other factors of character and appearance which I have identified above.
19. The indicative area of open space would also maintain some separation between built form and the protected green space alongside the river, in a similar manner to that at the site Loft Farm, to the south. In that sense, it is comparable with the proposal as it is likely that it too contributed to settlement

character and the riverside environment. Nevertheless, the fact that the proposal would erode its characteristics but do so in a manner similar to Loft Farm would not be a compelling reason to allow development deemed harmful.

20. I also note that the site was initially concluded to be suitable as an allocation for the CBLP but was not subsequently brought forward. Be that as it may, I have had regard to the illustrative scheme before me and consider that it fails to demonstrate that the site could be developed for the proposal without causing the aforementioned harm. However, given the effect of street lighting and the presence of roads within the scheme is unknown, I have not considered such matters further, as it is not possible to quantify any such effect on the tranquillity of the riverside environment.
21. Settlement envelopes help to define what is more urban and rural in character, particularly countryside and the indicative information before me demonstrates that the maximum number of dwellings could not be accommodated in the site without harming the built or natural environment in the context of the intrinsic character and beauty of the countryside and the settlement of Langford.
22. Accordingly, I conclude that the proposal would not be consistent with policies relating to housing in rural areas, with regard to its location and effect on the intrinsic character and beauty of the countryside and the settlement of Langford. Hence, the proposal would conflict with the Council's Settlement Hierarchy and the approach to the location and effect of development outside of settlement envelopes as expressed in CBLP Policies SP1 and SP7 and LNP Policies PD2 and PD4. It would also conflict with the aims in respect of landscape character and value, and design, as expressed in CBLP Policies HQ1 and EE5 and paragraph 174 of the Framework. I afford considerable weight to the conflict with Policies SP7, PD2 and PD4 as the harm that would result would undermine the Council's Settlement Hierarchy and the reasons that settlement envelopes are in place.

Loss of agricultural land

23. The appellant has suggested that the appeal site is good to moderate land, which qualifies as Grades 3a and 3b in agricultural land grading, but there is no evidence before me to suggest it forms part of an agricultural holding or has been in such use recently. Given the nature of adjoining land, it is also not contiguous with other agricultural land.
24. I have been referred to the cumulative effect of the loss of land from the appeal site in conjunction with others. However, there is no policy principle for such an approach outlined in the Council's development plan, which considers the quantum of 'best and most versatile' land in the surrounding area. There is no relevant evidence before me in relation to the amount of such land in the context of Langford.
25. The appeal site is only slightly larger than that at St Andrews Way, which led to the loss of 1.27 Hectares of Grade 1 land. The Officer Report for that decision suggests this did not amount to a significant loss of land. The application was determined against the now replaced local plan, which did not carry the same assessment required for the loss of agricultural land. However, the Council also made its decision on the basis of the policies of the Framework and little has changed in respect of its approach to agricultural land.

26. The appeal site would be comparable in size with St Andrews Way, but would not lead to the loss of Grade 1 or 2 land and would also lead to biodiversity net gain, which would improve the environmental characteristics of the site, points which the Council has not disputed.
27. With the above factors in mind, I conclude that the proposal would not lead to a significant loss of Grades 2 and 3a agricultural land. Hence, it would accord with the aims of CBLP Policy DC5 in respect of such matters.

Planning Balance

28. The Council is able to demonstrate a five-year supply of deliverable housing sites given that its Local Plan was adopted on 22 July 2021 and, in the context of paragraph 75 and Footnote 40 of the Framework, it is considered to be recently adopted until 31 October 2022. Nevertheless, this does not represent a ceiling to new housing development and the Government is seeking to significantly boost the supply of homes. Similarly, the homes to be delivered over the period 2015 to 2035 are set out in CLP Policy SP1, but this is regarded as a minimum. The provision of up to 35 homes that would result from the proposal would therefore amount to a benefit of moderate weight.

Unilateral Undertaking

29. The Unilateral Undertaking (UU) includes provisions for 38 percent of the total number of properties to be affordable homes, which is rounded to up to 14. The policy requirement in Central Bedfordshire has reduced from 35 to 30 percent in the CBLP. The commitment by the appellant to provide more affordable homes is therefore a social benefit of significant weight.
30. The UU would also include provisions for financial contributions toward the cost of providing, expanding, or improving early years, primary and secondary educational facilities, which serve the development. Leisure and open space contributions would also be made toward providing, expanding, or improving facilities for Langford Football Club and children's play space facilities within 2km of the site and within the village. Contributions would also be made toward the upgrading/enlarging/new buildings for community facilities and toward health facilities at the Langford Surgery.
31. The supporting text to Policy HQ2 of the LP indicates that a Supplementary Planning Document will be prepared on planning obligations, but there is no indication that this is available.
32. Whilst these other contributions and provisions would be beneficial and reasonable and proportionate, they are proposed to mitigate an impact. In this case, that of the erection of up to 35 dwellings. Accordingly, as the obligations therein can only mitigate against the proposed development, I afford these benefits limited weight. Furthermore, these would amount to indirect benefits to the community, so would not meet the criteria suggested in LNP Policy PD4.

Other Benefits

33. There would be short term employment benefits through the construction phase and occupants of the proposed dwellings would be likely to contribute to supporting local businesses, services, and facilities. These would constitute benefits in social and economic terms and, given the magnitude of the proposed development, they would be afforded moderate weight.

34. I am mindful that biodiversity net gain is not yet a mandatory requirement of development, but the Framework is supportive of measurable attempts to secure such benefits. The indicative scheme would deliver a biodiversity net gain of 15.6 percent, which is more than that which is expected to be required in future. This would partly be derived from an overprovision of undeveloped space to the west of the site, which would include the delivery of new green infrastructure encompassing, amongst other things, wildflower grassland and tree planting. Given that it would relate to land next to the river corridor this would amount to an environmental benefit of moderate weight.
35. A connection is proposed to the footpath on the western side of the River Ivel, but this appears to cross land outside of the site, the appellants' have not indicated whether this would be within their control, and there is no mechanism in the UU to secure its provision. Based on the evidence before me, I am only able to afford this social benefit very limited weight as a concept that could potentially be delivered in the future.
36. The Inset Map for Langford shows the western part of the site to be within the flood zone, but the appellant's flood modelling shows this only clips the edge of the site. This is due to improvement works to the river corridor and is accepted by relevant consultees² in application correspondence. The indicative area of open space would therefore potentially be a social and environmental benefit to the occupants of the proposed dwellings and residents of Langford. However, as this matter is subject to further detail, I am only able to afford these benefits limited weight.
37. The facilities, services, and public transport available in the village are accessible from the site, but I ascribe negligible additional benefit in respect of this matter, as I consider it to be an absence of harm.
38. With suitable conditions, there would be no conflict with highway safety or the road network serving the site, including the width of the access. The absence of such harm and that associated with addressing, amongst other things, the living conditions of neighbouring occupiers, surface water drainage and flooding, potential land contamination, and minerals extraction, would amount to neutral factors that would neither weigh in favour nor against the proposal.
39. I also recognise that the appeal scheme could be said to make more efficient use of the site, but the Framework is clear that this should include taking into account the desirability of maintaining an area's prevailing character and I have identified harm in this regard.
40. The proposal would comply with the development plan in respect of the loss of BMV land. In terms of harm, it would not comply with the development plan in respect of its location beyond the settlement envelope and the resultant harm to the intrinsic character and beauty of the countryside and Langford.
41. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole. While collectively there would be significant and moderate benefits associated with the proposal, the harm that would be caused by allowing the proposal would be of greater significance and outweigh the stated benefits.

² The Environment Agency, the Internal Drainage Board and the Lead Local Flood Authority.

42. The proposal would therefore also not amount to sustainable development under the terms of the Framework.

Conclusion

43. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR

Richborough Estates