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## Appeal Decision

Hearing held on 10 January 2023

Site visit made on 11 January 2023

**by Martin Allen BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 March 2023**

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**Appeal Ref: APP/P0240/W/22/3305018**

**Land bounded by 37 to 47 Caldecote Road, 2 to 4 Tompions End, and 14 to 3 Northill Road, Caldecote Road, Ickwell, Biggleswade, Bedfordshire SG18 9EH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Alan Irwin, Northill Developments against the decision of Central Bedfordshire Council.
  - The application Ref CB/20/02035/FULL, dated 16 June 2020, was refused by notice dated 14 February 2022.
  - The development proposed is the erection of 26 dwellings with associated open space, landscaping, drainage infrastructure, access and all ancillary works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. During the application, the number of dwellings was reduced from 47 to 26. It is on the basis of this reduced scheme that I have made my decision.
3. Prior to the hearing, a completed agreement under S106 of the Town and Country Planning Act 1990 was submitted. This, amongst other things, included a provision to include custom-build plots within the development. Following discussions at the hearing, which I expand on further below, a revised agreement has been submitted omitting this. There would be no prejudice to any party in me accepting this later agreement.
4. Since the application was refused by the Council, the main parties have been in discussions to narrow the areas of disagreement. Reasons for refusal 3 to 5 concern the matters of effect on archaeology, acceptability of drainage works and the seeking of a S106 planning obligation in respect of affordable housing, education contributions, as well as contributions towards community facilities, healthcare, equipped play space, sport, open space, refuse and recycling, and the securing of the delivery of a new right of way. The Statement of Common Ground outlines that the parties agree that these matters can be satisfactorily addressed and based on what I have seen I have no reason to find otherwise. These matters are not therefore included in the main issues below.
5. At the hearing, the Council apprised that there was a recent update to the Council's published Housing Land Supply position, which had not been circulated to either me or the appellant. The Council was not intending to

submit this update. However, in my view it was necessary for this updated information to be considered. I agreed that the parties, including interested parties that were attending the hearing, should be given the opportunity to comment on this revised information. Accordingly, the matter was dealt with by a written exchange of information, between all of the parties, following the hearing.

## **Main Issues**

6. The main issues in this case are:

- The acceptability of the location of the development, having regard to local planning policy,
- The effect of the proposal on the character and appearance of the area, and
- Whether the site comprises an accessible location.

## **Reasons**

### *Location of development*

7. The Central Bedfordshire Local Plan (the Local Plan) establishes a hierarchy of settlements, which is intended to guide where new development will take place. This sets out four tiers of settlements: Major Service Centres, Minor Service Centres, Large Villages and Small Villages. Ickwell is identified as a Small Village, and these contain few services and facilities and are limited in their availability of public transport links.
8. The Local Plan also establishes settlement envelopes, which define the boundaries between settlements and surrounding countryside. Within settlement envelopes, windfall development i.e., sites not specifically identified in the Local Plan, will be acceptable in principle.
9. Policy SP7 sets out that within the settlement envelopes of Small Villages, development will be limited to infill development, small-scale employment uses and community facilities. While outside of settlement envelopes, only particular types of development will be permitted. Notably, new, open-market residential development is not one of the permitted forms of development.
10. The Northhill Parish Neighbourhood Plan (the NP) mirrors the requirements of the Local Plan, in only supporting residential development, other than Rural Exception Sites, within development envelopes, as set out in policy NP1.
11. Given that the appeal site, in its entirety lies outside of the defined settlement envelope for Ickwell, the proposal for new residential development is contrary to policy SP7 of the Local Plan and policy NP1 of the NP.

### *Character and appearance*

12. The appeal site lies to the east of the village of Ickwell. It is bounded along its western fringes by existing residential development, while to the south it bounds Caldecote Road and to the north and east the remainder of the group of fields which the site forms part of, with an area of woodland and agricultural fields beyond.
13. There are clear views of the site from Caldecote Road, which are minimally filtered by the thin strip of vegetation that encloses the field. Views from

further vantage points in close proximity to the site are generally restricted by the presence of existing housing. A notable exception to this however is that there are clear views of the site from the public right of way that runs to the north of the proposed development.

14. I observed that there were also longer distance views of the site from footpaths that were present within the wider area, including a path to the south and east which leads from Ickwell to Upper Caldecote, which allows views back towards the appeal site, from an elevated position.
15. The appeal scheme details the construction of twenty-six dwellings within the confines of the site, comprising a mix of both detached and semi-detached units. At the southern fringe, there would be a grouping of dwellings arranged in a crescent, with further units positioned along the boundary with Caldecote Road. Directly to the north of these would be an area of open space, including sustainable drainage features and an orchard, with wildflower meadow planting. The remainder of the dwellings would be positioned to the west, between this area of open space and the existing dwellings within the settlement. These would be detached units, set within generally large, expansive plots.
16. The scheme would result in the introduction of a substantial and sprawling extent of new buildings at this edge of village location. From the road, the creation of a new, formal vehicular access together with the new dwellings that would be viewed in proximity to the road, would markedly and deleteriously diminish the delineation between the existing village and the countryside beyond. Development would stretch along the road in an easterly direction, and despite the introduction of additional landscaping along the boundary with the road, the scheme would intrude into and erode the attractive rural aspect that is readily apparent when travelling out of the village, along Caldecote Road.
17. I am not convinced that, as contended by the appellant at the hearing, the scheme would improve the rural edge of the village at this location. There was reference to the stark appearance of the flank elevations of existing dwellings when approaching Ickwell, and that the scheme would improve this by introducing a high-quality rural transition. However, the flank elevations of the dwellings in closest proximity to the appeal site are largely screened by existing vegetation, and it is not until entering the village itself do they become visual features. Moreover, this is an arrangement that is not uncommon within villages set within a rural landscape. As such, this matter does not persuade me that the proposed development would be a positive addition.
18. The development would be readily visible from the right of way that runs to the north of the appeal site, from Northill Road. Currently, any views of existing development for users of this path contain the houses along both Caldecote and Northill Roads. However, these are generally distance views with structures appearing as minor features. I accept on the other hand that when moving to the west, approaching Northill Road that dwellings would be more obvious, particularly when nearing the road.
19. Nonetheless, the appeal scheme would result in the introduction of a large residential development into what is currently an area of fields and paddocks. The built form of the proposal would be positioned closer to the right of way and as a result it would be significantly more intrusive than the existing development that can be seen at a distance and that is softened by existing

vegetation. The appellant's submitted Landscape and Visual Impact Assessment (LVIA) identifies that from a viewpoint along the right of way, development that is of a comparable type to the proposed already exists in the local landscape. Whilst this is true, the proximity of new development to the footpath, notwithstanding the intention to introduce a new landscaping buffer, would curtail the openness of the views at this location and degrade the appealing rural aspect experienced by users of the right of way. The LVIA further states that the magnitude of the change experienced at this location would be medium, however this to my mind underplays the extent of the change, which would be significant. Thus, the effect of the change from the right of way would be major.

20. The scheme would introduce a form of development that would be at odds with the predominant pattern of development within the village. Currently, there is a strong characteristic of residential development comprising linear development, extending along the roads which lead into the village. While I accept that the development of Tompions End departs from this by comprising a form of backland development behind the generally linear arrangement, this is a small and unobtrusive cul-de-sac, that has little visual presence. By comparison, the proposed scheme would be substantially larger, encompassing a considerable area. Moreover, the arrangement of the development in not reflecting the linear development of the village would appear as an incongruous addition to the settlement, at odds with its prevailing character. The inclusion of substantial areas of open space within the scheme does little to dissuade me of this.
21. I was also invited to view the appeal site from a public footpath that runs to the south and east, which leads from Ickwell to Upper Caldecote. This footpath crosses elevated land to the east of the site and allows for views back towards the village of Ickwell. From vantage points along this path, there are views back towards the appeal site and in my view, particularly during winter months, the development within would be visible. Given my findings above that it would not reflect the prevailing form of the existing settlement, the development would appear as an awkward addition, which fails to integrate well with the defining characteristics of its context.
22. I therefore find that, rather than creating a positive gateway to the village, the scheme would severely erode the rural character and appearance of the location. It would intrude into the countryside surrounding the village, failing to respect the location's pastoral environment.
23. Accordingly, I find that the scheme would result in substantial harm to the character and appearance of the area. Thus, the scheme would conflict with policies HQ1 and EE5 of the Local Plan, as well as policy NP6 of the NP. Together, and amongst other things, these policies seek to ensure that new development responds positively to context, reflects local character and distinctiveness and residential development contributes positively to the character of the village.
24. Policy EE4 is also referenced by the Council. However, this principally refers to replacement tree planting, which could be secured by condition. As such, I have not found conflict with this policy.

### *Accessibility of location*

25. There are no services, other than a pre-school, within the village of Ickwell. Residents would therefore be required to travel in order to access services. The nearby village of Northill contains a public house, village hall, primary school, and church, but these are not within a convenient, day-to-day walking distance from the appeal site. There are additional facilities, i.e., a convenience store, located in Upper Caldecote, but again any facilities here are beyond a convenient and attractive walking distance. Furthermore, there are no pedestrian footways leading here.
26. In terms of bus services, the appellant submits a bus timetable indicating that the village benefits from a bus service. In one direction, towards Bedford, the earliest bus leaves at 7.45am and the last is at 6.15pm, while in the opposite direction towards Biggleswade (where there are supermarkets) the earliest is at 8.12am and the latest at 6.51pm. This indicates that the village is at least served by a minimal service. However, I am also conscious of the comments made by existing residents at the hearing, which included comments of the service not being dependable, as well as not being a realistic, sustainable, or viable transport option. Indeed, local residents commented that they have to use the private car to access services. This, to my mind, reflects the challenges of accessing services from such a rural location.
27. The appellant also accepts that it is likely that residents will travel by car to access services, contending that this applies equally to existing residents, as well as residents of Northill and Upper Caldecote. However, in these nearby settlements there is greater access to facilities, reducing the need to travel. This therefore does not persuade me of the acceptability of this location.
28. I note reference to residents being likely to work from home and that working practices have changed in recent times to facilitate this. However, this cannot be guaranteed, and it remains that a choice of transport modes should be provided. As such, this has little bearing on my decision.
29. While accepting that transport solutions vary between urban and rural areas, I nonetheless find that the occupants of the dwellings would likely be reliant on the use of the private car and that there would be a lack of accessibility to services by sustainable means. Thus, the scheme conflicts with policies HQ1 and T1 of the Local Plan, insofar as they seek to ensure that development is located so as to encourage travel by sustainable modes and forms of transport.

### **Other Matters**

#### *Housing Land Supply position and the 'tilted balance'*

30. The October 2022 update of the Council's, outlines that the Housing Land Supply position is 5.42 years.
31. The appellant's primary criticism of the Council's position is that any over-supply of housing from previous years should not be factored into the calculation of the supply. The appellant asserts that to do so would frame the number of houses that need to be delivered as a maximum, rather than as a minimum. However, I do not accept this contention.
32. There is no national policy or guidance that prescribes whether or not over-supply can or should be taken into account. In my view, while the Planning

Practice Guidance allows past over-supply to be used to offset shortfalls against requirements from previous years, it is silent on whether it is possible to set them against future years. It is a matter of judgement for the decision maker, having regard to the circumstances of each case.

33. The Council has dealt with the over-supply by applying it equally over the remaining plan period, not just the five-year period. If over-supply were not taken into account, in my view, the number of houses required over the period of the plan would be artificially inflated. The planned requirement is to meet a specific need over the plan period. To artificially inflate it through not offsetting over-supply would mean that the overall requirement figure in the plan period would increase. Furthermore, the over-supply would comprise homes that have already been delivered and exist, thereby they already contribute to the housing need. This further reinforces my view that they should be taken into account within the requirement going forward.
34. I accept that the housing requirement is a minimum figure, nonetheless it is still an overall requirement that provides the certainty that is required to underpin the housing policies of the development plan.
35. I am aware of appeal decisions that have taken differing approaches, both accepting and not accepting the inclusion of previous over-supply. This is not surprising in light of the lack of formal guidance on the matter. However, I am not aware of the detailed arguments that were put before the Inspectors in those cases and so I have reached my own conclusion based on the information presented to me. For the reasons above and as a matter of judgement, I find it appropriate to include previous over-supply.
36. I also note that the Council's housing requirement is not based on the Local Housing Need figure. However, the Local Plan was prepared under the transitional arrangements in this regard, and I am aware that this has been held to be an appropriate mechanism. As such, this matter does not persuade me that the housing need figure should be increased.
37. In addition to this, the appellant takes issue with a number of specific sites included within the Council's assessment and argues that these are not deliverable for assorted reasons, resulting in the removal of 517 dwellings from the deliverable supply of the Council.
38. However, it is not necessary for me to consider these detailed comments. In light of my findings above that over-supply should be taken into account, the Council would still be able to demonstrate a five-years supply of deliverable housing sites even if these 517 dwellings were to be removed from the number of dwellings that were considered to be deliverable. Thus, the presumption in favour of sustainable development, or the "tilted-balance", as envisaged by paragraph 11 of the National Planning Policy Framework (the Framework) is not engaged.

#### *Custom-build Housing*

39. The S106 planning agreement originally included provision for custom-build plots. However, the planning Practice Guidance sets out that:

*"In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout."*

*Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.”<sup>1</sup>*

40. The appeal scheme sought full planning permission for the development as proposed, this includes all plans and details of each of the dwellings to be constructed as part of the scheme. In light of this, the initial owners of the dwellings would not have any input into the final design and layout. Thus, the homes could not be considered to be custom-build units. The appellant accepted this at the hearing and subsequently amended the submitted planning obligation to omit reference to custom-build plots. As such, given the omission of this type of housing, this is not a matter that can be considered in support of the proposals.

*Spatial distribution of housing development*

41. The appellant refers to a housing need in Ickwell and that, while development of new dwellings has taken place within other settlements, there has been little within Ickwell itself. In support of this, there is reference to the ‘fair share’ housing figures as contained within the NP. This sets out that within Ickwell, there is a ‘fair share’ target of 20 dwellings<sup>2</sup> to be delivered to 2031. However, the NP explicitly states that the figures in this table do not consider local factors including the size and character of settlements, access to facilities or transport links. It is further stated that development outside of settlement envelopes is not supported.
42. As such, while this matter is noted, given the extent of the harm that I have identified above, ensuing from the specific circumstances of this development proposal, as well as the specific characteristics of the location, this matter does not persuade me in favour of the scheme.
43. It was also put to me that Ickwell is no different from Northill and Upper Caldecote in terms of access to services and facilities, and thus if development has been permitted at those settlements, it should also be allowed at Ickwell. I do not accept this. There are differences in the facilities that are present in the differing settlements: amongst other things Northill contains a public house, primary school, and village hall and Upper Caldecote contains a convenience store. Accordingly, I do not find the settlements comparable in this respect and consider development, particularly of the scale as that proposed, should be directed to locations that have greater access to services.

*Additional decision of the Council*

44. Since the close of the hearing, the appellant has submitted a copy of a recent decision by the Council, granting planning permission for residential development within the settlement envelope for Ickwell. Within the delegated report for that proposal, it was stated that the site was at a sustainable location. The Council has been given the opportunity to comment on this. The reference to the location being sustainable is contained within the sectioned titled “Principle of Development” and this concludes that *“the settlement and the site itself are considered sustainable in locational terms for residential*

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<sup>1</sup> Paragraph: 016 Reference ID: 57-016-20210208

<sup>2</sup> Table 4: Fair Share Housing Target for Northill Parish to 2031 by Settlement Area, Northill Parish Neighbourhood Plan, page 23

*development of the scale proposed.*” It is clear, that this reference is made within the context of the site being within the settlement envelope and thus in accord with the thrust of policy SP7 and it is on this basis that the scheme is considered sustainable. There is no reference to the accessibility to services and as such I find that this decision cannot be taken to infer that the location is sustainable in terms of access to facilities by sustainable means.

45. My view in this respect is reinforced by having regard to the scale of the development: four residential units (where one already exists, a net gain of three) versus twenty-six proposed within the appeal scheme. There are clear disparities between the two in terms of the level of movements by the private car that would be generated. Thus, this decision does not sway me in favour of the appeal scheme.

### **Planning Balance**

46. I have found above that the proposal would be harmful to the character and appearance of the area, this includes the degrading of the rural setting of Ickwell. The site would also not be accessible by sustainable means. There would also be conflict with the locational policy of the Local Plan. I attribute very significant weight to the collective harm arising from these matters.
47. There would be a range of economic benefits resulting from the proposal. These include the provision of jobs during the construction of the development, wider economic benefits through household expenditure and a notable contribution towards the provision of affordable housing. These attract considerable weight. The appellant also refers to environmental benefits through the provision of biodiversity enhancements, public open space, and a footpath link, I consider that moderate weight should be accorded to these. There would also be a footway provided to the village, however this would predominantly serve the residents of the new development and as such, I accord this limited weight.
48. Overall, I consider that the package of benefits that would result from the development should be given significant weight in the planning balance, particularly as the appeal scheme would deliver new housing, including affordable units. However, as I have identified above, I accord very significant weight to the harms that would result. Accordingly, in my judgement the negative factors resulting from the proposals, which include conflict with locational policy, harm to the character and appearance of the area and lack of accessibility by sustainable means, are decisive. Thus, the planning balance does not indicate that a decision should be taken other than in accordance with the development plan.
49. The appellants principal position is that despite the conflict with policy SP7, a direct assessment of benefits versus harms would conclude that the benefits outweigh the harm. As I set out above, I do not agree and consider that the harm is decisive.
50. The appellant has also argued that the Council is unable to demonstrate a five-year supply of deliverable sites and thus the “tilted-balance” is engaged. I have disagreed in this respect also, as set out above. In any event, even if I had found otherwise, in my judgement the negative factors resulting from the proposals are sufficient to significantly and demonstrably outweigh the positive ones.

## **Conclusion**

51. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
52. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be dismissed.

*Martin Allen*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

|                 |                                         |
|-----------------|-----------------------------------------|
| Richard Murdoch | Woods Hardwick - Planning               |
| Alan Irwin      | Appellant                               |
| Jason Leonard   | Woods Hardwick - Architect              |
| John Seymour    | ACD Environmental – Landscape Architect |

### FOR THE COUNCIL:

|                 |                            |
|-----------------|----------------------------|
| Philip Hughes   | Planning Consultant        |
| Benjamin Tracey | Principal Planning Officer |

### INTERESTED PARTIES:

|                  |                                |
|------------------|--------------------------------|
| Christopher Rose | Local Resident                 |
| Rob Smith        | Chair, Northill Parish Council |
| Wendy Berliner   | Local Resident                 |
| Des Irvine       | Local Resident                 |
| Deidre Hannah    | Local Resident                 |
| Keith Thompson   | Local Resident                 |
| David Wingfield  | Local Resident                 |
| Mike Wells       | Local Resident                 |

## **DOCUMENTS SUBMITTED AT OR AFTER THE HEARING**

1. Archaeological Trial Trench Evaluation
2. List of conditions
3. Copy of planning application for scheme in Northill