
Appeal Decision

Hearing held on 3 June 2025

Site visit made on 4 June 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2025

Appeal Ref: APP/K0235/W/24/3357192

Land at Bedford Road and High Street, Roxton, Bedfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Rainier Developments Limited, Betty Russell, Nigel Russell and Justin Russell against the decision of Bedford Borough Council.
 - The application Ref is 22/02545/MAO.
 - The development proposed is 'up to 50 dwellings, site access and highway works, associated infrastructure, green infrastructure including sustainable drainage, ecological habitats, children's play area, amenity green space, demolition of existing outbuildings and ancillary works'.
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Decision

1. The appeal is allowed and outline planning permission is granted for 'up to 50 dwellings, site access and highway works, associated infrastructure, green infrastructure including sustainable drainage, ecological habitats, children's play area, amenity green space, demolition of existing outbuildings and ancillary works' at Land at Bedford Road and High Street, Roxton, Bedfordshire in accordance with the terms of the application 22/02545/MAO, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal relates to an application for outline planning permission on two parcels of land on the outskirts of Roxton. Approval is sought for means of access to the site, but this does not include internal circulation within the site. Matters relating to appearance, landscaping, layout and scale are also reserved for future consideration. I have determined the appeal on that basis.
3. During the course of the appeal, the appellants submitted an Updated Flood Risk Assessment and Drainage Strategy May 2025 ('the UFRA') which includes an amended Parameter Plan (plan no. 3502) to reflect updated surface water mapping published by the Environment Agency subsequent to the submission of the appeal. The Parameter Plan indicates, amongst other things, where areas of public open space, green infrastructure and residential development would be provided on the site. The Council confirmed during the Hearing that it had been able to consider the UFRA and amended Parameter Plan, and raised no objection to my considering these in my assessment of the appeal. Although the Parameter Plan shows some changes to the version that was before the Council and interested parties at the time the application was determined, these are relatively minor and would not result in a substantial difference or fundamental change to the application. Having regard to the nature of the application, the revisions to the UFRA and the changes shown

within the site along with the relationship with the surrounding area, I am also satisfied that my acceptance of the updated UFRA and Parameter Plan would not cause unlawful procedural unfairness to any party in this case. I have therefore taken the UFRA and Parameter Plan within it into account.

4. I have also noted an Illustrative Masterplan submitted with the application, and an updated version within the UFRA. This shows one potential way that the site could be developed, but is not submitted for approval and there could be alternative ways to bring forward a scheme within the extent indicated by the parameter plan as part of a reserved matters ('RM') submission. I have therefore treated all details apart from those relating to the means of access to the site as illustrative.
5. Prior to the Hearing, the appellants submitted a draft legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). The Council confirmed that this would address its third, fourth, fifth and sixth reasons for refusal which concerned provision for affordable housing, self-build and custom build housing ('SBCH'), open space and local infrastructure. The obligations and undertakings within the agreement were discussed at the Hearing, and a completed agreement ('the s106') was submitted shortly after.
6. At the time of the Hearing, the main parties indicated that examination of the emerging Bedford Borough Local Plan 2040 ('the LP2040') was paused. Subsequently, I was provided with copies of correspondence between the Council and the Inspector examining the LP2040, including a recommendation from the Inspector that the plan be withdrawn and advising that if it was not withdrawn, the alternative would be for it to be found unsound. The Council expects to confirm its position after 24 July. It is therefore currently unclear whether the emerging plan will be withdrawn or found unsound but in either case, this context means that the LP2040 attracts very limited weight in my decision.

Main Issues

7. The main issues are:
 - i) whether or not the development would be in a suitable location having regard to the spatial strategy, its location in the countryside and the designation of part of the site as Village Open Space; and
 - ii) the effect of the proposal on heritage assets.

Reasons

Location

8. The spatial strategy outlined at Policy 3S of the Bedford Borough Local Plan 2030, adopted 2020 ('the LP') includes 'limited development in rural service centres in line with existing and potential capacity of infrastructure and services'. Roxton is identified as a rural service centre in the LP, but Parcel A of the appeal site and the main part of Parcel B sit outside of Roxton's defined Settlement Policy Area Boundary. The proposed dwellings would therefore be within the countryside in planning policy terms and insofar as the development would not be 'in' a rural service centre, the appellants accepted at the Hearing that it would not generally be supported by LP Policy 3S.
9. In addition, Policy 4S of the LP makes provision for a minimum of 3,169 new dwellings, including 260 at rural service centres. As part of this, it indicates that

Roxton is expected to deliver 25-50 dwellings, referencing Policy 27 which allocates a site 'Land north of School Lane' for housing development. Planning permission has now been granted for 50 dwellings on the Land north of School Lane site, and I saw construction ongoing at the time of my visit. I have also noted references to further permissions providing for a small number of dwellings on other sites, but even without these, the current proposal for up to 50 further dwellings would result in the level of housing that Policy 4S envisages at Roxton being exceeded by some way. The main parties agree that there would consequently be conflict with this policy and I have no firm reason to take a different view.

10. Furthermore, the proposal would not comprise a form of development that Policy 7S of the LP identifies may be appropriate in the countryside. Policy 7S does set out that other proposals in countryside may exceptionally be supported on sites that are well-related to a defined Settlement Policy Area, but this is subject to specified requirements at parts vi. to x. of the Policy. I agree with the main parties that the appeal site is well-related to the Roxton Settlement Policy Area. However, it is common ground that the proposal would conflict with part vii. of Policy 7S which includes a requirement for identifiable community support.
11. Although not part of the Council's case, interested parties including the Parish Council suggest that there would additionally be conflict with other requirements.
12. The requirement at part vi. of LP Policy 7S is for development to respond to an identified community need. In this respect, the appellants consider the proposal would respond to a need for affordable housing. The Parish Council has drawn my attention to the Housing Needs Survey Report Roxton of March 2025 ('the HNSR') which suggests that there is no proceedable need for affordable housing. However, this is stated to be on the basis of analysis of the data considered in chapter 6 of the HNSR which reflects survey respondents who had indicated that they were considering affordable rent, shared ownership or a starter home initiative or were not currently owner occupiers.
13. The HNSR indicates that 40 responses were received in total to the survey and while the return rate of 16.19% may be good, it is a relatively small sample size. It is further unclear from the evidence before me how representative the sample is of Roxton as a whole. As a result, I consider the housing needs of the significant number of households who did not respond to the survey to be uncertain at best, and I am not persuaded that there is a sufficiently robust basis to determine that there would be no need arising from these households. Consequently, the limited apparent need or demand for affordable housing indicated by survey responses does not in my view offer compelling evidence that there is no community need for affordable housing.
14. On the other hand, the HNSR highlights that the latest available figures show affordability ratios in Roxton as significantly higher than the national and borough average figures. At 3.2, it also refers to a likely relative shortage of affordable housing for purchase. Having regard to these indicators and noting that even within the relatively small sample of survey respondents the HNSR did identify a need for affordable housing (albeit that it considered this would not be sufficient to make proceeding with an affordable housing scheme viable), I consider there would be likely to be some community need for affordable housing. Insofar as the proposal could help to meet this need, I find that it would accord with the requirement at part vi. of Policy 7S.

15. I acknowledge that there are relatively limited facilities in Roxton. Nevertheless, occupiers of the development would be likely to offer additional use and patronage of the facilities that are available, benefitting their viability, and there is no firm information before me to indicate that the scale of the proposal would be inappropriate to offer support. It would therefore accord with the requirement at part viii. of Policy 7S that the scale of the proposal is appropriate to serve local needs or to support local facilities.
16. Part ix. of Policy 7S requires that development contributes positively to the character of the settlement and the scheme is appropriate to the structure, form, character and size of the settlement. I have noted comments referring to the proposal along with the Land north of School Lane development resulting in disproportionate growth of Roxton. However, I find no compelling evidence demonstrating that the cumulative development would be of a size that would unacceptably overwhelm or dominate the settlement so as to be inappropriate. I also have no firm reason to find that development could not be designed to respond sympathetically to the structure, form and character of Roxton at RM stage. That said, it is common ground between the main parties that the proposal would cause harm to the significance of Roxton Conservation Area ('the CA') and a Grade II listed building known as College Farmhouse, as well as harm, albeit localised, to the landscape. Based on my observations, these elements are part of Roxton's existing character. Given this harm and the outline stage of the proposal and the detail currently before me, I consider there is insufficient information to determine that the proposal would contribute positively to the character of the settlement overall. In this respect and notwithstanding the Council's position, I consider that the proposal would not strictly accord with the requirement at part ix. of Policy 7S.
17. Policy 7S also includes a requirement at part xi. that all development must recognise the intrinsic character and beauty of the countryside. Although the Statement of Common Ground ('SoCG') confirms that the site is not part of a 'valued landscape' in the terms of the National Planning Policy Framework ('the Framework'), it is part of the countryside which provides the rural setting to Roxton. That said, the requirement is to 'recognise' the intrinsic character and beauty of the countryside, rather than to cause no harm. While the proposal would result in permanent change to the character of much of the site from agricultural land to housing, the Council has not disputed that the appellants have sought to minimise impacts of development where possible and to retain and integrate important existing features as part of the proposal. Based on the evidence before me and my observations, I also agree with the main parties' position outlined in the SoCG that landscape and visual impacts are mainly local and that the wider landscape will remain largely unaffected. Given these factors, I am satisfied that the proposal would suitably recognise the intrinsic character and beauty of the countryside. In my view, this conclusion is further supported by the fact that while the Council identified conflict with part xi. of Policy 7S, it accepts that this would not justify a reason for refusal.
18. Given however my findings that the proposal would be contrary to the requirements at parts vii. and ix. of Policy 7S, this is not a case where development in the countryside may exceptionally be supported and the proposal would be contrary to Policy 7S overall.
19. In addition to being largely within countryside, Parcel B of the appeal site is designated as Village Open Space which saved Policy AD40 of the Allocations and

Designations Plan 2013 ('the ADP') indicates are open spaces which have particular importance in maintaining the function, character and identity of villages. Policy AD40 sets out that development will not be permitted on land designated as a Village Open Space unless it can be demonstrated that the reasons for designation are not compromised or that other material considerations outweigh the need to retain the Village Open Space undeveloped.

20. The main parties identify that the proposal would compromise the reason for designation of Parcel B in respect of assisting the transition between village and countryside providing a soft edge to the village which is pleasing visually. However, the proposal would provide for public open space on a large part of the parcel. As a consequence, I consider the effect would be likely to be modest and would not wholly undermine this role of the site. Moreover, interested parties suggest that the area is already well-provided for with open space, but I agree with the Council that the provision of new publicly accessible open space would still offer a benefit which would outweigh the adverse effect of the development on the Village Open Space.
21. The s106 now secures the delivery and provision for future management and maintenance of public open space on the site. I am satisfied that this is a material consideration which would outweigh the need to retain the Village Open Space undeveloped and I consequently find no conflict with the terms of ADP Policy AD40.
22. For the reasons above however the location of the development in the countryside would be contrary to the overall spatial strategy and Policies 3S, 4S and 7S of the LP, and I conclude that the proposal would not be in a suitable location overall.

Heritage Assets

23. Listed buildings in the vicinity of the appeal site include College Farmhouse, the Parish Church of Saint Mary Magdalen and 14 High Street, and the site adjoins and is partly within the Roxton CA. In addition, the Council refers to 8 High Street as a non-designated heritage asset ('NDHA').
24. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCAA') requires special regard be had to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest which they possess. In respect of buildings or land within a conservation area, Section 72(1) of the LBCAA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. There is no statutory protection for the setting of a conservation area, or for NDHA. Nevertheless, the Framework requires an assessment of the significance, including any contribution to that significance made by their setting, of any heritage assets that might be affected by a development proposal.

College Farmhouse (Grade II listed building)

25. The listing description indicates that College Farmhouse dates to the 16th and 17th centuries. It is two-storey with a T-plan form, and includes a timber frame with close studding, a clay tile roof and a substantial stone chimneystack. The building sits within a large domestic garden which extends up to the junction of High Street and Bedford Road. Outbuildings to the east are in separate residential use and have been partly rebuilt, but the courtyard layout is broadly legible and the form and character of the buildings retains the appearance of a former farmyard.

26. The Heritage SoCG records that the building's significance is primarily held in the architectural and historic interest of its built form and fabric. Insofar as it relates to the current proposal and from the information before me, I agree.
27. The building also derives some significance from its setting, most closely from its associated garden plot and the former farmyard complex which inform an understanding of its historic status and agricultural use. The form and fabric of the building and relationship with its garden and farmyard are also most clearly appreciable in views from High Street.
28. There is no longer any direct functional connection with surrounding agricultural land, but the information before me suggests there was historically a link with at least Parcel A of the appeal site, and while I have no clear information of a definitive historic link with Parcel B, neither can I rule this out. Furthermore, and irrespective of any historic link, the existing agricultural use of both parcels of the site is illustrative of the relationship that the building would formerly have had with the wider rural landscape as it sat to the northern edge of the village. Boundary treatment and a large, modern barn to the southern part of Parcel A provide for a degree of separation. Nevertheless, this context informs understanding and appreciation of the historic role and function of the listed building in the development of Roxton as an agricultural and rural community. Despite the presence of the barn, there are also partial views of the listed building from within both parcels of the appeal site, and from Public Right of Way, Footpath 5, which runs through Parcel A ('PRoW5').
29. Given the above, I find that the appeal site makes a strong contribution to the significance of the listed building as part of its setting. That said, it is only part of the setting. I have further noted that the greatest proportion of the building's significance derives from its built form and fabric rather than the setting.
30. The main parties agree that development on Parcel B of the appeal site would not harm the significance of College Farmhouse. Having regard to the Parameter Plan which shows development set well away from the boundary with the closest part of this parcel remaining as undeveloped open space, I am also satisfied that the contribution made by this part of the setting to the significance of the listed building could be preserved.
31. On Parcel A, the removal of the large, modern barn could in itself offer some visual enhancement. However, the replacement of farmland with residential development would result in the loss of this part of the building's historic context. The building's remaining connection with farmland to its north would essentially be severed and the farmhouse's historic position on the edge of the village would no longer be clearly appreciable.
32. New planting could provide for some screening to reduce direct intervisibility, but dense screening would in itself be somewhat uncharacteristic and would serve to separate the building from its wider setting. There would also still be likely to be some appreciation of noise, light and activity on the site from the listed building and its grounds. Furthermore, the intrusion of urbanising development into the existing rural setting of the listed building would be readily apparent in views including from PRoW5 and on travelling along High Street, albeit that development would be unlikely to be appreciable behind the listed building in views from High Street to the south.

33. Overall, development on Parcel A would cause a marked change which would be detrimental to how the listed building is experienced and understood within its historic rural setting, causing harm to its significance. However, the proposal would not affect the form or fabric of the listed building from which it derives the majority of its significance. The building would also retain its relationship with its immediate setting comprising its garden and former farmyard complex and views from High Street to the south would remain generally intact. Having regard to the factors above and the contribution that the appeal site makes to the overall significance of College Farmhouse as a heritage asset, the harm would be 'less than substantial' in the terms of the Framework. In my assessment, the harm within this category would be towards the lower end of the range, no greater than low to moderate.

Roxton Conservation Area

34. The Roxton CA is focused around the historic core of the village. Many of the buildings within the CA are historic, and include a number of white cottages with thatched roofs and groups of former farm buildings which reflect the village's agricultural origins. The position of buildings within plots and along the streets varies and while modern development has resulted in some erosion of the historic, linear form of the settlement, the irregular pattern of buildings together with significant mature vegetation which is present including along boundaries, streets and within plots and open spaces, including part of Roxton Park, results in an informal, semi-rural character.
35. The quality of the historic buildings, the use of vernacular materials and the form and pattern of the village are all elements that contribute positively to the character, appearance and historic interest of the CA and thus its significance. Indeed, these aspects reflect key themes noted in the description of the area contained within the Roxton CA designation document 1971 ('the CADD').
36. Much of the landscape surrounding Roxton is open countryside, comprising mostly agricultural fields, or part of the designed landscape at Roxton Park. From within the CA, there are glimpses of the open surroundings in gaps between buildings or as open backdrops, but the relationship is clearly evident on approaching or leaving the village. Insofar as the setting provides for appreciation and understanding of the historic context for the village as a rural settlement, it contributes to the significance of the CA.
37. A very small part of Parcel A between its boundary with College Farmhouse and the modern barn, and the access track between 6 High Street and Trinity Close which is part of Parcel B fall within the boundary of the CA. The remainder of the site is not part of the CA but does form part of its setting. As predominantly open agricultural fields with mature trees and hedgerows, both appeal site parcels have a historic functional and a visual role as part of the rural countryside landscape around the village. This is appreciable in views including from High Street, Bedford Road, Park Road and PRow5 and I find that both parcels make a positive contribution to the significance of the CA, essentially as part of its setting.
38. Although the Council's reason for refusal refers to harm to the character and appearance of the CA, it clarified at the Hearing that this was a consequence of the change to its setting rather than any direct effect. The Parameter Plan does not indicate built development on the very small area of the appeal site parcels within

the CA boundary, and I am satisfied that the character and the appearance of the land within the CA would be at least preserved.

39. Within the setting of the CA, the removal of the large, modern barn adjacent to College Farmhouse would in itself offer some, albeit limited, visual enhancement. However, the proposed dwellings and associated development including the accesses which would require some removal of vegetation, suggested widening of foot and cycle ways in the vicinity of the site and other highway works would all urbanise part of the rural setting to the CA. While layout is a reserved matter, the illustrative details submitted suggest that some further erosion of the historic linear settlement form would also be likely.
40. Part of each parcel would be retained as open space and potential for new planting could help to reduce direct views of the development from within some sections of the CA. The accesses and associated works would also be unlikely to be clear in views from within the CA. Nevertheless, the effects of development would be perceived directly alongside the CA on approaching or leaving the village along Bedford Road, High Street and PRoW5, as well as in some views from Park Road. The development would consequently diminish the characteristic rural landscape and setting to this edge of Roxton, detracting from the appreciation and experience of the asset as a historic, rural settlement. The proposal would not therefore make a positive contribution to the character of the area as sought by the CADD.
41. The CADD includes advice that applications for development unsupported by details will not normally be acceptable. Noting however that the effects in this case essentially relate to the setting of the CA rather than land within it, I am satisfied that the outline nature of the proposal does not preclude assessment.
42. Overall, the effects of the proposal would be localised and given that the appeal parcels are only a relatively small part of the CA's setting, I agree with the main parties that harm to the significance of the CA as a whole through development within its setting would be minor and certainly 'less than substantial' in the terms of the Framework.

Parish Church of Saint Mary Magdalen (Grade II listed)*

43. The listing description indicates that the Parish Church of St Mary Magdalen dates to the 14th and 15th centuries with 19th century additions and alterations. It sits towards the centre of Roxton within a large churchyard which includes significant mature planting, and has a mostly brown rubblestone exterior with ashlar dressings, a slate roof, and a relatively squat tower with an embattled parapet at its western end.
44. Open fields around the outskirts of the village inform some understanding of the building's historic context and role as a rural parish church. However, existing buildings and the ongoing development on Land north of School Lane provide separation to the appeal site field parcels. Beyond some views of the church tower from the eastern part of Parcel A and PRoW5, the lack of intervisibility or direct link mean that there is little tangible connection with the appeal site.
45. Given the above, I find the contribution made to the special interest of the Church by its setting, insofar as it relates to the current proposal, to be primarily associated with the views of the church tower from within Parcel A which provide an opportunity to appreciate and experience the building.

46. The Parameter Plan indicates that development would not obstruct views along PRoW5 towards the listed building. The eastern part of Parcel A would also remain largely open retaining a sense of spaciousness in these views and while there would be some appreciation of development to the west of PRoW5, the intervening development already provides for separation from the listed building. The eastern part of Parcel B which is closest to the church would also remain open. Given these factors, I am satisfied that it would be possible for development to come forward at RM stage without leading to meaningful erosion of the way that the church is experienced and appreciated within its context. On that basis, the contribution that setting currently makes to the significance of the listed building would be preserved.

14 High Street (Grade II listed)

47. The historic core of 14 High Street dates to the 18th century. It has a white roughcast exterior and a thatched roof with dormers which is punctuated by a central brick stack. The simple form and vernacular materials and detailing provide for a modest yet attractive cottage which the Council indicates was formerly part of a smallholding.
48. The cottage is set back from High Street within reasonably generous grounds. There are modern dwellings to either side, but a paddock to the rear provides for an open backdrop in views from High Street. Parcel B of the appeal site adjoins this paddock and adds to the generally spacious and rural quality of the area which informs an understanding of the building's historic context. Insofar as it relates to this appeal, I find as a consequence that Parcel B makes some, albeit limited, contribution to the significance of No 14 as part of its setting. Given however the separation and intervening development, Parcel A does not make any meaningful contribution to its significance.
49. The part of Parcel B closest to No 14 would remain open, maintaining the spacious and rural quality of this part of its setting, and development would not encroach on or reduce existing opportunities for views towards the rear of the building. I am therefore satisfied that the contribution that the appeal site makes to the significance of the listed building as part of its setting would be preserved.

8 High Street (Non Designated Heritage Asset)

50. The Council refers to 8 High Street as a rare example of a vernacular 18th century cottage constructed of brick. It has a large, wraparound extension, but its historic form and features including the thatched roof remain generally legible.
51. Parcel B of the appeal site provides an open backdrop to the rear of No 8. Insofar as this reflects the building's historic rural setting, it makes some, albeit limited, contribution to the building's significance. Given the separation and intervening development, Parcel A does not make a meaningful contribution to its significance.
52. Noting that the closest part of Parcel B would remain open, the proposal would not restrict views towards the rear of No 8. I am also satisfied that the spacious and rural quality of the setting which contributes to the significance of the building as an NDHA would be preserved.

Conclusion on Main Issue

53. Drawing these matters together, the proposal would not harm the significance of the Parish Church of Saint Mary Magdalen, 14 High Street or 8 High Street.

However, there would be less than substantial harm to the significance of both College Farmhouse and the Roxton CA.

54. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal and I return to this matter in my planning balance below.

Other Matters

Landscape Character and Appearance

55. The proposal would result in a notable and urbanising change to the appeal site parcels which would adversely affect the character and appearance of this part of the landscape. However, I have noted above that I have no firm reason to find that development could not be designed to integrate sympathetically with the existing settlement at RM stage and based on my observations and the evidence before me, I agree with the main parties that landscape and visual effects of the proposal would be localised. As the SoCG acknowledges, the development of any greenfield land would ultimately result in a level of impact. In my assessment, the impact in this case would be acceptable and harm to landscape character and appearance attracts only limited weight.

Loss of Agricultural Land

56. The appellants do not dispute that the proposal would result in the loss of 'best and most versatile agricultural land'. Noting the requirement in the Framework for recognition of the economic and other benefits of best and most versatile agricultural land, this weighs against the proposal. However, the area lost would be relatively modest. It would further be split across the two parcels with a hedgerow and public right of way additionally affecting the available area on Parcel A and I have no compelling reason to disregard the appellants' comments that the land is not particularly well suited for modern agriculture. The loss of agricultural land accordingly attracts limited weight.

Flood Risk and Drainage

57. The UFRA identifies that the site has a low probability of tidal and fluvial flooding. For the most part, it is also at low risk of overland and surface water flooding. There are some small areas of localised ponding within isolated low points, but provision for surface water drainage as part of the proposal could help to address this, with full details of a strategy secured by a suggested planning condition. A further condition would require provision for foul drainage and subject to these measures, I am satisfied that the proposal would not unacceptably increase flood risk.

Ecology and Biodiversity

58. The Ecological Appraisal submitted as part of the application includes details of surveys for protected species including bats and reptiles. It indicates that a licence in respect of Great Crested Newts would be likely to be required. However, the development would be capable of obtaining this either through a traditional site mitigation licence from Natural England or through the district licensing scheme and on the basis of the evidence before me, I have no firm reason to doubt that a licence could be secured. The Ecological Appraisal further identifies mitigation and enhancement measures capable of ensuring that effects of development on protected species and biodiversity would be adequately avoided or mitigated and suggested conditions would require details of measures to secure enhancements

and an overall gain in biodiversity. Given the time that would have elapsed since the Ecological Appraisal was completed, I agree with the Council that updated information should be provided as part of RM, but I am satisfied subject to conditions that protected species would not be adversely affected by the proposal and that biodiversity could be appropriately conserved and indeed enhanced.

Other Matters Raised in Representations

59. The proposal would generate traffic but the technical evidence before me indicates that this would have a limited effect on the highway network and that there would not be unacceptable effects on junction capacity. Subject to conditions, the highway authority is satisfied that suitable access including for vehicles, pedestrians and cyclists can be achieved and has not objected to the proposal. I give significant weight to its position as the relevant statutory consultee, and from the evidence before me find no compelling reason to disagree with its views. Accordingly, I find that there would not be unacceptable impacts on either the highway network or the safety of highway users.
60. I note comments referring to uncertainty over the route of a potential east-west rail link, but I have not been provided with full details of any link. Nor have I been made aware of any formal safeguarding or policy requirements that the proposal would be contrary to. On the basis of the evidence before me, it is far from clear that the proposal would preclude or prejudice future delivery of a scheme, far less that this would be likely. This matter would not therefore justify dismissal of the appeal.
61. My attention has been drawn to an appeal decision on a site in Wyboston¹ where the location was found to be contrary to LP Policy 53 seeking development located and designed to provide convenient access to local services by foot, cycle and public transport. However, while there may be some similarities with the current development, it is unclear from the evidence before me that the circumstances and overall level of accessibility would be directly comparable to the appeal site.
62. In this case, I acknowledge that there are limited services and facilities available in Roxton itself. However, there are some, including a primary school. In addition, bus stops within reasonable walking distance of the appeal site are served by routes including a relatively frequent service offering connections to larger centres including Bedford and St Neots. This is unlikely to meet all needs of future occupiers, but the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Against this context, I consider that the proposal would be acceptable in accordance with policies of the Framework seeking to direct development to sustainable locations.
63. The majority of trees at the site are indicated to be retained and while landscaping is a reserved matter, the proposal indicates new planting as part of development which could mitigate vegetation losses. I also have no firm reason to find that gardens and amenity space adequate to meet the needs of occupiers of the site could not be provided.
64. The proposal would make contributions through the s106 towards identified deficiencies in local infrastructure provision and there is no substantive evidence before me to demonstrate that it would place undue pressure on other services or

¹ Appeal ref APP/K0235/W/24/3353144

utilities. Nor that the proposal would result in a requirement for additional capacity that could not be met.

65. Subject to new buildings being appropriately scaled and located as part of RM, I am satisfied that suitable relationships could be achieved to ensure that there would not be unacceptable loss of light, outlook, security or privacy for occupiers of neighbouring dwellings. In view of the residential nature of the proposal, I also consider that the completed development would be unlikely to result in significant noise or disturbance, nor other meaningful harm to the quality of life of local residents. There would be potential for disturbance and disruption during the construction period, but any effects would be short-term, and could be mitigated by careful construction management with details secured by a planning condition.
66. Comments made by the Inspectors examining the LP referring to no justification for the allocation of additional sites at Roxton were made in the context of the development plan process and the specific circumstances that applied at that time. They are not therefore determinative in the current appeal which I have considered according to its merits and the evidence before me.
67. The site may be appreciated and enjoyed by local people in its existing condition, but this would not justify withholding permission for development. I have taken into account the representations made by interested parties but I am satisfied that none of the other matters raised would result in a level of harm that would justify dismissal of the appeal, either individually or collectively, and they do not alter my findings on the main issues or overall balance.

Benefits of the Proposal

68. I have no firm information to suggest that there would be any impediment to the development coming forward on the site. Although the Parish Council asserts that suggested benefits of the proposal are hypothetical, I do not therefore find the outline nature of the application to be a compelling reason to reduce the weight that I afford to benefits as a general principle.

Contribution to Housing Supply

69. It is common ground between the main parties that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. The appellants put the position at around 2.61 years. The Council suggests a supply of around 3.36 years, but that is still equivalent to a shortfall of over 2,000 dwellings and in either case, I agree with the main parties that the shortfall is serious and significant.
70. Furthermore, the Council accepted at the Hearing that significant improvement in the supply position would be dependent on the emerging LP2040 which is now likely to be either withdrawn or found unsound. Accordingly, there appears little realistic prospect of the current shortfall being addressed through a plan-led solution in the short to medium term. In the absence of an alternative remedy, housing needs will therefore remain unmet.
71. In itself, the proposal for up to 50 dwellings would have a modest effect on reducing the shortfall. Even so, the Framework seeks to significantly boost the supply of homes and notes that small and medium sized sites such as this can make an important contribution to meeting the housing requirement of an area, are essential

for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly.

72. The proposal would make a small but still important contribution towards meeting needs for housing that are currently going unmet. In view of the context above and even in a best-case scenario of an existing housing supply position of 3.36 years, I afford significant weight to this as a public benefit of the proposal.
73. In reaching this view, I have noted comments from interested parties referring to unsold properties on the Land north of School Lane development. From the information before me however, I am unable to draw any firm conclusions as to the possible reasons for properties being unsold, and I have no compelling evidence of a pattern of available dwellings or lack of demand for housing in Roxton more generally. I am not therefore persuaded that the proposal would fail to make a meaningful contribution to meeting the Borough's requirement for housing.

Affordable Housing

74. The Council has not disputed the appellants' evidence indicating a substantial shortfall in recent delivery of affordable housing in the borough, with provision only around 36% of the need identified in the Local Housing Needs Assessment Addendum 2022. Furthermore, Roxton may have the highest existing proportion of affordable housing relative to other parishes in the borough, but I have found under the first main issue that there is still likely to be some community need for affordable housing. The SoCG also agrees that there is a considerable need for affordable homes in Bedford borough and at Roxton.
75. The proposal includes 35% affordable housing provision which would deliver up to 18 affordable dwellings. Although a relatively small number, the Framework identifies that it is important that the needs of groups with specific housing requirements are met and in the context of the existing undersupply position, I afford significant weight to affordable housing as a public benefit of the proposal.

Self Build and Custom Housebuilding

76. The Self-Build and Custom Housebuilding Act 2015 (as amended) requires local authorities to keep a register of individuals and associations who want to acquire serviced plots of land for SBCH. It further sets out a duty on local authorities to grant planning permission in respect of enough serviced plots of land to meet the demand for SBCH arising in each base period.
77. Against this duty, the Council considers that there is a current shortfall of 21 SBCH plots while the appellants claim it is at least 69 plots. The difference largely reflects the inclusion within the Council's assessment of supply of some planning permissions granted for single plots and planning permissions where a 'Community Infrastructure Levy ('CIL') Form 7: Self Build Exemption Claim Form - Part 1' has been completed. However, the Council has provided no compelling evidence to demonstrate that these permissions would necessarily meet the legislative requirements for SBCH that the initial owner has primary input into the design and layout of the dwelling. From the information before me, I am therefore concerned that there is an insufficiently robust basis to determine that all of the permissions counted by the Council would meet the legislative requirements for SBCH, and I find the appellants' position to be more compelling.

78. In any event, the Council accepts that it has not met the SBCH duty. The Parish Council identifies that limited entrants on the register have expressed a preference for plots in the sub-area that includes Roxton as a first choice, but that does not obviate the SBCH duty. Nor does it demonstrate that there would be no interest in plots here. Indeed, I note that a number of entrants have still expressed an interest in this sub-area as a second or third choice, or indicate interest in locations anywhere in the borough, or anywhere but Bedford and Kempston.
79. The Framework outlines that planning policies should reflect the housing needs of different groups in the community, including people wishing to commission or build their own homes. The proposal would provide for three SBCH plots, and even if the shortfall is 21 plots as the Council argues, I consider this would make an important contribution to widening housing choice and meeting demand for SBCH, helping to address the duty. I therefore afford significant weight to the provision of SBCH as a public benefit of the proposal.

Public Open Space

80. The provision of public open space on the site would in part be required to address needs of future occupiers and mitigate the effects of the proposal on designated Village Open Space. Nevertheless, the space would also be available to the wider community and while there may be existing areas of open space available locally, I consider that further provision would still comprise a public benefit which would attract moderate weight.

Economic Benefits

81. There would be economic benefits associated with the proposal, including direct and induced employment and spend during construction as well as spending by future occupiers. The Framework advises that significant weight should be placed on the need to support economic growth and productivity, and while opportunities for spending in Roxton would be limited, additional households would be likely to contribute to the wider economy, whether in Bedford or further afield. That said, potential benefits have not been quantified in the evidence before me and would be likely to be fairly limited on account of the scale of the development. Noting also that employment opportunities would further be largely temporary during construction, I give moderate weight to these benefits.

Other Social Benefits

82. The proposal includes provision for surfacing improvements to PRoW5 as it runs through Parcel A as well as widening of foot and cycleways in the vicinity of the site which would improve accessibility. The routes could be used by the wider community as well as future occupiers of the site, albeit that the effect would be relatively localised.
83. Future occupiers of the site would be likely to offer patronage and support that would help to maintain and enhance local services and the rural community. The proposal also includes contributions to local infrastructure provision. While these contributions would be required to mitigate the effects of the development, they could also support improvements that would be available to the wider community.
84. Overall, I agree with the main parties that these factors would attract moderate weight as a public benefit in favour of the proposal.

Environmental Benefits

85. New planting at the site may in part be required to mitigate the effects of development, but the proposal could also secure long-term management and maintenance of existing and new landscape features. The appellants also indicate that the proposal would deliver biodiversity net gain. However, the extent of these benefits would be dependent on the details of RM and so are currently unclear. Given this uncertainty, I afford limited weight to environmental benefits.

Planning Obligation

86. I have considered the obligations within the submitted s106 in light of tests for obligations outlined at Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('the CIL Regulations') which are reflected in the Framework. These tests require that obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
87. The s106 provides that 35% of the proposed dwellings would be affordable and requires a scheme to be submitted which would, amongst other things, provide for a tenure split of not less than 78% affordable or social rented dwellings and not more than 22% intermediate dwellings. It also makes provision for 3 SBCH plots.
88. The level of affordable housing would exceed the 30% provision required under Policy 58S of the LP. However, I have given weight to affordable housing provision as a benefit of the proposal. Similarly, Policy 59S of the LP outlines support for SBCH. It does not specifically require provision, but I have given weight to SBCH as a benefit of the development. I therefore consider that the stipulated provisions relating to affordable housing and SBCH would be necessary to make the development acceptable in planning terms.
89. Obligations relating to provision, management and maintenance of open space would be necessary to meet needs of future occupiers in accordance with the requirements of the development plan and to secure the benefit of public open space provision.
90. Further obligations provide for financial contributions towards healthcare facilities; education including early years, secondary education and special educational needs and disability; sports pitches; and traffic regulation orders relating to parking and speed restrictions. In making the appeal, the appellants had queried the justification for the contributions towards healthcare, education and sports pitches. However, they confirmed at the Hearing that having considered further justification, these contributions were no longer disputed. Having regard to the Council's Assessment of Compliance with CIL Regulations, representations by Children's Services and Bedfordshire, Luton and Milton Keynes Integrated Care Board as well as comments during the Hearing offering further explanation and justification, I am satisfied that the financial contributions would each be necessary to address localised effects of the proposal.
91. With regard to the evidence provided, I consider that all of these obligations would be required to address the impacts of the development, and I am satisfied that they would in each case be necessary to make the development acceptable in planning terms, directly related to the development proposed and fairly and reasonably related in scale and kind to it.

92. The s106 also includes Council covenants in relation to the use of contributions. This would ensure that they were used for the intended purposes to make the development acceptable in planning terms and so would be necessary.
93. I find that each of the obligations in the s106 would comply with the tests at Regulation 122(2) of the CIL Regulations which are reflected in the Framework and can be given weight. I have therefore taken them into account.
94. Bedfordshire Fire and Rescue Service had additionally requested a contribution towards provision of fire hydrants. However, there is little detail to show how the requested contribution was calculated. Moreover, a suggested planning condition would require a scheme for provision of fire hydrants. It is not therefore clear that the contribution would be necessary to make the development acceptable nor that it would be fairly and reasonably related in scale and kind to the development so as to meet the tests in the CIL Regulations. The absence of a contribution in the s106 does not therefore weigh against the proposal.

Planning Balance

Heritage Balance

95. I have found that the proposal would cause less than substantial harm to the significance of College Farmhouse as a Grade II listed building and less than substantial harm to the significance of Roxton CA, in each case through effects on setting. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation.
96. However, the magnitude of harm to College Farmhouse would be low to moderate, and the harm to the CA would be minor. Even giving considerable importance and weight to each instance of harm, great weight to the conservation of the heritage assets and having special regard to the desirability of preserving the setting of listed buildings, the collective public benefits of the proposal noted above, including particularly the delivery of housing and affordable housing, would in my judgement be sufficient to outweigh the cumulative harm that would be caused to the significance of designated heritage assets.
97. In considering this matter, I note the Parish Council's contention that the appellants have not demonstrated that there would be no alternative sites that could deliver the stated benefits without causing harm to heritage assets.
98. I have been provided with copies of responses to 'call for sites' exercises related to the preparation of the LP in 2014, 2015 and 2017 submitting sites around Roxton. However, significant time has now passed since these submissions and it is unclear whether the information remains current including in respect of the availability of the sites. Moreover, the sites referred to may be further from College Farmhouse and the CA boundary than the appeal site, but I have no substantive evidence considering potential effects on heritage assets more generally, nor to suggest that the sites would otherwise offer a reasonable possibility for development so as to be more than a theoretical prospect at best.
99. I have not been directed to any specific policy requirement to demonstrate a lack of alternatives in order for harm to heritage assets to be justified. From the very limited information provided, I am further not persuaded that there are tangible

alternative sites that would necessitate or warrant assessment of the potential for the proposed development to come forward elsewhere in this case.

100. I therefore find that there is a clear and convincing justification for the proposal in accordance with the Framework. The development would also comply with Policy 41S of the LP insofar as it includes a requirement for less than substantial harm to the significance of designated heritage assets to be weighed against the public benefits of the proposal.

Overall Balance

101. Given the lack of a five year housing supply, paragraph 11 d) of the Framework is relevant. Having found above that harm to the significance of heritage assets would be outweighed by the public benefits of the proposal, policies within the Framework relating to heritage assets do not provide a strong reason for refusing the development. Accordingly, the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to specified key policies.
102. In terms of adverse impacts, there would be harm to the significance of two heritage assets but I have found that this would be outweighed by the public benefits of the proposal.
103. The location of the development would be contrary to the distribution of growth indicated by Policies 3S and 4S of the LP and there would be conflict with Policy 7S of the LP. However, there would be some opportunities to access services by sustainable transport modes and I find in the context of Framework paragraph 11 d) that the proposal would be acceptable in accordance with key policies directing development to sustainable locations.
104. Furthermore, Policies 3S, 4S and 7S were prepared in the context of the level of housing that was required at the time. In the absence of a 5 year supply, current housing requirements are not being met, and a rigid application of these policies would frustrate attempts to address the deficit in housing supply. These factors limit the weight that I afford to the conflict with Policies 3S, 4S and 7S in this case.
105. There would be some harm to the landscape character and appearance of the area, but this would be localised, and it is clear that requirements for housing are not currently being addressed within the built-up areas. The adverse landscape effects of the proposal largely stem from the almost inevitable consequences of development on open countryside and attract limited weight.
106. The Framework requires that the economic and other benefits of best and most versatile agricultural land are recognised, but the loss of agricultural land would be very modest and attracts limited weight.
107. On the other hand, I have noted a number of benefits of the proposal, including the provision of market housing, affordable housing and SBCH in particular each carrying significant weight. I also give weight to the provision of public open space, and other economic, social and environmental benefits of the development.
108. Taking account of all of the above, I find that the proposal would conflict with the development plan when it is read as a whole. Nevertheless, the adverse impacts of

the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

109. In these circumstances, the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework applies and indicates that permission should be granted, and I find that material considerations including the Framework indicate that a decision should be taken other than in accordance with the development plan.

Conditions

110. I have considered suggested conditions in light of the discussion at the Hearing and proposed amendments, and against the tests set out in the Framework. I have made amendments where necessary to ensure compliance with these tests or for clarity, brevity or consistency, including to omit unnecessary prescription of details that would be a matter for the Council to consider as part of the assessment of future submissions.
111. I have attached a condition specifying the relevant plans (1) for the avoidance of doubt and in the interests of certainty, and conditions relating to the submission of reserved matters and the time limits associated with this (2, 3, 4). The time limit conditions are shorter than standard given that the justification for the development relates in part to the current need for housing that the proposal would help to address.
112. Conditions 5, 6 and 7 are necessary in the interests of biodiversity and protected species and to secure Biodiversity Net Gain. Conditions 8 and 9 are necessary in the interests of highway safety and to support sustainable transport. Conditions 10 and 11 are necessary to ensure that effects can be properly considered at RM stage in the interests of neighbouring living conditions, the character and appearance of the area and biodiversity. Condition 12 is necessary to address requirements of LP Policy 59S.
113. Condition 13 is necessary to safeguard heritage assets of archaeological interest. Conditions 14 and 15 are necessary to ensure adequate provision for surface water and foul drainage and that flood risk would not be increased by the proposal. Condition 16 is necessary in the interests of highway safety and the living conditions of nearby occupiers while condition 17 is necessary to address the requirements of LP Policy 49. Condition 18 is necessary to safeguard health and the environment. Condition 19 is necessary in the interests of highway safety and to support sustainable transport, although it is unclear why details of off-site cycle and footway improvements would be required with RM submissions. I have therefore amended the condition to instead require details before development commences.
114. Conditions 20, 21 and 22 are necessary to manage demand for water, ensure adequate provision for broadband and fire hydrants (including water supplies) and to address requirements of LP Policies 52 and 94. Finally, conditions 23, 24, 25 and 26 are necessary in the interests of highway safety and to support sustainable transport.
115. Further suggested conditions relating to details of internal roads, footways/paths and cycleways including signage and markings; external materials; boundary treatments; vehicle and cycle parking; removal of permitted development rights; surfacing materials; storey heights; and details of refuse and recycling storage

relate to the landscaping, layout, scale and appearance of the development. They can accordingly be addressed in the consideration of future RM applications for these aspects or through the imposition of conditions on a RM approval. These conditions are accordingly unnecessary, and I have not imposed them, although I would encourage the appellants to give early consideration to such matters in bringing forward RM. A suggested condition limiting the proposal to no more than 50 dwellings is also unnecessary as this limit is set out in the development description.

Conclusion

116. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, but there are material considerations which indicate that planning permission should in this case be granted other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans:
Site Boundary Plan, Ref. 1001D;
Site Access Revision, Ref. 010 Rev P6; and
Parameter Plan, Ref. 3502 dated 04.04.2025 (as contained within Appendix D to Updated Flood Risk Assessment and Drainage Strategy, May 2025).
- 2) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out in accordance with the approved details.
- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of the grant of this outline permission.
- 4) The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.
- 5) Prior to or concurrently with the submission of the first reserved matters a Construction Ecological Management Plan ('CEcMP') shall be submitted to and approved in writing by the Local Planning Authority. The CEcMP shall include:
 - (i) Risk assessment of potentially damaging construction activities.
 - (ii) Identification of "biodiversity protection zones".
 - (iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- (iv) The location and timings of sensitive works to avoid harm to biodiversity features.
- (v) The times during which construction when specialist ecologists need to be present on site to oversee works.
- (vi) Responsible persons and lines of communication.
- (vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (viii) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 6) Prior to or concurrently with the submission of the first reserved matters, an outline mitigation plan in respect of Great Crested Newts outlining how the proposal would be able to meet Natural England's three licensing tests or a NatureSpace Report or Certificate shall be submitted to and approved in writing by the Local Planning Authority.
- 7) The submission of reserved matters for any phase of the development shall include a Landscape and Ecological Management Plan ('LEMP') for that phase. The LEMP shall be informed by an updated extended Phase 1 survey and shall include a detailed scheme and timetable for the enhancement of the site demonstrating that biodiversity net gain and ecological enhancement will be achieved across the site. The content of the LEMP shall include:
 - (i) Description and evaluation of features to be retained and managed.
 - (ii) Ecological trends and constraints on site that might influence management.
 - (iii) Aims and objectives of management.
 - (iv) Appropriate management options for achieving aims and objectives.
 - (v) Prescriptions for management actions.
 - (vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - (vii) Details of the body or organisation responsible for implementation of the plan.
 - (viii) Ongoing monitoring and remedial measures. These shall include a monitoring scheme upon completion of the dwellings and shall identify how contingencies and/or remedial action will be identified, agreed and implemented where results show that conservation aims and objectives of the LEMP are not being met in order to ensure that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be implemented and thereafter retained, monitored and managed in accordance with the approved LEMP including the ecological and biodiversity enhancement and protection measures.

- 8) The submission of reserved matters for layout on any phase of the development shall include details of arrangements for future management and maintenance of the streets and footpaths/cyclepaths within that phase of the development. The streets and footpaths/cyclepaths shall thereafter be maintained in accordance with the approved management and maintenance details unless and until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

- 9) The submission of reserved matters for layout and landscaping on any phase of the development shall include details of triangular pedestrian visibility splays at all vehicular accesses within the site that cross a footway. The splays on both sides of each access shall measure 1.8 metres x 1.8 metres within the land being accessed adjacent to the rear edge of the footway. The splays shall be provided before the access to which the splays relate is first brought into use and all parts of the splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above ground level.
- 10) The submission of reserved matters on any phase of the development shall include details of pre-development ground levels and the proposed ground levels. The development shall be carried out in accordance with the approved details.
- 11) The submission of reserved matters for landscaping on any phase of the development shall include details of:
- (i) Any trees and hedges to be retained or removed;
 - (ii) Planting proposals giving location, species, number, density and planting size.
 - (iii) The relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services.
 - (iv) Areas of grass turfing or seeding and other surface materials.
 - (v) Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period.
 - (vi) Details of all hard landscaping works, paving materials etc.
 - (vii) Details of long-term management and maintenance proposals for new planting.
 - (viii) A scheme of protection for retained trees and hedges including working methods in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction- Recommendations; or similar replacement standard);
 - (ix) A timetable for implementation of the landscape works.

The development shall be carried out in accordance with the approved details or particulars and all planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development. Any trees or plants, which within a period of 5 years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

- 12) The submission of reserved matters for appearance and layout shall include a scheme demonstrating the provision of 49% of the total number of new dwellings as meeting Category 2 requirements and 5% of all market housing and 7% of all affordable housing as meeting Category 3 requirements of Building Regulations 2010 approved Document M, Volume 1, Accessible and Adaptable dwellings (or equivalent if replaced). The submitted details shall specifically indicate which dwellings are to be built to these standards and the relevant dwellings shall be built and thereafter retained in accordance with the approved details.

13) No development within any phase shall take place until an archaeological strategy for evaluation and, if necessary, a further mitigation strategy within that phase, based on the outcome of the evaluation, have been submitted to and approved in writing by the Local Planning Authority. The archaeological mitigation strategy shall include a timetable for works and a process for the approval of each of the following components:

- (i) fieldwork and/ or preservation “in situ” of archaeological remains;
- (ii) a post-excavation assessment report (to be submitted within six months of the completion of fieldwork);
- (iii) a post-excavation analysis report, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork).

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timetable.

14) No development within any phase shall take place until a surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The relevant scheme shall subsequently be implemented in accordance with the approved details before each phase of the development is first occupied.

15) No development within any phase shall take place until a scheme for on-site foul water drainage in that phase, including details of the connection point and discharge rate to the public network, has been submitted to and approved in writing by the Local Planning Authority. The relevant scheme shall subsequently be implemented in accordance with the approved details before each phase of the development is first occupied.

16) No development within any phase shall take place until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of:

- (i) The parking of vehicles;
- (ii) Loading and unloading of plant and materials used in the development;
- (iii) Storage of plant and materials used in the development;
- (iv) The erection and maintenance of security hoarding/scaffolding affecting the highway (if required);
- (v) Measures to control the deposition of dirt/mud on surrounding roads during the development;
- (vi) Footpath/footway/cycleway or road closures or traffic diversions needed during the development period;
- (vii) Traffic management needed at the interface with the public highway during the development period; and
- (viii) Times, routes (to include specific measures such as delivery ticket instructions and location of signage) and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site).

The construction of the development within each phase shall proceed in accordance with the approved Construction Management Plan.

17) No development within any phase shall take place until a waste audit covering that phase has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall demonstrate that waste will be minimised in both construction and operational phases of the development and how the waste that is generated will be managed in accordance with the waste hierarchy, and shall include details of:

- (i) Anticipated nature and volumes of waste generated;
- (ii) Steps to be taken to ensure effective segregation of wastes at source, including provision for waste sorting, storage, recovery and recycling facilities; and
- (iii) Any other steps to be taken to manage waste that cannot be incorporated within the new development or that arises once development is complete.

The development within each phase shall be carried out in accordance with the approved waste audit.

18) No development within any phase shall take place until a contaminated land assessment for that phase and, if necessary, an associated remediation strategy, together with a timetable of works, has been submitted to and approved in writing by the Local Planning Authority. The details shall be submitted and approved in separate phases, taking full account of the following:

- (i) The Contaminated Land Assessment shall include a desk study and site reconnaissance exercise to produce a conceptual model of the site, used to propose a site investigation strategy which shall be submitted to and approved in writing by the Local Planning Authority prior to the investigations commencing on the site.
- (ii) The site investigation shall include relevant soil, soil gas, surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Assessment as required by part (a) above.
- (iii) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any redemption commencing on site. The work shall be of such a nature so as to render harmless the identified contamination, given the proposed end use of the site and surrounding environment including any controlled waters. Any laboratories used for sampling shall be compliant with United Kingdom Accreditation Service or an equivalent approved accredited quality control scheme.
- (iv) The remediation work as outlined in the approved strategy shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works, contamination is encountered which has not previously been identified, including new hotspots uncovered by demolition; then the additional contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority within 1 month of any contamination being encountered. All works shall be made available for witnessing by the Local Planning Authority.

- (v) Upon completion of works, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology and details of any post remediation sampling to show the site has reached the required clean-up criteria together with the necessary documentation detailing what waste materials have been removed from the site. No part of the development shall be occupied until such works have been completed.
- 19) No development within any phase shall take place until full details of off-site cycle-footway improvements along the parcel frontages and between them along the old Bedford Road (C53, signed as High Street and U1500 Bedford Road) and connecting to the Bedford Road (C44) crossing refuge island to the south and up to Bedford Road (C44) to the north have been submitted to and approved in writing by the Local Planning Authority. The cycle-footway improvements shall be implemented in accordance with the approved details before any dwelling is first occupied.
 - 20) No dwelling hereby permitted shall proceed beyond slab level until details of how it will achieve and maintain the higher water efficiency standard in the Building Regulations Approved Document G: Sanitation, hot water safety and water efficiency, 2015 edition (or equivalent if replaced) have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall be constructed in accordance with the approved details.
 - 21) No dwelling hereby permitted shall proceed beyond slab level until it is served with open access fibre optic infrastructure to enable high speed and reliable broadband connection unless evidence which demonstrates that providing the required infrastructure is not feasible or economically viable has been submitted to and approved in writing by the Local Planning Authority.
 - 22) No dwelling hereby permitted shall be occupied until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority and fire hydrants have been provided in accordance with the approved details.
 - 23) No dwelling hereby permitted shall be first occupied until the junction(s) of the accesses hereby permitted between the relevant site parcel and the public highway have been provided and visibility splays have been provided at the junction(s) in accordance with the details shown on the Site Access Revision plan Ref. 010 Rev P6. All parts of the splays shall thereafter be kept free of all obstructions over a height of 0.6m above the adjacent carriageway level.
 - 24) Notwithstanding the details shown on the Site Access Revision plan Ref. 010 Rev P6, the development shall not be first occupied until details of a speed limit and village name gateway and road markings feature have been submitted to and approved in writing by the Local Planning Authority. The feature shall be installed in accordance with the approved details before any dwelling is first occupied.
 - 25) No dwelling on Parcel B shall be occupied until grass verge buildouts on Bedford Road (UC1500) have been installed in accordance with the Site Access Revision plan Ref. 010 Rev P6. Kerbing shall be heritage-type 290mm long split-granite effect textured kerbs.

- 26) The pedestrian and pedestrian/cycle links into the parcels shown on the Site Access Revision plan Ref. 010 Rev P6 (and corresponding connections to residential streets within the parcels as approved through the reserved matters submissions) shall be provided and surfaced in asphalt and the existing footway improvement works to Footpath 5 within Parcel A shall be surfaced with self-binding gravel before 50% of the dwellings on the relevant parcel have been occupied. The pedestrian link between Parcel B and the High Street shall be signed as shared pedestrian/cycle use before 50% of the dwellings on Parcel B have been occupied.

End of Schedule

APPEARANCES

FOR THE APPELLANTS:

Killian Garvey	Kings Chambers
Jeff Richards	Turley
Andrew Crutchley	EDP
Will Gardner	EDP
Kylie Wesson	Shakespeare Martineau

FOR THE LOCAL PLANNING AUTHORITY:

Harley Ronan	Landmark Chambers
Alistair Wren	Appeals and Enforcement, Bedford Borough Council
Jack Watkins	Conservation, Bedford Borough Council
Charlie Cotter	Children's Services, Bedford Borough Council
Heather Searle	Planning Policy, Bedford Borough Council
Penny Jewitt	Development Management, Bedford Borough Council

INTERESTED PARTIES

Justin Griffiths	Chairman, Roxton Parish Council
Claire Rose	Councillor, Roxton Parish Council
Simon Camilleri	Councillor, Roxton Parish Council
Deborah Jackson	Local resident
Peter Nairn	Local resident
Anne Field	Local resident

DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING

- HD1 Proposed Site Visit Itinerary, submitted by the appellants.
- HD2 Comments on Suggested Conditions List, submitted by Roxton Parish Council.
- HD3 Speaking Note of Deborah Jackson and accompanying photographs.

- HD4 Speaking Note of Peter Nairn.
- HD5 Email dated 2 June 2025 on behalf of British Regional Transport Association, submitted by the Council.
- HD6 Amended Suggested Conditions List 3 June 2025.
- HD7 Bewley Homes plc v Secretary of State for Levelling Up, Housing and Communities [2024] EWHC 1166 (Admin), submitted by Roxton Parish Council.
- HD8 Completed Obligation under section 106 of the Town and Country Planning Act 1990 and accompanying 'track changes' version showing amendments from draft version, submitted by the appellants.
- HD9 Correspondence in relation to the Bedford Borough Local Plan 2040 comprising letter dated 30 May 2025 from the Council to the Inspector, letter dated 10 June 2025 from the Inspector to the Council and letter dated 11 June 2025 from the Council to the Inspector, submitted by the appellants.
- HD10 SBCH Note: Explanation of the difference in deficit between the appellants' and the Council's figures, submitted by the Council.
- HD11 Email commenting on HD10, submitted by the appellants.
- HD12 Updated Suggested Conditions List 18 June 2025, submitted by the appellants.