
Appeal Decision

Site visit made on 11 August 2016

by Richard Allen B.Sc PGDip MRTPI

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

Decision date: 31 August 2016

Appeal Ref: APP/P0240/W/16/3150607

Brook Farm, 94 High Street, Wrestlingworth, Bedfordshire SG19 2EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Matthew Stafford (The Co-operative Group) against the decision of Central Bedfordshire Council.
 - The application Ref CB/15/04887/OUT, dated 22 December 2015, was refused by notice dated 24 March 2016.
 - The development proposed is erection of up to 30 no. dwellings and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council states that reasons three, four and five as set out in its decision notice are no longer being pursued. This follows the submission of additional statements in relation to visibility splays and ecology surveys, and the signing of a Legal Agreement dated 28 July 2016, which makes a financial contribution towards education and a provision of 35% affordable housing. There is no obvious reason before me on why I should find otherwise, and I am therefore content to deal only with matters remaining in dispute namely reasons 1 and 2 of the Council's decision notice.
3. The appeal proposal is in outline form, with all matters reserved for subsequent approval with the exception of access. Any other details shown which would be a reserved matter, such as the layout of the scheme I shall treat as being indicative only.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the location of the proposed development is acceptable having regard to policies to promote sustainable patterns of growth, and whether any circumstances exist to justify the proposed development.
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Reasons

Policy context

5. The development plan for the area comprises the Central Bedfordshire Core Strategy and Development Management Policies 2009 (Core Strategy). Although not directly referenced in its decision notice, the Council cites Core Strategy policy DM4 in its objection to the proposal, which seeks amongst other things to restrict development outside of settlement envelopes.
6. Common ground exists between the main parties that the Council cannot demonstrate a five year supply of deliverable housing land. As such, paragraph 49 of the National Planning Policy Framework (the Framework) dictates that relevant policies for the supply of housing should not be considered up-to-date.
7. My attention is drawn to the Court of Appeal Judgement for '*the Secretary of State for Communities and Local Government v Hopkins Homes Ltd [2016] EWCA Civ 168,*' (the Hopkins Judgement) as well as a recent appeal decision Ref: APP/P0240/W/15/3003634. Here, the Court found relevant policies affecting the supply of housing relate not only policies that positively provide for the delivery of housing in the form of numbers, distribution and allocation, but also extends to plan policies that influence the supply of housing by restricting the locations where they may be developed in the form of protection of countryside. The Council accepts that Core Strategy policy DM4 is a relevant policy for the supply of housing, such that it must be considered out-of-date and I have no reason to disagree.
8. However, the Court also found that the weight to be applied to such policies will vary according to circumstances including, for example, the extent to which relevant policies fall short of providing for the five year supply of housing land and the action being taken by the local planning authority to address it. The Council states that it can demonstrate a 4.76 year supply of housing thus just short of its requirement, which the appellant does not dispute. In these circumstances, I find Core Strategy policy DM4 should be afforded some weight in my Decision.

Character and appearance

9. The appeal site is open land. It is bordered by properties fronting High Street on its western side; by Braggs Lane to the south and south east; and by open countryside to the east and north. Access is taken via an unmade track located between Nos 92 and 94 High Street. Its topography rises at this point before levelling out within the site. Tree planting reinforces the site's boundaries notably to the south.
10. Wrestlingworth is a small rural village. Its built form is largely contained to either side of High Street, which gives the village a long and narrow footprint as well as a definitive and conventional edge to the countryside. The notable exception is properties fronting Braggs Lane, which extends away from the village and punctures the open countryside. Nevertheless its existence cannot be ignored, and because it provides a southern edge to the appeal site, the proposed development would not necessarily juxtapose awkwardly against the pattern and setting of the village. I am satisfied from the appellant's landscape study and from my observations at my site visit that, notwithstanding its

higher position, only limited views of the proposed development would be afforded from a number of vantage points in the village, and it would not feature prominently in the street scene.

11. Nevertheless, the proposed development would not in my judgement appear as a natural continuation of the settlement. It would instead appear as an incursion into the open landscape, surrounded on two sides by open fields, with the land to the north awkwardly sandwiched between the appeal site and a residential curtilage. As a result, the village edge would be more noticeably staggered and ungainly.
12. I also find that development on this site would highly likely result in a hardened settlement edge, and would amount to an abrupt and harmful transition between the rural landscape and the village. While I acknowledge that layout is a reserved matter, I find little evidence which suggest that the quantum of development could be accommodated in alternative way in which the hardened edge could be avoided. It has equally not been demonstrated that the provision of open space on the site would be sufficient in size to be capable of successfully softening and integrating the proposed development into its rural surroundings.
13. For these reasons, I find the proposed development would fail to respect and would cause significant harm to the character and appearance of the village the countryside surroundings. The proposed development would not accord with Core Strategy policies CS14, CS16 and DM3. These state that the Council will require development to be of the highest quality by respecting local context and distinctiveness, and conserve and enhance the varied countryside character and local distinctiveness.

Whether a sustainable location and whether circumstances exist to justify the proposed development

14. The main parties agree that the appeal site is outside of the settlement boundary of Wrestlingworth. The Framework does not specifically exclude development in such areas. However, in defining core planning principles to underpin plan-making and decision-taking, one of the objectives of paragraph 17 of the Framework states that development "*should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in location which are or can be made sustainable*".
15. I observed at my site visit that the village contains few local services and facilities, and none of which are convenience shops. The closest conurbation with a larger choice of services and facilities is Potton, which the appellant says lies 2.7 miles to the west, and the nearest town is Biggleswade which is approximately 7 miles distance. While I have limited details on available routes to these areas, I am not persuaded that future occupiers of the proposed development would walk or cycle to those facilities given the distances.
16. Wrestlingworth is served by infrequent and very limited bus services. High Street is rural in character, largely unlit, and contains only intermittent footpaths along the majority of its length. I find it considerably unlikely that residents of the proposed development would make any use of the bus service, particularly at times of inclement weather and darker conditions. I find that

future occupiers of the proposed development would be heavily reliant and dependent upon access to and use of a private motor car to navigate the area as a result.

17. In terms of its rural setting and the distance and lack of accessibility of local services and facilities, I find that the appeal site lies within an isolated and unsustainable location. Any appreciable benefits to the vitality of the rural community from the proposed development have not been adequately demonstrated. The proposal would not promote sustainable growth patterns and would not accord with the principles of paragraph 17 of the Framework. It would also not accord with Core Strategy policy DM4 which I have discussed above.
18. In reaching my conclusions on this matter I have had regard to an appeal decision advanced by the appellant (Ref: APP/L3245/A/14/2221627) for a site in Shropshire. While I note the Inspector's findings, I do not have the full details of the circumstances that led to the proposal being accepted. I therefore cannot be sure they represent a direct parallel to the appeal proposal. I have in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Planning balance

19. Paragraph 14 of the Framework states that a presumption in favour of sustainable development lies at the heart of the Framework. Where the development plan is out-of-date, permission should be granted for development unless any adverse impacts of doing so would be significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework taken as a whole.
20. I acknowledge that the proposed development would provide much needed market and affordable housing and in doing so, would make a welcomed contribution in reducing the five year housing supply shortfall. Added to this, the proposed development would potentially generate employment opportunities during the construction stage. All of the above amounts to social and economic benefits which weigh in the scheme's favour.
21. However, the Council is not significantly short in meeting its five year housing target and in light of the Hopkins Judgement referred to above I have attached some weight to this position. Moreover and for the reasons set out above, I find the proposed development would harm the character and appearance of the area, and would amount to an isolated and unsustainable location in terms of its distance and lack of accessibility of local services and facilities. This would amount to environmental harm which would in my judgement significantly and demonstrably outweigh the benefits of the scheme, such that the balance lies against the scheme.

Conclusion

22. Therefore for the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR