



Appeal Decision

Inquiry Held on 4-6 June 2019

Site visit made on 6 June 2019

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2019

Appeal Ref: APP/K0235/W/18/3216849

Land at Bedford Road, Cople, MK44 3TP

- 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 Que-Fraz Developments Ltd against the decision of Bedford Borough Council.
 - The application Ref 18/00596/MAO, dated 5 March 2018, was refused by notice dated 29 June 2018.
 - The development proposed is residential development for up to 30 units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline form with access submitted for consideration at this stage. All other matters were reserved for future consideration. The illustrative plans show 24 dwellings. Nonetheless the description would allow for up to 30. I have considered the appeal on this basis.
3. I have been referred to the emerging local plan. The plan is being examined but it has not yet been found sound and adopted. Therefore, I attach limited weight to it.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the site would be a suitable location for new housing, having regard to social and physical infrastructure in the locality.

Reasons

Character and appearance

5. The site would be accessed from Bedford Road and have a frontage to it. It would extend back from the road toward the dwellings in Willington Road. Gravel Pit Spinney would intervene between the site boundary and Willington Road. The appeal scheme proposes up to 30 dwellings on the site. I have been provided with an illustrative plan. I appreciate that the details of the layout could be subject to reserved matters and that the appellants are not tied

- to these plans. Nonetheless, the purpose of illustrative plans is to demonstrate that an acceptable scheme could be advanced at reserved matters stage for the development of the site.
6. There is no dispute that the starting point for the consideration of landscape character would be the Landscape Character Type 5 Clay Vales and East Marston Clay Vale¹. It is described in the LCA as a flat, open landscape which lies to the south of Bedford. The Greensand Ridge is referred to in the LCA as being located to the south of this area with expansive views to the ridge from part of the character of the area.
 7. The appellants have undertaken a landscape and visual impact assessment (LVIA). The LVIA is a tool to assist the decision maker in assessing the effects of the scheme. In this case the Council has also provided a series of viewpoints and associated analysis of the effects of the scheme. At the inquiry I was provided with two tables² prepared by the landscape witnesses. The methodologies of the landscape witnesses differ. Nonetheless, this narrowed the areas of difference between the parties.
 8. Specifically, the remaining key issues relate to; the experience of the site within the Clay Vale, whether the scheme would detract from the linear form of Cople, the function of Gravel Pit Spinney and the merger of Cople and Willington. From the LVIA the remaining areas of dispute are the impact of the scheme on landscape character at years 1 and 15 and the assessment of the impact on the views from Bedford Road. I will consider these in turn.
 9. Along Bedford Road close to Cople there are a number of dwellings. These vary in design, scale and layout. However, primarily they front the main road and have generous plots and space around them. Between the dwellings there are spaces where there are views across the landscape. Moving toward Willington the spaces between dwellings reduce on approach to the village. The approach from Willington to Cople along Bedford Road is also varied. When approaching from the Willington direction along Bedford Road I note that the appeal site and the existing dwellings are at points appreciated together. In the background the trees within Gravel Pit Spinney provide a soft setting to the built form. The appellants view is that the site is peripheral to that character. More specifically that the transitional character only evident in some places and that there is a strong influence from the A603 and tree cover to the east and west.
 10. However, I agree with the Council that the road is characterised by generous gaps between the existing buildings. I appreciate that the road is a busy A road but I do not consider that this alters the assessment of its physical character. Therefore, I consider that the appeal site sits within a primarily open landscape that provides a transition to the countryside beyond it to the south. In this regard, it forms an integral part of the character between the settlements of Cople and Willington. Furthermore, as the LCA sets out, the presence of the elevated landscape of the Greensand Ridge in the distance provides a contrast and emphasises the flat and expansive character of the Clay Vale.

¹ Bedford Borough Landscape Character Assessment 2014 (LCA)

² ID1 & ID2

11. The Council describe the landscape as being 'open' and are concerned about views to Greensand Ridge. As part of their evidence the appellants referred me to what they consider to be 'clear views' of the ridge³. I was able to visit these as part of my site inspection. I do not dispute that the view through the appeal site is not the most open or clear view of the Greensand Ridge. Nonetheless, this does not justify the provision of dwellings on the site or alter the overall character of the area where open areas between built form contribute significantly to character.
12. The area of Cople within the defined settlement policy area (SPA) is primarily linear in form with development focussed on Willington Road which is the main spine road of the village. The LCA identifies that the area contains small to medium scale linear villages with a varied settlement character. Cople would be typical of this being mainly linear in form with a consistent style at its core but also contains a mix of dwelling types and designs. There are roads and modest culs de sac, mainly accessed from the main spine road. By contrast the appeal scheme would not be on the settlement edge and it would have no visual or physical affinity to the main spine road of Cople. In my view it would primarily relate to Bedford Road. In this regard the introduction of dwellings onto the appeal site would represent a form of development at odds with the prevailing pattern of Cople.
13. The indicative plans show that the new dwellings would be laid out around a road taken from Bedford Road. I also note that the design and appearance could be agreed to be consistent with Cople itself. The plans also show that some dwellings could front the road and that the potential location for the attenuation pond would create a more open feel to the front of the site. Nonetheless the site area would extend back significantly from Bedford Road. The provision of dwellings, and in depth, would not be an infill reflective of the character of Bedford Road or a cul de sac as in the main village area of Cople.
14. Gravel Pit Spinney is located at the junction of Willington Road and the A603. It is a copse area and one of series of Village Open Spaces (VOS) to which Bedford Borough Local Plan (LP) policy AD40 relates. I note that there are other VOS in Cople but my main consideration relates to the Gravel Pit Spinney as it shares a boundary with the appeal site. The reason given for the designation of the Spinney is to assist in the transition from the built form of the village to the countryside beyond. The VOS currently abuts the appeal site which is open. I note the appellants point regarding the location of development along the Bedford Road frontage. However, the appeal scheme would be fundamentally different to the existing frontage dwellings. It would introduce dwellings along the boundary with the VOS. Even with garden areas and landscaping the Spinney would appear more as a back drop to an increased prevalence of built form and not an integral piece of the edge of settlement landscape. In addition, the appellants refer to the travelling show person site which is on the opposite side of the road. This site, where development is mainly glimpsed, does not in my view contribute significantly to the views along Bedford Road.
15. The appellants submit that the travelling show persons site opposite⁴ has an influence on how the built form of the village is experienced. This consent is for 6 plots and associated hardstanding areas which are fenced in and have

³ ID5

⁴ LPA reference 13/01270/MAF

lighting. The scheme is behind a bund and whilst I understand that the landscaping has not been implemented the plans show that the units and vehicles have substantial space around them and consequently are not prominent. Moreover, this scheme is, in my view, distinct from a scheme for up to 30 dwellings.

16. The appellants have suggested that the appeal scheme could be laid out to secure a clear view of the Greensand Ridge and that this would be a benefit given the site does not contain the key positive landscape features set out in the LCA. This could be secured via the reserved matters submission. I accept the appellants' point that this may be possible through the layout and landscaping of the scheme. Furthermore, I accept that the development of the site would not necessarily result in the merger of Cople and Willington as another gap would remain further to the east. Nevertheless, neither of these matters alter my fundamental concerns regarding development of the site for housing, which the use of conditions regarding dwelling numbers and landscaping would not resolve.
17. The Forest of Marston Vale designation and the associated Forest Plan 2000 is a relevant material consideration. The main difference between the parties being the effect of the designation on the assessment of landscape value of the site. More specifically that the appellants see it as low versus the Council's assessment as moderate. I appreciate that the objectives of the Forest Plan seek to regenerate a wider area. More locally to the appeal site its objective is to improve the landscape either side of the A603. Therefore, I agree with the Council that it can be one of the factors to take into account. However, I do not consider that this plan is significantly determinative in this case. The appellants make the point that a well laid out and landscaped scheme could contribute positively to the stated objectives of the Forest Plan. As such I have given it limited weight in my consideration of the appeal scheme.
18. I appreciate that there is very little between the parties when considering the magnitude of the effects. Nonetheless, I have used the appellants' assessment of 'low landscape value' when considering the effects of the scheme on the landscape. The LVIA identifies that at year 1 the effect of the scheme at a district scale would be minor adverse reducing to minor neutral by year 15. At a more local level it is given as moderate minor adverse at year 1 reducing to moderate minor neutral by year 15. I also note that a landscape buffer could be established along the site boundaries and secured by condition. As such the extent to which the dwellings would intrude into the countryside would vary over time as the landscape mitigation is established. Nonetheless it is evident that the built form from the scheme would be visually prominent for a considerable period. Even when the mitigation is fully established it is likely that there would still be glimpses of the built form. The magnitude of this effect would be greater if the landscape value is increased as the Council suggest. Nonetheless, in either case, the material point is that development of the site would not reflect the existing character where built form is interspersed with substantial gaps in the landscape providing a more open, varied and transitional edge to the settlement.
19. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be in conflict with LP policies BE30 (i), (ii); BE35 (i), (ii) and CP2 (v), CP13, CP21 (iii) and CP24 of the Core Strategy and Rural Issues Plan (CS) which amongst other things seek to ensure

that the character and quality of local landscapes are preserved and consider the impact of new development on the wider landscape.

Location of the development

20. The Framework sets out that development proposals should consider opportunities to promote walking, cycling and public transport use whilst recognising opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Paragraphs 102 and 103 of the Framework seek to offer a genuine choice of transport modes, giving people a choice about how they travel. Para 78 states that housing should be located where it will enhance or maintain the vitality of rural communities and para 91 states that decisions should aim to achieve healthy, inclusive and safe places. It gives three objectives for this which are set out under sub headings (a) – (c).
21. CS Policy CP14 seeks to direct development toward settlements in a hierarchical manner. Cople is not a key service centre as defined by CS policy CP15 and it is a village within the open countryside. It goes on to set out that where there is a proven need for development in the rural policy area then it should be focussed in or around key service centres, the closest to the appeal site is stated as being Great Bardford. This is also reflected in the spatial approach of policy CP1. It sets the Council's spatial strategy and indicates that sustainable levels, locations and forms of development will be sought in accordance with the objectives and policies of the CS.
22. The appeal site is about 1.1km to the closest everyday services and facilities in Cople or about 700m to the local shop in Willington. I was referred to the Council's settlement hierarchy⁵. Within this each settlement is scored on a number of issues. Cople is assessed as a Group 3 village, which sits below the key service centres and rural service centres. In this context it scores the maximum on accessibility by public transport and is rated 23rd out of the 80 settlements in that group.
23. The Transport Assessment submitted with the application contains a 5km cycling isochrone⁶. This shows that Cople, Willington and parts of the edge of Bedford would fall within the 5km. In addition, there is access to the national cycle route network route 51 in Willington. I recognise the site's proximity to connection to the National Cycle Route which provides routes into Bedford Town Centre and beyond. I appreciate that the Council is concerned about the nature of the route to connect to the cycle network. However, I was able to go to some of the routes involved as part of my site inspection. I appreciate that the A603 is a busy road. Nonetheless the other routes did not appear as heavily trafficked and there are alternatives to the main road, such as through Cardington as explained by the appellants at the inquiry. Overall, I think it is fair to conclude that for everyday day trips cycling would be an option for future residents.
24. The services in Cople would be accessible on footpaths along the relatively flat topography of Bedford Road and Willington Road and those on the edge of Willington would be accessible from Bedford Road. I appreciate that the Council are concerned about the speed of traffic, footpath width and overall safety. As part of my site inspection I walked along the path to Willington and

⁵ CD 9.3 Local Plan 2030: Settlement Hierarchy Appendix 5

⁶ CD1.15 figure 5

into Cople. The route into Cople would involve a relatively short section of the main road. The walk to Wellington would be over a greater stretch. Nonetheless, I agree with the appellants that the footpath is surfaced, of a reasonable width and has a verge. As such it offers a choice to future residents for access to the nearby villages.

25. However, the Council point out, Manual for Streets (MfS) suggests that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot. The distances involved here would mostly be above that. Therefore, whilst walking would be possible it would not provide access to a range of facilities. The shop in Wellington would be within the stated distance but I do not consider that this alone could be described as offering a 'range' of facilities.
26. The bus stops are in a reasonable walking distance of the site. I appreciate one stop is across the A603 but there is a central refuge to aid crossing. The buses offer a service to Bedford and other nearby settlements. The appellants argue that the services provide suitable access to daily services and facilities, as well as employment opportunities in Bedford and other locations along the route. The services run regularly Monday to Friday and on Saturdays. The services would therefore provide reasonable access to daytime shopping, leisure, employment and services for future residents 6 days a week.
27. The Council consider that to comply with the objectives of the Framework, which seek to encourage the use of sustainable modes of transport and offer a genuine choice of alternative modes, that modes of travel must be informed by whether they would in fact be used. Overall there are two bus stops close to the appeal site and two bus services that would provide access to the wider area, there would also be the option to walk or to cycle. I recognise, therefore, that people would have a degree of choice in deciding whether to cycle, walk or use the bus or private car.
28. There was discussion regarding the internal linkages of the scheme itself. Nonetheless, they seek to demonstrate how dwellings could be laid out on the site. Whilst not binding, the plans indicate a green/play area in the centre of the dwellings and I have no reason to suppose that residents would not walk or cycle within the site. The main point of access would be to Bedford Road. The Council raised concerns about wider linkages. However, given the scale of the scheme and the proximity to Cople, I do not consider that the omission of a pedestrian linkage would weigh against the scheme in this case.
29. Consequently, whilst I recognise future residents would have some degree of choice over their mode of transport, that choice would not be to a range of services when choosing to walk or cycle. Furthermore, Cople is not a key service centre and the closest one would not be within the walking isochrone. I note that it would be partly within the cycling isochrone. Nonetheless, to offer a genuine choice I consider that the site's location would need to be balanced in favour of sustainable transport options, which overall it would not be. Therefore, in this case it is probable that future residents would be largely reliant on the private car in order to support services within nearby villages and maintain or enhance the vitality of those communities⁷ and to access services further away. The proposal would thus fail to contribute towards managing

⁷ Paragraph 78 of The Framework

sustainable patterns of growth and the proposal would not be consistent with the character of the settlement. I conclude, therefore, that the proposal would not be a suitable location for new housing. It would therefore be in conflict with LP policy H26 and CS policies CP1, CP13 and CP14.

Other considerations

30. It is common ground that the Council does not have a five-year supply of deliverable housing. The Council accepts that there is a shortfall but submits that steps are being taken to address it. It is arguing that it has a good rate of delivery and an emerging plan, currently being examined, which is close to adoption. As such it submits that the lack of supply will be short lived. However, I have no substantive evidence on this issue and make no judgement on the outcome of the ongoing examination. Therefore, as it stands there is a need for housing in the borough.
31. The appellants submit that the Council cannot meet all of its housing needs from brownfield sites. Furthermore, that developing the whole of this site would be the most effective use of the land as required by paragraph 117 of the Framework. As such the appeal scheme would contribute to meeting the district's housing need and thereby facilitate the government's aim of boosting significantly the supply of housing. In addition, the appellants argue that any meaningful development in Cople would have to be outside of the SPA. Furthermore, as there is no adopted Neighbourhood Plan for Cople the appeal site is an ideal location given that allocations for Willington and New Cardington are some distance away. Therefore, the provision of up to 30 dwellings is a benefit of the scheme.
32. Within the planning obligation the scheme would contribute to meeting the need for affordable housing in the district. The appellants point out that affordable housing has not been provided in Cople for some time. The provision of affordable housing would accord with the requirements of the LP as well as the aims of the Framework. I consider that this obligation would be necessary to secure the affordable housing proposed in perpetuity, directly related to the development and fairly and reasonably related in scale and kind to the development. There would be no conflict with Regulations 122 & 123 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs) or paragraph 56 of the Framework. As such the provision of affordable housing would be a benefit of the scheme.
33. The scheme would also be likely to give rise to economic benefits. Construction employment and expenditure would be associated with the implementation of the scheme. Thereafter, future residents would be likely to support local services and facilities through direct as well as indirect expenditure. There would also be a play area provided within the site and there would be a requirement for a CIL payment at reserved matters stage. Collectively, those benefits would be moderate.
34. Having had regard to the submitted Ecological Survey, which has not been disputed by the Council, I am satisfied that through implementation of mitigation, secured by condition, there could be an increase in trees and habitat creation. It is likely that, overall, the scheme would result in some limited net gains in biodiversity.

Planning Balance and Conclusion

35. The appeal site is located outside of the defined settlement policy area for Cople. Therefore, for the purposes of the application of planning policies it is located in the countryside. As such it would be in conflict with CS policies CP1, CP13 and CP14 and LP Policy H26 in so far as they seek to direct development to within the development envelope unless specific reasons exist. None of these exceptions was advanced as being applicable to the site. There was agreement that the settlement/location policies should be seen as inconsistent with the Framework. This reduces the weight given to them in the planning balance.
36. Nonetheless, policy CP13 goes further and seeks to protect the character of settlements and the countryside by establishing settlement policy areas. As such I consider that this policy would not be out of date when considering the issue of landscape character and the effect of providing housing in this countryside location. This is an aim that would be consistent with the national policy in the Framework and the need to recognise the intrinsic character and beauty of the countryside.
37. The Framework indicates that where relevant policies are out-of-date planning permission will be granted unless material considerations indicate otherwise, taking into account whether: any adverse impacts of planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (the tilted balance test); or, specific policies in the Framework indicate that development should be restricted. There is no dispute that the appeal site is not subject to any designations which indicate that development should be restricted for the purposes of footnote 6. Footnote 7 is clear that applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing will render the most important policies out of date. In this regard CP14 and H26 are out of date and as such the tilted balance test is engaged.
38. The adverse impact relates to the harm to the character of the landscape by virtue of the change from countryside to housing in this location. This would run counter to the Framework's objectives for rural housing and sustainable transport. In my judgement, this harm carries substantial weight. In terms of benefits, the construction of up to 30 houses would deliver market and affordable housing in an area where delivery of both has historically been lower than that required to meet need. On the evidence provided to this appeal, the Council is currently not able to demonstrate an adequate supply of housing which adds weight to the social benefits which this proposal might bring through the provision of homes.
39. The appellants suggest that there are other benefits arising from the appeal which I have considered in turn. However, none of these amount to more than moderate weight either individually or collectively.
40. I have found that the scheme would harm the character and appearance of the area and it would not be a suitable location for additional housing. In this regard it would be in conflict with the policies of the development plan and the Framework. These are matters to which I attach significant weight. Whilst this proposal would deliver social and economic benefits they would, to my mind,

be significantly and demonstrably outweighed by the adverse effect of the environmental harm identified.

41. The proposal would be in conflict with policies CP1, CP13, BE30, BE35, CP2, CP21 and CP24. Therefore, it would be in conflict with the development plan as a whole. The proposal should also be assessed on the basis of the tilted balance set out at paragraph 11 of the Framework which is a material consideration. On this point I have found that the environmental and social harm from the scheme would significantly and demonstrably outweigh the benefits of the provision of dwellings in this case. As such the Framework is a material consideration which also weighs against the proposal. Therefore, in the circumstances of this appeal the totality of the other material considerations does not justify making a decision other than in accordance with the development plan.
42. Therefore, for the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Daisy Noble Instructed by Bedford Borough Council

She called
David Allen Allen Pyke Associates
Rachel Duncan Bedford Borough Council

FOR THE APPELLANT:

Jack Parker Instructed by GC Planning Partnership

He called
Jonathan Billingsley The Landscape Partnership
Shaun Greaves GC Planning Partnership

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Appendix 4 to Mr Billingsley Proof of Evidence – Summary table of landscape effects
- 2 Appendix 5 to Mr Billingsley Proof of Evidence – Summary table of visual effects
- 3 Opening statement on behalf of the appellants
- 4 Opening statement on behalf of the council
- 5 Figure 04B showing additional viewpoint locations
- 6 Planning permission LPA ref 13/01270/MAF – Land north of Bedford Road, Cople
- 7 List of suggested conditions
- 8 Planning obligation
- 9 Census data for Willington
- 10 Site visit itinerary
- 11 Closing statement on behalf of the council
- 12 Closing statement on behalf of the appellants