



Policy DM3: High Quality Development  
Policy DM4: Development Within and Beyond Settlement Envelopes  
Policy DM14: Landscape and Woodland

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies CS14, CS16, DM3, DM4 and DM14 are still given significant weight.).*

## **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

## **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (2014)

### **Relevant Planning History:**

Application Number	CB/15/01777/LDCP
Description	Lawful Development Certificate Proposed - Change of use to residential
Decision	Application withdrawn
Decision Date	09/07/2015
Application Number	CB/14/03375/PAAD
Description	Prior Approval of change of use from agricultural to dwelling
Decision	Prior Approval refused
Decision Date	20/10/2014
Application Number	CB/13/02290/OUT
Description	Outline application: Erection of two storey dwelling
Decision	Refused. Appeal dismissed.
Decision Date	21/08/2013
Application Number	CB/12/01161/OUT
Description	Outline application: Double storey detached dwelling
Decision	Withdrawn
Decision Date	30/07/2012
Application Number	MB/99/00365/OUT
Description	Outline application: Residential development (all matters reserved except access).
Decision	Refused. Appeal dismissed.
Decision Date	01/06/1999
Application Number	MB/88/01876/OUT
Description	Outline application: 6 detached dwellings.
Decision	Refused. Appeal dismissed.
Decision Date	13/10/1988

## Consultees:

- Malden Parish Council     07/11/2015:  
Malden Parish Council are of the opinion that this planning application is outside the Village Development Envelope and they have concerns on the impact of the countryside and surrounding area.
- With these reasons in mind, Malden Parish Council are against this planning application and would like it calling in.
- CBC Archaeology     20/10/2015:
- The applicant is aware of archaeological interest in the site through the consideration of previous planning applications. A Heritage Statement should be submitted to assess the site.
- 11/11/2015:
- The applicant has submitted a Heritage Statement which highlights the potential for archaeological deposits relating to the medieval settlement of Malden to survive within the development site.
  - The nature and scale of the proposed development is such that it could have an impact upon a negative and irreversible impact upon any surviving archaeological deposits present on the site.
  - Whilst this does not present an over-riding constraint on the development, further archaeological investigation is required. Further investigation has been suggested as a planning condition.
- CBC Highways     20/11/2015:
- The principle is acceptable from a highways context
  - Concerns raised regarding the lack of a footway along the site frontage. The footway should be extended up to the proposed vehicle access. This will impact the hedgerow but will ensure safe route for pedestrians to a safe crossing point.
  - Several conditions have been recommended if the application is approved.
- CBC Ecology     05/11/2015:
- The site lies within the Greensand Ridge Nature Improvement Area and as such development should support a net gain for biodiversity in line with NPPF and in accordance with the objectives of the Nature Improvement Area.
  - The existing barns contain some features which may be of interest to bats or birds although given the location of the site and construction of the buildings I

think this is unlikely.

- Ask that an informative be added to any planning permissions to advise the applicant that should bats or birds be found during the demolition then works should cease and advice be sought from Natural England.
- I would wish to see the new development provide a net gain through the use of locally native, nectar and berry rich species in landscaping and through the provision of bat and bird roosting opportunities.

CBC Planning Policy

20/11/2015:

- The housing trajectory is in the public domain as evidence for the Henlow appeal.
- This shows that the Council have a 5 year supply, with headroom.
- As such, Paragraph 49 of the National Planning Policy Framework continues to be a significant material consideration in determining applications.
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The Wildlife Trust

15/10/2015:

- Advise that a bat and barn owl survey should be submitted before the application is determined.

11/11/2015:

- Reiterate the need for a bat and barn owl survey.
- As the roof has been removed, the site should be photographed. If the site does not meet the Natural England guidance, which require a bat survey, then I would be happy to reconsider my comments.

Internal Drainage Board

26/10/2015:

- The Board notes that the proposed method of storm water disposal is by way of soakaways.
- If ground conditions are not suitable for soakaway drainage, then confirmation should be sought from Anglian Water
- A condition has been suggested on the means of surface water disposal being agreed prior to commencement of the main works. *[Officer note - This condition is not considered appropriate or necessary, given that the proposed method of storm water disposal is by way of soakaways and a building already exists on site.]*

**Other Representations:**

## Neighbours

1 Whiteman Court

05/10/2015:

- No objection - Support the application.

## Determining Issues:

The main considerations of the application are;

1. Principle of development
2. Affect on the character and appearance of the area
3. Neighbouring amenity
4. Highways considerations
5. Ecology considerations
6. Other considerations

## Considerations

### 1. Principle of development

1.1 The application site is located outside of the Maulden Settlement Envelope and, as such, the site is located within the open countryside. Maulden Parish Council have raised concerns regarding the location of the site outside of the Settlement Envelope.

1.2 Policy DM4 of the Central Bedfordshire (North) Core Strategy and Development Management Policies Development Plan Document identifies that there is a general presumption against development outside of the Settlement Envelope, stating that:

*"Beyond Settlement Envelopes, limited extensions to gardens will be permitted provided they do not harm the character of the area. They must be suitably landscaped or screened from the surrounding countryside and buildings may not be erected on the extended garden area."*

1.3 Further to this point, the preamble to this policy provides guidance regarding where development may be acceptable outside of the Settlement Envelope. This states that:

*"Outside settlements, where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted in accordance with national guidance (PPS7 - Sustainable Development in Rural Areas) and the East of England Plan. This includes residential development on Exceptions Schemes as set out by CS7, or dwellings for the essential needs of those employed in agriculture or forestry, or that which re-uses or replaces an existing dwelling."*

The proposed development would not be part of an Exception Scheme and would not support the essential need of those in agriculture or forestry. The development would not replace or re-use an existing dwelling.

1.4 In considering proposals for residential development outside of defined Settlement Envelopes, regard should be had to Paragraph 49 of the NPPF

which states that:

*"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Paragraph 14 of the NPPF sets out that, in considering development proposals in circumstances when relevant policies of the development plan are out of date, 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; or  
- specific policies in (the) Framework indicate development should be restricted.”

- 1.5 In a recent appeal decision in relation to Langford Road, Henlow, the Inspector raised a number of concerns about the deliverable supply of housing land and considered that the Council had not demonstrated a deliverable 5 year supply. At the present time, it is considered that there is a robust five year supply of deliverable housing land for Central Bedfordshire. However, in light of this recent appeal decision, one dwelling would not make any material difference to the supply of housing and does not therefore amount to a material consideration in favour of the proposal.
- 1.6 The application site has previously been subject to several planning applications for residential development. As these applications are similar in nature to the current proposal, it is considered appropriate to briefly summarise these applications.

#### MB/88/01876/OUT

This outline application for 6 dwellings (including formation of an access road) was refused planning permission in 1988. This decision was upheld at appeal, where the inspector noted that the site was situated away from the centre of the village and the loss of the open spaces the site provided by the site would have detracted from the rural character of the area.

#### MB/99/00365/OUT

This outline application for residential development (with all matters reserved except access) was refused planning permission in 1999. The reasons for refusal were based upon the location of the site outside of the Settlement Envelope, the impact to the rural character of the area, loss of agricultural land and traffic issues relating from having two access points. This decision was upheld at appeal, where the inspector concluded that the need for additional housing land would not outweigh the harm to the objectives of the development plan and to the character of the area.

#### CB/12/01161/OUT

This outline application for a two storey dwelling was withdrawn on 30 July 2012.

#### CB/13/02290/OUT

This outline application for a two storey dwelling was refused planning permission on 21 August 2013. The reasons for refusal were that the proposed development, as it would be located outside the Settlement Envelope, would

constitute inappropriate development, and that the applicant had not entered into a unilateral undertaking. In the subsequent appeal decision, the Inspector commented in detail on the site and its location. The Inspector concluded that the site would be unsustainable for residential development outside of the Settlement Envelope and considered that the proposal would be contrary to Policy DM4 and inconsistent with the principles of sustainable development having regard to the development plan and the National Planning Policy Framework. This recent appeal was therefore dismissed on this basis on 30 April 2015. A copy of the appeal decision is appended to the Committee papers. Members' specific attention is drawn to Paragraphs 5 to 12 of the appeal decision.

- 1.7 It is considered that this planning history is a significant material consideration, given the similar nature of the application and recent timing of the decisions. Whilst it is noted that the proposed development would be located on previously developed land, which is supported by the National Planning Policy Framework, the proposed development would be located outside of the Settlement Envelope and, therefore, contrary to Policy DM4. As such, the proposed development is not considered to be consistent with the principles of sustainable development having regard to the development plan and the National Planning Policy Framework.
- 1.8 The principle of development is not considered to be in accordance with Policy DM4 of the Central Bedfordshire (North) Core Strategy and Development Management Policies Development Plan Document and the National Planning Policy Framework.

## **2. Affect on the character and appearance of the area**

- 2.1 The Residential Parameter Plan identifies that the proposed residential development would be situated on the location of the existing barn, set back from Clophill Road by at least 37.0 metres.
- 2.2 This area of Clophill Road largely consists of ribbon development along the road, with the application site forming part of a larger field, containing various agricultural buildings. The site is bordered by residential development to the north, south and west.
- 2.3 It is considered that the field forms part of a visible countryside gap between the two Settlement Envelopes along Clophill Road, in a manner which adds to the countryside character of the area. The proposed development would be considered to reduce this separation between the residential areas to the east and west. This position is echoed by the inspectors decision in relation to the previous outline application for residential development on the site.
- 2.4 In summary the proposal is not in accordance with Policies CS14, DM3 and DM4 the Central Bedfordshire (North) Core Strategy and Development Management Policies Development Plan Document and the National Planning Policy Framework. The design does not accord with the Central Bedfordshire Council Design Guide and would result in a detrimental impact upon the character and appearance of the area or the street scene. As such it is not considered to be acceptable.

### **3. Neighbouring amenity**

- 3.1 The application site adjoins several properties to the east and south. To the east, the application site borders Nos.1, 3, 5 and 7 Silsoe Road and Nos. 1 and 6 Whiteman Court. To the south, the application site borders an area of unkempt grassland, which separates the site from Nos. 9 and 9a Silsoe Road.
- 3.2 The Residential Parameter Plan identifies that the proposed dwelling would be located on the site of the existing barn. This barn is located approximately 15.0 metres away from the nearest residential property, considered to be No.7 Silsoe Road. As such, the proposed development is not considered to present an unacceptable adverse impact in terms of being unduly overbearing, loss of light or loss of privacy.
- 3.3 Therefore it is considered that, in respect of neighbouring amenity, the proposal meets the requirements of Policies CS14 and DM3 of the Central Bedfordshire (North) Core Strategy and Development Management Policies Development Plan Document. It also complies with the objectives of the Central Bedfordshire Design Guide. As such the proposal is not considered to cause a detrimental impact in terms of loss of privacy, loss of light or result in noise or light pollution and is considered acceptable.

### **4. Highways considerations**

- 4.1 The application has been considered by a Highways Officer, who has raised no objection in principle. It must be noted that concern has been raised by the Officer, regarding the lack of safe pedestrian access to the property, suggesting that a footway, connecting the site with an existing footway on Clophill Road, should be provided. As the site is used already for agricultural purposes without a footway, the requested footway connection is not considered necessary.

### **5. Ecology considerations**

- 5.1 The Wildlife Trust have responded to the application, asking that a Bat and Barn Owl Survey is submitted to support the application. The Council's Ecology Officer has considered this application and has identified that the existing barns contain some features which may be of interest to bats or birds however, given the location and construction of the buildings, this is unlikely. With this in mind, a Bat and Barn Owl Survey is not considered necessary. If bats or birds are found during demolition then works should cease and advice be sought from Natural England.

### **6. Other Considerations**

#### **6.1 Human Rights issues:**

The proposal would not raise any Human Rights issues.

#### **6.2 Equality Act 2010:**

The proposal would not raise any issues under the Equality Act.

### **Recommendation:**

That the Development Infrastructure Group Manager be authorised to REFUSE Planning Permission subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The proposed development, by reason of its location outside any Settlement Envelope, would constitute inappropriate development within the countryside and would be out of character with the pattern of residential development in the locality. As such, the proposed development would be contrary to Policies CS14, DM3 and DM4 of Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document and the National Planning Policy Framework.

**INFORMATIVE NOTES TO APPLICANT**

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through positive engagement with the applicant but fundamental objections could not be overcome. The applicant was invited to withdraw the application but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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