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Our Ref: APP/J0215/V/05/1175510  
Your Ref: NSO/MH/ST BE549

31 August 2006

Dear Sir,

## **TOWN & COUNTRY PLANNING ACT 1990 - SECTION 77 APPLICATION BY THE SAUNDERS STEAM & MECHANICAL ORGAN COLLECTION (MESSRS J&T SAUNDERS) - LAND AT WRAYFIELDS, STOTFOLD, BEDFORDSHIRE APPLICATION REFERENCE - 04/00416**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Geoff Salter BA MRTPI, who held an Inquiry between 9 and 11 May 2006 into your clients' application dated 4 March 2004. The application is for outline planning permission for the erection of a building to house the Saunders Steam and Mechanical Organ Collection, together with associated access arrangements, on arable farmland at Wrayfields, Stotfold, Bedfordshire.
2. On 18 February 2005, in pursuance of section 77 of the Town and Country Planning Act 1990, the application was called in by the Secretary of State for decision instead of being dealt with by the local planning authority, Mid Bedfordshire District Council.

### **Inspector's Recommendation**

3. The Inspector recommended that the application be refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendation. A copy of the Inspector's Report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Policy Considerations**

4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan consists of the Milton Keynes & South Midlands Sub-Regional Strategy (MKSM), adopted in 2005, the 1997 Bedfordshire Structure Plan (BSP), and the Mid Bedfordshire Local Plan First Review (MBLP) adopted in 2005. The Secretary of State agrees with the Inspector that the policies most relevant to the application are those identified at IR4.1 and 4.2.

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5. Other material considerations which the Secretary of State has taken into account include Planning Policy Statement 1 (PPS1): *Delivering Sustainable Development*; Planning Policy Statement 7 (PPS7): *Sustainable Development in Rural Areas*; Planning Policy Guidance 13 (PPG13): *Transport*; and Planning Policy Guidance 21 (PPG21): *Tourism*.

### **Main Issues**

6. The Secretary of State agrees with the Inspector that the main considerations in determining the proposal are those identified in the call in letter and set out at the front of the Inspector's report, namely the development plan, sustainable development in rural areas, transport and tourism. The Secretary of State has considered these issues below.

### **Development Plan**

7. The Secretary of State agrees with the Inspector that, at face value, the development of a large building at a location outside any defined urban area clearly conflicts with those development plan policies that direct such major developments to town centre locations. She accepts that there are policies within the development plan to promote the expansion of tourist development, subject to environmental safeguards, but agrees with the Inspector that, as the scheme is essentially a leisure use of significant size, it is contrary to BSP policies (IR9.2).
8. The Secretary of State agrees with the Inspector that, although the issue about classification of the site with regard to agricultural quality is of little importance in policy terms, the loss of best and most versatile agricultural land to permanent development or hard surfacing would conflict with the broad policy thrust of policy CS9 of the MBLP, which seeks to retain such resources (IR9.3).
9. The Secretary of State agrees with the Inspector's conclusion that the proposal does not comply with the broad thrust of development plan policy to keep the countryside open and to direct new development to urban locations well served by a variety of transport modes (IR9.4). She has therefore considered whether there are material considerations of sufficient weight to allow this application to be determined other than in accordance with the Development Plan.

### **Rural Development**

10. The Secretary of State agrees with the Inspector that the greenfield site lies outside the established boundary of Stoffold and would not meet the broad policy thrust of PPS7 to restrain new development in the countryside (IR9.5). Furthermore, whilst acknowledging that rural economies can be supported by certain forms of sustainable tourist development, for the reasons given in IR9.6-9.10, the Secretary of State agrees with the Inspector that the proposal would not meet the key objective of promoting more sustainable patterns of rural development.

## Transport

11. The Secretary of State agrees with the Inspector (IR9.3 and 9.6) that the proposed development is not served by any public transport services at present. She also agrees with the Inspector that, for the reasons set out in IR9.7-8 and IR9.11-12, the development would be very likely to lead to an increase in unsustainable travel patterns and many more journeys by private car.
12. The Secretary of State agrees with the Inspector that the proposed improvements to the junction of the A1 with Wrayfields are accepted by the highway authority and the Highways Agency as meeting the required standard to allow safe egress and access to the trunk road by all vehicles (IR9.13). She also agrees with the Inspector that the residents' concerns about extra traffic using local lanes could be overcome by imposing appropriate planning obligations and conditions (IR9.14), and that the proposal would not prejudice highway safety on the A1 or local roads surrounding the site through drivers being distracted by noise, lighting and smoke from the activities on the site (IR9.15).

## Tourism

13. The Secretary of State agrees with the Inspector that, although the development would bring some economic benefits to the area, when considered within the general economic context of the wider area, there is no strong need for the scheme on employment grounds (IR 9.16). She also agrees that there would be some adverse effect on the character and appearance of the rural area within which the development would be set (IR9.17).

## Other Material Considerations

14. The Secretary of State agrees with the Inspector (IR9.20) that the nature of the collection and the proposed use of the site, serving a national customer base, does not justify a location at Stotfold. The Secretary of State notes your clients' argument that there is no other suitable site for the proposed development. However, for the reasons given in IR9.21, she agrees with the Inspector that it is unrealistic to expect to find a suitable site for such a substantial new development within such narrow parameters.

## Conclusion

15. The Secretary of State concludes that the proposed development conflicts with development plan policies for transport, tourism, and development in the countryside. The building proposed would detract from the character and appearance of the surrounding countryside and result in a loss of valuable agricultural land. The proposal would also be heavily dependent on travelling by car.
16. The Secretary agrees that your clients own an important collection of steam-powered equipment, and that the collection is of national value. However, the harm to the appearance and landscape character of the countryside, the loss of good quality arable farmland and the likely increase in private car use outweigh the benefits of the proposed development. Despite your clients' local connections, the Secretary of State

does not accept that an exception should be made in this case. She does not therefore consider that there are any material considerations to cause her to determine the application other than in accordance with the development plan.

**Formal decision**

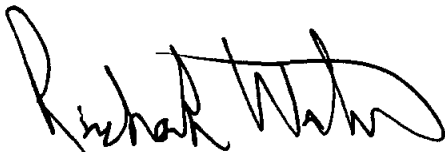
17. For the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby refuses your clients' application for planning permission for the erection of a building to house the Saunders Steam and Mechanical Organ Collection, together with associated access arrangements, on arable farmland at Wrayfields, Stotfold, Bedfordshire in accordance with application reference 04/00416 dated 4 March 2004.

**Right to challenge the decision**

18. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

19. A copy of this letter has been sent to Mid Bedfordshire District Council, to all those who appeared at the inquiry and asked to see a copy of the decision letter.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Richard Watson', written in a cursive style.

**Richard Watson**

Authorised by the Secretary of State to sign in that behalf

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# Report to the Secretary of State for Communities and Local Government

The Planning Inspectorate  
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by **Geoff Salter** BA MRTPI

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

Date 16 June 2006

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Town and Country Planning Act 1990

Mid Beds District Council

The Saunders Steam & Mechanical Organ Collection (Messrs J & T Saunders)

Inquiry held between 9-11 May 2006

Land at Wrayfields, Stotfold, Bedfordshire

File Ref: APP/J0215/V/05/1175510

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The following abbreviations are used in the report:

BCC	Bedfordshire County Council
BSP	Bedfordshire Structure Plan
EIA	Environmental Impact Assessment
EN	English Nature
ES	Environmental Statement
HA	Highways Agency
LPA	Local Planning Authority
LP	Local Plan
MBDC	Mid Beds District Council
MBLP	Mid Beds Local Plan
PPG	Planning Policy Guidance note
SoS	Secretary of State for Communities & Local Government

#	paragraph
p	page
vph	vehicles per hour
XX	cross examination

**File Ref: APP/J0215/V/05/1175510**

**Land at Wrayfields, Stotfold, Bedfordshire**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 18 February 2005.
- The application is made by **The Saunders Steam & Mechanical Organ Collection (Messrs J & T Saunders)** to **Mid Bedfordshire** District Council.
- The application Ref 04/00416 is dated 4 March 2004.
- The development proposed is a building to house the Saunders steam and mechanical organ collection.
- The reason given for making the direction was that the proposals may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of her consideration of the application:
  - (i) The extent to which the proposed development is in accordance with approved and emerging development plan policies
  - (ii) The extent to which the proposed development is consistent with policy advice in PPS7, in particular with regard to promoting more sustainable patterns of development.
  - (iii) The extent to which the proposed development is consistent with the advice in PPG13, in particular:
    - a) on the need to locate development in a way which helps to:
      - promote more sustainable transport choices;
      - promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and,
      - reduce the need to travel, especially by car.
    - b) to ensure safe access to the development.
  - (iv) The extent to which the proposed development is consistent with Government policies on tourism set out in:
    - PPG21, and in particular the impact on the environment and local amenity, and,
    - PPG13, and in particular whether the proposal needs to be in the proposed location or has a meaningful link with it.
  - (v) Whether any permission granted for the proposed development should be subject to any conditions and, if so, the form these should take, having regard to the advice in DOE Circular 11/95, and in particular the tests in paragraph 14 of the Annex.
  - (vi) Whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable
  - (vii) Any other matters that I consider relevant.

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**Summary of Recommendation: The application be refused.**

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**1 Procedural Matters**

- 1.1 The inquiry sat for 3 days, during which I viewed the site and other sites in Stotfold, including the Applicants' yard where much of the steam equipment the subject of the application is stored. After the accompanied site visits I made unaccompanied visits to look at other sites suggested by the parties.
- 1.2 The report contains a description of the application site and its surroundings, the gist of the representations made at the inquiry, and my conclusions and recommendations. Lists of appearances, documents (referred to in brackets), and plans are attached



## 2 Background facts

### *The Site and Surroundings*

- 2.1 The site comprises an arable field of about 3.55 ha located immediately west of the A1 and north of Wrayfields. The Agricultural Land Classification Map for England and Wales shows the site within an area classed as Grade 2, although a letter from MAFF dated 1981 states that this particular field is site is classified as Grade 3A. (3.1-2)
- 2.2 The north, south and east boundaries are demarked by mature deciduous hedgerows, with some gaps; there is a fence along the western edge. The site slopes gently down from south to the north towards the Rivel Ivel valley floor. A public footpath runs along the northern boundary, connecting Wrayfields and Stotfold village with the hamlet of Caldecote about 1km east of the A1 via a pedestrian crossing point at level. (3.1)
- 2.3 The site is surrounded by agricultural land, although there are some commercial premises including two petrol filling stations, a public house and a motel on either side of the A1 about 600m to the north. The edge of the built up area of Stotfold lies some 500m to the west. There is a group of farm buildings, including a house, close to the western boundary and another dwelling, Wrayfields, located between the site and the village. About 70m north of the site is an agricultural worker's dwelling associated with the Skylark nursery, a substantial area of glasshouses.(8C, Site Context Plan)
- 2.4 Wrayfields is a lane 4.5m wide alongside the site, without footways or lighting. It carries between 16 and 18 vehicles in the pm peak hour (1700- 1800 hours). The junction with the A1 lies about 500m north of the end of the motorway section A1M. Alongside the site the A1 is a dual carriageway road with two lanes in each direction, but access to and from the A1 from Wrayfields is left turn only. The northbound traffic peaks at around 2900 vehicles per hour. (3.7, 11A, App 5). The nearest accessible public transport facilities are bus services in Stotfold, the nearest railway station is at Arlesley, about 4km away.

### *Planning History*

- 2.5 Three previous applications for a breakdown and recovery vehicle depot on the site have been refused, one following an appeal and one after call in by the then Secretary of State for the Environment.(3.3)

### 3 The Proposal

- 3.1 The application was submitted in outline form with all matters except means of access reserved for future consideration. The access proposals show details of the junction with Wrayfields and improvements to the junction of Wrayfields with the A1, incorporating widened and lengthened deceleration and acceleration lanes.
- 3.2 The Applicants produced additional illustrative material for inquiry to show the type of building and layout that was intended, although the Council has not considered these drawings formally (3.5.3-4). The material shows the intention for a single building with an approximate footprint of 4,475 sq m, and approximate dimensions of 92m by 58m to a height of 12m. Internally, the main elements would be:
- Display areas of about 2,000 sq m, plus foyer, for a variety of steam-powered equipment owned by the applicants, including organs, fairground rides and traction engines
  - A restaurant/bar seating area of about 600 sq m
  - Dance floor of 324 sq m
  - Stage areas of about 700 sq m
  - Shop of about 130 sq m
  - Kitchen, bars, staff areas including offices, and public amenities.
- 3.3 The other main elements of the scheme would comprise a car park with 76 spaces, 20 parking spaces for coaches, a service yard and vehicle access and manoeuvring areas.
- 3.4 Photographs of much of the Applicants' collection are contained in Document 9C.1. The intention is to provide both a showpiece for the collection and to set up an entertainment venue similar to that previously run by Turners in Northampton. The building would cater for organised trips and the general public attending Old Time Musical nights, tea dances, parties and educational events. About 180 daytime and 50 evening events are envisaged (10A, inc table appended).
- 3.5 The proposals are accompanied by a Section 106 planning obligation which provides for measures to secure the implementation of highway works to Wrayfields and the A1 and a signage scheme. The obligation commits the Applicants not to tow or run a steam vehicle under its own power on the A1 and restricts the number of steam engines in power on the site to a maximum of 15 at any one time.

## 4 Planning Policy

### *The Development Plan*

- 4.1 The Development Plan comprises the 1997 Bedfordshire Structure Plan (BSP), the Mid Bedfordshire Local Plan First Review, adopted in December 2005 (MBLP) and the Milton Keynes Sub Regional Study, March 2005. Policy 1 of the BSP sets out the general planning framework to achieve sustainable levels, locations and forms of development in the county. Clause (iv) seeks to restrain new development in the open countryside. Clause (xi) seeks to reduce the need to travel, particularly by private car; Policy 20 elaborates on this theme, requiring travel intensive uses to be concentrated in areas well served by public transport. Policy 8 sets out general criteria for new development, which will be expected to be sensitive to the character of the surrounding area, protect trees and hedgerows and incorporate high standards of landscaping. Policy 30 welcomes proposals for the expansion of the tourist industry, subject to environmental safeguards and the accessibility of public transport, where appropriate. Policy 54 encourages major new leisure, cultural and recreation uses to locate in town centres. (5)
- 4.2 A similar policy context is provided by the MBLP. Policy CS19 of the plan seeks to restrain development in the countryside, although Policy EMP9 states that in addition to having particular regard to CS19, the Council will balance environmental, traffic and other planning considerations against the potential benefits of the proposals in terms of employment and contribution to the local economy. Policy CS9 seeks to protect the best and most versatile agricultural land (defined as Grades 1, 2 and 3a of the MAFF classification). Other particularly relevant Local Plan policies are DPS5 - standard of development; DPS19 – accessibility; TP1 – Submission of travel assessments. (6)

## 5 The Case for Saunders Brothers

### *Introduction*

5.1 In this case the Applicants and the LPA are in almost complete unanimity. There is no objection from, amongst others, the Environmental Health Authority, the Highway Authority, the HA, or the Environment Agency. There is also a considerable groundswell of support for the proposal locally, including from the Stotfold Town Council; support from that latter body is particularly important. Any decision to refuse permission would necessarily involve rejecting, to whatever extent, the views of these bodies and individuals. The grounds of the few persons who have objected go not to the overall desirability of what the Saunders brothers propose but are rather limited to matters of location and associated impact. Even if these points had merit, which the Applicants dispute, they are not in substance objections in principle but rather assertions which can be appropriately dealt with by way of condition.

5.2 The following relevant matters are substantially agreed matters of common ground with most parties.

- The collection is of at least national importance and is a significant part of our heritage that is worthy of retention and in need of a permanent home, as the LPA agree (17, #7.9). None of the objectors appear to take a different view.
- As the LPA accepts, the collection the subject of this application would be more appropriately located in a remote rural location, as is the case here. The LPA considers that the development proposed has exceptional merit in terms of its contribution to the British engineering heritage (17, App3).
- Even assuming the land here is Grade 2, the LPA is satisfied that its loss is not detrimental in terms of the application of development plan policies (17, App3). The use of the land would not undermine any farm holding or make any agricultural unit unviable. The tenant farmer is planning retirement and does not consider retention of the land central to his holding (17, #7.31). There is clear evidence that in fact the specific quality of the site itself is grade 3a. Any loss of agricultural land is insufficient to found or contribute to any reason for refusal.

5.3 The LPA further acknowledges:

- The proposal would have material educational benefits (17, #7.13)
- The collection has a local connection and an association with the rural landscape (17, #7.14 and 7.53)
- The collection is in private ownership and the Saunders brothers are acting benevolently (17, #7.16)
- There are no other more suitable sites within the District. The need to purchase urban land would significantly undermine the delivery of housing. Employment land is needed to provide for the District's employment needs. The cost of urban land would probably make display of the collection unviable. (17, #7.17 and 7.18).
- In terms of locating tourist development, proposals such as this need not be unacceptable in the countryside, subject to environmental and amenity considerations.

In other words the proposal here advanced is capable in principle, and subject to detailed design in due course, of complying with development plan and other policy. The context of the proposed building includes the Motorola Industrial Buildings, the A1 service facilities and the small workshop units. The proposed building will sit in the local landscape and, subject to appropriate landscaping, is capable of being successfully assimilated into the local landscape. (17, #7.23 and 7.24)

- The development has sustainability benefits in terms of its location (17, #28). It is sustainably located (17, #7.39 to 7.49 and 7.57)
- The site is within the Eastern Strategic Corridor defined in the development plan as the focus for economic growth in the county (17, #7.29).
- The proposal affords material tourism benefits (17, #7.33 to 7.38). It is compliant with policy and consistent with PPG 21.

*Accordance with approved and emerging development plan policies*

5.4 Here the dominant theme of the development plan can be distilled from policies EMP9 and CS19 of the Local Plan. Policy EMP9 expressly refers to policy CS19. Any reasonable reading of the two policies makes clear that it is perfectly possible for tourist-related development to come forward sustainably in the countryside. Having regard to the whole factual matrix, the proposal accords with the relevant dominant policy theme (8A 3). The LPA takes a slightly different view and suggests the proposal should be allowed as an exception to policy. Notwithstanding the general importance of the question of accord with the development plan, the slight difference of approach here is effectively academic. The various material considerations are common ground with several parties, including the LPA, and militate decisively in favour of the development proceeding.

*Consistency with PPS7, particularly regarding more sustainable patterns of development*

5.5 What is sustainable in the context of any given development proposal depends crucially on the precise nature and characteristics of that development proposal. No one seriously disputes that a significant proportion of traffic to/from the site will be by coach. As Mr Osborn, Mr Rees, Mr Norman and Mr Hughes all noted, in terms of sustainability there is no material difference between coaches and other elements of what is commonly referred to as public transport (a term which includes, for instance, privately owned taxis).

5.6 In circumstances where travel to and from the site will be from all over the country, and where such travel will be, substantially, by coach, a key element of securing an appropriate site is ready access to and from the strategic road network. Not only does this proposal achieve this to and from the A1, its central location in this part of the country increases its accessibility and acceptability from throughout the UK. The Highway Authority identifies 'the ideal location of the site in relation to the strategic highway network' (11A, App1). The Council identifies the potential for sustainability benefits (17, # 7.43). Mr Norman spoke in similar terms when giving oral testimony.

5.7 It could be said that the essence of any form of tourism always involves *unnecessary* journeys. However, government and other policy still supports the creation and development of tourism opportunities, notwithstanding any resulting policy tension, illustrating the policy balance and pragmatism which must be brought to bear. Were it otherwise, no tourism proposal could ever come forward consistently with PPG 13. Also, it is remarkable that the various statutory and other bodies all agree that the present proposal,

notwithstanding its tourist nature, still achieves a very high level of sustainability. This is entirely in accord with policy.

*Consistency with PPG13: sustainable transport choices; safe access*

- 5.8 All the relevant expert planning and highway views are that what is here proposed is appropriately sustainable. The Council for instance acknowledges that far from being unsustainable, .. *a location close to the A1 could have sustainability benefits .... I do not consider the pattern of usage to be incompatible with sustainable transport objectives.* One feature of this inquiry has been the objectors' reference references to alternatives. The Applicants, have carried out a sequential assessment and considered the question of alternatives (8A, 6 5-11, App5). The conclusion was that no alternatives existed. That view was shared by the LPA (17, #7.17-18). The objectors have themselves failed to suggest any realistic alternatives. The only conclusion is that no preferable or alternative site exists. If this nationally important proposal is to come forward it is necessarily here or nowhere. And if the proposal is not brought forward here by the Saunders family, there is no one else to do it. Not only is there no sequentially preferable site in terms of sustainability, the only conclusion on the evidence is that there is no other realistic site at all.
- 5.9 Regarding highway safety, the three sets of expert highway evidence provided to the inquiry, from Mr Rees, the County Highway Authority and the HA, concluded unanimously that this site can be accessed safely. There is no relevant qualified highway evidence the other way; indeed the only points raised in opposition are unsubstantiated assertion. In such circumstances there is no evidential or other basis for deciding against this development on highway grounds.
- 5.10 Additionally, the proposal carries with it material, collateral benefits. Mr Norman speaks to the fact that the highway proposals *'would significantly improve the existing [A1/Wrayfields] junction'* (consultation response from HA of 1.11.04 – OPP/01).
- 5.11 Concerns about the routing of coaches from the site are misconceived. Again the highway authorities are satisfied. Even if there would be a material increase in traffic on a local road, that is what the road is for; if the traffic generation through Stotfold were an order of magnitude greater than that predicted, there is no question of infringing link, junction or environmental capacities on any part of the relevant road network. These roads carry no more than a fraction of their capacity. Turning to environmental impact, even a doubling of the traffic on the roads would produce only a 3 dBA increase in noise levels. As the Glossary to PPG24 confirms, a change of 3 dBA is the minimum perceptible change. To achieve a doubling of perceived loudness would require an increase of 10 dBA. Even if contrary to the expert evidence, all the traffic to and from the site were to route through Stotfold, it would not amount to a doubling of vehicle numbers and thus would be imperceptible in noise terms. Similarly any change in air quality would be minimal. All environmental effects fall moreover to be weighed against the dominant background of the existing A1. Finally, although it is not necessary, Mr Rees has identified how a small physical addition to the site egress could inhibit vehicles, particularly coaches, from turning right. The objectors' fears are unfounded.
- 5.12 Whilst Mr Smallhorn raised issues of driver distraction, there is no substance in them. It is inconceivable that there would be any site-noise audible to traffic on the A1 and, even were something heard, it is nonsense to suggest that it, of all the other noise audible, would constitute a distraction. As regards lighting on the site, Mr Smallhorn's point is of even less

materiality. He advanced no substantiated case, had not looked at the conditions, did not seem to understand basic lighting technology (eg flat-glass cut-offs) and had not troubled to check the conditions. As regards smoke from external steaming of engines, the point is again misconceived. The HA has expressly considered the steaming of engines on the site and imposed a limit on the numbers in steam. There is also proposed a condition covering external operation of equipment. This is not therefore a point which has gone by default; rather the relevant highway authority has considered the point and dealt with it. It is perfectly possible at present to steam engines (eg agricultural tractors such as those owned by the Applicants) on the land which forms the site. Finally, there is no objection in principle since matters can be addressed by condition, if necessary.

*Government policy on tourism set out in (a) PPG 21, in particular the impact on the environment and local amenity; (b) PPG 13, and in particular whether the proposal needs to be in the proposed location or has a meaningful link with it*

5.13 As regards environmental impacts, the only qualified or competent evidence on noise is compelling; no sustainable objection exists. This is endorsed by the conclusion of the environmental health officers of the Council. Similarly, there can be no sustainable air quality objection; again the absence of objection from the Council's Environmental Health department is telling. In terms of both noise and air quality, the proposed conditions reinforce the level of comfort attainable by controlling hours of opening and the external use of museum equipment. There is additionally control under a separate statutory code (the Licensing Act 2003); as the letter from the Council's licensing manager makes clear, such control extends to embrace matters such as venue capacity, hours of operation and type and frequency of permitted activities; considerations under that statutory code include prevention of public nuisance (8C 2).

5.14 As regards whether there is a meaningful link between the proposal and its location, there can be no doubt but that such a link exists, as the Council acknowledges (17, #7.14). Perhaps most telling on this issue is the evidence of the Town Council whose representative spoke in clear terms of the strong nexus between the collection and the location and the sense of 'ownership' which the local community already feels.

*Any other matters considered relevant by the Inspector*

5.15 The question has arisen of the funding of the scheme. The evidence clearly establishes that the Saunders brothers are businessmen of substance, well able to fund not only their expensive passion but also this application and promotion of their case at this inquiry. They are not aiming for the moon and realistically accept that, at best, the museum would break even. They recognize that it may well run at a loss, albeit still contributing something to the running costs and repair of a collection which, at present they fund entirely from the profits of their other business interests. There is no basis for concluding other than that, on balance of probability at the very least, this scheme is capable of being funded, implemented and maintained.

5.16 There is the matter of buildings in the open countryside. Policy rightly recognizes that the countryside should be protected for its own sake. That does not, however, translate into a truism that any building in the countryside is necessarily adverse in its effects. It is also important to distinguish between, for instance, green belt policy and countryside policy. This site is not green belt.

*Conclusion*

5.17 In all the circumstances, this proposal should come forward and can do so on the basis that it accords with the dominant theme of both development plan and other policy. In any event, as others such as the LPA identify, so compelling are the other material considerations, including as they do matters of national importance, that the planning balance falls decisively in favour of grant permission, whether on the basis of accord with policy or as an appropriate exception (8A, 3.9).



## 6 The Case for Mid Beds District Council

### *Introduction*

6.1 The site falls outside any settlement envelope for Stotfold, and therefore lies in the open countryside. The Council also accepts that the erection of buildings on, and the change of use of, such land would normally be contrary to policy, and that is very much the starting point. However, the positive contribution of the proposal, and the exceptional circumstances, which include the national importance of this collection, warrant a departure from policy in this particular case. The Council leaves the questions posed by the Secretary of State in her call-in letter to be answered by the Applicants, with the aid of their experts. The Council's evidence to the inquiry explains the reasons why members took the view to support the proposal, contrary to officer advice.

### *Extent to Which Proposal Accords with Policy*

6.2 Contrary to the view taken by the Applicants, the Council takes the view that the proposal is contrary to policy. Policy CS9 provides as follows: "*Other than on land allocated for development within the Local Plan, development that would result in the permanent loss of the best and most versatile agricultural land (defined as Grades 1, 2 and 3a of the MAFF classification) will be refused, unless it can be shown that no suitable site of lower agricultural quality is available or other sustainability considerations suggest otherwise and there is an over-riding need for the development*". (17, 7.19)

6.3 Further, CS19 provides as follows: "*Other than when provided for in the Local Plan, development will be permitted only exceptionally in the countryside*". The Council therefore takes the view that the starting point with each of these policies is that the proposed development is contrary to policy, as it would (a) result in the loss of the best and most versatile agricultural land; and (b) is located in the countryside.

6.4 The Council also accepts that a building of the size envisaged will remain visible and somewhat prominent in the landscape, despite there being other large buildings in the vicinity which set a context for the proposed building.

### *Material Considerations*

6.5 There are exceptional circumstances which warrant the grant of planning permission in the present case.

### *Importance of Collection*

6.6 No-one appearing at the inquiry contested the fact that the collection is a high quality, nationally important one, which is an important part of our heritage. The Applicants' collection contains many unique pieces which cannot be seen anywhere else in the world. Everyone agreed that the display of this collection would be of benefit to all generations. Further, no-one disputed the fact that there is a lack of any permanent facility to display elements of the collection and the temporary storage arrangements are unsatisfactory. (17.9)

*Educational Benefits*

6.7 Again, no one at the inquiry disputed the educational benefits of having such a collection on display. The Collection will clearly assist in the understanding of the chronology and evolution of such machinery and its part in our agricultural, leisure and industrial heritage.

*Tourism Benefits*

6.8 The siting of the collection on this site presents a unique opportunity to bring a tourist attraction of this kind to mid-Bedfordshire. The proposed activity would assist in promoting the seasonal spread of tourist activities over the whole year.

6.9 Although the site is not located accessible to public transport, the evidence produced by the Applicants shows that most events will be pre-booked, and as such, a significant proportion of visitors would arrive by coach or minibus, thus contributing towards the objective of reducing reliance on the private motor car, and avoiding single or low occupancy car trips. The Council also asks the Inspector to note that the site is very well located for the A1, and direct access to it.

6.10 Further, the Council notes that all maintenance and restoration work is undertaken at an existing facility at Arlesey Road in Stotfold and from that perspective the site is well located to reduce the length of trips between the two facilities.

6.11 An important component of the Council's decision to permit the proposed development was the provision of a Green Travel Plan, which seeks to investigate ways of increasing the accessibility of the site to means of transport other than the private motor car.(15.8)

*Highways and Access Considerations*

6.12 While noting the concerns of local residents regarding highway safety the Council relies on the views of the County Council and the HA. These bodies have no objection to the proposed development, which is acceptable in highways and access terms.

*The Sequential Test*

6.13 There is no sequentially preferable site for the collection. The Council has noted in the past that the display of the Collection would become unviable if it were to be located on anything other than a greenfield site. In any event, brownfield sites in the Council's area are either allocated for employment use – for which there is a continuing need – or for housing development, and it is accepted that historically there has been a shortfall in this area.

6.14 The Applicants submitted that the collection needs to be located in Stotfold or the immediately surrounding area, otherwise (1) as the family live in the area, they would be unwilling to locate elsewhere and the Collection may not be displayed at all; or (2) even if they were willing to locate it elsewhere, the number of vehicle movements created by moving between the maintenance site and any proposed site for the Collection would be very high.

*Conclusions*

6.15 The Council, having carried out the relevant balancing exercise, are satisfied that the benefits of the proposal outweigh any harm to the countryside.

## 7 The Cases for Other Parties

### *Supporters*

#### *Mr Cooper for Stotfold Town Council*

- 7.1 The Town Council had voted to support the scheme after a well attended meeting at which the public had been able to speak; the debate was recorded in the Council's letter of 15 March (3, Stotfold TC). The location of the proposal outside the settlement was preferable to one within the town boundaries, which might cause a larger problem. There was no reason to prevent the scheme because of the high agricultural land quality, since the A1 had been built on similar land. There was no objection, subject to adequate landscaping around all site boundaries.
- 7.2 Mr Cooper's personal view was that people were proud of the Saunders brothers' local connections. The employment the attraction would provide would be welcome, as would the type of events, which would be targeted at mature age groups, who would be sedate, not rowdy, customers. There would be no highway safety problem; the fatal accident on the A1 just north of Wrayfields had had nothing to do with the junction of the road with the A1 itself.

#### *Mr Collier*

- 7.3 As one of three District Councillors for Stotfold and a member of the Planning Committee, Mr Collier argued that in layman's terms, the site was not part of the open countryside. It was bounded by two roads and had buildings along the third (west). The tourism value of the project outweighed any policy objections. While the Council was not actively seeking a third major tourist attraction, the grouping of the proposed museum/entertainment facility near the Tudor inn and the Travelodge on the A1 may well encourage visitors to stop over in Mid Beds and visit other venues

### *Neutral*

#### *The Highways Agency*

- 7.4 The HA had no objection to the proposal and were satisfied with the access arrangements. The standards for junctions to trunk roads, which the proposal would meet, had been designed to allow for all types of vehicles, however slow moving. The fatal accident on the A1 north of Wrayfields had involved a slow-moving vehicle in the inside lane of the A1; from the police report it had been unrelated to the junction itself.

### *Opponents*

#### *Mr Rickwood*

- 7.5 There are no material reasons why this application should be judged as an exception to normal planning policies, no meaningful link between the Applicants' collection and the particular location, and no overriding need for the development that might justify a major departure from the Local Plan, relative to its intention to restrain development in the open countryside. The objections are set out in detail in Document 20
- 7.6 The site is not close to the rail network and no other forms of public transport would reduce the levels of traffic it would generate. As the HA note, the site is remote from

Stotfold, is difficult to reach other than by car and is not a sustainable location (17.2). There is no meaningful link with its location

- 7.7 This huge, unashamedly modern development would bring about adverse, irreversible changes in the character of this rural area. The resultant loss of both residential and public amenity due to its realisation should not be underestimated.
- 7.8 The traffic generated by the site would have an unacceptable impact on local roads and a serious adverse effect on the environment in terms of pollution and noise pollution. The increased risk to highway safety that it presents to this stretch of the A1 is potentially disastrous and should not be permitted. Slow moving traffic would emerge onto the A1 close to the end of the motorway section, causing a serious hazard.
- 7.9 There would be no great economic boost to the area from this proposal. While unemployment in Stotfold is almost non-existent, the proposed development could become an extremely profitable business for the Applicants. The focus on its entertainments programme would ensure that any educational value attached to it would be secondary. Intensification of operations on the proposed site remains a major concern.
- 7.10 If this is, indeed, a British engineering collection of national importance, then, surely, it could be established almost anywhere in the British Isles, existing planning policies permitting. Furthermore, it remains evident that the necessity to locate a sustainable site for this proposal - on 'brownfield' land, close to public transport services, particularly the rail network - is of far greater material value than any desire to see it based in the vicinity of Stotfold. Relative to this, the lack of evidence to demonstrate that a thorough Sequential Test has been applied to this matter is disappointing to say the least.
- 7.11 Residents do hope that a permanent home is found for the Applicants' collection, but would urge them to widen the area of their search for a sustainable site into Hertfordshire and beyond. No exception to normal policies should be made relative to this application and that it should therefore be refused.

*Mr Pelter*

- 7.12 The proposal would lead to highway safety problems. Although the junction of Wrayfields with the A1 would be improved to an acceptable standard, the cumulative effect of more traffic using one of many junctions on the trunk road within a short distance of the end of the A1(M) motorway section would create additional safety problems. Within approximately 1800 metres, there would be 6 right-angled junctions to the fast road. Large vehicles had been observed stopping on the main carriageway as they negotiated a sharp corner. The cumulative effect of the junctions causes chaos in the area. There had been many accidents, including one fatality, along this short stretch of the A1.
- 7.13 Traffic from the site travelling westwards may use unsuitable narrow lanes that are very dangerous. Mr Pelter's satellite navigation system directed him north up the A1 and then left into Taylor's Road, which has blind bends and a narrow carriageway, and is completely unsuitable for major traffic flows and large vehicles such as coaches. Many HGVs ignore the sign saying the road is unsuitable for large vehicles. The route to the Arlesley roundabout is shorter and takes slightly less time than returning south on the A1 to the turn right onto the A507.

7.14 The proposal would intrude into an attractive area of countryside, where there is one of the few public footpaths along a beautiful river valley. It is unacceptable and should be refused.

*Mr Smallhorn*

7.15 The idea for a building to house the Saunders' collection is a good one but this scheme is in the wrong place. The scheme is unacceptable for the same reasons as the earlier proposals for a depot were refused in the 1980s. First, the main access would be to and from a small road immediately after the end of the A1(M). Second, noise, smoke and the general appearance of the scheme would be a distraction to traffic on the A1, on a section where there has been many accidents.

*Mr Sams*

7.16 There has been a considerable increase in traffic over the last two years. Traffic to and from the west visiting the scheme will use Stotfold village roads, to the detriment of highway safety. There are no footpaths along Mill Lane or Malthouse Lane, which have blind corners, are narrow and unlit. The entertainment side of the facility is worrying; visitors will spill out from the attraction into Stotfold, worsening the quality of life.

*Written Representations*

7.17 Letters of support and objection to the proposal are contained in Document 2. These cover broadly the same issues as those raised at the inquiry in the evidence of the HA, the Town Council and interested persons.

## **8 Conditions and Obligation**

8.1 Document 3.8 is a list of conditions, discussed during the inquiry. Document 4 is a Section 106 planning obligation signed by the applicants in favour of the Council. It provides for the improvements to the Wrayfields/A1 junction and a system of directional and tourist advisory signs.

## 9 Conclusions

9.1 On the evidence put forward, and my inspection of the site and its surroundings, I have come to the following conclusions. This section of the report is structured to cover the matters set out in the call-in letter in the same order. Numbers in brackets refer to paragraph numbers in the report.

### *Development Plan and emerging plan policy*

- 9.2 The policies of the Development Plan have to be read together and an overall view taken where they pull in different directions. At face value, the development of a large building at a location outside any defined urban area clearly conflicts with Policy 1(iv) of the BSP and policy CS19 of the MBLP, unless there is an overriding need. However, Policy EMP9 of the MBLP introduces the concept of balance between environmental, traffic and other considerations against economic benefits, reflecting Policy 30 of the BSP which promotes the expansion of tourist development, subject to environmental safeguards. While the BSP sets out a general strategy to promote and concentrate development along the A1 corridor, this is to be read in combination with other policies to protect the countryside and encourage sustainable travel patterns. The scheme is essentially a leisure use of significant size, intended to attract customers from the whole country. I consider it would be in conflict with policy 54 of the BSP, which directs such major developments to town centre locations [2.3, 4.1, 5.4]
- 9.3 In broad terms the proposal is not served by established public transport services by rail or bus and could be said to conflict with Policies 1(xi) and 20 of the BSP and Policy DPS19 of the MBLP. The issue about the classification of the site with regard to agricultural quality is of little importance in policy terms. However, I see no reason to question the specific 1981 ministerial finding that the site is graded 3A. While the field is not of particular agricultural significance, the loss of most of the area to permanent development or hard surfacing would conflict with the broad thrust of Policy CS9 of the MBLP, which seeks to retain such resources. [2.1, 2.4, 3.1, 2.2, 5.2]
- 9.4 I deal with these aspects of Development Plan policy and analyse any conflicting strands of policy more fully below. In general terms I concur with the Council that the proposal does not comply with the broad thrust of Development Plan policy to keep the countryside open and to direct new development to urban locations well served by a variety of transport modes.[6.1-4]

### *PPS7 – Sustainable patterns of development*

- 9.5 The greenfield site lies outside the established settlement boundary of Stotfold and would not meet the broad policy thrust of PPS7 to restrain new development in the countryside. The Inspector who reported on the proposal for a depot in 1983 noted, *'the proposal would result in the establishment of sporadic commercial development...which would be detrimental to the character and appearance of the rural area.'* I consider the likely scale and urban appearance of the scheme leads to a similar conclusion in this case.
- 9.6 Paragraph 34 of PPS7 indicates that sustainable tourist development can help to support rural economies. However this support is qualified by requirements that such development should enrich the character of the countryside and that any large-scale leisure developments should be subject to close assessment in terms of sustainable development objectives, with particular regard to policy in PPG13 where high traffic volumes are projected. The proposal does not involve the reconstruction of any important local

buildings. The site is not served by any public transport services at present. The nearest bus service in Stotfold itself is well beyond normal walking distance to encourage use. The railway station at the neighbouring village of Arlesley is further, some 4km away. [2.4]

- 9.7 I note the Applicants' intentions to market the facility towards customers who are likely to arrive by coach, which is a mode of travel directly comparable in sustainability terms to a bus service. I deal with this in more detail below. Nevertheless, a substantial number of customers would arrive by car, having no real alternative. Although staff would be recruited locally and those living in Stotfold would be within cycling or possibly walking distance, many from further afield would be likely to drive. In essence, I believe the proposal would not meet one of the key objectives of PPS7, to promote more sustainable patterns of development. It would fail to focus development in or next to towns or villages, fail to prevent urban sprawl along the A1 and would not discourage the development of greenfield land. [5.5, 6.9, 7.6]
- 9.8 The Applicants' Transport Assessment sets out the framework for a Travel Plan, involving the appointment of a Co-ordinator and possible measures such as provision of showers and facilities for cyclists, a staff minibusservice. However, no full details are provided and I have very strong reservations that the measures would be sufficient to significantly affect the travel patterns of those visiting or working at the site. I consider the travel plan would be insufficient to compensate for the deficiencies of a poorly located greenfield site outside an urban area, well away from established public transport services. [6.11]
- 9.9 The site is an open field lying on the north-facing slope of the ridge which is an integral part of the rolling chalkland landscape identified in the County Landscape Character Assessment (Doc 13A.5.2). The landscape is characterised as having moderate strength of character. It is nonetheless a pleasant area, valued by local residents, particularly in the vicinity of the site which lies close to the River Ivel valley floor. While there is clearly scope to improve the appearance of some areas along the A1 corridor, the site does not fall into such a category. It is separated from the cluster of commercial buildings on both sides of the road to the north by a clear break of open land. I acknowledge that the building could be of high quality, subject to any costs constraints and the functional requirements for a substantial internal space of warehouse dimensions. Although the scheme would provide for improved landscaping around the boundaries, I consider the introduction of urban features, including a large building and hard-surfaced parking areas, onto what is an open field would not be compatible with the landscape character at this location. Despite its position at the lower end of the site, the large structure would be readily visible above the hedgerows around the site. I fail to see how the proposal could lead to an overall improvement in the landscape as recommended by the County strategy.[6.4]
- 9.10 PPS7 states that the presence of best and most versatile agricultural land should be taken into account with other sustainability considerations. In this case I do not accept the Applicants' contention that the development of this high quality land is unavoidable, for the reasons given below. The Grade 3A land could easily be farmed by another tenant or in association with a neighbouring farm. The loss of most of the field to roads, parking areas and a building would conflict with the advice in #28 of PPS7. [6.3]

*PPG13 - Transport*

*Sustainable transport choices*

9.11 Much of the Applicants' case on sustainability rests on the proposed marketing of the venture to customers likely to arrive in large groups by coach. Using projections based on the former Turners premises, located within the urban area of Northampton, the Applicants estimate that about 80% of a maximum of 670 customers attending any single event would arrive by coach. Subject to routeing conditions, transportation of these visitors by coach to a site located close to the A1 could be considered sustainable, as the HA acknowledge. However, this optimum level of transport by coach may not occur at all times, and a substantial number of visitors would necessarily be forced to arrive by car, in the absence of any other forms of public transport. In response to my question, Mrs Haslett-Saunders, estimated that up to 100 staff could be required on busy days. Some, but by no means all of the staff may travel from Stotfold, although I consider they would be deterred from walking or cycling along the unlit lanes to the site during the evenings, particularly in December, the busiest month for events. As the suggested provision of 76 parking spaces indicates, car usage would not be minimal.[5.5-6, Doc 10A]

9.12 The sustainability arguments also depend on the continuation of a specific business use. The Applicants run a successful haulage and roadside rescue business which has funded what so far has been a hobby, an amateur passion. There is no guarantee that the proposed business, a substantial undertaking, would be successful. In response to my question, Mrs Haslett-Saunders said a full business plan had not been completed, although the building itself was expected to cost about £2 million. Apparently the Turners enterprise closed because Mr Turner retired and no other family members wished to take the business on. Whatever the intentions and good faith of the current Applicants, there is no financial information to show that the proposed use would be soundly based in financial terms. If it did not succeed commercially, it may be difficult to resist the re-use of the premises for another leisure venture with an entirely different clientele and travel patterns. In that event, I consider the location of the site is highly likely to lead to an increase in unsustainable travel patterns and many more journeys by private car.

*Safe access*

9.13 The proposal includes a new site access to Wrayfields which meets the requirements of the BCC as Highway Authority and the HA. The HA accepts that the proposed improvements to the junction of the A1 with Wrayfields would meet the required standard to allow safe egress and access to the trunk road by all vehicles, including coaches and slow moving cars. The provision of improved acceleration and deceleration lanes would minimise the risk of vehicles joining or leaving the A1 impeding the fast flowing traffic from the motorway section to the south.[5.9, 6.12, 7.4]

9.14 I can appreciate residents' concerns about extra traffic using routes such as Taylor's Lane to travel between the site and destinations to the west. These lanes have several hazards and best avoided for safety reasons, especially by large vehicles. However, the Section 106 planning obligation would provide for a signage scheme for diverting coaches, which would in my opinion be very likely to return south along the A1 and then to travel west along the A507. It would be possible to impose a condition requiring a minor amendment to the access junction with Wrayfields to include a traffic island preventing vehicles with a long wheelbase exiting to the right.[7.11, 5.11, Doc 4]



9.15 As to the claims about highway dangers arising from distractions through noise, lighting and smoke from the activities of steaming engines on the site, I agree with the Applicants and the HA that these would not be of any real significance. A limit on the number of engines in steam at any one time is put forward in the Section 106 obligation and could be achieved by a condition. Similarly, lighting distractions could also be prevented through a condition. The HA is unconcerned about noise from the site and I find it very hard to believe that even the loudest steam organ played within a building would be any hazard to drivers in the noisy, busy trunk road environment of the A1. Looking at all this evidence, I have concluded that there is no sound reason to suppose that the proposal would prejudice highway safety on the A1 or the local roads surrounding the site. [2.4, 5.9, 5.11-12, 7.4, 8.1]

### ***PPG21 - Tourism***

#### *Environmental effects*

9.16 While PPG21 sets out a general policy to encourage tourism to benefit local economies, the guidance is tempered by several references to the need for such development to be undertaken in a sustainable manner. I have dealt with this issue in the preceding paragraphs. The '*Good Practice Guide on Planning for Tourism*' continues these themes but publication occurred after the inquiry and the document was not considered by the participants. There was no dispute that the scheme would bring some economic benefits by drawing customers from the whole country to Mid Bedfordshire. However, the value of the scheme to the local economy has to be considered in the general economic context in an area where unemployment rates at about 1%, are very low, well below the national average. The District has two established major tourist attractions and a third has recently been granted planning permission. There is no strong need for the scheme on employment grounds, therefore.[7.7]

9.17 As already discussed, I believe there would be some adverse effect on the character and appearance of the rural area within which the development would be set.

9.18 I do not consider residents' concerns about the noise and fumes from additional cars driving through Stotfold to be well founded. As the Applicants' unchallenged technical evidence on noise issues pointed out, in the unlikely event of an event attracting large numbers of car drivers from the west, increases in noise levels in the village would be imperceptible. A condition regarding the hours of operation could be imposed to ensure the use did not cause any disruption at very late hours. One of the properties likely to be affected by any noise, Wrayfields, lies some 250m from the site and would be shielded from the noise source by neighbouring buildings to the north-east and its own garden wall. The steam engines operating at normal (as opposed to start up) temperature during the site visit were creating very little pollution, and certainly much less smoke than is shown on a DVD of the Stotfold May Fair submitted by Mr Rickwood. [5.13]

#### *Need to be at Stotfold*

9.19 The Applicants have strong local connections and the collection of steam powered machinery was started by their father in the 1960s when he ran a garage business in Stotfold. The maintenance of the equipment would continue to take place at the Applicants' premises not far away at Arlesley Road, Stotfold, as at present, which would help to reduce travel. These factors would no doubt be advantageous to the Applicants, as would ownership of the field which comprises the application site. All parties were agreed that the Applicants' collection is of great importance nationally. It includes some rare

pieces, including a Wurlitzer organ and one of the earliest steam powered rides [5.2, 5.14 6.10, 7.2]

9.20 However, the nature of the collection and the proposed use of the site, serving a national customer base, do not justify a location at Stotfold. Most of the engines and other fairground rides are peripatetic in nature and have no particular local associations, unlike some other collections quoted by the Applicants. The enterprise is modelled on the former Turners business which operated from an urban site in Northampton. The evening events would be based around organ recitals and the provision of meals and drinks, like many other urban entertainments. [6.10, 7.8]

9.21 The Applicants' argument that there is no other suitable site for the scheme was also accepted by the Council. However, in reality the search area considered by the Applicants was limited to sites in or on the edge of Stotfold, because they would be unwilling to relocate elsewhere. Clearly, there is a need to retain existing housing and employment allocation sites, to meet strategic planning requirements. The Council accepts that if the development is to take place within its District, it would not be viable unless a greenfield site were available. I have no reason to doubt that statement although no real financial evidence was provided at the inquiry. Nevertheless, I consider it unrealistic to expect to find a suitable site for such a substantial new development within such narrow parameters. [5.2, 6.13-14]

#### ***Conditions and agreements***

9.22 The conditions contained in Section 8 of the SCG were discussed at the inquiry in open session. I have appended a list of suggested conditions should the SoS wish to allow the scheme. I have deleted from my list some unnecessary conditions concerning detailed plans and design of the building, implementation of landscaping, insulation, wheel cleaning, drainage and disabled access, which would be dealt with by other legislation or would flow from issues considered at reserved matters stage. The suggested revised condition limiting noise levels from the building would be appropriate, in combination with a reasonable limitation on the opening hours, to safeguard the occupants of nearest residential properties from disturbance. I therefore consider there would be no real to restrict the number of evening events. However, the suggestion to require an amended access to Wrayfields incorporating an obstruction to right turns by coaches would seem appropriate on grounds of highway safety and amenity. Other conditions, consolidated and revised to accord with the advice in Circular 11/95, would be appropriate for the reasons stated in the schedule.

9.23 The copy of the Section 106 planning obligation that I requested to be signed has not been dated, although I have no doubt that this was an oversight on behalf of the Applicants and that a proper copy is available. The necessary measures contained in the document requiring the completion of the access and improvements to the A1 could be included as conditions, as could the requirement not to operate more than 15 steam engines at any one time.

#### ***Other matters***

9.24 Despite local fears, there was no evidence from the EA of any flooding at the lower, northern end of the site.

9.25 I have dealt with issues concerning the funding and costs of the scheme, which I raised during the inquiry, in the discussion above.

*Overall conclusions*

9.26 I acknowledge that the Applicants own an important collection of steam-powered equipment which is of national value. A development which would allow the collection to be housed in a sound building and open to visitors would bring educational and economic benefits through tourism to the district and surrounding areas. However, what is proposed is essentially a tourist business, primarily an entertainment venue night club, intended to draw customers from all over the country. I consider the extent of the benefits arising from this particular proposal would be substantially outweighed by the harm from a number of factors. The scheme would not improve the appearance and landscape character of the countryside in which it would be set. It would result in the loss of some best and most versatile agricultural land. Its location outside of any urban area would generate a substantial number of separate journeys by private car. It would fail to allow for linked trips by a choice of more sustainable transport modes. In these circumstances, although I found no material problems with regard to highway safety and environmental impact, I consider the scheme should be refused.

**10 Recommendation**

File Ref: APP/J0215/V/05/1175510

10.1 I recommend that the application be refused.

*Geoff Salter*

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## DOCUMENTS

### GENERAL INQUIRY DOCUMENTS

Document	1	List of persons present at the inquiry
Document	2	Letters from interested persons
Document	3	Statement of Common Ground, inc List of Suggested Conditions
Document	4	Section 106 Planning Obligation
Document	5	Extracts from the Bedfordshire Structure Plan
Document	6	Mid Bedfordshire District Local Plan, 2003, inc Proposals Map Inset for Stotfold

### APPLICANTS' DOCUMENTS

Document	8A-C	Mr Osborn's Proof, Summary and Appendices
Document	9A-C	Mr Worbey's Proof, Summary and Appendices, inc videotape of Turner's
Document	10A-B	Mrs Haslett-Saunders's Proof and Summary
Document	11A-B	Mr Rees' Proof and Summary
Document	12A-B	Mr Eyton-Williams's Proof and Summary
Document	13A-B	Mr Cottage's Proof and Summary
Document	14A-B	Mr Hine's Proof and Summary
Document	15	Transport Assessment & Interim Travel Plan
Document	16	Closing submissions by Mr Newcombe

### OTHER DOCUMENTS

Document	17	Mr Hughes' Proof and Appendices
Document	18	Closing submissions by Miss Patry
Document	19	Mr Normans' Proof
Document	20	Mr Rickwood's Proof, Summary and Appendices, inc DVD of Stotfold fair

### PLANS

Plan	A.1-3	Application Plans
	B1-3	Illustrative drawings

List of suggested conditions

- 1) Approval of the details of the siting, design and external appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the local planning authority before any development begins.
- 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted to and approved in writing by the local planning authority and shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 4) The building shall not be occupied until areas for the manoeuvring, parking and turning of vehicles have been constructed, drained and surfaced in accordance with details to be submitted to and approved in writing by the local planning authority, and those areas shall not thereafter be used for any purpose other than the parking of vehicles.
- 5) The existing hedges along the boundaries of the site shall be retained and enhanced in accordance with a scheme of boundary planting that shall be submitted to and approved by the local planning authority before development commences, such planting to be carried out in accordance with the approved details not later than the first planting season after the development hereby permitted.
- 6) Construction work shall not begin until a scheme for controlling the noise emanating from the building on the site has been submitted to and approved in writing by the local planning authority, all works which form part of the scheme shall be completed before any part of the development is occupied.
- 7) The level of noise emitted from the building, expressed as LAeq (5 min), shall not exceed the prevailing background conditions, expressed as LA90 (5 min), at any time, as measured 3m from the nearest noise sensitive window.
- 8) Before development starts, details of the proposed slab levels of the building in relation to the existing and proposed ground levels on the whole site shall be submitted to and approved by the local planning authority and the development shall be completed in accordance with the approved levels.
- 9) Details of all external lighting shall be submitted to and approved in writing by the local planning authority before the building is occupied. The development shall be carried out in accordance with the approved details.
- 10) No equipment, goods, waste or other materials shall be stored in the open outside the building on the site.
- 11) Before development starts, details of an amendment to the access junction with Wrayfields incorporating a traffic island to prevent the right turn of buses, coaches and large delivery vehicles, shall be submitted to and approved by the local planning authority; the development shall be completed in accordance with the approved details.
- 12) No more than 15 vehicles or pieces of equipment shall be in steam outside the building at any one time.

- 13) The premises shall not be open for customers outside the hours of 0900 – 2330 on any day.
- 14) The premises shall be used for the display and operation of steam-powered equipment and the provision of entertainment, including food and drink, and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 15) Before development starts, a Green Travel Plan shall be submitted to and approved in writing by the local planning authority before the building is occupied. The Plan shall specify the measures to be used to discourage the use of private motor transport and to encourage those travelling to the site to use public transport, to share cars, to cycle or to walk. The Plan shall be implemented in accordance with the agreed details before the development is operational.



## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;**

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

### **SECTION 3: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.