



Appeal Decision

Hearing held on 27 June 2023

Site visit made on 28 June 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2023

Appeal Ref: APP/P0240/W/23/3317603

100 High Street, Meppershall, Bedfordshire SG17 5LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Barnett (Landcrest Developments Ltd) against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/01261/OUT, dated 25 March 2022, was refused by notice dated 9 November 2022.
 - The development proposed is development of up to 23 dwellings and associated works following the demolition of 100 High Street with all matters reserved except access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved except access. I have considered the appeal on the same basis, treating details relating to matters other than access as being for illustrative purposes only.
3. At the hearing, the Council confirmed that its concerns with respect to living conditions and protected species had been addressed and these were no longer matters in dispute. As such, I do not include them as main issues, but address them for completeness later in my decision.

Main Issues

4. The main issues are:
 - whether the proposal would represent a suitable location for housing, having regard to relevant local and national planning policy;
 - the effect of the proposal on the landscape character and appearance of the area, and;
 - whether the Council can demonstrate a five year supply of deliverable housing sites.

Reasons

Location for housing

5. The development plan for the area is the Central Bedfordshire Local Plan 2015-2035 (July 2021) (the CBLP). Policy SP1 sets out that the Council will provide a minimum of 39,350 homes over the plan period, including significant

development on large strategic sites and other allocations. Section 9 of the CBLP sets out a settlement hierarchy to inform where new development should otherwise take place. Meppershall is categorised as a 'small village' in the fourth tier, described as a settlement with few services and facilities and limited availability of public transport links.

6. Policy SP7 addresses windfall development within the settlement hierarchy. Within small villages, development will be limited to infill development, small-scale employment uses and community facilities within the settlement boundary. Outside settlement boundaries, the policy supports particular types of development, including rural exception schemes, dwellings for the essential needs of rural workers and the re-use and replacement of existing buildings.
7. The appeal site is partly located within the settlement boundary, that being the existing dwelling at 100 High Street and its immediate surroundings, with the larger expanse of the site sitting behind the linear development on High Street falling outside of the settlement boundary and within the countryside for the purposes of the development plan. The appeal scheme is not advanced as one of the aforementioned types of development supported in the countryside under Policy SP7.
8. The appeal site is previously developed, having been used for a horticultural business, though this has long ceased and the site has substantially re-naturalised. Policy SP7 supports the redevelopment of previously developed land (PDL) outside of settlement boundaries, subject to meeting certain criteria. Of these, the proposal would not cause the coalescence of settlements and the proposal would not prejudice the deliverability of allocated sites. The proposal would also be located within walking distance of the facilities in Meppershall, which although limited in number include a school, church, public house, shop, playground and village hall, along with bus stops for services to Shefford, Hitchin and Luton. As such, the site is within an accessible location for the purposes of the policy.
9. Consequently, the proposed development is capable of according with Policy SP7 subject to its acceptability in respect of the outstanding criteria for redevelopment of PDL, namely the impact on the built and/or natural environment and settlement character, which are at issue, and the effect on the highway network and the amenity of occupiers of neighbouring properties, which are not matters at issue but which I address later in my decision.

Landscape Character and Appearance

10. The site is a roughly square plot located behind linear residential development on High Street. Remnants of greenhouses and other buildings, including a notable brick chimney and water tower, remain on the site from its previous horticultural use. The site is otherwise heavily overgrown and re-naturalising. The substantial agricultural buildings of Bury Farm lie immediately to the south. To the west is open countryside and adjoining the northern boundary are recently constructed backland dwellings at Long Acre.
11. In landscape terms, the site lies within National Character Area (NCA) 88: Bedfordshire and Cambridgeshire Claylands, described as a broad, gently undulating, lowland plateau dissected by shallow river valleys that gradually widen as they approach The Fens NCA in the east. The surroundings of the appeal site exhibit a number of the key characteristics of the NCA, including a

- predominantly open, arable landscape of planned and regular fields; variable, scattered woodland cover and smaller towns, villages and linear settlements widely dispersed throughout, giving a more rural feel.
12. Locally, the site falls within Landscape Character Area 8d: Upper Gravenhurst-Meppershall Clay Hills, the key characteristics of which include two groups of undulating hills; a medium scale landscape predominantly under agricultural land use; irregular medium to large fields contained by hedgerows, small, scattered copses and woodland; and medium scale villages often sited on high ground. Meppershall is a notable example of this, occupying a prominent position along a high ridge in the landscape, with expansive fields sweeping down on its western side, and a number of small pockets of woodland also prominent in vistas from points to the west towards the village.
 13. The Inspector in an appeal in 2018¹ identified the southern end of Meppershall as having single depth, linear development distinct in character from the more clustered development to the centre of the village. The depth of development proposed was found to be at odds with this linear pattern and an 'alien intrusion into the countryside.' The Council considers that there has been little change in the site context since the 2018 decision that would lead to a different conclusion. The appellant seeks to define a single character to the village in terms of layout and relationship to the surrounding landscape, rather than distinguishing the southern end as differing from the core. The appellant also pointed to developments since 2018, including that to the northern boundary of the site, as having altered the existing context.
 14. Of note is a large housing-led development to the west of the village core, referred to as the Crudace scheme, which was under construction at the time of the 2018 appeal. Importantly, the Inspector only considered the Crudace scheme in terms of its impact on views from the High Street towards the countryside, rather than its impact on the overall pattern of development or its effect on views from the countryside towards the village. In this respect, I saw that the Crudace development stands prominently atop the landscape ridge, with little boundary planting to soften the transition from urban to rural. Another large housing scheme under construction to the north of the Crudace development also projects visibly into the countryside atop the ridge.
 15. The proposed scheme would create a depth of development to this side of High Street which is not present at such scale to the southern end of the village. The two dwellings immediately to the north show development is not uniformly single depth, but neither are two backland dwellings comparable to the scale of development proposed, in terms of depth from the road or its size and form of access. Therefore, the proposal would represent a departure from the prevailing pattern on this side of the street, introducing significant backland development to the rear of an established linear pattern of single depth dwellings, within an area of smaller fields and paddocks contained by the tree line on the ridge that acts as a buffer between the built-up area and the expansive countryside to the west. This contrasts with the more clustered layout to the north near the village core which has formed the context of the aforementioned housing schemes.
 16. The proposal is for fewer dwellings than proposed in 2018, and the illustrative plans seek to minimise the visual impact of the dwellings by concentrating

¹ APP/P0240/W/17/3175605, dismissed 12 March 2018

single storey units towards the outer parts of the site. However, it would still result in significant housing development within this transitional backland area that would be at odds with the prevailing pattern of development and would severely erode the rural setting which characterises this part of High Street. This intrusion into the countryside would be observable on approach to the village along Campton Road, where the scale and depth of development would be apparent.

17. The proposal would bear some similarity to the Crudace scheme in terms of being development along the ridge line in what is indicatively shown as an urban, estate-type layout. Whereas the Crudace scheme stands out atop the ridge line, the proposed development would be set behind the established tree line on the western boundary of the site, as well as remaining behind the western extent of the buildings at Bury Farm. In longer views from the west, the proposed dwellings would be partly contained and filtered by this tree line, with the roof lines being seen in context with existing housing along High Street and the buildings at Bury Farm. From my observations, the proposed dwellings, particularly if those towards the western edge were lower in height as indicatively proposed, would not be as prominent in the landscape as the Crudace development and would not alter the perceived scale and form of the village to the same degree.
18. However, there would be a stark change for occupants of adjacent dwellings on High Street, whose outlook over the unoccupied and increasingly natural site would be replaced by an urban, estate type development. Although the site has been previously developed, the horticultural use would have retained a sense of openness and connection with the countryside, both of which still exist and would be lost as a result of the proposal. The buildings at Bury Farm represent large scale structures to the rear of dwellings on High Street, but they stand apart from the built-up area, are accessed from Campton Road and they represent development expected in a countryside location and consistent with a rural landscape.
19. The proposed access would be located along a part of High Street characterised by a linear pattern of close set, detached dwellings which encloses the street from the wider countryside. The relatively narrow width of the highway and presence of mature landscaping to gardens contribute to a rural, village character to this end of Meppershall. High Street also forms part of the John Bunyan Way long distance walking route and as the main thoroughfare through the village is a focus for pedestrian and vehicular traffic, particularly due to the presence of the school opposite the site.
20. The Inspector in 2018 found that the engineered form and scale of the access, including a wide bellmouth and footpaths to either side would significantly change the character of High Street, appearing as an 'urban estate road' that would permit views of the uncharacteristic backland development. The appellant points to the access road and front dwelling having been handed from the previous scheme in order to provide a view towards the open space of the development rather than the built form.
21. However, I am not persuaded that this would make a significant difference to the visual impact of the scheme as, if anything, the proposed access is more expansive due to the increased number of parking spaces provided. The existing access, although used for the former horticultural use, is domestic in

scale and is not comparable in size or prominence to that proposed. The open layout of the access would enable views of the uncharacteristic development at depth within the site, whilst also creating a conspicuous urban parking arrangement on both sides.

22. The appellant's Landscape and Visual Assessment accepts that for receptors on the High Street, there would be a medium/high change in visual effects on completion of the development and a medium effect at Year 15, with Minor/Moderate Adverse effects overall at Year 15. Overall, I find that the size and openness of the access would create an urban form and scale that would be at odds with the modest, enclosed layout of the High Street, and would reveal uncharacteristic development at depth, which together would detract from the rural village character of the area.
23. Overall, the proposal would not be prominent in long distance views from the west and would have limited effect on the wider landscape character of the area. However, in localised views the development would be prominent and intrusive, having a detrimental impact on the existing open and natural character of the site and the enclosed, rural character of High Street.
24. Therefore, I conclude that the proposal would cause harm to the character and appearance of the area, in conflict with Policies HQ1, HQ8 and EE5 of the CBLP, which together require high quality developments that relate well to the existing local surroundings and reinforce local distinctiveness, both built and natural, in terms of the scale and pattern of the surrounding landscape and existing settlement form; and which resist backland development where they are against the existing pattern and grain of development and the character and appearance of the area would be harmed. Given my findings on this issue, there would be consequent conflict with Policy SP7 and the proposal would not therefore represent a suitable location for housing.
25. There would also be conflict with the National Planning Policy Framework (the Framework) which sets out that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Housing land supply

26. The Framework states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Therefore, the Framework sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement.
27. The Council considers that it can demonstrate a 5.37 year supply of deliverable housing sites. The appellant has challenged this position on two main grounds; firstly, that the Council should not have deducted previous oversupply of housing during the plan period in calculating its housing requirement; and secondly, that several sites included by the Council in its supply are not deliverable within five years.

Oversupply

28. For the purposes of the appeal, the parties agree that the five year period runs from 1 January 2023 to 31 December 2027. It is also common ground that as

the Council's development plan is less than five years old, the supply should be calculated against the housing requirement set out under Policy SP1. The base requirement is 1,967.5 units per annum. The parties agree that a 5% buffer should be applied, pursuant to Paragraph 74 of the Framework. This gives an annual requirement of 2,066² units, or a five year requirement of 10,329.

29. The Council argues that past oversupply of 1,353 dwellings since the start of the plan period in 2015 should be deducted from the remaining supply, whereas the appellant argues against making any deduction. The Council's evidence spreads the oversupply evenly across the remaining 12.25 years of the plan, resulting in a reduction in the annual housing requirement to 1,950 units with the 5% buffer applied, or a five year requirement of 9,750.
30. Both parties refer to previous appeals in Central Bedfordshire where the question of oversupply was considered, with the Inspectors coming to different views. This is perhaps a consequence of an absence of national guidance on the treatment of past oversupply in calculating the five year requirement, with the issue falling as a matter of planning judgement for the decision maker.
31. In the *Ickwell*³ decision, the Inspector noted this lack of guidance on the issue but concluded that if oversupply was not taken into account, then the outstanding housing requirement over the remainder of the plan period would be artificially inflated, contrary to the certainty the requirement provides to underpin the housing policies of the development plan. In an earlier decision at *Stotfold*⁴ in August 2022, the Inspector concluded that as the five year requirement is a minimum, the deduction of previous oversupply would treat the housing requirement as a maximum, contrary to the wording of Policy SP1.
32. The Council has calculated its requirement by deducting the number of homes built within the plan period from the overall requirement and dividing the result over the remaining years of the plan period. I see nothing wrong with this approach in principle; indeed, it is the calculation used in the development plan itself to calculate the five year requirement at that time.⁵ Across the period of a development plan, there are likely to be peaks and troughs in terms of housing delivery, and I see no reason why, on the one hand, the Council may offset previous under-delivery with subsequent over-delivery as advocated by the Planning Practice Guidance⁶ (PPG), but not do the reverse. To not account for oversupply would mean these dwellings, which have been delivered, are not counted towards the Council's progress, which effectively penalises the Council for strong housing delivery in certain years. It increases the overall housing requirement beyond that planned for within the development plan, increasing the likelihood of development taking place on sites not planned for, including on greenfield land.
33. Moreover, whilst I understand the approach of my colleague in the *Stotfold* decision, I do not consider that offsetting past oversupply would frame the housing requirement as a maximum, as the Council's calculations are still based on reaching at least the minimum requirement of 39,350 as required by the policy. This remains consistent with the Framework aim of significantly boosting the supply of housing.

² This and subsequent figures rounded up or down to the nearest whole number

³ APP/P0240/W/22/3305018, dismissed 24 March 2023

⁴ APP/P0240/W/21/3289401, allowed 31 August 2022

⁵ Paragraph 7.3.4

⁶ Paragraph: 032 Reference ID: 68-032-20190722

34. The Council illustrated this by pointing out that the development plan sets out a total supply of over 44,000 over the plan period, well in excess of the requirement, and that it has deducted oversupply in recent years with no adverse effects on the level of future supply coming forward. The Council's annual figure is also just 17 dwellings below the annual base requirement of the development plan (excluding the buffer). This marginal difference suggests the Council is not seeking to artificially deflate its requirement, but to bring it back into line with the overall trajectory set out in the development plan.
35. The appellant points out that the housing requirement of the Local Plan was calculated under transitional arrangements set out in the 2019 Framework, and that the Council is required to review its housing requirement within 3 years, at which time it will have to calculate its requirement under the 'standard method'. The appellant states that this will significantly increase the requirement in future years, and consequently taking oversupply into account and reducing the housing requirement now would run contrary to this expectation, and lead to the Council having difficulty in identifying enough sites to meet this increased requirement. Whilst the Council may face this challenge, that is a separate undertaking for it to consider outside of this appeal and the outcome of this review is not known at this time. Therefore, I am not persuaded that past oversupply should be disregarded on this basis.
36. For these reasons, I am satisfied that the past oversupply during the plan period can be taken into account. Therefore, I assess the Council's housing land supply on the basis of an annual requirement of 1,950 dwellings, or a five year requirement of 9,750, inclusive of a 5% buffer.

Disputed Sites

37. Having regard to the total supply of deliverable sites identified by the Council, the appellant does not challenge the deliverability of 7,931 dwellings but disputes the inclusion of 2,532 dwellings across the following 13 sites.
38. *HT057 – North of Houghton Regis (Site 1)* – Part of a wider site with outline planning permission (OPP) for 5,150 dwellings. Several reserved matters (RM) granted for other parcels, with this site representing the balance of the site with only OPP at this stage. I was told that a developer has not yet been identified and the Council was unable to indicate when a RM application may be forthcoming. Despite this, the Council projects delivery of 130 dwellings within less than two years, by the end of March 2025, and delivery of 219, 252 and 146 units in subsequent years. The site was retained in the supply in the *Stotfold* decision as the Council's trajectory was slower than the developer's timetable, thus providing headroom for delays, such as addressing mitigation for likely significant effects on the Beechwoods Special Area of Conservation, a matter I was told at the hearing is now addressed in principle for all sites.
39. However, the evidence indicates that delivery projections made in November 2021 have slipped as of December 2022, but the fact that the site has OPP and significant work is underway on the wider site are positive signs that delivery on Site 1 can take place within five years. That said, I am concerned by the continued lack of a RM application almost one year since the *Stotfold* decision. Even if an application were received immediately, the time required to determine it, address conditions and other preparatory work would make delivery of 130 dwellings by March 2025 marginal at best. For these reasons, I

find that delivery of the first units is more realistic at least 12 months later in 2025/26. Therefore, I deduct 209⁷ units from the Council's supply.

40. HT213 – Land to the east of Barton Le Clay – This site is allocated for 560 dwellings, with 279 included within the Council's five year supply. In the *Stotfold* decision, the Inspector was not convinced that permission would be granted in time to meet the Council's projections, which were only slightly behind those of the housebuilder, due to outstanding objections. That was in summer of 2022. The Council now states that the outline application for the full allocation has a resolution to grant, but acknowledged there have been delays in agreeing the Section 106 agreement. The national housebuilder on board has set a revised delivery timetable of 30 dwellings in 2023/24, sooner than the Council's own estimates of the first 52 dwellings in 2024/25.
41. Although the indications are that an OPP is imminent, it has taken considerable time and further time will be required for RM applications and discharge of conditions. The Council has not adopted the developer's ambitious trajectory of delivery within 2023/24, but in light of the time taken with the outline application, it is unrealistic to expect a wholesale change of pace in dealing with subsequent RMs. These factors suggest the Council's delivery projections are not achievable, which the Council accepted to some extent at the hearing. Therefore, with no currently confirmed OPP, I find that delivery of dwellings is realistically at least two years further away than suggested by the Council, which removes 180 units from the supply.
42. HT117e – Wixams Parcel 3.1 – Part of a significant new settlement spanning the boundary of Central Bedfordshire and Bedford Borough Councils. Delivery is underway on the wider site with some 482 units delivered. RMs for road infrastructure have been approved, as have design codes. This parcel has OPP for 650 dwellings, with RM granted for 285, which the appellant does not dispute are deliverable. The Council was unable to evidence when a RM application would be forthcoming for the remaining 365 dwellings. The Council's projections of 330 dwellings delivered by March 2025 exceeds the number currently with full permission, implying not only that the outstanding tranche of 365 dwellings will secure reserved matters by then, but that some 45 of those dwellings will be completed less than two years from now. Whilst the Council expressed its confidence in build rates on the wider development in justifying its projections, these are dependent on RM applications being made and approved, in the absence of which there is considerable uncertainty that the Council's projections will be realised. With the time required for RMs and other preparatory work, I find it unlikely that all of the 365 units in Phase 2 will be delivered in five years, with the 160 units in Years 4 and 5 most at risk of slipping. Therefore, I remove these from the supply.
43. HT237 – Great Thickthorn Farm (Wixams Southern Extension) – A large site planned for 650 dwellings and creation of a country park. The Council estimates delivery of 375 units within five years. In the *Stotfold* decision, 275 units were retained in the supply on the basis of RMs either being submitted or expected in 2022 and reasonable delivery rates not commencing until 2023/24. However, the evidence indicates that the submission of RMs, though still expected, has slipped from the projections given in the *Stotfold* decision by at least one year. I accept that progress is being made in respect of discharging

⁷ Comprises the 146 units projected for Q1-Q3 of 2027/28 and one quarter (63) of the 252 units projected in 2026/27 which would move to 2027/28 (only three quarters of which is included in the five year period).

conditions, but the delay in RM applications makes the projections of delivery of the first dwellings by March 2024 unrealistic. The stated phasing of the RM applications, with the first for 121 dwellings and a second for Phases 2 and 3 being 120 dwellings, also does not amount to the 375 total units included in the Council's trajectory. There is no evidence before me in respect of the outstanding 134 dwellings and when they may come forward. Given the delays already experienced with commencing Phases 1 to 3, I am not convinced that any phases beyond this will realistically be delivered within five years. Therefore, I remove 134 dwellings from the supply.

44. HT117 - The Wixams – This site comprises the remaining parcels of the Wixams site which benefit from the wider OPP but have not been subject to RM applications. The Council projects 90 dwellings will be delivered at the end of the five year period in 2028. There is no RM application coming forward, but applications have been made to discharge conditions for the wider Village 3 of which this parcel forms part, these being a prerequisite to RM applications being made. Given this progress, the long range delivery projections and the modest number of dwellings involved, I am content that they can be delivered in five years and should remain in the supply.
45. HT230 - Land to the West of Midland Mainline Railway – This site has OPP for 400 dwellings granted in December 2022. The Council includes 165 dwellings in its supply, to be delivered between 2025 and 2028. Applications for RMs for 136 dwellings in Phase 1 has been submitted, along with applications to discharge conditions. A national housebuilder is on board. A development brief from the developer anticipates delivery commencing in 2023/24, but the Council has pushed this back by two years to 2025/26, which is reasonable in the circumstances. The evidence does not otherwise indicate any significant barriers to delivery. Therefore, these dwellings should remain in the supply.
46. HT014 - Site 4, Land East of Biggleswade – Part of a larger site, Phases 1 to 3 of which are indicated to be complete, with the national housebuilder advertising Phase 4 on its website. All pre-commencement conditions are discharged and a planning performance agreement was signed in late 2022. The Council sets out a conservative trajectory of delivery starting in the last quarter of 2025/26 and 170 of the 354 total dwellings being included in the five year supply. The appellant argues that the information on the housebuilder's website is out of date, but I am content that the Council has applied sufficient caution to its projections to account for this. I make no deduction as a result.
47. HT240 & HT241 - Thistle Hill Field and Bridge Field, Langford – OPP exists for 150 dwellings. A RM application has been approved for 82 units, which are indicated to be under construction. A full application has been submitted for the remainder of the site, totalling 79 dwellings following amendments. Whilst I heard that the application has been subject to objection, the Council says that these matters have been addressed and a positive recommendation is forthcoming. Given the progress on site, and the continued dialogue to progress the Phase 2 application, I am satisfied that the full quota of dwellings can be delivered within the five year period. No deduction is therefore made.
48. HT141e - Land at Bury Spinney – OPP exists for 100 dwellings. A RM application for 60 dwellings was refused in February 2023 for 10 reasons. The refusal was principally due to the inconsistency of the layout with the OPP. Pre-planning advice has subsequently been sought. The refusal of the RM

application delays the delivery of development, but the Council has adopted a cautious trajectory with delivery starting in 2026/27. I have no firm evidence to suggest that the developer will not look to secure RMs and commence within this timeframe. Therefore, I retain these dwellings in the supply.

49. HT209 – Land adjoining Lewis Lane, Arlesey – OPP exists for 80 dwellings, with some Section 106 timescales for delivery of dwellings having already been missed. Land acquisition is stated as the reason for delay in the submission of RMs, which is expected in summer 2023 as the OPP enters its final year. Delivery of 80 dwellings in two years anticipated by the housebuilder. Although there has been slippage since the *Stotfold* decision, the delivery projections still provide a decent window for outstanding matters to be addressed and delivery of units by March 2026. Even delays of almost two years from this projection would still fall within the five year period. Therefore, I am satisfied that these dwellings are deliverable and should remain in the supply.
50. HT 221 – Land North of Greenfield Way – This site has OPP for 37 dwellings, with a RM application pending. The Council indicated that concerns have been addressed and a positive decision is expected in summer 2023. Following the hearing, the Council confirmed the RM application has been approved on 21 July 2023. Given the small size of the site and the approval of the RMs, these dwellings should remain in the supply.
51. HT057d – North of Houghton Regis (Site 1 – Area 1, Parcel 4) – Part of the wider strategic site and subject to the overall OPP. A reserved matters application was approved in May 2023. The Council has moderated the developer's delivery rates slightly, including 179 of the 202 units within the five year supply. The appellant seeks to remove 44 of these units on the basis of delays in resolving the RM application, but as the developer is already on the wider site, I am satisfied that the Council's projected delivery can still be realised within the five year period. No deduction is therefore made.
52. HT079(v) – East of Leighton Linlade (Chamberlains Barn – Phase 2) – Part of a wider strategic site with OPP for 950 dwellings. A RM application is under consideration for this parcel for 195 dwellings. The appellant has questioned the starting date and delivery rates, though only to the extent that 41 units would be removed from the supply. The housebuilder is already constructing dwellings on the wider site, and delivery of the first units by March 2025 does not appear unrealistic at this stage, provided the RMs are approved soon. On the evidence before me, the delivery rate of 50 dwellings per annum appears achievable. Therefore, I do not deduct units from the supply on this site.

Conclusions on housing land supply

53. For the reasons set out above, I find that a total of 683 units should be removed from the Council's claimed supply of 10,463. This results in a total five year deliverable supply of 9,780 units. Set against the Council's five year requirement of 9,750 units, this equates to a supply of 5.01 years.

Other Matters

Living Conditions

54. Concern was identified in the 2018 decision relating to noise and disturbance from operations connected with grain processing at Bury Farm. This meant that target noise levels for rooms in the dwellings would have been dependent on

keeping windows and doors shut and using mechanical ventilation and heat recovery systems (MVHR). This was not considered to create satisfactory living conditions for prospective occupants. Since that time, planning permission has been granted for works to upgrade the facilities at Bury Farm. As a result, the appellant's noise assessment considers that MVHR will not now be required in the majority of dwellings on site. A signed Section 106 agreement has been submitted which includes provisions for the implementation of the approved upgrades to Bury Farm prior to development of dwellings on the appeal site, as well as the implementation of a noise mitigation scheme which would restrict the hours at which the grain dryers operate.

55. The main parties are satisfied that these and other measures including an acoustic barrier would overcome the issues previously raised in the 2018 appeal. I am satisfied that these measures, together with detailed design approaches at reserved matters stage, are capable of delivering dwellings with satisfactory living conditions for future occupants.
56. Separately, having observed the location of the nearest neighbouring dwellings and the indicative layout, I find that that the proposal is capable of being designed at reserved matters stage in a way that would preserve the living conditions of existing occupants, including with respect to privacy, outlook, light and enclosure.
57. Therefore, on this issue I find no conflict with Policies CC8 and HQ1 of the CBLP, which together support development where there is not an unacceptable adverse impact upon nearby existing or permitted uses, including impacts on amenity and noise. Neither would there be conflict with the Framework in terms of its aims that developments create places with a high standard of amenity for existing and future users.

Protected species

58. The Council's third reason for refusal related to the absence of evidence that a great crested newt (GCN) licence had been obtained by the applicant, in the absence of which the Council could not conclude that there would not be an unacceptable impact on protected species as a result of the development. Subsequently, the appellant has confirmed that it has entered into a district licence with Natural England, which would address the Council's concerns in this respect. I am satisfied, on the evidence before me, that requirements of this licence would address potential impacts on GCN, such that no conflict would arise with Policies EE2 and EE3 of the CBLP or the related aims of the Framework to enhance biodiversity and safeguard protected species.

Highway Safety

59. I recognise the concerns of local residents with respect to problems with school traffic on High Street due to ad hoc parking reducing the highway to a single lane and causing vehicles to have to wait and give way to oncoming traffic, and that actual experiences underlie those concerns. However, the technical evidence before me does not indicate that the proposal, in and of itself, would create unacceptable highway safety effects, or that the cumulative effect on the operation of the road network would be severe, to apply the tests of the Framework. The local highway authority has not objected to the proposal, finding the access would meet relevant layout standards and there would be an overall uplift in the number of parking spaces available, with eight proposed

along the site access road to replace three lost on street. Therefore, I am not led to conclude differently to the Council in respect of this matter, and it does not weigh against the proposal in the planning balance.

Planning obligations

60. The completed legal agreement would secure financial contributions towards impacts of the development on local infrastructure, including in respect of education, healthcare, community facilities, children's play equipment, highways, public transport and waste. The agreement also includes mechanisms to secure the delivery of affordable housing, custom self-build plots and on-site open space provision and its subsequent management and maintenance. I am satisfied that each of the obligations sought accords with the relevant tests for planning obligations set out in the Framework and are necessary to make the development acceptable in planning terms. The appellant argues that a number of the Section 106 contributions would amount to benefits as they would improve facilities for the wider population. However, any indirect benefits would be negligible in scale as the contributions are necessary first and foremost to offset the impacts of the development itself, such that, overall, these would be neutral factors in the planning balance.

Other Issues Raised

61. I have had regard to a number of matters raised by interested parties, beyond those already addressed. However, the Council has not contested the proposal in any other respects, and there is no substantive evidence arising in any other matter that would indicate additional material benefits or harms to be factored into the planning balance. As such, I am satisfied that other matters raised would not alter the overall consideration of the appeal and therefore, whilst I do not disregard them, it is not necessary to address them further.

Planning Balance and Conclusion

62. As I have found that the Council can demonstrate a five year supply of deliverable housing sites, and it being common ground that the policies of the development plan are consistent with the Framework and up-to-date, the presumption in favour of sustainable development set out at Paragraph 11 of the Framework is not engaged. The proposal therefore falls to be determined against the development plan, having regard to relevant material considerations.
63. In respect of the main issues, I have found that the proposal would conflict with Policies SP7, HQ1, HQ8 and EE5 of the CBLP, resulting in conflict with the development plan, taken as a whole, to which I afford very significant weight.
64. In terms of benefits, the proposal would add 23 dwellings to the local housing stock. In light of my findings above with respect to the Council's housing land supply, the dwellings would not be essential for the Council to meet its housing targets, but they would nevertheless contribute to the Framework objective of significantly boosting the supply of homes. As such, they are a benefit of moderate weight in the planning balance.
65. The proposal would deliver a policy compliant 30% affordable housing units, with 15 of the units being bungalows. This would help to meet a local need for such housing in Meppershall as set out under Policies H3 and H4 of the MSLP. Their delivery would be a benefit attracting moderate weight. The proposal

would also deliver 10% self-build and custom build plots, 35% adaptable and 5% wheelchair adaptable units⁸. Each of these would be delivered at ratios expected by policy, but in providing different forms of housing to meet the needs of different groups, they may be regarded as an additional limited benefit of the scheme.

66. There would be economic benefits arising from the construction of the dwellings, although these would be temporary, and subsequently from engagement by future residents in the local economy. However, given the relatively modest scale of the proposal, such benefits would attract limited weight in favour.
67. The proposal would deliver biodiversity net gain of 11.6% through the creation of ponds, wildflower grassland and new trees which would represent a further benefit of the scheme, albeit one of limited weight given the scale of the site.
68. It is advanced that the proposal would result in the enhancement of a disused site, including through new landscaping. However, views from outside the site are largely of open space and foliage, consistent with the rural surroundings. The disused buildings are not prominent and do not detract noticeably from the character of the area. As such, I afford little weight to this as a potential benefit.
69. The implementation of the proposal would prompt delivery of the noise mitigation measures at Bury Farm which would have some wider benefits for existing residents in terms of noise, albeit this would be limited to the immediate area and so would be a modest benefit at most.
70. Drawing these considerations together, I conclude that material considerations in this case, taken cumulatively, are not sufficient to outweigh the identified conflict with the development plan, and do not indicate that planning permission should be forthcoming in spite of this conflict.
71. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR

⁸ Per the requirement of Categories M4(2) and M4(3) of the Building Regulations respectively

APPEARANCES

For the appellant

Christian Hawley	Counsel (instructed by Samantha Boyd of Woods Hardwick Planning)
Samantha Boyd MSc MRTPI	Associate, Woods Hardwick Planning
Daniel Houghton BA (Hons) DipLA CMLI	Senior Director, FPCR Environment and Design
Ben Pycroft BA (Hons) Dip TP MRTPI	Director, Emery Planning
Adam Bamford BSc (Hons) PGDip IOA	Principal Consultant, Cass Allen

For the local planning authority

Philip E Hughes MRTPI	Chartered Town Planner
Benjamin Tracy	Principal Planner

Interested parties

Blake Stephenson	Ward Councillor
Leo Wright	Parish Councillor
John English	CPRE Bedfordshire

Documents submitted at the hearing

- 1) Aerial Photographs of appeal site and surroundings
- 2) Enlarged, updated version of Appellant's Context Plan (17539/1010 Rev D)

Documents submitted after the hearing

- 3) Updated site access plan (17563-MEPP-5-503E) (Received 27 June 2023)
- 4) Email from appellant listing appearances at the hearing (received 27 June 2023)
- 5) Updated Statement of Common Ground on Housing Land Supply (received 19 July 2023)
- 6) Copy of decision notice for reserved matters application CB-22-02812-RM (Received 21 July 2023)
