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# Appeal Decision

Hearing held on 22 October 2024

Site visit made on 22 October 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

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Appeal Ref: APP/P0240/W/24/3347529

Land South of Leighton Road, Stanbridge, Bedfordshire LU7 9HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Raybridge Stanbridge Ltd against the decision of Central Bedfordshire Council.
  - The application Ref is CB/22/03521/OUT.
  - The development proposed is demolition of existing building(s) and development of an Integrated Retirement Community (IRC) totalling 99 extra care housing units (Use Class C2); development of 43 affordable dwellings (30% of qualifying development); and development of a 66-bed Care Home (Use Class C2), with ancillary amenity, landscaping and green space areas, access provision, car parking and service areas and internal footpath/movement network and drainage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application subject of the appeal was submitted in outline with matters of access to be considered at this stage, and matters of appearance, scale, layout and landscaping to be considered at the reserved matters stage. I have determined the appeal on the same basis and so some of the submitted plans are considered as illustrative only.
3. The description used in the header above is taken from the appeal form and **the Council's decision notice rather than the application form as it is more accurate.**
4. Following the closure of the hearing, the appellant submitted an appeal decision<sup>1</sup> dated 11 November 2024 which found that the Council did not have a 5 years supply of housing land. As this could be material to my decision on this appeal, I accepted its submission and provided all interested parties with an opportunity to comment on it. I have taken all comments received into account.
5. During the determination of the appeal, a revised version of the National Planning Policy Framework (**the 'Framework'**) was adopted. The main parties have been given an opportunity to comment on the relevance of the revised Framework to the proposal and I have taken their comments into account.

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<sup>1</sup> Ref APP/P0240/W/24/3341832

## Main Issues

6. The site is within the Green Belt and the main parties agreed at the hearing that the proposal would represent inappropriate development based on the version of the Framework in force at that time. They also subsequently agree that it would not meet the Golden Rules set out in paragraphs 156 and 157 of the revised Framework so would remain to be inappropriate. I concur. The main issues therefore are:
- the effect of the proposal on the openness of the Green Belt and the purposes of the Green Belt;
  - the effect of the development on the character and appearance of the area;
  - whether the development is suitably located with regard to its accessibility to services and facilities; and
  - would the harms to the Green Belt, and any other harms, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

## Reasons

### *Openness and purposes of the Green Belt*

7. Paragraph 143 of the National Planning Policy Framework **(the 'Framework')** sets out the five purposes of the Green Belt; the first of which is to check the unrestricted sprawl of large built-up areas. The Council's Green Belt Study (2017) assessed a large tranche of land (around 518 hectares) which stretched from the east side of Leighton Buzzard to the west side of Stanbridge, to which the site is close, and includes the appeal site. This found that this whole area makes a strong contribution to this first Green Belt purpose. The parties agree that Stanbridge is not a large built-up area, and whilst, as a whole, this tranche would check against the sprawl of Leighton Buzzard as a large built-up area, the appeal site itself is some distance from Leighton Buzzard. As such, the site would make no material contribution to checking its sprawl and there would therefore be no conflict with this aim.
8. The second purpose is to prevent neighbouring towns merging into one another. Again, it is agreed by the parties that Stanbridge is not a town. The appellant suggests that the wording of the Framework, in referring to towns, not settlements, and referring to merging, not getting closer, is key. I agree. This would be consistent with the approach taken in the Green Belt Study which found that the development of this tranche would result in a significant narrowing of the gap between neighbouring towns, but that a considerable distance would remain. This would suggest that the neighbouring towns referred to are not Stanbridge or Eggington, as if they were, development of this tranche would wholly remove any gap between Leighton Buzzard and those settlements. As such, the development of this site would not conflict with this aim either. It is recognised that were this repeated, cumulatively towns could merge. But in view of the significant distance between Leighton Buzzard and the nearest towns to the east, there is no imminent prospect of this.
9. The third purpose, and the final one on which there is dispute, is to assist in the safeguarding of the countryside from encroachment. The site is largely

undeveloped with only around 20% of the site occupied by buildings or hardstanding. The proposal would result in the vast majority of the site being developed.

10. The existing development on the site, as well as the commercial businesses and dwellings to the west of the site, and Stanbridge itself, are all illustrative of development in the Green Belt. Nonetheless, the change of the site from mostly open paddocks to 142 houses plus a care home and other related development would result in a severe encroachment of the Green Belt. This would be perceived from viewpoints to the west where the development, even if set back from the frontage, would be seen across the front of the adjoining commercial properties. It would also be seen through the accesses into the site and, at a distance, from other viewpoints in the surrounding area. It would also visually extend the extent of Stanbridge by filling in the gap between the dwelling at Potash Farm, which is contiguous with the rest of Stanbridge, and the commercial development and residential units to the west. Overall there would be considerable conflict with this purpose.
11. With regard to openness, this can be assessed in spatial and visual terms. Spatially there would be a significant loss of openness simply by built form, of potentially 2 to 2½ storeys, being placed on land that is currently substantially undeveloped. Visually, as noted above, the development would be seen from a number of positions along Leighton Road, from the footpath south of the site and from high land in Totternhoe. Whilst from the more distant viewpoints the impact on openness would be minimal, the visual loss of openness when seen from some of the viewpoints along Leighton Road would be significant. Therefore in both spatial and visual senses the proposal would have a considerably harmful effect on the openness of the Green Belt.
12. Overall the development would result in encroachment of the countryside, which is one of the purposes of the Green Belt, and there would be significant harm to the openness of the Green Belt, which is one of its fundamental aims. The proposal would therefore conflict with policy SP4 of the Central Bedfordshire Local Plan (2021) which sets out the general presumption against development in the Green Belt.

#### *Character and appearance*

13. The site is located within an area, identified in the Central Bedfordshire Landscape Character Assessment (CBLCA), as the Clay Vales landscape, and within the Eton Bray Clay Vale sub area. Some of the key characteristics within this area are its intensive agricultural use which is predominantly arable but with some pockets of pasture, particularly near settlements; large scale open landscape; and field boundaries comprising short-flailed, gappy or overgrown hedges and post and wire fencing.
14. The appeal site, by largely comprising large, open paddocks separated by some gappy hedgerows and post and wire fencing, and with a large and overgrown hedgerow along its frontage, would therefore be strongly consistent with the key characteristics and hence of considerable value to the landscape.
15. The appellant has provided a Landscape and Visual Impact Assessment (LVIA). This considers the site and its setting to be of medium to low sensitivity, mostly due to the commercial development to the west of the site and in the north west corner of the site, and the lack of any remarkable or distinctive features

on site. However whilst it is clear the commercial uses do reduce its value, the large open paddocks, hedging and fencing across the majority of the site are the predominant features. As such, I consider that the sensitivity is more towards the high end of the scale, as suggested by the Council, rather than medium to low.

16. In terms of the landscape effects resulting from the development, the proposal could incorporate hedgerows to reinforce the historic field boundaries and the submitted plans indicate this. However, in my view, the significance of these would be lost amongst the considerable volume of built form. In addition, the wholesale loss of the paddocks, as a key local characteristic, would be severely harmful to the landscape. In this respect the proposal would contrast with the landscape strategy set out in the CBLCA which, among other things, seeks to ensure development responds to the open character of the landscape and promotes positive management of areas used for horse grazing.
17. With regard to visual effects, the LVIA assessed the impact from 16 viewpoints. The views from directly in front of the site would be largely limited by the existing hedgerow which would be supplemented by additional planting. However there would be views to the site through the two access points, including the new access created roughly where viewpoint 8 in the LVIA is. Although there would be landscaping within the site and the development would be set back a little from the frontage of the site, the spread of the development across the site would be conspicuous from here, including the central 2½ storey part.
18. Furthermore, the development would be clearly visible from positions to the west, around viewpoints 4 and 5. From here the houses would be seen across the frontages of the commercial properties and above some of the single storey buildings. Over time, landscaping could become established to provide some softening of the view, but this would take significant time given the two-storey height of the buildings that could be sited on this side of the site as indicated on the plans. Moreover, the views from here would be more persistent than they would be from directly in front of the site as they would appear in front of drivers instead of off to one side. From all these positions on Leighton Road, I consider the magnitude of the change would be significant, and even though the viewpoints are of medium sensitivity, overall the development would cause significant harm to these views.
19. Views of the development from the public footpaths to the south may be possible, but these would be at a distance and substantially screened by intervening vegetation. Even though these viewpoints are of high sensitivity, there would be no significant harm from here.
20. In addition, a pavement along Leighton Road from the development to Stanbridge would be provided. This would extend for around 300metres and comprise a short section on the south side of the road and a longer section on the north side. Leighton Road, at this point, is flanked by hedgerows with trees, and narrow verges. The existing road markings, including speed limit roundels, **red surfacing and white 'crocodile teeth', all act to warn drivers that they are** approaching a built-up area. Nonetheless, because of the mature flanking vegetation, which at points meets across the road to form a tunnel, the road has a rural character.

21. The provision of a formal pavement and kerbing over a significant distance along with the necessary pruning back of the flanking vegetation on both sides of the carriageway would detract from the rural character of Leighton Road. In this respect the development would conflict directly with the guidelines for new development set out in the CBLCA which include conserving the rural character of secondary roads and verges, limiting widening and kerbing, and enhancing the entrances to villages.
22. The appellant suggests the tranquillity of the area is low. From the evidence provided, this appears to stem from the presence of the A505, electricity pylons and the commercial development to the west. Whilst the development may not be as harmful to tranquillity as these commercial operations, it would be far less tranquil than the existing paddocks on the site. As such there would be some loss of tranquillity.
23. Overall, the development would cause considerable harm to the character and appearance of the area. It would therefore conflict with policy EE5 of the Local Plan which requires all development to safeguard the local character of the surrounding landscape and have regard to key characteristics as set out in the CBLCA. It would also conflict with Local Plan policy HQ1 which seeks to ensure that proposals take account of the local distinctiveness of the area, landscape character and tranquillity.

#### *Accessibility*

24. Stanbridge has few facilities including a school, church, pub, play area and, to its east, a community hall. There is also a bus stop around 300 metres from the edge of the appeal site which, I understand, is served by hourly buses to Luton and Leighton Buzzard. The proposed pavement would provide a pedestrian link to these services, and a new pair of bus stops would also be provided at the site to be served by the existing bus route running along Leighton Road. It is also planned to operate a shuttle bus service to transport residents to and from facilities beyond Stanbridge.
25. The proposals would include some community facilities within its core that would be available to the wider community. The appellant advises that these will be dependent on the eventual occupier but could include a restaurant, library, gym, GP surgery or a convenience shop. Indeed, I visited a nearby extra care facility at Millfield Green which included a café, a restaurant and wellness centre on a scheme of a similar number of houses. This would be part **of the reserved matters applications and it would be within the Council's control** to ensure appropriate provision was made.
26. Due to the combination of the facilities that could be provided at the site, within reasonable walking distance in Stanbridge or be accessible by bus, I consider that residents of the development would have reasonable access to services and facilities for their everyday needs by sustainable modes of transport.
27. Due to the age of the future residents of the extra care homes, access to the local hospital, which I understand to be in Luton, would be an important consideration. However accessibility to that via an hourly bus service or by their own private car would be comparable to many members of the public who live in other more urban locations. Indeed the availability of a shuttle bus

service would be an advantage that many elderly residents of nearby settlements do not have.

28. The appellant suggests that over 100 people would be employed at the care home and the other associated facilities. Although some of those may travel to and from the site by bus, it is likely that many more would be reliant on their own cars. This would also be the case for visitors to the development. Nonetheless, there are sustainable transport options commensurate with its rural location. Furthermore, according to the Transport Assessment, trips generated by the care home would represent only a small proportion of the total trips to and from the development. As such, in this respect too, the development would not be inappropriately located.
29. Also, although the development as a whole would be distinct from other settlements, the mix of extra care and affordable housing along with the facilities within the site which would be open to the wider public, would ensure that the older residents of the development do not feel isolated from the wider community.
30. Overall the development would be suitably located with regard to its accessibility to services and facilities. Therefore whilst there would be some conflict with policy SP7, in that the parties agree that the development is outside any settlement, I give that very limited weight. In addition there would be no conflict with policy HQ1 which seeks to ensure that proposals encourage travel by sustainable modes.

*Other considerations*

31. Paragraph 153 of the Framework sets out that inappropriate development in the Green Belt should not be approved except in very special circumstances where other considerations clearly outweigh the harm to the Green Belt and any other harm. The main argument put forward in this regard is the contribution the development would make to the supply of extra care dwellings and care home bed spaces in the context of the demand for such accommodation.
32. With regard to extra care, the appellant's Need Assessment took an average from a variety of methodologies to estimate the likely need for extra care dwellings over the next decade, accounting for existing and planned supply. It suggests that there is currently an undersupply of just over 1000 units and that by 2034 this would be a little under 1500 units, based on revised figures given at the hearing. The Council's **corresponding** figures are that there would be an undersupply in 2035 of around 450 extra care units. The difference between the two would appear, at least in part, to be a result of the Council's figures assessing the need from people over 75 years of age only, whereas two of the three methodologies used by the appellant includes people over 65.
33. With respect to care home bed spaces, the appellant's Need Assessment suggests that whilst there is no immediate need, by 2034 there would be a need for about 700 en-suite bed spaces. **The Council's corresponding figure is around 450 bed spaces in 2035.**
34. All these figures relate to the whole of the central Bedfordshire district. The appeal site is in the far southwest of the district and so it is reasonable to consider that the development would not be likely to meet the demand from



persons living in the far eastern side of the district. Indeed from the information provided by the Council, which is broken down into 4 sub areas, the shortfalls in both extra care and care home spaces were less in the Leighton Buzzard (within which the appeal site is located) and Chiltern Vale sub areas, than in the other two sub areas which stretch to the east. That said, it is also reasonable to consider that the development could meet demand from beyond the district, given it is only a few miles to the neighbouring authority.

35. Overall, **with regard to extra care, I consider that the Council's figures are** limiting based on the age profile used. Even accounting for the fact that the demand in Leighton Buzzard is only likely to be a small proportion of the demand over the whole district, the need is considerable and the proposed 99 extra care units would therefore make a significant contribution to meeting the local need. With respect to care home spaces, even if I were to accept the appellant's figure for central Bedfordshire, the proportion of the demand local to the site is not great and may well be exceeded by the proposed 60 bed care home. However these need figures should not be ceilings, and clearly the development could meet demand from neighbouring areas within, and beyond, central Bedfordshire. Taken together, I afford moderate weight to the provision of extra care and care home spaces.
36. Policy H3 of the Local Plan identifies that developments of over 100 dwellings will be required to provide some housing for older people and that developments of over 300 units will be required to provide extra care. I agree that, because the policy does not specify the quantity required, it may not necessarily fully address the need for extra care or care home bedspaces. Nonetheless, it does provide flexibility and the examples given demonstrate it can secure some specialist housing. As such I do not consider that greater weight should be given to the proposal on this basis.
37. The provision of 43 affordable houses would also be of benefit and is secured by the submitted planning obligation. Though the provision would reflect Local Plan policy H4 and there is no evidence of any current shortfall in provision, it would still carry some modest positive weight. Whilst people moving into the care home may not necessarily result in empty homes becoming available, as it may be that partners or other family members remain in the family home, the extra care housing would free up open market housing for general occupation. This would be a benefit of moderate weight.
38. The development would generate a significant number of jobs both during the temporary period of its construction, and in the long term at the care home and the other ancillary facilities. This carries moderate weight.
39. The development would provide some facilities for the benefit of the wider community. However the benefit would be dependent on the type and size of facility; for example a small convenience shop, which Stanbridge is lacking, may be of greater benefit than a gym which would tend to be less fundamental to local residents day to day needs. As such, whilst I note the provision of some form of facilities could be secured by condition, at this time I can give this matter only limited weight.
40. The appellant suggests the clinical facilities that would be provided on site, would reduce the financial burden on the NHS. However I have little substantive evidence of this. So whilst I do not doubt it to be true, I can give it only modest weight.

41. It is intended that the development be net zero. However details of this would be provided at the reserved matters stage. At this point therefore I can give only limited weight to this consideration.
42. The appellant suggests limited weights be given to the benefits of Biodiversity Net Gain, the provision on the new pavement into Stanbridge and to the fact that the development would assist in addressing surface water flooding in the north west corner of the site. I agree some limited weight can be given to biodiversity given that there would be a 66% gain in hedgerow units but only a 1% improvement in habitat units. However I give negligible weight to the benefit of the pavement, as I consider it likely that existing pedestrian movements along this part of the road to be very low. Also, I have no evidence that flooding in the corner of the site needs addressing in the public interest, particularly given the presence of a drainage ditch along the highway verge at this point.

#### Other Matters

43. The appeal decision provided after the close of the hearing related to a development of 170 homes in Langford. The Inspector found the Council had a housing land supply of 4.84 years, which would trigger the application of paragraph 11d) of the Framework. The Council query the Inspector's assessment and maintain that, against the requirement set out in Local Plan policies, the supply exceeds 5 years, with figures of 5.22 and 5.05 years being suggested. As the Local Plan is less than five years old, the housing requirement set out in their adopted strategic policies should be used, not the standard method set out in national Planning Practice Guidance, as suggested by the appellant.
44. That said, given the limited evidence before me, compared to the Inspector of the Langford appeal, it would not be appropriate for me to reach a definitive view on the amount of housing land supply. In any case it would be unnecessary for me to do so. This is because paragraph 11d) of the Framework states that permission should be granted unless the application of policies that protect areas of particular importance provide a clear reason for refusing the development. Green Belt is an area of particular importance and, as set out above, I consider they provide a clear reason for refusing the development. Therefore even if paragraph 11 d) applied, it would not lead me to a different conclusion.
45. The submitted planning obligation purports to secure contributions to education, early years provision, the community hall in Stanbridge, healthcare, indoor sport, outdoor sport, children's play equipment, public transport, and to mitigate harm to the Chilterns Beechwoods Special Area of Conservation. However, as I am dismissing the appeal for other reasons, and as the contributions would only mitigate the effect of the development and not count positively in favour of the proposal, they could not be determinative to the appeal.

#### Green Belt Balance and Conclusion

46. I have given careful consideration to all the considerations identified. In summary, the proposal would cause significant harm to the Green Belt by virtue of its inappropriateness, its harm to openness and the conflict with one of the purposes of the Green Belt. Substantial weight should be given to any



harm to the Green Belt. The harm to the character and appearance of the area also carries considerable weight.

47. The site, as set out above, does not make a strong contribution to the purposes of the Green Belt relating to unrestricted sprawl, the merging of towns or the setting of historic towns. Moreover part of it is currently developed. As a whole, it would therefore meet the definition of grey belt in Annexe 2 of the Framework. Nonetheless, this does not affect my conclusions on its inappropriateness, and its harms to openness and one of the purposes of the Green Belt, so has little bearing on this appeal.
48. Weighed against that are the benefits set out above. Overall, I find that the other considerations do not clearly outweigh the harms to the Green Belt, and the other harms, identified. They do not therefore amount to the very special circumstances required to justify the development.
49. I have also had some regard to the 2015 Written Ministerial Statement which states that unmet housing need is unlikely to clearly outweigh harm to the Green Belt. It is noted that this advice has not been incorporated into any of the revised versions of the Framework since that time. Nonetheless it remains to be a material consideration.
50. I conclude that the proposal would fail to accord with the development plan as a whole. There are no material considerations, including the provisions of the Framework, that indicate a decision should be taken otherwise than in accordance with the development plan. As such, the appeal is dismissed.

*A Owen*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Andy Meader	A2 Planning
Ben Wright	Aspect
Iain Lock	Avison Young
<b>Paul O'Hara</b>	representing the appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Stuart Robinson	Case Officer
Karen Newell	Landscape Officer
Tobin Stephenson	MANOP

## DOCUMENTS SUBMITTED AT THE HEARING

Addendum to Avison Young Stanbridge Need Assessment

## DOCUMENTS SUBMITTED AFTER THE HEARING

Appeal decision Ref APP/P0240/W/24/3341832, the appellant's covering letter dated 4 December 2024, and the Council's response dated 5 December 2024

Completed planning obligation dated 12 December 2024

Comments on the revised Framework; from the appellant dated 16 December 2024, and from the Council dated 19 December 2024