Planning Inspectorate

Appeal Decision

Hearing held on 16 & 17 June 2026

Site visit made on 16 June 2026

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2026

Appeal Ref: 6004689
Land North of Hall End Road, Wootton, Bedfordshire
(Easting: 500055 – Northing: 245511)

- 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 Gladman Developments Ltd against the decision of Bedford Borough Council.
- The application Ref is 24/02439/MAO.
- The development proposed is the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access at Land North of Hall End Road, Wootton, Bedfordshire (Easting: 500055 – Northing: 245511) in accordance with the terms of the application, Ref 24/02439/MAO, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the site address from the Council's decision notice.

3. The application was submitted in outline with all matters except access reserved for future consideration. I have considered the appeal on that basis, treating all drawings other than the location and access plans as illustrative unless otherwise indicated.

4. There were 8 reasons for refusal. Five of them were related to a lack of a legal obligation to provide certain financial contributions and/or infrastructure. It was acknowledged that these reasons could be overcome if a suitable agreement was reached between the main parties. The Hearing was held on that basis, considering the other three reasons for refusal. A completed and signed legal agreement has subsequently been submitted and sets out obligations in relation to education, the Forest of Marston Vale, healthcare, pedestrian/cycle links, sports pitches, open space and affordable housing. I consider this later in my decision.

Main Issues

5. The main issues are:

   a) the location of the proposed development;

   b) the effect of the proposed development on the character and appearance of the area;

   c) the housing land supply position.

Reasons

Location

6. Policies 3S and 4S of the Bedford Borough Local Plan 2020 (BBLP) form important parts of the spatial strategy for the borough, which is to focus development on key settlements and protect the countryside. Of particular relevance to this appeal, is that these policies indicate 2,000 dwellings should be distributed across the borough's Key Service Centres (KSCs), of which the village of Wootton is one. Individual sites for the KSCs are not allocated in the BBLP as the majority of rural growth was expected to be delivered through neighbourhood plans.

7. Policy 7S provides for an exception to this approach if a site is well-related to an existing settlement and certain criteria are met. In this case, the proposal would not meet all the criteria as there is not the required local support for the scheme. Other criteria relate to matters such as character and appearance, scale of the development and need. I address these criteria later in my decision.

8. Following on from the BBLP, the Wootton Neighbourhood Plan 2022 (WNP) allocates land for residential development. Policy W2 identifies sites which are intended to accommodate 105 dwellings. Development in excess of this figure is only supported where the proposal relates to a site within the settlement policy area boundary in accordance with Policy W1.

9. Policy W1 of the WNP sets out a presumption in favour of sustainable development within the settlement boundary of Wootton and establishes design principles. For the purposes of this main issue, the policy is relevant insofar as it confirms the settlement policy area boundary for Wootton.

10. I note that the BBLP is now past the date by which it was expected to have been reviewed. The data on which both plans are based is now many years old and although annual reviews are said to have taken place on the WNP, the housing calculations on which it is based pre-date the standard methodology. A new Local Plan is now unlikely to be adopted until November 2029 at the earliest and work on a full review of the WNP is only just underway. These factors will influence the weight to be applied to the current development plan policies and are considered in more detail later in my planning balance.

11. However, my start point is the current development plan. There is no dispute between the main parties that the appeal site is not allocated for residential development and is outside of the settlement boundary established through the BBLP and WNP. It is therefore contrary to the spatial strategy advanced by the

development plan. As such, there is conflict with Policies 3S, 4S and 7S of the BBLP and Policies W1 and W2 of the WNP.

Character and Appearance

12. Policies 7S(ix) and 28S (i & ii) of the BBLP broadly seek to ensure that development contributes positively to the character of the settlement and is of an appropriate form, character and size; that it is of high quality, promotes local distinctiveness and has a positive relationship with the surrounding area.

13. Policy 29 (i & ii) similarly seeks high quality development that contributes positively to the area and respects the site's context. In addition, Policy 30 (i & ii) seeks to ensure developments take account of good design and that overdevelopment is avoided by having sufficient regard to such factors as the context and scale of development.

14. Furthermore, Policy 37 (iv & v) of the BBLP seeks to safeguard and where possible enhance key views and vistas and to protect the landscape setting and identities of settlements by preventing coalescence. It was agreed between the parties prior to the Hearing that although the local landscape may be valued by local residents, within the terms of Paragraph 187(a) of the National Planning Policy Framework (the Framework), this appeal is not dealing with a valued landscape. It was agreed at the Hearing that the wording of Policy 37 of the BBLP is more restrictive than that of the Framework, whose approach is therefore to be favoured.

15. Policy W11 of the WNP seeks to protect the profile and skyline of Wootton and ensure public views into and out of the settlement as identified in the Village Design Statement (VDS) are not adversely affected.

16. Policy W1 of the WNP establishes design principles for development within the settlement boundary. The policy also uses the phrase 'within the village'. I heard at the Hearing how this term should be interpreted as the policy applying to land outside the settlement boundary. However, the policy does not explain or define the term 'village'. Furthermore, the policy must also be viewed in the context of what it appears to be setting out to achieve and the way in which it is referenced in Policy W2. It is therefore difficult to reconcile a wider interpretation with a more straightforward and narrower reading of the policy, which is that the design principles only relate to development within the settlement and thus not to the appeal site.

17. Similarly, the Council also referenced Policy W12 of the WNP in its reasons for refusal. This policy establishes design criteria for new development within Wootton. As the site is not within the defined settlement of Wootton this policy is also not directly applicable.

18. The appeal site is currently an open area of land used for grazing cattle. It provides a visual and spatial break between the western edge of Wootton and the eastern edge of Hall End. There is no dispute between the main parties that the development would result in the coalescence of Wootton and Hall End and have a localised effect on the character and landscape of the area. This was said to find particular expression in how the development would disturb the public views noted in Policy W11 and set out in the VDS.

19. The VDS identifies two views in relation to the site, one from Footpath 35 and one from Hall End Road. The reason for refusal referred to a single 'view' but the Officer Report referred to 'views'. Although this discrepancy was not entirely resolved at the Hearing, the appellants addressed both views in their various submissions, and I have similarly considered both of them as part of my decision.

20. Although the site has no formal designations and is not a valued landscape, I acknowledge that it makes a valuable contribution to the semi-rural character of the area and it is valued locally. I also note that the position of the site and nature of the surrounding topography and landscape would ensure that the proposal would not be seen within the wider landscape and thus the effects would be more localised.

21. The loss of the undeveloped space between Wootton and Hall End would alter the visual and perceptual experience of the area when moving along Hall End Road in either direction. This would also be evident from the public footpaths to the south west of the site which offer elevated views over the area. Despite the extensive hedges along the Hall End Road frontage, the scale and density would be apparent through the site access. In addition, whilst views over and through the roadside landscaping would be limited, the presence of the housing would no doubt be felt at nighttime due to artificial lighting.

22. With regard to the coalescence of Wootton and Hall End, I noted that previous expansions of Wootton have already reduced the sense of separation. In addition, both the educational land to the south of the appeal site and housing allocations along Keeley Lane will inevitably reduce this still further. Although it is unconfirmed at this stage as to what form of development might take place on the education land, even if it were to be used for just additional overflow car parking, it would be perceived as expanding Wootton along Hall End Road and closer to Hall End itself.

23. Although the housing allocation at W5 has yet to come forward, the site extends as far south as the boundary with the new house at the northern tip of Hall End. This too will no doubt intrude into Hall End's setting to a much greater extent than the educational site to the south. As a result, it will likely dissipate some of the sense of leaving Wootton and entering Hall End as one travels along Keeley Lane and onto Hall End Road.

24. Whilst it might be easy to distinguish between the existing housing in Hall End and any new houses around it, the effect would be that Hall End would physically become a part of Wootton and their distinctiveness would be lost. Whilst other 'Ends' in the area have over the years been joined up and so this phenomenon is not necessarily uncharacteristic of the area, it is nonetheless something the WNP in particular seeks to prevent.

25. Indeed, the main allocation of land in Policy W10 of the WNP as Other Important Green Space has the effect of preventing the further expansion of Wootton westwards towards Hall End. This area of land currently fulfils a similar functional role to that of the appeal site in preventing future coalescence and allowing the countryside into the village. However, the appeal site does not benefit from the open space designation.

26. It was suggested at the Hearing that public access was a key reason for this land being designated under Policy W10 and thus why the appeal site was not

designated. However, from reading the WNP, public access does not appear to have been a key reason for designating green spaces around the village. Whilst I therefore remain in some doubt as to why the appeal site was not designated under this policy approach, it does not mean that it was considered by the WNP more suited to development, merely that there was one less hurdle for any potential scheme to address.

27. However, I did find that on the site visit, this W10 land did have a greater sense of separation from the rest of the village than the appeal site, despite having public access. As such, although they perform similar roles and their contributions to the landscape and wider character appear comparable, the appeal site does have a greater visual connection with the built environment of Wootton.

28. Views of the development from Footpath 35 would be obvious and whilst setting the houses back from it might help reduce the visual impact, it is inevitable that houses, gardens, means of enclosure, footpaths etc. would be evident. Whilst longer range views of the countryside beyond would remain, the sense of the countryside extending into the village of Wootton at this point would be curtailed and a more suburban, less rural character would prevail.

29. The Council has raised concerns regarding the proposed density of 35 dwellings per hectare. Such a density would not be vastly different from the more recent housing on the appeal site's eastern boundary. Furthermore, the appellant suggests that the density of development would be greater in the centre of the site allowing the edges to appear more spacious. Whilst the exact layout would be a matter for the reserved matters applications, approximately a third of the site is likely to be outside the developable area. A broad quantum of space is shown in the Framework Plan which can be secured via a condition. As such, there is no reason to believe that a high quality and appropriate final design could not be achieved at this density.

30. The detailed designs could also help to mitigate some of the effects of coalescence and the relationship with Footpath 35 and neighbouring properties. The legal agreement establishes a requirement to submit to the Council an open space scheme for the site and would establish a maintenance period. I accept that the provision of green infrastructure across the site would be of a different character to the existing agricultural land, but it would nevertheless provide some mitigation, which would increase over time as the proposed landscaping matured.

Conclusions on Character and Appearance

31. The development will lead to an inherent urbanisation of the site. Whilst the expansion of Wootton westwards would represent a loss of open countryside and harm to the intrinsic beauty of the countryside, it is by closing of the gap with Hall End that the proposed development would notably raise the level of harm and the adverse visual impact. I acknowledge that there are some future developments in the immediate vicinity which, regardless of the outcome of this appeal, will be notable steps towards the further coalescence of Wootton and Hall End. However, they would not have the same scale of impact as would arise from the appeal scheme.

32. Therefore, taking all of these factors together, it is my judgment that the proposed development would result in harm to the character and appearance of the area. The proposal would therefore conflict with BBLP Policies 7S, 28S, 29 and 30.

There would also be conflict with WNP Policy W11. Collectively, and amongst other things, these policies seek to ensure that development has appropriate regard to its context, contributes positively to the character of the settlement and protects the profile and skyline of Wootton.

Housing Land Supply

33. There is no dispute between the main parties that the Council is unable to demonstrate a five year supply of deliverable land. The main parties agree that the weight attributable to this matter is at the top of the weighting scale. There is though, disagreement on the base data to be used to calculate the figure and thus the scale of the deficit.

Local Housing Need

34. As required by Framework paragraph 78, the Council should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. This must be measured against its local housing need (LHN), as the strategic policies within the BBLP are more than five years old.

35. The Council favours using the 2024 based LHN figures (published in 2025). They correspond to the date of the supply figure and so, it is said, to do otherwise would make the calculation unbalanced.

36. In contrast, the appellant points to government guidance on the use of up-to-date figures; the alignment of the 2025 based LHN figure (published in 2026) with the five-year housing land supply which has a base date of 2025; and three recent appeal decisions supporting the use of the most up to date data.

37. Evidence about housing land supply and need is dynamic. Indeed, as the appellant noted at the Hearing, new Housing Delivery Test results will, when released change the supply figure. Thus, at the point of decision there will not necessarily always be complete alignment of the data and the various base dates. This is in effect reflected in the Planning Practise Guidance (PPG) which advises that when setting the baseline value of existing housing stock and when taking account of affordability when using the standard methodology, the most recent data published/available at the time should be used.

38. Thus, even if there is some degree of the need and supply figures being 'unbalanced' (with whichever approach is adopted in this case), the PPG provides a strong indication that the decision should favour using the 2025 based figures. There is nothing before me to indicate that those figures are in anyway unreliable and so I find that the correct approach is to use the 2025 LHN figures i.e. 1,251 dwellings per annum.

Deliverable Supply

39. The appellant's evidence highlighted 19 sites that had been identified by the Council as contributing to housing supply over the next five years, but which were not considered to meet the Framework's definition of deliverable.

40. The Glossary of the Framework defines deliverable housing sites as those which are available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. It also sets out that sites with outline planning permission for major

development, allocated sites, sites with a grant of permission in principle and sites identified on a brownfield land register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

41. I consider in detail below the deliverability of the 10 largest sites that were contested at the Hearing:

42. At the Hearing the Council noted key issues relating to the pending decisions on Milton Road, Clapham and Great Barton West. These concerned power lines and viability respectively. There was no indication as to how easy or difficult these issues may be to resolve but in the case of the power lines, I cannot rule out the possibility of other agencies and/or consenting authorities having to become involved.

43. Despite the existence of extensions of time, there was little information presented to me as to when the Council might be able to determine the applications or indeed if the recommendations would be to support the proposals. Given that in the fullness of time the Council expects each site to deliver in the region of 500 houses, I have no doubt the Council will look to be proactive in the matter. Nonetheless, it has been over 2 years since the resolution to grant outline permission at Milton Road and a year and a half since the resolution for Great Barford West. At this stage there is little certainty or evidence that completions on these sites could be achieved within the next five years on either site.

44. Beauchamp Park is allocated for housing and benefits from an outline planning permission for 390 houses. The Reserved Matters would need to come forward by the beginning of 2028 and some work has been undertaken on resolving issues around archaeology and piling. There is little in the way of firm evidence from the Council as to when reserved matters would come forward or of the developer's intended timescales. As such, there was not sufficiently clear evidence available at the Hearing to indicate the site to be deliverable.

45. The appellants revised their housing supply figures for the Dallas Road site in the light of a recent appeal decision to allow the revisions to Block A. However, a resolution to unlock Block F is yet to be identified and the developer is still considering their options. The absence of any clear way forward at a time when other parts of the site are being built out suggests that a resolution is unlikely to be quick or straightforward. For the time being, I consider Block F should be removed from the supply calculations.

46. The Greyfriars site is allocated for housing but outline planning permission has expired. The adjacent highways works have been completed but were not a significant element in enabling the development of the site. The absence of any information regarding how the situation is to be progressed or any indication of a future planning application mean that the site currently falls outside of the Framework's definition of deliverable.

47. Land at the Former DVSA site has recently been granted outline planning permission and the site cleared of the previous buildings. This offers some positivity around the development of the site. A year ago, it was indicated that delivery could begin in 2028/29 but it is not clear if this was predicated on the permission only being granted in April 2026. There are no more recent updates, and at this point there is nothing before me to indicate that the site would be

deliverable within the 5 year timescale and so I consider that it should be omitted from the current considerations.

48. There is currently an outstanding objection from Sport England to the proposed 152 dwellings at Mowbray Road. The objection concerns the net loss of playing fields and there is no indication as to whether this matter can be resolved nor any indication of the Council's position on this particular proposal. The Council has signed an option to sell the site but this does not negate the planning obstacles. The uncertainty as to the outcome of the planning application means that there is no sufficiently clear evidence of the site delivering housing within the 5 year timescale.

49. Lodge Hill is an allocated site but there is no planning permission. Although various mechanisms are being discussed around the sale of the site and requirements to submit planning applications, the site has not yet been sold and there are no details of the sanctions any new owner might face should the suggested timescales be missed. As such, it is difficult to be confident that an application would be forthcoming within the suggested 18 months of any sale of the land. Furthermore, it is not clear whether any application would be in outline or if there will need to be any planning agreement for the site. Consequently, on the basis of the evidence presented in this appeal, I consider that the site should be deducted from the supply.

50. A start date of late 2026 was suggested by the Council for the land at Oakley Station site but the outline planning permission expires in July 2026 and no reserved matters applications had been submitted at the time of the Hearing. An application to amend the access has been submitted but currently remains undetermined. Although a developer and provider are said to be keen to progress the site there is no information as to their projected build dates or indications as to how completions would be achieved within five years.

51. At the Old Stable Yard site, amendments to the current proposal have been submitted to overcome highways and flooding objections but it is not clear at this stage whether they are likely to be successful and thus when a decision might be issued for 30 dwellings. There will need to be a planning agreement covering affordable housing and other matters although at this stage there is no information as to whether this would be contentious between the parties. As such, there is little firm evidence to lead me to conclude that housing would be delivered on site within the requisite five year period.

Conclusion on housing land supply

52. I find that over 1,000 dwellings have not been sufficiently evidenced as being deliverable from these 10 disputed sites. The remaining 9 disputed sites would account for another 150 or so units and within the context of the existing deficit and my findings so far, they would not be determinative as to the overall picture. Thus, the housing supply figure is at or close to the number indicated by the appellant of 2.38 years. Clearly the above is derived purely on the basis of the evidence I have read and heard and is adopted specifically for the purpose of deciding this appeal.

53. In summary, not only is local housing need rising but the ability of the area to deliver housing sites to meet the demand is faltering. The appellants have also highlighted the scale of completions over recent years, which is below

expectations. This is both a contributory factor in the under-delivery of housing and is likely to be a difficulty in arresting the overall supply situation in the short to medium term. Collectively this all weighs in favour of the proposal.

Other Matters

Wider Policy Context

54. Despite being adopted in 2020, Policy 1 of the BBLP makes clear that a review was to be commenced within one year and a replacement plan submitted for examination within three years. This was due to the need to plan for higher housing numbers and new infrastructure in the area that might open new development opportunities. Although a replacement Plan was progressed it was abandoned and thus the anticipated review did not occur.

55. The WNP was prepared in conformity with the BBLP and the saved policies of other Plans and to address the period up to 2030. The WNP was to be reviewed every two years to take account of any changes in both national and local policies. Reviews have been undertaken by the Parish Council and it was suggested at the Hearing that these reviews have not identified a need to make changes to the Plan. Full details as to what these reviews entailed was not presented to the Hearing. A new Steering Group is though currently being formulated ahead of the suggested 2028 date to decide on the need for a new WNP.

56. However, the BBLP was based on an Objective Assessment of Need, prepared in accordance with the 2014 Planning Practice Guidance and the WNP is based upon a Housing Needs Survey from 2017. Both Plans also pre-date the use of the standard methodology set out in the current Framework. There is no suggestion that the reviews of the WNP have considered this change in national policy. Thus, the development plan approach for the area is based on data that is in some cases over 10 years old and which was clearly expected to have been updated before now.

57. It is therefore not surprising that housing supply has not kept up with demand. My findings in this appeal are that the supply and delivery of housing land is now falling further below expectations. Added to this, new large scale projects such as the nearby Universal Studios scheme will create further pressure on the demand for housing in the area.

58. As such, the current development plan context is not delivering the level of housing growth expected by national policy with little to suggest that the situation will change in the short to medium term. Indeed, it seems to me that there is a strong possibility that the situation could get worse. Thus, a strict adherence to and the rigid application of the current settlement boundaries would undermine attempts to remedy the current housing supply difficulties. All of this significantly affects the weight that can be applied to the existing spatial strategy as regards the delivery of housing in this area.

Heritage

59. St Mary's Church is a Grade I listed building and is the central focus of the Wootton Conservation Area (WCA). The appeal site is set away from the WCA and so the intervening residential development not only prevents any intervisibility with the WCA but also has an urbanising influence on the surrounding character.

60. The special interest of the church itself, insofar as it relates to this appeal, primarily relates to its historic and architectural value as an important religious and community building within the village and surrounding rural area. It is the immediate setting of the churchyard and the space around it rather than the surrounding housing that also contribute most strongly to the building's significance.

61. The church and in particular its spire can be glimpsed from various vantage points in and around the village. It acts as something of a visual, wayfinding point. As a result of the proposed development, some glimpses of the church from within the site would be lost. Views from the church tower of the site would be limited and the additional houses are likely to be difficult to distinguish from the current houses adjacent to the site. The loss of such views and any consequential harm to the building's significance would be minor. Thus, any heritage harm would be less than substantial, and at the lower end of that spectrum of harm.

62. Nonetheless, Paragraph 215 of the Framework makes it clear that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation even when less than substantial harm is identified. However, it is also the case that where less than substantial harm is identified, it should be weighed against the public benefits of the proposal.

63. I am satisfied that the scale of the public benefits arising from the proposed development (which includes the delivery of houses, of which 30% would be affordable, the economic benefits of the development, the footpath/highways improvements and increased permeability) are in this case sufficient to outweigh the identified harm to the asset. Later in my decision I include this matter as part of my overall planning balance.

Legal Agreement

64. A signed and dated legal agreement accompanies the appeal and secures a number of obligations. These include 30% affordable housing, contributions towards education, health, the Forest of Marston Vale, sports pitches, the pedestrian/cycle link at Latimer Close as well as the provision of open space and traffic regulation order funding for both on and off-site works.

65. In the context of the delivery of up to 90 houses and the consequent increase in population and effect on the area, I am satisfied that the obligations are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. In addition, I am content that the offsite highway works are necessary to ensure the safety of all road users and pedestrians.

66. I am satisfied this meets the requirements of paragraph 58 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Access

67. Access to the site is a matter to be considered at this stage. The scheme would entail a new access onto Hall End Road on the western side of the site. Subject to the imposition of certain planning conditions to address matters such as visibility

splays, traffic calming and footway improvements, no objections have been raised to the proposal in terms of highway safety or capacity. I see no reason to disagree.

Drainage

68. Concerns were raised regarding flood risk and drainage problems in the area. Initially, the Council highlighted some reservations as to whether the indicated SUDs provision would be sufficient to serve the appeal site and the proposed scale of development. These concerns were subsequently addressed both prior to and at the Hearing. As a result, I am satisfied that the scheme would be able to provide the necessary infrastructure to deal with the number of proposed units. The scheme would also be able to offer some betterment by collecting the existing run-off onto the site and dealing with it without passing the problem on to neighbouring sites.

Benefits

69. The main benefits of the scheme include:

- Up to 90 houses in an area of pressing need which would contribute to the national policy imperative of significantly boosting the supply of housing
- 30% of the houses would be affordable units and would meet a specific localised need as detailed by the appellant
- Footpath upgrades to improve connectivity in the area
- Safety measures on Hall End Road, including new footway
- Provision of open space, green infrastructure and SuDS betterment
- Estimated construction spend of c. £14.6 million, supporting approximately 92 Full Time Equivalent (FTE) construction jobs. The development will also deliver CIL contributions of approximately £678,000

70. There will be other benefits associated with the provision of Biodiversity net-gains as well as additional expenditure in the area from future occupiers. The benefits that would flow from the appeal proposal would meet many of the Framework objectives and so weigh in favour of the appeal.

Planning Balance

71. I am required to determine this proposal in accordance with the development plan, unless material considerations indicate otherwise. The starting point is therefore the development plan. There would be conflict with the BBLP and in particular Policies 3S, 4S, 7S as well as WNP Policies W1 and W2 insofar as the appeal site is outside the settlement boundary of Wootton. However, this must be viewed within the wider policy context and the overall housing supply position that I have set out above. I am also mindful that, whilst the development would be outside of the settlement boundary, it would provide housing in an accessible and sustainable location on the edge of a settlement. As such, limited weight is applied to these policies.

72. Despite there being issues over the applicability of Policy 37 of the BBLP and WNP policies W1 and W12 as regards the issue of character and appearance, there would be landscape harm arising from the proposal and thus conflict with

BBLP Policies 7S, 28S, 29 and 30. There would also be conflict with WNP Policy W11. Much of the harm would be to the site itself. This though will be an inevitable consequence if countryside is to be released for housing, as seems necessary. As such, I judge the level of harm to be moderate. However, the inevitable effect of extending Wootton in the manner proposed will be its coalescence with Hall End. This will change how both are seen and experienced, and whilst the current allocations will reduce the extent to which Hall End might be seen as a rural enclave, the proposal will entirely remove any such perceptions. Thus, the harm arising from this element of the proposed development would be significant.

73. In addition to the above, there would also be some less than substantial heritage harm which attracts great weight, notwithstanding that the development passes the test in paragraph 215 of the Framework.

74. The most important development plan policies cited above are however deemed to be out-of-date. This is because the Council cannot demonstrate a 5-year supply of deliverable housing sites. This engages the balance set out in paragraph 11 d) of the Framework. The effect of this is that the planning balance ordinarily shifts in favour of the grant of permission.

75. However, I must also have regard to Paragraph 14 of the Framework. This sets out that where the presumption at paragraph 11 d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided two criteria apply.

76. The first criterion of Paragraph 14 is that the Neighbourhood Plan (NP) should have become part of the development plan five years or less before the date on which the decision is made, which is the case here. The second is that the NP contains policies and allocations to meet its identified housing requirement. The Council's position is that this requirement is also met. In contrast, the appellant queries the basis on which the figures were arrived at for the NP, in particular that they didn't flow from either paragraphs 69 or 70 of the Framework and thus only broad figures for the KSCs as a whole were identified.

77. I have sympathy with the appellant's position given the wider policy context in which the WNP sat and that the BBLP did not allocate a definite amount of housing for Wootton. Whilst the extent of housing that Wootton was expected to accommodate was therefore not explicitly stated, the WNP did allocate sites for housing. No additional housing allocation was identified or sought by the Borough Council when the WNP was being considered. Furthermore, an appeal made under s78 of the Town and Country Planning Act is not the forum to review a NP, rerun arguments tested at the Examination or set an indicative housing requirement. After hearing all the evidence, the Examiner ultimately reached a conclusion that the WNP had proper regard to national policies and advice and complied with the basic conditions. I therefore cannot be certain that the WNP and its policies failed to allocate sites to meet the identified housing requirement in full at that time. Thus, I consider Paragraph 14 of the Framework should be engaged.

78. In accordance with Paragraph 14, conflict with the NP is a matter of considerable importance and is 'likely' to be decisive. However, it is important to emphasise that this is the likely outcome of the balance, but each case must be considered on its

own merits, and the circumstances may be such that a conflict with a NP would not be decisive.

79. In this case, the development must be considered in a context where not only is there a lack of housing supply but there are now additional question marks over the delivery of some sites upon which the Council is relying. This is all set against a higher LHN figure and future demand generated by such pressures as the nearby Universal Studios project.

80. There is also the unusual situation that the Local Plan, having been predicated on the basis of an early review, given the need to plan for higher housing numbers, now has no prospect of being replaced until late 2029 at the earliest. This in turn adds to the uncertainty around housing provision for Wootton. Indeed, even though I cannot be certain that the terms of Paragraph 14(b) were breached when the Plan was made in 2022, the absence of a definitive housing figure for Wootton in the BBLP and the changes which have occurred since the WNP was made, must cast serious doubts on the WNP's allocations being sufficient to address its current plan period. Added to these difficulties, the timescales for a new development plan mean that it is going to be difficult for the plan making system to address these matters in the short to medium term. In this context, I attach substantial weight to the delivery of up to 90 houses.

81. Weighing the harms and benefits is not a mathematical exercise but I find that although there will be harm and conflict with the development plan, this is an occasion which, given the above context, the adverse impacts of conflicting with the neighbourhood plan would not significantly and demonstrably outweigh the benefits.

82. The material considerations in this case therefore indicate that planning permission should be determined other than in accordance with the development plan.

Conditions

83. The matter of conditions was discussed at the Hearing. An agreed list of conditions was subsequently provided by the two main parties, which also reflected my own observations, which had regard to the Framework and the advice in the PPG.

84. In addition to a condition setting out the approved plans, conditions regarding the timescales and submission of reserved matters are necessary. As agreed at the Hearing, the reserved matters shall need to demonstrate broad accord with the Development Framework Plan submitted with the application.

85. In addition to the above, in order to ensure the integration of the development into the area and ensure accessibility and permeability, there needs to be a condition governing what specific layout details need to be submitted of the internal road, footways/paths and cycleways. A further condition requiring the submission of surface details as part of the package of reserved matters is also necessary.

86. Similarly, to ensure the landscaping survives and is protected, a Landscape and Ecological Management plan will need to be submitted as part of the wider landscaping details. A condition to this effect as well as one setting out the wider suite of matters to be covered by the landscaping details are therefore necessary.

87. The appearance and layout details also need to indicate where accessible and adaptable dwellings will be provided on site, so a condition ensuring this is necessary.

88. As part of the reserved matters submissions, it is also appropriate to include details relating to pedestrian visibility across the site, signage and markings and visibility splays at the junction with Hall End Road. Conditions to this effect are therefore reasonable and necessary.

89. To ensure the development functions as intended, has an appropriate character and appearance as well as an acceptable impact on highway users, conditions are necessary to address: external materials, boundary treatments, bin storage and collection points, water efficiency details, road signs and markings, footway links, provision of access junction and footway extension. These conditions will also ensure compliance with the relevant development plan policies.

90. A number of pre-commencement conditions are necessary. In submitting the conditions, the appellant's email confirmed their agreement to the conditions as a whole and I have taken this to include their agreement to the pre-commencement conditions. These require:

- A Construction Management Plan - to ensure the construction phase does not unduly affect neighbouring occupiers or highways users
- An archaeology strategy and mitigation if required – as the location of the site and previous finds in the area indicate a precautionary approach is appropriate
- Surface water drainage and on-site foul water drainage schemes will similarly need to be submitted and approved prior to commencement of development
- A contaminated land assessment – given the size and previous use of the site, as well as the nature of the proposed use, is reasonable
- A waste audit – to ensure waste is minimised through the construction and operational phases of the development

Conclusion

91. The proposed development would not adhere to the development plan but material considerations indicate that a decision should be made other than in accordance with it. Accordingly, the appeal succeeds subject to the conditions in the attached schedule.

Stewart Glassar

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christian Hawley	Barrister, No5 Chambers
Laurie Lane	Director, Lane Town Planning
Ben Croot	Associate Director (Landscape), CSA Environmental
Rob Rasberry	Director (Masterplanning and Ubran Design), CSA Environmental
Ben Pycroft	Senior Director, Emery Planning
Colin Whittingham	Director, RSK LDE
Kate Etchells	Planning Director, Gladman Developments Ltd (Conditions Only)

FOR THE LOCAL PLANNING AUTHORITY:

Alastair Wren	Team Leader Appeals and Enforcement
Paul Reynolds	Tapestry Landscape
Rachel Duncan	Principal Planner
Penelope Jewitt	Senior Planner
Heather Seale	Senior Planner (Policy)

INTERESTED PERSONS:

Cllr Wheeler	Local Councillor
Mr Odell	Chair, Wootton Parish Council Planning & Environment Committee
Mr & Mrs Smith	Local residents

Documents submitted during the Hearing:

Wootton Conservation Area Map
Updated list of draft planning conditions

Documents submitted after the Hearing:

List of agreed conditions
Signed and completed legal agreement

Schedule of Conditions

1. The development hereby approved shall be carried out in accordance with the following plans and documents, unless required by a separate planning condition of this permission.

CSA/4276/134/Rev B	-	Location Plan
B066771-TTE-00-XX-DR-O-002-P03	-	Proposed site access and associated visibility splays plan

2. Development shall not commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to and approved in writing by the Local Planning Authority:

   (1) the external appearance of the development;
   (2) the landscaping of the site;
   (3) the layout of the development;
   (4) the scale of the development.

   The development shall be carried out in strict accordance with the approved details.

   The submission of reserved matters applications pursuant to this outline planning permission shall demonstrate broad accordance with the Development Framework Plan (ref. CSA/4276/127 Rev G).

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

4. The development hereby permitted shall be begun before the expiration of 2 years from the date of the last of the reserved matters to be approved.

5. Notwithstanding details of access and indicative layout shown on the Development Framework Plan, the submission of reserved matters for layout shall include layout and gradient details of the site's internal roads, footways/paths and cycleways which shall be designed in accordance with national and local design standards and provide for inclusive access throughout and prioritise the convenience and safety of people walking, wheeling and cycling including flush pedestrian crossing points at junctions on the desire line and not on a radius and footways (including vehicle crossovers) with a maximum crossfall of 1:40 with connectivity to adjacent areas. Street designs shall have self-enforcing low speed layouts (20mph max. with footways, or 10mph max. if no kerbed footways) and ensure there is unobstructed access for refuse vehicles throughout with adequate carriageway widths and provision of frequent convenient physically defined car parking spaces along streets. Dead-end roads should only be used if unavoidable. Details shall be included of street trees incorporating specialist planting and management design. No shared private drive shall be longer than 15m.

No building shall be occupied until the roads and footways/paths which provide access to the building have been laid out and constructed in accordance with the approved plans.

6. No development shall take place until an archaeological strategy for evaluation and, if necessary, a further mitigation strategy, based on the outcome of the evaluation, have been submitted to and approved in writing by the Local Planning Authority.

   The archaeological mitigation strategy shall include a timetable and the following components (the completion of each to be submitted to and approved in writing by the Local Planning Authority):-.
   (i) fieldwork and/ or preservation “in situ” of archaeological remains;
   (ii) a post-excavation assessment report (to be submitted within six months of the completion of fieldwork);
   (iii) a post-excavation analysis report, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork).

   The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

7. No development shall take place above slab level until full details of all external materials to be used in the development, to include brickwork, roof tiles, windows, doors, porches, and rainwater goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

8. No dwelling hereby permitted shall be occupied until details of all the boundary treatments including for any attenuation basins proposed on site including types, height, design detailing, materials and a timeframe for their delivery, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timeframe.

9. No development shall take place until a surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is occupied.

10. No development shall take place until a scheme for on-site foul water drainage, including connection point and discharge rate to the public network, has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling, the foul water drainage works must have been carried out in accordance with the approved scheme.

11. No development shall take place until a Construction Management Plan, associated with the development of the site, has been submitted and approved in writing by the Local Planning Authority which will include information on:
    a. The parking of vehicles

b. Loading and unloading of plant and materials used in the development
c. Storage of plant and materials used in the development
d. The erection and maintenance of security hoarding / scaffolding affecting the highway if required.
e. Measures on site to control the deposition of dirt / mud on surrounding roads during the development.
f. Footpath/footway/cycleway or road closures needed during the development period (to include all proposals of road closures or traffic diversions prior to the adoption of roads within the development)
g. Traffic management needed at the interface with the public highway during the development period
h. Times, routes (to include specific measures such as delivery ticket instructions and location of signage) and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site).

12. The submission of reserved matters for landscaping, appearance and layout shall include full details of bin storage and collection points in accordance with Bedford Borough Council guidance 'Waste & Recycling in New Developments' or any superseding guidance. Storage and collection points of bins shall be provided in accordance with the approved details and thereafter retained.

13. The submission of reserved matters for layout and landscaping shall include a scheme for motor vehicle and cycle parking (with access thereto) in accordance with Bedford Borough Council's Parking Standards for Sustainable Communities: Design and Good Practice 2014. The approved scheme shall be implemented and made available for use before the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.

14. As part of the first reserved matters submission a Landscape and Ecological Management Plan (LEMP) shall be submitted for written approval by the local planning authority. The plan shall include a detailed scheme and timetable for the enhancement of the site demonstrating that a minimum of 10% biodiversity net gain and ecological enhancement will be achieved by the development. The proposed ecological and biodiversity enhancement and protection measures shall be implemented in accordance with the approved scheme prior to the occupation of the dwellings and shall be retained thereafter.

    The content of the LEMP shall include the following:
    a. Description and evaluation of features to be managed
    b. Ecological trends and constraints on site that might influence management
    c. Aims and objectives of management
    d. Appropriate management options for achieving aims and objectives
    e. Prescriptions for management actions
    f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
    g. Details of the body or organisation responsible for implementation of the plan.

    The plan shall also set out a monitoring scheme upon completion of the dwellings and where those results show that conservation aims and objectives of

the LEMP are not being met shall identify how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

15. The submission of reserved matters for appearance and layout shall include a scheme demonstrating:

    1. the provision of 49% of the total number of dwellings are to be built in accordance with the Building Regulations 2010, Volume 1, M4(2) (accessible and adaptable dwellings) or such replacement document or policy which exists at the time of the development commencing; and
    2. the provision of 5% of all market housing and 7% of affordable housing should meet category M4(3) requirements (wheelchair adaptable). The submitted details shall specifically indicate which dwellings are to be built to these standards and the relevant dwellings shall be built and retained in accordance with the approved details.

16. The submission of reserved matters for landscaping shall include details of the following:

    a. Planting proposals giving location, species, number, density and planting size.
    b. The relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services.
    c. Areas of grass turfing or seeding and other surface materials.
    d. Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period.
    e. Details of all hard works, paving materials etc.
    f. Details of the long-term management and maintenance proposals for the new planting.
    g. A scheme for works for protective fencing of the retained trees and hedges including the appropriate working methods in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations; or similar replacement standard);
    h. A timetable for implementation of the landscape works including the provision of strategic landscaping and any phasing of provision at the site.

    The development shall thereafter be carried out in accordance with the approved details or particulars and all planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, (or state other period). Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

17. No development shall take place until a waste audit has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall demonstrate that in the construction phase of the development waste will be

minimised and that the waste that is generated will be managed in an appropriate manner in accordance with the waste hierarchy. In particular the waste audit should include:

a. Anticipated nature and volumes of waste generated
b. Steps to be taken to ensure effective segregation of wastes at source, including provision for waste sorting, storage, recovery & recycling facilities
c. Any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once the development is complete.

The development shall be carried out in accordance with the approved waste audit.

18. No development shall take place until a contaminated land assessment and, if necessary, associated remedial strategy, together with a timetable of works, has been submitted to the Local Planning Authority for approval. The details shall be submitted and approved in separate phases, taking full account of the following:
    a. The Contaminated Land Assessment shall include a desk study and site reconnaissance exercise to produce a conceptual model of the site. This shall be used to propose a site investigation strategy, which shall be approved by the Local Planning Authority prior to the investigations commencing on the site.
    b. The site investigation shall include relevant soil, soil gas, surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Reports as well as other appropriate guidance where necessary. This shall include risk assessment based on the Environment Agency's Contaminated Land Exposure Assessment Model or where appropriate other guidance providing adequate justification can be provided for such use.
    c. The site investigation report shall detail all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remedial strategy. The Local Planning Authority shall approve this remedial strategy as proposed prior to any redemption commencing on site. The work shall be of such a nature so as to render harmless the identified contamination, given the proposed end use of the site and surrounding environment including any controlled waters. Any laboratories used for sampling shall be compliant with United Kingdom Accreditation Service or an equivalent approved accredited quality control scheme.
    d. The remediation work as outlined in the approved strategy shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval. All works will be made available for witnessing by an appropriate Council Officer.
    e. Upon completion of works, this Condition shall not be discharged until a validation report has been submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the proposed remediation works and the quality assurance certificates to show that the

works have been carried out in full accordance with the approved methodology. Details of any post remediation sampling to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. No part of the development shall be occupied until such works have been completed.

19. No dwelling shall proceed beyond slab level until details of how it will achieve and maintain the higher water efficiency standard in the Building Regulations as set out in Approved Document G: Sanitation, hot water safety and water efficiency, 2015 edition, DCLG October 2015 (or similar replacement standard). The dwelling shall be constructed and completed in accordance with the approved details.

20. Prior to the occupation of any dwelling full details of a scheme of signs and markings for the extended 20mph limit on Hall End Road that also takes into account existing on street parking demand and additional street lighting along Hall End Road between the Upper School and the proposed site junction shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the scheme has been completed in accordance with the approved details.

21. There shall be no development above slab level until details of:

- a footway link connecting to Public Footpath 35 along the Lorraine Road spur in front of Wootton Cemetery based on indicative drg. no. B066771-TTE-00-XX-DR-O-003-P01 to an uncontrolled crossing point of Lorraine Road to access Popes Way

has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the footway link has been completed in accordance with the approved details.

22. The access junction on plan B066771-TTE-00-XX-DR-O-002-P03 shall be constructed to base course before on-site works commence and completed to surface course before 80% of dwellings are occupied.

23. The submission of reserved matters details shall include surfacing details of all on-plot and public pedestrian and vehicular areas in a stable and durable manner with bonded materials. Public car parking spaces shall be surfaced consistently to distinguished them from the carriageway and private parking spaces or areas reserved for pedestrians/cyclists. Surface water from the private driveways must not drain to the public highway. No building shall be occupied until the surfacing of the associated on-plot access and parking areas have been surfaced in accordance with the approved plan.

24. The submission of reserved matters for layout shall include details for triangular pedestrian visibility at all vehicular accesses within the site that cross a footway. The splays on both sides of each access shall measure 1.8 metres x 1.8 metres within the land being accessed adjacent to the rear edge of the footway. The splays shall be provided before the access to which the splays relate is first

brought into use. All parts of the splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above ground level.

25. The proposed access junction with the public highway (Hall End Road) shall not be brought into use until visibility splays have been provided at the junction. The splay lines shall be not less than 2.4m measured along the centre line of the proposed access from its junction with the channel of the carriageway and not less than 43m measured from the centre line of the proposed access along the line of the nearside channel of the carriageway. All parts of the splays shall thereafter be kept free of all obstructions above the adjacent carriageway level.

26. Prior to the occupation of any dwelling details of a scheme for extending the existing footway along Hall End Road from no.52 Hall End Road to the site of the former Chequers public house and Public Footpath 33, including signage at any road narrowings in accordance with drawing ref. B066771-TTE-00-XX-DR-O-004-P01 shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full prior to occupation of the 45th property on the development.

27. The submission for reserved matters shall include a scheme of measures including signage/markings to provide for:

    - restrictions on parking on the carriageway outside of physically demarcated spaces throughout the development
    - the limitation of vehicle speeds to 20mph within the development (including physical measures)

    The provisions of the scheme thereby approved shall be fully implemented.

****** END OF SCHEDULE******