



Appeal Decision

Site visit made on 25 July 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 th August 2023

Appeal Ref: APP/K0235/W/22/3309768

Hill Grove, Water Lane, Renhold MK41 0JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J C Gill, against the decision of Bedford Borough Council.
 - The application Ref 21/02819/FUL, dated 21 October 2021, was refused by notice dated 8 August 2022.
 - The development proposed is the demolition of existing dwelling and garage and erection of replacement detached dwelling and garage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and garage and erection of replacement detached dwelling and garage at Hill Grove, Water Lane, Renhold MK41 0JH, in accordance with the terms of the application, Ref 21/02819/FUL, dated 21 October 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The officer delegated report refers to the Bedford Conservation Area. However, I have no evidence before me to suggest that the appeal site is within a Conservation Area and the Council has not commented on this matter in its appeal statement. On this basis I have not considered this any further.

Main Issue

3. The main issue is the effect of the proposed development on the setting of a Scheduled Monument.

Reasons

4. The existing dwelling is a single storey bungalow which has been extended in multiple directions and has a detached garage to the rear. It is located off a private drive which links to Water Lane and is situated within an agricultural landscape with the land sloping to the south. The perimeter of the site is bounded by a mixture of hedgerows, trees and fencing. The bungalow is set slightly into the ground at the rear and sits above the ground level at the front with a raised terrace overlooking the front drive.
5. The appeal site lies to the south of Howbury ringwork and medieval trackway scheduled monument (List Entry 1009627) (SM) scheduled in 1929. Scheduled monuments are classed as designated heritage assets under Annex 2 of the National Planning Policy Framework (the Framework). The Framework also confirms that the significance of an asset derives not only from its physical

presence, but also from its setting. Further, it explains, in Annex 2, that elements of a setting may make a positive or negative contribution to the significance of an asset or may be neutral. Paragraph 199 of the Framework states 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.

6. The official list entry describes, amongst other things, the SM as a well-preserved earthwork which is representative of medieval fortifications built and occupied from the late Anglo-Saxon period to the later 12th century. It is a ringwork castle and comprises an earthen bank enclosing a circular area which is breached by two entrances. Surrounding the ringwork is a ditch which has become partly infilled. It is associated with a medieval driveway and traces of the trackway survive as later alterations to the earthwork. Adjacent to the monument are poorly defined earthworks suggesting the land was cultivated during the medieval period. Historic England comments that ringworks are rare nationally and considers that this ringwork is the best preserved in Bedfordshire.
7. The SM is set within a predominantly agricultural landscape characterised by fields, hedgerows, copses of trees and isolated buildings. Although it assimilates well within the landscape, it is identifiable by a cluster of mature trees adjoining St Neots Road. Insofar as it relates to the appeal site, the SM is mainly experienced from the surrounding rural context. During my visit, I was aware that the site had a feeling of remoteness, despite some background noise from the nearby dual carriageway. This sense of remoteness was created by its expansive rural context, the dense vegetation spreading out from the SM, and its siting at the top of the slope above the river reflecting its historic function as a defensive location.
8. Based on the evidence before me, including the list description, I consider that the significance of this SM mainly derives from its preserved features, its layout and function and archaeological remains which can provide information about past civilisations. The SM is experienced and appreciated within its rural context and this setting directly contributes positively to its significance.
9. Although I saw little built development in the wider area, the cluster of buildings mainly associated with Hill Farmhouse, a Grade II listed building, are in close proximity to the SM. There is intervisibility between the SM and these buildings and they are part of the rural context that contributes to the significance of the SM. However, this historic farmhouse and former barns contribute positively to the agrarian character of the surrounding area. The appeal site is more distant from the SM than this cluster of buildings, lying much further south beyond landscaped areas and paddocks, set down the hillside, and predominantly screened by intervening vegetation. When viewed from the SM, only the upper part of the roof and the chimney of the existing dwelling could be seen but it forms part of its rural context. As such, it can be treated as being within the setting of the SM. Nevertheless, the existing building is not agrarian in character or appearance and is not prominent in views of the SM from the public realm or in views from the SM itself. Moreover, it does not cause a distraction within those views. Therefore, I consider that the existing building makes a neutral contribution to the setting and the significance of the SM.

10. The appeal proposal would see the existing bungalow replaced with a dwelling in a similar location, incorporating a first floor and includes two full height front and rear gables. As a result of its more linear form, and the removal of the detached garage, the northern elevation of the replacement dwelling would be sited slightly further away from the SM. The planning officer's report comments that whilst the form and design of the proposed dwelling would change, the increased ridge height would only be just over 0.8m metres taller, a fact not disputed by the appellant. Therefore, the Council considers that the increase in ridge height would mean that the proposal would be more visible, and it would result in a notable change to the setting of the SM.
11. Historic England's consultation response to the planning application states that it considers that the impact of the proposed replacement dwelling on the significance of the SM through changes to its setting would be minimal. It goes on to state that any harm to the significance of the SM would be at the lower end of 'less than substantial harm' in terms of the Framework and that it has no objection to the application on heritage grounds.
12. The raised ridge height and paired gables of the proposed dwelling would increase its form and massing and give the building a more vertical emphasis. It would also have a more complex roof form and incorporate windows at a higher level. However, it would have a more unified design and consolidated form which would sit more comfortably in its landscape setting than the rather disjointed form of the existing dwelling. Consequently, it would have a marginally increased presence on the site when compared to the existing dwelling.
13. Nonetheless, this does not necessarily mean that the proposed dwelling would harm the contribution that setting makes to the significance of the SM. Given the site's location, the intervening vegetation, the more unified design and consolidated form, and its repositioning slightly further away from the SM, the proposed building would not be noticeably more prominent or intrusive within the setting of the SM than the existing dwelling. The proposal would therefore have a minimal impact on the rural context that the SM is experienced within. In my view, the effect would be so minimal that this would continue to be the case even when the surrounding vegetation is not in leaf. The neutral contribution that the appeal site makes to the setting of the SM would be maintained and the contribution that the rural context makes to the significance of the SM would be preserved.
14. Accordingly, there would be no conflict with Policies 29 and 41S of the Bedford Borough Local Plan 2030 (2020) (BBLP). These seek amongst other things, to ensure development sustains the historic environment and preserves or enhances the setting of heritage assets. There would also be no conflict with the Framework.

Other Matters

15. Both parties make reference to Hill Farmhouse (Ref:1321205) a Grade II listed building near to the appeal site. I have a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires special regard to be had to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. The list description states, amongst other things, that the 18th century farmhouse is of partly timber frame construction with colourwashed

roughcast render. I consider that the special interest/significance of this listed building is mainly derived from its age, fabric, architectural features and its historic function.

16. The rural setting of Hill Farmhouse makes a positive contribution to its significance. Considering the relative locations of the listed building and the proposed dwelling, for the purposes of this appeal, the appeal property lies within the setting of Hill Farmhouse. However, due to their distance apart, the intervening planting and based on the design of the dwelling, the appeal proposal would not be noticeably more prominent or distracting than the existing building. It would, therefore, retain the rural setting of the Grade II listed Hill Farmhouse, and its significance would be preserved.
17. The Council also refers to Great Dairy Farmhouse (Ref:1114908) a Grade II listed building located on the northern side of St Neots Road to the west of the appeal property. The list description mentions that this is an 18th century farmhouse of partly timber frame construction with colourwashed roughcast render. I consider its special interest/significance is mainly derived from its age, fabric, architectural features and its historic function. From the information before me, including my visit, I concur with them that for the purposes of this appeal, due to the distance from the appeal site and intervening vegetation, the appeal property does not form part of its setting.
18. Historic England comments that potential exists for buried archaeological remains associated with the ringwork to be present on the appeal site and for the significance of these to be adversely affected. This archaeological potential would be regarded as a non-designated heritage asset and paragraph 203 of the Framework requires that any likely effect on their significance is to be considered in determining the application. The Council's archaeological officer has noted the potential for the proposed groundworks to disturb important archaeological remains and has suggested a condition for archaeological monitoring and recording if planning permission is granted. This would ensure that the significance of this heritage asset is adequately addressed.

Conditions

19. I have considered the conditions suggested by the Council against the requirements of the Planning Practice Guidance (PPG). In the interests of conciseness and enforceability, the wording of some of the conditions have been amended and superfluous text has been removed. Conditions are required to secure compliance with the submitted plans and details and to provide certainty as to what has been permitted.
20. Several pre-commencement conditions are required to address issues that are fundamental to the development and need to be planned for and agreed at the start of the works. A condition to require an arboricultural method statement and tree protection plan is required given the potential for damage during the construction phase. A condition requiring a scheme of landscaping works is also required in the interests of character and appearance and the special interest/significance of nearby heritage assets. These conditions would ensure that the development complies with BBLP Policies 38 and 39.
21. To minimise the impacts on biodiversity, and great crested newts in particular, a condition requiring the submission of a Reasonable Avoidance Measures (RAMs) document is necessary and would ensure it complies with BBLP Policies

- 42S and 43. Due to the likely impact of the groundworks associated with the development on the potential archaeological remains cited in the Archaeological Desk Based Assessment, a condition for archaeological monitoring and recording is necessary and would ensure that the development complies with BBLP Policy 41S. By necessity, this needs to be a pre-commencement condition to ensure that development is carried out in accordance with the approved details.
22. Conditions requiring details of materials and boundary treatments are necessary in the interests of character and appearance and the significance of nearby heritage assets, and would comply with BBLP Policies 28S, 29 and 30. To comply with BBLP Policy 43, a condition requiring a biodiversity enhancement scheme is necessary in the interests of biodiversity and geodiversity.
23. To ensure highway safety, conditions require the access drive to be surfaced with a bonded material for a distance from the highway carriageway edge and that any gates are erected a set distance from that edge. Conditions relating to parking and bin storage are also required to ensure that the new development has a positive relationship with its surroundings and that adequate levels of amenity will be enjoyed by future occupiers or users of the proposed development. These would ensure that the development complies with BBLP Policies 29,31 and 32. To ensure resources are used efficiently, to reduce carbon emissions and the impact on climate change, conditions are required to provide electric car charging points, in accordance with BBLP Policy 89, and for the dwelling to achieve higher water efficiency standard, in accordance with BBLP Policy 52.
24. The Framework advises that conditions should restrict national permitted development rights only where there is clear justification to do so. Owing to the proximity of designated heritage assets, a condition restricting permitted development rights in relation to the matters suggested by the Council is justified to ensure the significance of the heritage assets is preserved. Consequently, the suggested removal of permitted development rights in this respect is reasonable and necessary to make the development acceptable in the circumstances of the site and its surroundings.
25. There is no evidence before me to indicate that the Council's suggested condition relating to the installation of open access fibre optic broadband is necessary in this case given that it relates to a replacement dwelling. Consequently, I am not imposing this condition. Conditions cannot be used to control matters that are subject to other primary legislation. Therefore, I will not be imposing a condition in respect of a protected species licence.

Conclusion

26. For the above reasons and taking account of all other matters raised, I conclude that the appeal should be allowed.

G Bayliss

INSPECTOR

- Attached schedule -

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan Ref.2021/1004/01A, Block Plan Ref. 2021-1004-02A, Proposed Elevations and Floor Plans Ref. 2021-1004-03A and Arboricultural Plan Ref. 4461.Renhold.MHA.AIP, unless modified by any of the other conditions in this decision.
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction – Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 4) No development shall take place until a scheme of landscape works has been submitted to and approved in writing by the Local Planning Authority, which shall include details of the following:
 - a) details of any trees and hedges to be retained or removed;
 - b) new planting proposals giving location, species, number, density and planting size;
 - 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.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 completion of the development. 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. The scheme shall thereafter be implemented accordance with the approved measures.
- 5) No development shall take place until a Reasonable Avoidance Measures (RAMs) document, written by a suitably qualified ecologist, is submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented accordance with the approved measures.
- 6) No development shall take place until an archaeological mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
 - a) the programme and methodology of site investigation and recording;
 - b) the programme for post investigation assessment;
 - c) the provision to be made for analysis of the site investigation and recording;
 - d) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) the provision to be made for archive deposition of the analysis and records of the site investigation.

- The development hereby permitted shall be carried out in accordance with the approved strategy and timetable/programme.
- 7) No development above slab level shall take place until details/samples of the materials to be used in the construction of the external surfaces (to include walls, roof, doors, windows and external gutters and pipework) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 8) No development above slab level shall take place until written details of all boundary treatments, screen walls and fences including a timetable for carrying out the works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and timetable.
 - 9) No development above slab level shall take place until a scheme for car and cycle parking (with access thereto) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and the car and cycle parking areas shall be retained as such and not be used for any other purpose.
 - 10) No development above slab level shall take place until a Biodiversity Enhancement Scheme (to include details of protection and management of habitats and species and incorporating opportunities for the enhancement of existing and the creation of new habitats on site) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details or particulars.
 - 11) The dwelling hereby permitted shall not be occupied until the access has been surfaced in a stable and durable manner with a hard bonded material across the entire width of the access for a distance of 5m measured back from the carriageway edge. Surface water from the access must not drain to the public highway.
 - 12) Any vehicular access gates provided shall open away from the highway and be set back a distance of at least 5 m from the nearside edge of the carriageway of the adjoining highway.
 - 13) The dwelling hereby permitted shall not be occupied until full details and plans of the bin storage and collection areas have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and shall not thereafter be used for any other purpose.
 - 14) The dwelling hereby permitted shall not be occupied until a scheme of electric car charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the new dwelling is occupied and the electric charging points shall thereafter be retained and maintained.
 - 15) The dwelling hereby permitted shall not be occupied until 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) has been complied with.
 - 16) Notwithstanding the provisions of Classes A-E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no enlargement or other alteration of the dwelling hereby permitted, including any alterations or additions to the roof nor the erection of outbuildings constructed within the curtilage of the dwellinghouse.