

APPLICATION NUMBER	CB/24/02702/FULL
LOCATION	Land Opposite Hatch Farm, Hatch Common, Hatch, Sandy, SG19 1PS
PROPOSAL	Erection of a self build dwelling and associated amenity space including hard and soft landscaping, material change of use of land for habitat creation with an engineering operation to create drainage basin
PARISH	Northhill
WARD	Northhill
WARD COUNCILLORS	Cllr Daniels
CASE OFFICER	Luke Burgess
DATE REGISTERED	03 October 2024
EXPIRY DATE	28 November 2024
APPLICANT	Mrs Z Tofield
AGENT	ET Planning
REASON FOR COMMITTEE TO DETERMINE	'Called-in' to Development Management Committee by Councillor Daniels for the following reasons (summarised):

- **Conforms with Policies HQ1, EE5 and Th of the Central Bedfordshire Local Plan and Policy NP6 of the Northhill Neighbourhood Plan.**
- **No loss of amenity with this application for the wider community.**
- **The development is sustainable. The A1 is 1.1km away, there is a farm shop less than half a mile away which includes a café and commercial estate. The development is less than 2 miles from Sandy train station. Cycle links to Sandy. In close proximity with a variety of other local amenities.**
- **Development is not overbearing.**
- **Vehicles will be parked within the site of the development and not encroaching the highway.**
- **There is one wheelchair accessible space in the garage and space for 4 vehicles on the driveway.**
- **The design of the proposed development is in line with surrounding properties. Due to disability the living space is all on the ground floor with extra space to enable wheelchair access in all rooms. The design exceeds the minimum part “M” of building regulations.**
- **The development exceeds the minimum requirements of a 10% Biodiversity Net Gain. There is already existing tall hedging in Thorncote Road, and more hedging is being planned for the area opposite Hatch farm. The application is addressing planting native trees, native plants and to include scrub areas, habitats that are invertebrate friendly, blossom trees, wildflowers, bat and owl boxes.**

- **A rural settlement will not have transport links by its very nature, but the additional educational needs of the child dictate that transport will still be required and the journey to school will still be undertaken each day by the parent.**

RECOMMENDED

DECISION
APPENDIX

Full Application - Recommended for Refusal
No

Summary of Recommendation:

The design, scale, mass and sprawl of the proposed dwelling is inappropriate and disproportionate and would appear at odds with the surrounding settlement character. The anticipated degree of harm caused by the development and the permanent loss of openness of the application site would be significant and lasting and would not be considered to reinforce local distinctiveness, relate well to existing local surroundings nor reflect local character.

In addition, due to the poor connectivity to surrounding settlements where day-to-day services can be found, it is likely that future occupiers of the development, together with family, visitors and care workers would have an over-reliance on private vehicles.

Therefore, on balance, with regard to all matters raised, the significant harm which would be caused by the proposal is not considered to be outweighed and as such, the proposed development would therefore be contrary to the objectives of Policies SP7, HQ1, EE5, Th and T3 of the Central Bedfordshire Local Plan and Policy NP6 of the Northhill Neighbourhood Plan.

Site Location:

The application site sits on a corner plot where Thorncote Road (north) and Hatch Common (east) intersect. It measures approx. 0.63ha in area and comprises large open pastureland.

The site is adjoined on its southern side by open fields (which appear to provide grazing land) with a short post-and-rail fence demarcating the boundary. On its western side, an enclosed landscaped plot which is bounded by a thick tree-lined hedgerow, known as 'The Huts'. An existing electric substation adjoins the northwest corner.

The wider area is comprised of sporadic residential, agricultural and commercial buildings.

The Application:

This application seeks planning permission for the erection of a self build dwelling and associated amenity space including hard and soft landscaping, material change of use of land for habitat creation with an engineering operation to create drainage basin.

The dwelling has been designed to meet the specific needs of the applicants. The dwelling would have built-in accessibility features - its bespoke layout would comprise:

- Open plan living/dining/kitchen area.
- 3no. bedrooms with en-suite/wetrooms.
- Carer's bedroom with en-suite/shower room.
- Therapy/Rehabilitation room.
- Storage facilities (to include electric wheelchair charging point).
- Garage (to include space for wheelchair access and manoeuvrability).

The dwelling would be of an 'L-Shape' design and would have a total width of 27.2 metres and a total depth of 31 metres (approx.) (measured at its widest and deepest points), culminating in an overall external footprint of 507sqm and an overall internal floorspace of 471sqm (approx.). The dwelling, whilst single storey, would appear 1.5 storeys in its design and height by way of its dual-pitched roof design, sited at a height of 7.4 metres (at its tallest point).

The requirements are designed to exceed M4(3) standards, in conjunction with additional facilities tailored to the personal circumstances of the occupants. Minimum M4(3) standards alone will not address these circumstances. The proposed dwelling is designed to meet the complex health needs of a child and his parent carers.

RELEVANT POLICIES:

Central Bedfordshire Local Plan (CBLP)

SP2: NPPF - Presumption in Favour of Sustainable Development

SP7: Windfall Development

H2: Housing Standards

H6: Self-Build and Custom Housing

Th: Mitigation of Transport Impacts on the Network

T2: Highways Safety and Design

T3: Parking

T5: Ultra Low Emissions Vehicles

EE2: Enhancing Biodiversity

EE3: Nature Conservation

EE4: Trees, Woodlands and Hedgerows

CC1: Climate Change and Sustainability

CC3: Flood Risk Management

CC5: Sustainable Drainage

CC6: Water Supply and Sewerage Infrastructure

CC8: Pollution and Land Instability

HQ1: High Quality Development

DC5: Agricultural Land

Neighbourhood Plan Policies

The Northill Neighbourhood Plan 2019-2031 is adopted and forms part of the CBC Development Plan. As such, full weight can now be given. The policies of relevance are:

NP1: Housing Requirement

NP6: Residential Design

NP8: Flood Risk and Drainage Management

NP21: Low Carbon Development

Supplementary Planning Guidance/Other Documents

National Planning Policy Framework (NPPF) (December 2024)

- Section 2 – Achieving sustainable development
- Section 6 – Building a strong, competitive economy
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

Relevant Planning History:

Case Reference	CB/24/00333/PAPC
Location	Land adjacent to Hatch Farm, Hatch Common, Hatch, Sandy SG19 1PS
Proposal	Pre application advice other development – initial written response : Erection of a new single-storey dwelling with access.
Decision	Pre-App Charging Fee Advice Released
Decision Date	05/04/2024

Case Reference	CB/21/02002/FULL
Location	Land Adjacent to Hatch Farm, Hatch Common, Hatch, Sandy, SG19 1PS
Proposal	Erection of a new single-storey dwelling with access, septic tank, suds and new driveway.
Decision	Full Application - Refused
Decision Date	20.12.2023

Consultees (Summarised):

- Northhill Parish Council Resolved to approve/ support the application. It was noted that unique issues requiring a self-build with the needs of the applicant mitigating the sustainability. The Parish Council consider this is a very much improved application, and was noted within the Northhill Neighbourhood Plan, rural housing is below quota.
- Councillor Daniels 'Called-in' the application to Development Management Committee, for the following reasons:
- Conforms with Policies HQ1, EE5 and Th of the Central Bedfordshire Local Plan and Policy NP6 of the Northhill Neighbourhood Plan.
 - No loss of amenity with this application for the wider community.
 - The development is sustainable. The A1 is 1.1km away, there is a farm shop less than half a mile away which includes a café and commercial estate. The development is less than 2 miles from Sandy train station. Cycle links to Sandy. In close proximity with a variety of other local amenities.
 - Development is not overbearing.
 - Vehicles will be parked within the site of the

development and not encroaching the highway.

- There is one wheelchair accessible space in the garage and space for 4 vehicles on the driveway.
- The design of the proposed development is in line with surrounding properties. Due to disability the living space is all on the ground floor with extra space to enable wheelchair access in all rooms. The design exceeds the minimum part “M” of building regulations.
- The development exceeds the minimum requirements of a 10% Biodiversity Net Gain. There is already existing tall hedging in Thorncote Road, and more hedging is being planned for the area opposite Hatch farm. The application is addressing planting native trees, native plants and to include scrub areas, habitats that are invertebrate friendly, blossom trees, wildflowers, bat and owl boxes.
- A rural settlement will not have transport links by its very nature, but the additional educational needs of the child dictate that transport will still be required and the journey to school will still be undertaken each day by the parent.

Broadband

This ‘postcode’ area and applicant address already has Full Fibre broadband connectivity, it should therefore be ensured that any new dwellings are also connected and therefore engagement with OpenReach ahead of the build should be confirmed.

Waste

As this is an already established road, dwelling/s would be required to present their bins on the boundary of the property and public highway on the day of collection in accordance with the rest of the road. A hard-standing area needs to be provided for at least 3 wheelie bins and a recycling caddy per property. Bins must not encroach on or cause a hazard or obstruction to the public highway.

Trees and Landscape

An updated landscape plan has been provided. An Arboriculture impact assessment and tree protection method statement would be required.

SuDS

Consider planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, subject to recommendations and conditions.

Pollution

No objection to the proposal, but note the site is situated with an electricity sub-station to its north-western boundary.

A condition for any unexpected contamination has been suggested.

Highways
Self-Build

No objection, subject to conditions.

Strategic Housing does not have any comments to provide regarding a policy-compliant level of self- or custom-build housing. However, as the application provides for a self-build plot, Strategic Housing is supportive of the application

Housing Standards The application proposes the erection of one self-build dwelling, which is indicated as a wheelchair accessible dwelling in line with Part M accessibility standards. Strategic Housing are supportive of this provision. Internal space standards require all residential development to be delivered in accordance with the Nationally Described Space Standards, which this application exceeds.

Affordable Housing No comments.

Bedford Group of No objection.

Drainage Boards

Environment Agency

We understand the Foul Drainage System proposed in the previous application referenced CB/21/02002/FULL was not a cause of objection, however, we review each application independently and on its own merits, therefore our objection to the Foul Drainage System on this current application still remains valid. The general binding rules could apply in this instance, however, without sufficient detail this cannot be determined, these details should be provided on the FDA1 form. The justification for non-mains connection must also still be provided by the applicant in the form of a completed FDA1 form. The feasibility of mains connection alongside the justification for non-mains connection will then be assessed and our position will then be set out.

Archaeology

Ecology

Further information required.

An Ecology Rebuttal Letter has been provided which addressed most of the concerns raised in the initial consultation.

It should be noted that there is a risk of overcrowding along the frontage of the site with the creation of the hedgerow with trees (H4). The tree canopies could overlap and shade out the original hedge and the benefits to biodiversity/connectivity provided in this area seem minor compared with the potential negative impacts. The construction of hardstanding so close to a row of new hedgerow with trees does not seem viable for the long term health of the trees either. Comments from the Tree Officer are supported. Enhancements of the existing hedgerow would be preferable.

Species list provided is acceptable.

Compliance with the Preliminary Ecological Appraisal (PEA) was previously conditioned however due to the request for further survey and ecological supervision (ECoW), these measures should be compiled into a working CEMP to be provided via pre-commencement condition.

Other Representations:

Neighbours

The Countryside

Charity Bedfordshire

No comments received.
(Summarised):

(CPRE)

CPRE object to this application as the proposals conflict with Policies SP7, EE5, HQ1 and Th of the CBLP, as well as the specific Policies within the adopted Neighbourhood Plan.

- The proposal would conflict with paragraph 170 of the NPPF (landscape impact).
- The proposed application is outside the settlement envelope and would significantly harm the rural character and setting.
- The proposal would diminish the character and setting of the settlement of Hatch as well as that of the wider Parish.
- The proposal does not represent high-quality development, which will be inappropriate in this setting.
- The site is not sustainable and would rely on the use of cars.
- Contrary to Policy NP6 (Residential Design) of the Northill Neighbourhood Plan. The development, due to its size and design, does not existing character of Hatch.

Determining Issues:

The main considerations of the application are;

1. Principle, History and Background
2. Design and Impact on the Character and Appearance of the Area
3. Climate Change and Sustainability
4. Flooding and Drainage
5. Impact on Neighbouring Amenity
6. Living Environment/ Standards for Future Occupiers
7. Highway Considerations
8. Other Considerations
9. Conclusion

Considerations

1. Principle, History and Background

1.1 This application seeks Planning Permission for the erection of a self build dwelling and associated amenity space including hard and soft landscaping, material change of use of land for habitat creation with an engineering operation to create drainage basin. The dwelling has been designed to meet the specific needs of the applicants - the requirements are designed to exceed M4(3) standards, in conjunction with additional facilities tailored to the personal circumstances of the occupants.

1.2 This application comprises a similar submission/ resubmission of a previous planning application at the site, reference: CB/21/02002/FULL, which sought the erection of a new single-storey dwelling with access, septic tank, suds and a new driveway. This application was subsequently refused for the following reasons:

1. *"The proposed development, by reason of its design, appearance, scale and mass represents an inappropriate and disproportionate addition to the*

street scene that would appear at odds with the surrounding settlement character. The anticipated degree of harm caused by the development of the site and the loss of openness of the application site would be significant and lasting and would not be considered to reinforce local distinctiveness, relate well to existing local surroundings nor reflect local character. As such, the development would be contrary to Policies SP7, EE5 and HQ1 of the Central Bedfordshire Local Plan (2021) and Policy NP6 of the Northill Neighbourhood Plan (2019)."

2. "In the absence of safe and convenient pedestrian and cycle links between the site and nearby neighbouring settlements, together with poor and limited access to public transport, it is considered that the site is located in an unsustainable location, which will result in future occupiers, together with their family members, visitors and health care workers, having an over-reliance on private vehicles to access the site, and other essential services and amenities such as employment, schools, health care, leisure and supermarkets. The development is therefore contrary to Policies SP7, Th, T3 and HQ1 of the Central Bedfordshire Local Plan (2021), Policy NP6 of the Northill Neighbourhood Plan (2019) and the principles of sustainable development as set out in the National Planning Policy Framework 2023."

- 1.3 Following the refusal of this FULL application, Pre-Application Advice was sought for a new dwellinghouse at the site, which aimed to address the reasons for refusal. This Pre-Application Advice comprised proposed plans for four re-designed schemes, amongst various supporting documents. The schemes were considered, however, the Local Planning Authority raised similar concerns to that of the previous planning application (CB/21/02002/FULL) at the site. It was considered that the revised designs and supporting information were insufficient in overcoming the fundamental concerns with the proposed development. The Pre-Application Advice response by the Local Planning Authority concluded that:

"When assessing the planning balance, the personal circumstances of the applicant and future occupiers would be carefully considered and given significant weight, as stated above. However, at this stage, it is considered that identified harm of the revised proposals to the character and appearance of the site and surrounding area are unlikely to be outweighed by the personal circumstances of the future occupiers, and do not overcome the previous reasons for refusal for the previous application ref: CB/21/02002/FULL."

- 1.4 This current application seeks a revised design, similar to the schemes submitted for Pre-Application Advice, which aims to overcome the reasons for the refusal of the previous planning application (CB/21/02002/FULL) at the site. Additionally, this submission seeks the use of land as habitat creation and engineering operations which, cumulatively, is designed to fulfil obligations for achieving Biodiversity Net Gain and has integrated flood-risk prevention. This will be assessed below.
- 1.5 Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and 70(2) of the Town and Country Planning Act 1990 require the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise.
- 1.6 The Council can currently demonstrate a five-year supply of deliverable housing land (5.05 years as of 1st October 2024) and therefore it is considered that the plan is up to date for the purposes of determining planning

applications. Accordingly, the most important policies in the Local Plan relevant to this application proposal, including Policy SP7, are not considered to be out of date and the presumption in favour of sustainable development in paragraph 11 of the NPPF (2024) is not therefore engaged.

- 1.7 The application site is located within Hatch, a small hamlet within the Northill Parish that is divorced from any defined Settlement Envelopes in the context of Policy SP7 of the Central Bedfordshire Local Plan (2021). The hamlet falls within the open countryside and lacks any basic facilities or amenities to serve its modest population.
- 1.8 Policy SP7 advises that outside of Settlement Envelopes, the Council will recognise the intrinsic character and beauty of the countryside and only particular types of development will be permitted. This does not extend to residential development as proposed. Policy NP1 of the Northill Neighbourhood Plan (NNP) is silent on developments falling outside of Settlement Envelopes.
- 1.9 The proposal for new residential development outside of a defined Settlement Envelope conflicts with the current settlement strategy of the Council and is not therefore supported as a matter of principle.
- 1.10 Notwithstanding the foregoing, development cannot be refused solely on the grounds of it falling outside of a defined Settlement Envelope. The proposed development therefore needs to be considered against the three objectives of sustainability (namely the social, environmental and economic objectives) to determine whether the development would be sustainable and whether the development would represent a harmful encroachment into the open countryside.

Personal circumstances

- 1.11 The application is accompanied with extensive supporting information setting out the family's personal circumstances, which extends to both physical and learning disabilities. The proposed use therefore requires a single bespoke dwelling, purpose-built for the specialised needs of this family (of three persons). The adjacent use will be used solely for habitat creation and operational development (to create the flood basin and achieve a Biodiversity Net Gain).
- 1.12 Between paragraphs 11.2.5 and 11.2.15 of the Central Bedfordshire Local Plan, the Development Plan considers housing for disabilities (both learning and physical) and sets out that the Council's historic expenditure of Disabled Facilities Grants would have been avoided if there was a good supply of flexible and adaptable homes within new delivery. As a consequence, Policy H2 supports the aim to create more flexible and adaptable homes, by requiring all new residential development to deliver a percentage of homes to meet this need.
- 1.13 Since the Central Bedfordshire Local Plan's adoption in 2021, it has been positive in the delivery of an increased percentage of M4(2) and M4(3) housing. Notwithstanding this however, the supporting information provided with the application sets out that the applicant has been unable to source a suitable home, in an optimal location (in respect of education facilities, support networks and current employment arrangements) to meet the family's needs.

- 1.14 The applicant and their family's current residence is located within Leighton Buzzard. The application site and new dwelling would provide a location which is within a 30-minute drive (approx.) from Leighton Buzzard, whilst also being within a 30-minute drive (approx.) of the family's existing, and future educational requirements. This is demonstrated in Appendix 3 provided with this application.
- 1.15 Within the defined, required area, seeking only bungalows with a minimum of 4-bedrooms, it was found that the properties have either been removed by the agents, sold, or do not provide sufficient and/ or suitable living accommodation to meet the needs of the applicant and their family. The position as set out is that there are no alternative dwellings or sites.
- 1.16 The requirements of the applicant and family are a material consideration in this case and carry significant weight in support of the application.

2. Design and Impact on the Character and Appearance of the Area

- 2.1 The proposal seeks the construction of a detached, single storey dwellinghouse and associated amenity space, including hard and soft landscaping and a material change of use of land for habitat creation with an engineering operation to create a drainage basin.
- 2.2 Policy EE5 of the Central Bedfordshire Local Plan requires all development proposals to have regard to the key characteristics and sensitivities of the site and its setting, as set out in the Central Bedfordshire Landscape Character Assessment, in order to safeguard intrinsic character, scenic beauty and perceptual qualities of the landscape such as tranquillity. Development is required to respect, retain and enhance the character and distinctiveness of the local landscape by reflecting the local character in terms of the scale and pattern of the surrounding landscape and existing settlement form; and integrating on-site mitigation sympathetic to local character in scale with the landscape setting as well as the scale of the development.
- 2.3 Policy HQ1 of the Central Bedfordshire Local Plan requires development to be of the highest possible quality and respond positively to its context. Policy NP6 of the Northill Neighbourhood Plan follows a similar vein to Policy HQ1 of the CBLP, in seeking to protect the character of villages and surrounding areas.
- 2.4 Local Plan policies are supported by the NPPF where, at paragraph 135 it advises that in achieving well-designed places developments *"are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change."* Paragraph 187 further advises that planning policies and decisions should contribute to and enhance the natural and local environment by *"recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland."*
- 2.5 The site is located within the Lower Ivel Clay Valley Landscape Character Area (LCA) (Landscape Character Assessment 2015 - Area 4B). The Lower Ivel Clay Valley is an open, shallow low-lying valley between 25 metres to 50 metres above ordnance datum. The area comprises of large and medium size fields of arable and pasture which are bounded by ditches and hedgerows in mixed condition and a few substantial settlements. Many of these

characteristics can be experienced in and around the application site, which, together with the field pattern on the opposing side of Thorncote Road (to the north) provides a relatively large area of openness at a prominent location within the hamlet and amongst the sporadic nature of built development.

- 2.6 Given its location within the open countryside, Hatch appears to have experienced limited growth historically. Where more recent developments have come forward, they have done so on established brownfield land and have adopted a traditional approach to design and appearance reflective of the older, more established dwellings within the settlement. Whilst there is a range of differing styles and house types, the general form and scale is what could be described as typically residential (brickwork / painted / render facings, pitched roofs, dormer windows etc) all of which contributes to the general character of the hamlet.
- 2.7 The dwelling proposed would be of an 'L-Shape' design and would have a total width of 27.2 metres and a total depth of 31 metres (approx.) (measured at its widest and deepest points), culminating in an overall footprint of some 507sqm. The dwelling, whilst single storey, would appear 1.5 storeys in its design and height by way of its dual-pitched roof design, sited at a height of 7.4 metres (at its tallest point).
- 2.8 The Planning Statement provided states that the proposed scheme has taken incorporated design suggestions through the change in roof form and the architectural style. Moreover, the materials and colour palette are considered to take clear visual cues from the surrounding housing and reflect the local vernacular. Whilst it can be agreed that, when compared to the previous scheme sought under application reference: CB/21/02002/FULL, the design of this scheme appears more in accordance with the local grain of development and character of dwellings in the area; the proposed dwelling would appear excessively large, by way of its significant footprint, scale, mass and height.
- 2.9 The applicant/ agent has identified that the specific requirements of the family and the requirements of M4:3 will inevitably result in a larger footprint than that of general housing, due to being unable to provide space over two floors and the additional space requirements as set out. Whilst this is acknowledged and the requirements of the dwelling (internally and externally) are not disputed; the dwelling would appear significantly larger than, and disproportionate to, dwellings in the local area. Further to this, the dwelling's footprint, when compared to the previous application at the site (CB/21/02002/FULL) has increased from some 456m², to 507m² (approx.), thereby significantly exacerbating the scale and sprawl of built form across an otherwise empty, well landscaped area of land.
- 2.10 The urbanisation of the site and the consequential loss of openness would be detrimental to the landscape character. Whilst the landscaping scheme, proposed planting and material change of use of land for habitat creation and associated engineering operations sought, atop the existing landscaping surrounding the site, could be argued to enhance the site and assist in screening the development (affording considerable weight in favour of the scheme); due to the significant ridge height, scale and sprawl of the dwelling, the proposal would be readily visible at the site above such landscaping, forming a visibly incongruous addition and harmful incursion in the open countryside.

- 2.11 On the basis of the foregoing, the design, scale, mass and sprawl of the proposed development is inappropriate and disproportionate and would appear at odds with the surrounding settlement character. The anticipated degree of harm caused by the development of the site and the loss of openness of the application site would be significant, lasting and would not be considered to reinforce local distinctiveness, relate well to existing local surroundings nor reflect local character. As such, the development would be contrary to Policies SP7, EE5 and HQ1 of the Central Bedfordshire Local Plan and Policy NP6 of the Northill Neighbourhood Plan.

3. Climate Change and Sustainability

- 3.1 The development aims to deliver a highly sustainable dwelling design will meet the latest building regulation requirements in terms of energy efficiency and carbon emissions. Limited information has been provided specific to this submission with regard to sustainable and renewable technologies, such as solar/ PV panels and electric vehicle charging points. It would appear that solar panels have been indicated on the proposed elevations; although, they have been shown with very limited detail. However, this could be secured via condition for any approval.
- 3.2 It would be necessary to seek confirmation that the measures have been implemented as indicated (which could be secured through planning condition), but generally, the proposed built environment could comply with the objectives of Policies T5, CC1 and HQ1 of the CBLP and partial compliance with Policy NP6 of the NNP.

4. Flooding and Drainage

- 4.1 The application site is greenfield land and is located close to a number of water courses, ditches and ponds. It falls within Flood Zone 3 and is subject to higher risk of surface water flooding.
- 4.2 Due to its location, consultation with the Environment Agency, the Council's SuDS Officer and the Internal Drainage Board has taken place regarding matters of potential Flood Risk, to ensure the development is acceptable in this regard. The results of this consultation will be detailed below.
- 4.3 The Council's SuDS Officer considered that the application could be supported such that the final design and maintenance arrangements for the surface water system are agreed at the detailed design stage, secured via condition. This is deemed to be an acceptable approach in this regard.
- 4.4 The Internal Drainage Board raised no objection to the proposal, subject to the requirement of a land drainage consent in accordance with the Board's byelaws such that surface water discharge is proposed to a watercourse within the Board's district. This can be secured separate to this planning application and therefore, permission should not be withheld on this basis.
- 4.5 As regards flood risk, the Environment Agency (EA) raised no objection to the proposed development, providing that the mitigation measures proposed in the submitted Flood Risk Assessment (Flood Risk Assessment 16.09.2024) are adhered to.
- 4.6 However, the EA, following the submission of further information by the

applicant/ agent, retain an objection to the application due to the use of a non-mains foul drainage system, which poses an unacceptable risk of pollution to ground and surface waters. The EA advised that, to overcome their objection, the applicant should thoroughly investigate the possibility of connecting to the public foul sewer, and either revise their application to propose a mains connection or submit evidence that demonstrates that this is not feasible, by way of an FDA1 Foul Drainage Assessment Form.

- 4.7 Considering this position, the required details could be addressed and secured via condition, by way of a Foul Drainage Assessment/ Strategy attached to any approval. This is considered a reasonable approach to overcome the concerns/ objection raised by the Environment Agency in this instance.
- 4.8 Aside from the above, where development occurs within Flood Zones 2 and 3, a sequential test is required. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 4.9 In this instance, the Flood Risk Assessment and associated documents contain a short sequential test. The information provided advises that, as the applicant and their family face multiple difficulties (relating to circumstances explained elsewhere in this report), the choice of development has been based upon location to their family network, land availability and cost requirements.
- 4.10 The application is supported by an appraisal of other available properties existing in the area, which have been found to be unsuitable to meet the requirements of the end user. Appendix 8, dated 19th October 2023, provided with this application, also confirms that:

"The family registered on the self-build register over 4 years ago and have had notification of 1 single self build plot at Wood End and 6 plots in Toddington which may be offered to come forward in the future. Neither of these sites are suitable or available to the applicant at this time."

- 4.11 The information provided further states that the applicant has remained on the self build register and there have since been no self build plots available within their catchment.
- 4.12 In this instance, the applicant does have specific requirements of a new home, which means that they will, in all probability, require a self-build plot. As such, availability is an important consideration and, on the basis that the Council has not had any self-build / custom-build units available in the catchment area of preference, the sequential test for selecting the application site, is considered to be satisfied in this instance.
- 4.13 Overall, the proposed development will be compliant with the objectives of Policies CC3 and CC5 of the CBLP and Policy NP8 of the Northill Neighbourhood Plan.

5. Impact on Neighbouring Amenity

- 5.1 There are existing dwellings to the immediate northeast of the site on the opposite side of Thorncote Road and to the east across Hatch Common. However, these properties are a suitable distance away not to be affected by the proposed development, by way of overlooking, overshadowing, loss of

privacy or increased noise and general disturbance.

- 5.2 All other neighbouring dwellings are deemed to be sufficiently separated and/or screened from the proposed development as to where they would not be detrimentally impacted.
- 5.3 As such, as regards neighbouring amenity, the proposal is considered to be in accordance with Policy HQ1 of the Central Bedfordshire Local Plan, Section 11 of the Central Bedfordshire Design Guide and Section 12 of the NPPF.

6. Living Environment/ Standards for Future Occupiers

- 6.1 The significant floorspace of the proposed dwelling would provide spacious, open plan living with all habitable rooms being provided with a window opening allowing daylight penetration and suitable outlook.
- 6.2 The dwelling is designed to be in excess of the standard required for M4(3) wheelchair adaptable throughout, which contributes to the significant floorspace that is proposed.
- 6.3 To note, within the Technical Housing Standards, a 4-bedroom, 8-persons single storey dwellinghouse should have a minimum gross internal floor area of 117m². However, these standards do state that gross internal areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair users. As submitted, the proposed gross internal floorspace of the dwelling would be 471sqm (approx.).
- 6.4 The bespoke layout of the dwelling would comprise an open plan living/dining/kitchen area, 3no. bedrooms with en-suite/wetrooms, a carer's bedroom with en-suite/shower room, a therapy/ rehabilitation room, storage facilities (to include electric wheelchair charging point) and a garage (to include space for wheelchair access and manoeuvrability). It is noted that the proposed floor plan has not been annotated to identify the use of each room, no first floor is shown on the proposed plans, however rooflights are proposed.
- 6.5 As has been set out in this report, the applicant and their family experience both physical and learning disabilities and therefore the inclusion of these facilities/ this accommodation is a requirement of the development.
- 6.6 The applicant has provided information relating to the requirements of the dwelling and its facilities, including their efforts to find alternative suitable accommodation without success and has explained there are no other alternatives.
- 6.7 It is acknowledged that some of the accommodation proposed is desirable in the applicant achieving the most optimum and convenient living environment to suit the family circumstances, which would have a significantly beneficial impact upon the living environment to be created. This is considered acceptable in this regard.
- 6.8 However, it is also acknowledged that as the floorspace contributes to the scale of the dwelling, this benefit has to be balanced against the concerns raised regarding the significant footprint, sprawl of built form, bulk and mass of the dwelling and subsequent harm arising.

7. Highway Considerations

- 7.1 The proposed dwelling would be accessed from an existing junction/ access to the site near to the corner of Hatch Common and Thorncote Road.
- 7.2 The Council's Highway Officer was consulted in regard to the proposal and considered that the existing access point would have historically been for agricultural use only, and is in a dangerous location within the junction area. Due to the high hedgerow around the site, visibility is severely restricted in both directions and it has therefore been suggested the access be moved further down Hatch Common. In addition to this, it has been noted that a 4-bedroom dwelling ((although this detail is not clearly shown on the plans for clarity) would require a minimum of 4 parking spaces - 3 for the dwelling and 1 visitor space. However, whilst concerns have been raised, the Highway Officer has stated that conditions could secure necessary arrangements.
- 7.3 The access into the site would lead to a large open forecourt which is considered to be capable of providing ample parking as well as suitable turning space to ensure that vehicles can leave the site in forward gear, in accordance with the Council's Parking Standards for New Developments SPD. In addition to this, it is worth noting that this existing access was sought under the previous planning application at the site (CB/21/02002/FULL), which was considered acceptable subject to various conditions.
- 7.4 Therefore, subject to conditions, in terms of traffic generation, access arrangements and parking provision, the proposed development is considered to be acceptable.
- 7.5 The NPPF (2024) sets out objectives for sustainable transport, and places emphasis upon promoting and increasing the use of sustainable modes of transport including the use of public transport, walking and cycling, in order to reduce the reliance on private car. These objectives are reinforced by Policies SP7 and Th of the CBLP and Policy NP6 of the Northhill Neighbourhood Plan, where there is a clear aim to concentrate developments in and around larger settlements within the settlement hierarchy, which have numerous services and amenities to serve the population.
- 7.6 Hatch is a small hamlet located in the open countryside, and commensurate with its size and location it has very limited facilities. The Ward Councillor identified, on the 'Call-in Form', that development is deemed to be sustainable, on the basis that the A1 is 1.1km away, there is a farm shop, café and commercial estate less than half a mile away, the development is less than 2 miles from Sandy train station with cycle links to Sandy and is in close proximity with a variety of other local amenities.
- 7.7 Whilst these are all acknowledged, the farm shop and café are not, in themselves, sufficient facilities to meet the everyday needs of occupiers, nor are they accessible to pedestrians due to a lack of footpaths on either side of Thorncote Road. Furthermore, the hamlet is devoid of any suitable, lit footpath connections to any of the surrounding settlements that offer even the most basic of amenities and services. Due to the poor connectivity, it is unlikely that future occupiers of the proposed development would choose to walk or cycle to access nearby services.
- 7.8 In addition to the above, there are unmarked bus stops outside of the

application site/ Hatch Farm, but these are only serviced by the Ivel Sprinter community bus service. This runs one service per week, on a Wednesday, which goes to Cambridge, via Sandy. The Service collects from Hatch at 08:52 (AM) and returns in the PM. The site is not therefore accessible to a flexible bus service and the poor accessibility to Public Transport further exacerbates the future occupier's reliance on private vehicle modes.

- 7.9 Paragraph 83 of Section 5 of the NPPF (2024) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Hatch is remote and disconnected from day-to-day amenities and its residents will therefore rely on facilities in Sandy, Biggleswade ('Major Service Centres'), neighbouring villages, and further afield.
- 7.10 With consideration of the above, future occupiers of the proposed development would be required to undertake trips, via private motor vehicle, to access day-to-day services including employment, schools, health care, supermarkets and leisure uses. In this regard paragraph 83 of the NPPF (2024) advises that development in one village might help to support services in nearby villages, thereby improving the rural economy. However, due to the proximity of Hatch to Sandy and Biggleswade, it is likely that future residents will choose to access these 'Major Service Centres' over nearby villages (Upper Caldecote or Northill for example) due to the wider choice of amenities available there. The impact on the vitality of those neighbouring villages is therefore considered to be negligible.
- 7.11 The supporting information advises that, due to the family's specific circumstances, they will need to undertake trips via their private mobility vehicle. Notwithstanding this, the poor connectivity to the site, from more sustainable transport modes, removes that option from future family, visitors and care workers accessing the site, all of which would need to be undertaken by a private vehicle.
- 7.12 Overall, and considering the above, due to the poor connectivity to surrounding settlements where day-to-day services can be found, it is likely that future occupiers of the development would have an over-reliance on private vehicles. As such, the poor connectivity and accessibility to local services is considered to be contrary to the objectives of Policies SP7, Th and T3 of the Central Bedfordshire Local Plan, Policy NP6 of the Northill Neighbourhood Plan, and Section 9 of the NPPF.

8. Other Considerations

Human Rights and Equality Act issues:

- 8.1 Information supporting this application states that the dwelling has been designed and the site chosen, to best meet the needs of the whole family unit, and importantly the needs of the Applicant's son. It states that significant weight should be attributed to the human rights of the applicant and their family and refers to Section 149 of the Equality Act 2010, which states:
- 8.2 Section 149 of the Equality Act 2010 outlines that:

"(1)A public authority must, in the exercise of its functions, have due regard to the need to—

(a)eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b)advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c)foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

- 8.3 Relevant case law has also been cited, including *Pieretti v Enfield London Borough Council* [2010] EWCA Civ 1104, [2011] which relates specifically to the equivalent provision in the Disability Discrimination Act, and the 'six general principles' established by the High Court in *R (Brown) v Secretary of State for Work and Pensions and another (Equality and Human Rights Commission intervening)* [2008] EWHC 3158 (Admin), which govern how a public authority should use their executive function, when meeting the Public Sector Equality Duty (PSED).
- 8.4 In line with the 'six principles' outlined above, the policymaker or decision-maker should exercise 'due regard' when formulating policy or determining applications, that would impact disabled individuals.
- 8.5 The Planning Statement provided indicates that the previous Officer Report failed to consider the impacts in the Equalities Act and the consideration of Human Rights and a review of the decision by Marc Willers KC (Appendix 9) advises that '*the LPA ought not to follow the same flawed approach*'.
- 8.6 In response to this information provided, similarly to the previous application at the site (CB/21/02002/FULL), the needs of the applicant and their family have been given significant attention in the consideration of the case. This has been reflected in the time spent communicating with the applicant/ agent to overcome issues associated with the development, such as archaeological details and foul drainage details, for example, in order to reduce the reasons for refusal of the application. The extensive supporting information and details have been carefully reviewed, to ensure the Local Planning Authority have considered all the relevant factors and issues of this application. The case law referenced, as well as Section 149 of the Equality Act 2010, have been considered and afforded significant weight in the determination of this application, with particular regard to the information provided that this is considered to be the only suitable site for the construction of a dwelling and associated works to meet the needs and requirements of the family.
- 8.7 However, whilst the family circumstances have been carefully considered as having significant material weight, the Council considers that the harm caused by the proposed dwelling at the site upon the surrounding settlement pattern, together with its poor connectivity, carries overriding weight and therefore, the proposal cannot be supported for these reasons.
- 8.8 Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

Sustainable Development:

Social

- 8.9 The proposal would make a small contribution to the existing housing stock across Central Bedfordshire. A key aim of the NPPF is to significantly boost

the supply of new housing and the proposal is considered sustainable in this regard, which carries limited weight in its favour.

- 8.10 The proposed development would provide a self-build unit, which would be tailored to meet the needs of a family who experience difficult health circumstances. Furthermore, the site falls within the catchment area for schooling required for the applicant's child, which would result in identified benefits relating to the child's daily routine. This carries significant weight in favour of the proposed development.

Economic

- 8.11 The construction of a new dwelling would generate short to medium term employment opportunities throughout the build phase of the development. In the longer term it would bring new occupiers to the area who will contribute to the economy through the use of local services and amenities. The proposal is considered sustainable in this regard, which carries limited weight in its favour.

Environmental

- 8.12 The design, scale, mass and sprawl of the proposed development is inappropriate and disproportionate and would appear at odds with the surrounding settlement character. The anticipated degree of harm caused by the development of the site and the loss of openness of the application site would be significant and lasting and would not be considered to reinforce local distinctiveness, relate well to existing local surroundings nor reflect local character. This carries significant weight against the proposed development.
- 8.13 The application site has also been found to have poor connectivity and accessibility via sustainable means, with infrequent bus services and less than desirable pedestrian and cycle links to available services and amenities. This would increase reliance on private vehicles by future occupiers, their family, visitors and care workers, with very limited other options available. This carries significant weight against the proposed development.
- 8.14 The proposed development would fall within Flood Zone 3, which puts the site at risk from increased high-risk events being experienced. Whilst this carries significant weight against the proposed development, the flood risk of the development is now considered to be low. Furthermore, measures could be put in place to ensure that a limited impact occurs in such high-risk events. There is some concern regarding foul drainage, however, it is considered that this can be secured via condition, by way of a Foul Drainage Assessment/Strategy attached to any approval. As such, this is deemed to hold limited weight against the proposed development.

Biodiversity Net Gain (BNG):

- 8.15 The provision of Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990. In accordance with the Act, developers must deliver a BNG of 10%.
- 8.16 The dwellinghouse itself is considered to fall under the self-build exemption and is therefore exempt from demonstrating a 10% Biodiversity Net Gain.
- 8.17 However, the proposed material change of use of land for habitat creation with an engineering operation to create drainage basin would not fall under any

identified exemptions and therefore, a 10% Biodiversity Net Gain would be required.

8.18 The Small Sites metric has been provided with results showing a net gain of 1.9806 habitat units and a total net change of +111.95% habitat units. There is also a net gain of 1.1983 hedgerow units and a total net change of +130.97% in hedgerow units. Therefore, the significant gains provided have met and surpassed the mandatory 10%, which is supported and is afforded significant weight in favour of this application.

8.19 As a result, in this regard, the development would be in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy EE2 of the Central Bedfordshire Local Plan.

Trees and Ecology:

8.20 The Council's Tree and Landscape Officer and Ecologist were consulted in regard to this proposed development.

8.21 The Tree and Landscape Officer considers that an Arboricultural Impact Assessment and Tree Protection Method Statement would be required, to show how the retained hedge along the frontage would be retained with the additional hard surfacing which is being shown on the landscape plans. In addition to this, this should also identify the other trees and hedges on site and any protection measures required for them, including the methodology of hard standing construction. The Council's Ecologist also raised concern in regard to a risk of overcrowding along the frontage of the site with the creation of the hedgerow with trees and the construction of hardstanding in such close proximity with this landscaping. This information is therefore required prior to any construction on site to avoid damage to the trees and hedges and could be secured via condition for any approval.

8.22 The Council's Ecologist considered that the species list provided is acceptable. Aside from this, due to the request for further survey and ecological supervision (ECoW), these measures should be compiled into a working CEMP. This could be provided via pre-commencement condition to any approval.

8.23 Therefore, subject to conditions, no conflict arises in respect of Policies EE2 and EE4 of the Central Bedfordshire Local Plan and Policy NP12 of the Northill Neighbourhood Plan.

Pollution:

8.24 The Council's Pollution Officer has not raised any objections to the proposals. A condition for any unexpected contamination has been suggested, due to the site's proximity with an electricity sub-station to its north-western boundary, which would be attached to any approval. As such, subject to a condition, there is not deemed to be any conflict with the objectives of Policy CC8 of the Central Bedfordshire Local Plan.

Archaeology:

8.25 The Council's Archaeologist was consulted and considered that further information is required in the form of an Archaeological Heritage Statement to be submitted prior to determination, as set out in the NPPF (2024).

- 8.26 Whilst this is acknowledged, it is worth noting that this was not a requirement of the previous application at the site, under application reference: CB/21/02002/FULL. Instead, a pre-commencement condition was suggested and was deemed acceptable, for an archaeological written scheme of investigation (WSI). This approach is considered to therefore be acceptable for this new application and a relevant condition would be attached to any approval.

Codes of Practice

- 8.27 The Council has adopted a Construction Code of Practice for Developers and Contractors in order to minimise the impact of construction work on residents who live near to development sites. The Council has also adopted a Environmental Code of Practice for Developers and Contractors in order to minimise the impact of development on natural features and secure their integration into development rather than removal. These are items that could be secured by condition, should permission be recommended.

9. Conclusion

- 9.1 The landscaping scheme, proposed planting and material change of use of land for habitat creation and associated engineering operations are considered positive alterations at the site, resulting in a significant Biodiversity Net Gain. However, the design, scale, mass and sprawl of the proposed dwelling is inappropriate and disproportionate and would appear at odds with the surrounding settlement character. The anticipated degree of harm caused by the development and the permanent loss of openness of the application site would be significant and lasting and would not be considered to reinforce local distinctiveness, relate well to existing local surroundings nor reflect local character.
- 9.2 In addition, due to the poor connectivity to surrounding settlements where day-to-day services can be found, it is likely that future occupiers of the development, together with family, visitors and care workers would have an over-reliance on private vehicles.
- 9.3 The family's circumstances and personal requirements have been thoroughly and carefully considered within the assessment of this application and have been afforded significant material weight. However, the Council considers that the harm caused by the proposed dwelling at the site upon the surrounding settlement pattern, together with its poor connectivity, carries overriding weight in the determination of this application.
- 9.4 Therefore, on balance, with regard to all matters raised, the significant harm which would be caused by the proposal is not considered to be outweighed and as such, the proposed development would therefore be contrary to the objectives of Policies SP7, HQ1, EE5, Th and T3 of the Central Bedfordshire Local Plan and Policy NP6 of the Northill Neighbourhood Plan.

Recommendation:

That Planning Permission be REFUSED for the following reasons:

- 1 The proposed development, by reason of its design, appearance, sprawl, scale and mass represents an inappropriate and disproportionate addition to the street scene that would appear at odds with the surrounding settlement character. The identified harm caused by the development of the site and the loss of openness of the application site would be significant and lasting and would not be considered to reinforce local distinctiveness, relate well to existing local surroundings nor reflect local character. As such, the development would be contrary to Policies SP7, HQ1 and EE5 of the Central Bedfordshire Local Plan (2021) and Policy NP6 of the Northill Neighbourhood Plan (2019).
- 2 In the absence of safe and convenient pedestrian and cycle links between the site and nearby neighbouring settlements, together with poor and limited access to public transport, it is considered that the site is located in an unsustainable location, which will result in future occupiers, together with their family members, visitors and health care workers, having an over-reliance on private vehicles to access the site, and other essential services and amenities such as employment, schools, health care, leisure and supermarkets. The development is therefore contrary to Policies SP7, Th, T3 and HQ1 of the Central Bedfordshire Local Plan (2021), Policy NP6 of the Northill Neighbourhood Plan (2019) and the principles of sustainable development as set out in the National Planning Policy Framework (NPPF) (2024).

INFORMATIVE NOTES TO APPLICANT

1. This decision refers to plan numbers; CBC-001, CBC-002, CBC-003, HC-01G, HC-03C.
2. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.