

Appeal Statement

Residential development of 17 dwellings and associated infrastructure

Land at Odell Road, Harrold, Bedfordshire

On behalf of the Appellant:
Brampton Valley Homes Ltd

LPA ref: 24/00243/MAF

November 2024

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1 Introduction

- 1.1 Smith Jenkins Planning & Heritage is instructed by Brampton Valley Homes Ltd ('the Appellant') to act on their behalf in respect of an appeal made under Section 78 of the Town and Country Planning Act 1990 against the refusal by Bedford Borough Council ('the Council') of the following full planning application ('the Appeal proposal', Local Planning Authority reference 24/00243/MAF):

"Residential development of 17 dwellings and associated infrastructure".

- 1.2 The site to which the Appeal proposal relates is a parcel of land to the west side of Odell Road in the village of Harrold, Bedfordshire.
- 1.3 The Council's reasons for refusal were set out on a Decision Notice dated 9th May 2024 (included as **Appendix 1**) and are explained in further detail in the officer's delegated report (included as **Appendix 2**). The nine stated reasons for refusal were:

Reason for Refusal 1:

The proposed layout is considered to be cramped and overdeveloped due to the number of larger dwellings proposed (4 and 5-bed) which results in limited spacing, reduced garden depths, parking to the front and increased hardstanding areas to the detriment of the character and appearance of the local area and visual amenity of the adjoining countryside contrary to Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030 and Policies NDP1 and NDP4 of the Harrold Neighbourhood Development Plan 2020-2030.

Reason for Refusal 2:

The proposed layout fails to assimilate the affordable dwellings into the development so that there is no distinguishable difference from the market dwellings. The development is therefore contrary to the requirements of Policy 58S of the Bedford Borough Local Plan 2030.

Reason for Refusal 3:

The proposed layout does not provide sufficient on-site landscaping to enhance the visual amenity of the adjoining countryside or create a beautiful place contrary to Policy 38 of the Bedford Borough Local Plan 2030 and Policies NDP1 and NDP 4 of the Harrold Neighbourhood Development Plan 2020-2030.

Reason for Refusal 4:

Due to the position, height and design of plot 17, the development will have an overbearing impact on the occupiers of 91 Odell Road to the detriment of their residential amenity contrary to Policy 32 (iv) of the Bedford Borough Local Plan 2030.

Reason for Refusal 5:

The applicant has failed to provide sufficient on-site public open space in accordance with the Council's adopted Open Space Supplementary Planning Document 2013. The development is therefore contrary to Policy AD28 of the Allocations and Designations Local Plan 2013.

Reason for Refusal 6:

The applicant has failed to adequately demonstrate that Great Crested Newts will not be impacted by the proposed development or propose suitable mitigation. The development is therefore contrary to Policy 42S of the Bedford Borough Local Plan 2030.

Reason for Refusal 7:

The proposed development, if permitted, would fail to secure and make adequate provision for affordable housing on the site. The development is therefore contrary to Policy 58S of the Bedford Borough Local Plan 2030.

Reason for Refusal 8:

The proposed development, if permitted, would fail to secure and make adequate financial contribution towards the provision of off-site outdoor sports space and play areas within the locality of the site. The development is therefore contrary to Policy AD28 of the Bedford Borough Allocations and Designations Local Plan (2013), Policy 86S of the Bedford Borough Local Plan 2030 and Bedford Borough Council's Open Space Supplementary Planning Document (2013).

Reason for Refusal 9:

The proposed development, if permitted, would fail to secure and make adequate financial contribution towards the provision of general medical services within the locality of the site. The development is therefore contrary to Policies 33 and 86S of the Bedford Borough Local Plan 2030 and Bedford Borough Council's Planning Obligations Supplementary Planning Document (2013).

- 1.4 At section 5 of this Statement, we set out the Appellant's case seeking to address these reasons for refusal.
- 1.5 This Statement should be read in conjunction with the following plans and documents (which were submitted to the Council as part of application 24/00243/MAF):

Plan Type	Reference	Received
Application Form	APP FORM	09-Feb-24
Location Plan	S001	09-Feb-24
Block Plan Proposed	SK002 REV B	09-Feb-24
Proposed Elevations and Floor plans	SK100 REV B - House Type A and A2	09-Feb-24
Proposed Elevations and Floor plans	SK200 REV B - House Type B and C Terrace	09-Feb-24
Proposed Elevations and Floor plans	SK300 REV B - House Type C	09-Feb-24
Proposed Elevations and Floor plans	SK500 - House Type E	09-Feb-24

Proposed Elevations and Floor plans	SK600 REV D - House Type F	09-Feb-24
Proposed Elevations and Floor plans	SK700 REV C - House Type G	09-Feb-24
Proposed Elevations and Floor plans	SK800 REV A - House Type H	09-Feb-24
Proposed Elevations and Floor plans	SK900 REV C - House Type K	09-Feb-24
Garage	SK011 Twin Garage	09-Feb-24
Street Scene	SK015 REV A	09-Feb-24
Materials Information	MAT01 REV C	09-Feb-24
Informal Amenity Area	POS01 REV A	09-Feb-24
Refuse Vehicle Tracking	RCV01 REV A	09-Feb-24
Refuse Vehicle Tracking	RCV02 REV A	09-Feb-24
Highways Scheme	SK038 REV A - Potential Highway for Adoption	09-Feb-24
Fire engine path	FPA01 REV A	09-Feb-24
Fire engine path	FPA02 REV A	09-Feb-24
Planning Statement	P1	09-Feb-24
Design and Access Statement	REV B Part 1	09-Feb-24
Design and Access Statement	REV B Part 2	09-Feb-24
Design and Access Statement	REV B Part 3	09-Feb-24
Design and Access Statement	REV B Part 4	09-Feb-24
Design and Access Statement	REV B Part 5	09-Feb-24
Drainage Strategy	22006 00	09-Feb-24
Arboricultural Statement	P2	09-Feb-24
Biodiversity Study and Report	Net Gain Calculations	09-Feb-24

Ecological Study	JH_134 PEA	09-Feb-24
Supporting Information	SPD Open Spaces calculator Appendix 6	09-Feb-24
Technical Note	SKP/26008-02	09-Feb-24
Cover Letter	MHB/HARROLD	12-Feb-24
Cover Letter	MHB/HARROLD/RESPONSE TO HIGHWAYS COMMENTS	05-Mar-24
Cover Letter	MHB/HARROLD	02-Apr-24
Cover Letter	MHB/HARROLD	09-Apr-24
Site Layout as proposed	SK001 REV J	09-Apr-24
Landscaping Scheme	LAL01 REV B	09-Apr-24
Drainage Layout	22006 DS A	09-Apr-24
Biodiversity Study and Report	NET GAIN (BNG) CALCULATIONS	09-Apr-24
Site Access Forward Visibility Technical Note	Technical Note – Odell Parish Council Rep (transport)	25-Apr-24
Cover Letter	MHB/HARROLD	30-Apr-24

Table 1: Plans and documents submitted as part of application 24/00243/MAF

- 1.6 In addition, the Appellant has provided additional/revised information for the Inspector to consider in respect of the reasons for refusal which are discussed further below and comprise the following:
- Preliminary Ecological Appraisal (ref CBC 056 Eco PEA) including additional information in respect of GCN in response to reason for refusal 6
 - Alternative plans and elevations for House Type K (Plot 17) indicating a two storey dwelling with a hipped roof (SK901 rev D) and a bungalow with a hipped roof (SK900 rev D) in response to reason for refusal 4

Appeal Procedure

- 1.7 The Appellant considers that the written representations procedure would be the most appropriate appeal procedure in this case.

2 Site Description

- 2.1 The site comprises approximately 0.71 hectares and lies within the administrative area of Bedford Borough Council. It is located directly to the north of the settlement boundary of the village of Harrold (a 'rural service centre'), which lies approximately 12km to the north-west of Bedford.
- 2.2 The site is located on land between 91 Odell Road and 117 Odell Road. It is bound to the east by an established hedgerow and mature trees (with Odell Road and an existing residential unit beyond), to the south by 91 Odell Road, to the west by open countryside, and to the north by an established hedgerow and mature trees (with 117 Odell Road beyond).
- 2.3 The site's existing lawful use is agriculture and there are disused agricultural buildings along the eastern edge of the site, abutting Odell Road. The site contains no listed buildings and there are none in the immediate vicinity.
- 2.4 Access to the site is via Odell Road, to the east of the site. A footpath runs on the eastern side of Odell Road, opposite the site, and into Harrold.

Planning History

- 2.5 The following planning history is relevant to the site:

Reference:	Address:	Proposal:	Decision and date:
24/00243/MAF	Land At Odell Road Odell Bedfordshire	Residential development of 17 dwellings and associated infrastructure.	Refuse Permission Thu 09 May 2024
23/02664/MAF	Land At Odell Road Odell Bedfordshire	Residential development of 17 dwellings and associated infrastructure.	Application Withdrawn Wed 24 Jan 2024

Table 2: Planning history

3 Appeal Scheme

Use, Amount and Scale

3.1 The proposed development comprises the demolition of the existing derelict buildings on the site and the erection of 17 dwellings:

- Two x 2 bedroom maisonettes;
- Two x 2 bedroom houses;
- Seven x 3 bedroom houses;
- Five x 4 bedroom houses; and
- One x 5 bedroom house.

Layout

3.2 The 17 dwellings are proposed in a linear arrangement, fronting onto an internal access road that would run parallel to Odell Road and be served by a single vehicular access point.

3.3 Parking for the dwellings would be either to the front or side of each unit and gardens are proposed to the rear.

3.4 In order to protect the privacy and amenity of the existing neighbouring dwelling at 91 Odell Road, it should be noted that the first floor south-facing windows of Plot 17 (which serve a bathroom and an en-suite) are to be obscure glazed.

3.5 The proposed layout is shown on the Proposed Site Layout (reference SK001 Rev J).

Access and Parking

3.6 The proposed access to the site is from Odell Road.

3.7 The proposed development includes 38 allocated car parking spaces and 7 unallocated bays, in accordance with the Parking Standards for Sustainable Communities SPD (2014). It should be noted that a third parking space for Plots 11 and 17 is provided within the double garage.

3.8 Cycle parking is provided in either sheds or garages – as shown on the Proposed Site Layout (reference SK001 Rev J).

Landscaping

3.9 The majority of the existing hedgerow and all of the existing trees along the site's eastern boundary will be retained. Although part of the hedgerow will be removed in order to achieve appropriate visibility splays at the site's access, it will be compensated for by new hedge planting elsewhere within the site.

3.10 The Proposed Landscape Plan (reference LAL01 Rev B) includes six new trees, a new wildflower meadow, and new hedges.

- 3.11 The proposed development includes 250sqm of informal amenity space (exceeding the 228sqm required by the Open Space SPD for a development of this scale).

4 Planning Policy

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications should be determined with the Development Plan unless material considerations indicate otherwise.

4.2 The statutory development plan for the site comprises:

- Bedford Borough Local Plan (2030);
- Allocations and Designations Local Plan (2013); and
- Harrold Neighbourhood Development Plan 2020-2030 (2022).

4.3 The most important policies in the consideration of the Appeal proposal are those set out in the reasons for refusal on Decision Notice 24/00243/MAF:

- Bedford Borough Local Plan Policy 28S (Place making);
- Bedford Borough Local Plan Policy 29 (Design quality and principles);
- Bedford Borough Local Plan Policy 30 (The impact of development – design impacts);
- Bedford Borough Local Plan Policy 32(iv) (The impact of development – disturbance and pollution impacts);
- Bedford Borough Local Plan Policy 33 (The impact of development – infrastructure impacts);
- Bedford Borough Local Plan Policy 38 (Landscaping in new development);
- Bedford Borough Local Plan Policy 42S (Protecting biodiversity and geodiversity);
- Bedford Borough Local Plan Policy 58S (Affordable housing);
- Bedford Borough Local Plan Policy 86S (Delivering infrastructure);
- Allocations and Designations Local Plan Policy AD28 (Provision of Open Space and Built Facilities in Association with New Development);
- Harrold Neighbourhood Development Plan Policy NDP1 (General Housing Needs of the Village);
- Harrold Neighbourhood Development Plan Policy NDP2 (Land at Odell Road, Harrold); and
- Harrold Neighbourhood Development Plan Policy NDP4 (Harrold Village Design Statement).

4.4 The following Bedford Borough Council Supplementary Planning Documents (SPDs) may also be of relevance:

- Open Space SPD (2013); and
- Parking Standards for Sustainable Communities: Design and Good Practice SPD (2014).

National Planning Policy Framework (December 2023)

4.5 The NPPF policies that are of most relevance to the Appeal proposal are those regarding:

- Delivering a sufficient supply of homes (section 5);
- Promoting healthy and safe communities (section 8);
- Achieving well-designed and beautiful places (section 12); and
- Conserving and enhancing the natural environment (section 15).

5 The Appellant's Case

5.1 Planning permission was refused on 9th May 2024 (reference 24/00243/MAF). The Decision Notice lists nine reasons for refusal. These reasons can be summarised as follows:

- Reason 1: the over-developed and cramped layout due to the number of larger dwellings (4 and 5 bed) which result in limited spacing, reduced garden depths, parking to the front and increased hardstanding areas – to the detriment of the character and appearance of the local area and visual amenity of the adjoining countryside.
- Reason 2: the layout does not assimilate the affordable dwellings into the development so that there is no distinguishable difference from the market dwellings.
- Reason 3: the layout does not provide sufficient on-site landscaping to enhance the visual amenity of the adjoining countryside or create a beautiful place.
- Reason 4: due to the position, height and design of Plot 17, the development will have an overbearing impact on 91 Odell Road, to the detriment of their residential amenity.
- Reason 5: there is insufficient on-site public open space.
- Reason 6: the applicant has failed to adequately demonstrate that Great Crested Newts will not be impacted by the proposed development or propose suitable mitigation.
- Reason 7: the proposed development would fail to secure and make adequate provision for affordable housing on the site.
- Reason 8: the proposed development would fail to secure and make adequate financial contribution towards the provision of off-site outdoor sports space and play areas within the locality of the site.
- Reason 9: the proposed development would fail to secure and make adequate financial contribution towards the provision of general medical services within the locality of the site.

5.2 This Statement sets out the Appellant's case in respect to each reason for refusal.

Reason 1: 'cramped and overdeveloped' layout

5.3 Reason for Refusal 1 states that the layout is 'cramped and overdeveloped' due to the number of 4 and 5 bedroom dwellings – and that this results in limited spacing, reduced garden depths, parking to the front and increased hardstanding areas. Reason for Refusal 1 states that the scheme is contrary to policies 28S, 29 and 30 of the Local Plan and policies NDP1 and NDP 4 of the Harrold Neighbourhood Development Plan.

5.4 Harrold Neighbourhood Development Plan is also of particular relevance to this reason for refusal since it allocates the site for development and sets the criteria for the development which must be met. The policy states:

The land at Odell Road shall make provision for 17 dwellings. This shall consist of 11 market and 6 affordable units.

The successful development of this site will need to take account of the existing linear built character of the street whilst retaining the protected trees fronting the site. Safe vehicular access to the site will need to include –

i. visibility splays at access points in the development;

ii. junctions should be a full bell mouth construction with maximum 6m radii;

iii. the carriageway should be a minimum of 4.8m wide with a minimum of one 2m footway on one side for the same reasons, unless they are to remain private drives for which 4.8 for a minimum of 10m would be required after which a narrower width may be acceptable. Note that only 5 dwellings would be permitted by BBC off a private drive;

iv. a new footway to connect with the existing one on Odell Road.

v. improvements to biodiversity should be integrated into the site layout and design.

The site layout should be designed to take account of the existing foul sewer within the boundary of the site and under the ownership of Anglian Water. It should be noted that existing easements may restrict site layout.

- 5.5 It is pertinent to note that the NDP policy requires a specific number of dwellings (17) to be provided and does not express this as approximate, a range or an 'up to' figure. Furthermore, the policy sets out that the development should be linear in layout, the specific requirements for access arrangements and that it must take account of the existing foul sewer in easement within the site. All of these factors have been key determining factors in the design of the appeal scheme as presented and it would appear somewhat perverse that meeting these criteria should result in the scheme being considered 'overdevelopment'. It is clear that the policy expectation, and that of the Neighbourhood Plan group who prepared the plan and the residents who voted in favour of it, that the site should accommodate 17 dwellings in a linear form respecting the sewer easement. Therefore, in terms of the quantum of development, it is untenable to suggest the appeal scheme represents overdevelopment.
- 5.6 Local Plan Policy 28S requires proposals to be of a high quality and integrate well with (and complement the character of) the area, contribute to the provision of green infrastructure and enhance the landscape. Local Plan Policy 29 requires new development to be of the 'highest design quality' and contribute positively to the area's character and identity. Local Plan Policy 30 requires that applications give particular attention to 'the relationship of the development with the context in which it is placed, including overdevelopment...', the quality of the development in terms of layout, the provision of private space and the quality of public spaces in terms of hard and soft landscaping.
- 5.7 Harrold Neighbourhood Development Plan Policy NDP1 requires that housing sites provide a mix of two and three bedroomed housing and that development proposals are in-keeping with the existing character of the village. Harrold Neighbourhood Development Plan Policy NDP4 requires proposals to protect and improve the character and appearance of the village.
- 5.8 None of the policies proscribe against the inclusion of larger units and these form part of a healthy mix of dwelling sizes on the site, seeking to accord with the policy aspirations to reflect the character and mix of existing settlement and provide healthy mixed communities. In accordance with Harrold Neighbourhood Development Plan NDP1, the proposed development provides a mix including two

and three bedroomed housing (four x two bedroom units and seven x three bedroom units) – as well as six units that comprise four or five bedrooms. The proposed mix (which comprises 24% two bedroom units and 41% three bedroom units) is broadly in line with the need identified in Bedford Borough’s Local Housing Needs Assessment (2022), which was prepared to support the emerging Local Plan 2040. Figure 61 of the Local Housing Needs Assessment (reproduced below as Figure 1), identifies a need for 5,720 two bedroom units (22% of the total housing need) and 12,765 three bedroom units (49% of the total housing need).

Figure 61: Overall need for Market and Affordable Dwellings (including affordable home ownership products) by property size
(Source: ORS Housing Model. Note: Figures may not sum due to rounding)

	Affordable Dwellings			Total Affordable Housing	Total Market Housing	Total Housing
	Unable to afford market rents	Unable to afford market ownership				
		Unable to afford 70% First Homes	Able to afford 70% First Homes			
1 bedroom	807	172	291	1,270	985	2,254
2 bedrooms	1,656	173	409	2,237	3,482	5,720
3 bedrooms	1,650	275	269	2,194	10,572	12,765
4+ bedrooms	560	77	88	725	4,175	4,900
DWELLINGS	4,672	697	1,057	6,426	19,214	25,640
C2 Dwellings	-				460	460
LHN	4,672	697	1,057	6,426	19,674	26,100

Figure 1: Overall housing need (Bedford Borough Local Housing Needs Assessment 2022)

- 5.9 NPPF Paragraph 128 states that planning policies and decisions should support development that makes efficient use of land, taking into account (a) the need identified for different types of housing, (b) local market conditions and (d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens).
- 5.10 The proposed mix is considered to represent an appropriate balance between the latest evidence regarding local housing need and local market conditions, whilst also making an efficient use of land (and delivering the requisite 17 dwellings in accordance with the site allocation in the Harrold Neighbourhood Development Plan).
- 5.11 The Planning Officer’s report (page 9) asserts that by reducing the number of larger 4-5 bedroom homes, the spacing between units could increase. However, the spacing between the units has been designed in a way that ensures a cohesive street scene along Odell Road, in accordance with Harrold Neighbourhood Development Plan Policy NDP4, and seeks to improve the character and appearance of the ‘existing linear built character’ of the street, in accordance with Harrold Neighbourhood Development Plan policies NDP2 and NDP4.
- 5.12 Crucially minimum gaps between dwellings are maintained throughout the development, in addition to larger gaps interspersed throughout too (i.e. between plots 1/2 and 3, 7 and 8, 9 and 10 and 11 and 12) which respect the prevailing pattern of development in the wider area. The arrangement of the plots also helps to provide a varied, staggered streetscene, rather than something more uniform or rigid, which also reflects the prevalent pattern locally.

- 5.13 The reason for refusal suggests the housing mix results in ‘increased hardstanding areas’. However, the hardstanding proposed as part of the scheme is considered necessary to service 17 dwellings (irrespective of their size) whilst meeting the requirements of policy HN2P2, particularly since the retention of the hedge and frontage trees (a principle supported by the LPA and HN2P2) necessitates a new internal access road running parallel to Odell Road and the policy is highly prescriptive in how this should be delivered.
- 5.14 Although six of the proposed units are 4-5 bedroom units (and therefore require three parking spaces each), two of the 4-5 bedroom units only have two external parking spaces – their third spaces is provided in their respective garages. In light of this, only four of the 17 units have a third external parking space. The amount of hardstanding that could be removed if these units were 2-3 bedroom units (with a requirement for only two parking spaces each) is therefore minimal (just four parking spaces).
- 5.15 Furthermore, whilst the reason for refusal and accompanying officer’s report notes that parking is predominantly to the front, it does not articulate any reasoning as to why this is considered inappropriate or objectionable in this context. Indeed, whilst there is a mixture of parking solutions within the development, parking in front of dwellings is a feature which forms part of the mix of solutions in the local area – notably there is parking in front of the run of dwellings to the north of the site comprising numbers 119-135 and similarly in the run to the south of the site between the electricity sub-station and the fire station; both examples being on the same road as the application site. These areas have a similar character as that proposed by the appeal scheme in that they have parking and manoeuvring areas in front, set back behind the frontage hedgerow along Odell Road.
- 5.16 All the gardens in the scheme are considered to be of an appropriate size as illustrated by plan GA01(Rev A) in **Appendix 3**. The shortest of these are on plots 13-16 which still all measure a minimum of 9m and a suitable width to provide useable and appropriate gardens. Again, the prescriptive requirements of HN2P2 and other policy requirements largely serve to dictate these aspects of the design, having regard to the retention of the frontage hedge and trees (and need to respect root protection areas of those trees), the requirement for a linear layout serviced off an internal roadway which necessarily runs along the front of the site, and the on-site open space provision. It is noted that there is no minimum garden depth or size prescribed or advised by any local policies or guidance. All the gardens are of a reasonable width, resulting in no garden being smaller than 50 sqm and are of a regular shape and useable and useful layout with all being directly accessible to the rear of the dwellings they serve and none being unduly constrained in any way. In addition, it should also be observed that a landscape buffer hedge is proposed to sit beyond the end of the gardens and beyond that lies an open field – there is no issue with overlooking towards or from neighbours to the rear nor of the rear garden being cramped or ‘hemmed in’ in this regard either.
- 5.17 Whilst a development of smaller units would possibly give rise to an even more spacious form of development, it would fail to make efficient use of the land nor provide an appropriate mix of housing types to reflect the mixed prevailing character of the area and local market conditions as required by national policy (NPPF para 128). Similarly, the mix of housing types and sizes proposed and the layout and design are considered to respect and complement the established character and pattern of the local area, in accordance with policies 28S, 29 and 30 of the local plan and NDP1 and NDP4 of the HN2P whilst delivering on and meeting the requirements of the site’s allocation policy HN2P2.

Reason 2: Assimilation of affordable dwellings into the development

5.18 Reason for Refusal 2 states that the proposed layout fails to assimilate the affordable dwellings into the development so that there is no distinguishable difference from the market dwellings – and that the development is contrary to Local Plan Policy 58S.

5.19 Local Plan Policy 58S requires that affordable housing is integrated with the market housing and “should not be readily distinguishable from market housing” and also that:

“the size mix of the dwellings should reflect the overall nature of the housing scheme proposed, and take account of the needs set out in the Council’s current Strategic Housing Market Assessment and other current sources of housing needs information”.

5.20 Figure 7 of Bedford Borough’s Local Housing Needs Assessment (2022) confirms that 69% (the majority) of the total affordable housing need is for two and three bedroom dwellings (35% for two bedroom dwellings and 34% for three bedroom dwellings). Figure 7 is reproduced below for ease of reference:

Figure 7: From Figure 56 - Overall need for affordable housing 2020-40 disaggregated based on ability to access affordable rents, including aspiring households able to access affordable home ownership, by property size (Source: ORS Housing Model. Note: Figures may not sum due to rounding)

	Affordable Housing Need			Total Affordable Housing (Households)
	Unable to Afford Market Rent		Households aspiring to home ownership (Figure 6)	
	Unable to afford affordable rent	Able to afford affordable rent		
1 bedroom	695	108	411	1,214
2 bedrooms	1,247	401	501	2,149
3 bedrooms	1,199	442	465	2,106
4+ bedrooms	382	175	144	701
TOTAL HOUSING NEED	3,522	1,127	1,521	6,170
Overall Percentage	55.8%	17.9%	24.7%	100.0%

Figure 2: Bedford Borough Local Housing Needs Assessment (2022) (Figure 7)

5.21 In accordance with the Local Housing Needs Assessment (2022), which confirms that most of the need for affordable housing is for two and three bedroom dwellings, the proposed development comprises four two-bedroom affordable units and two three-bedroom affordable units. In order to remain affordable (and viable and attractive to affordable housing providers to manage), the affordable dwellings are provided as terraced units or maisonettes. However, they are not the only non-detached dwellings on the site – two x three-bedroom market units are proposed at plots 14 and 15.

5.22 The Indicative Street Scene submitted as part of the planning application (reference SK015 Rev A) and the Proposed Materials Plan (reference MAT01 Rev C) show a range of house types and a mixed materials palette across the development – unrelated to tenure. The affordable dwellings are all side-gabled buildings (as are all of the other units with the exception of units 7, 13 and 16), are proposed to have tiled roofs as will all other units) and they comprise rubble stone facing masonry (as do units 11, 14, 15 and 17). Although the affordable units are the only terraced or maisonette dwellings, they are not the only non-detached dwellings on the site (units 14 and 15 are semi-detached). With regards to materials, it is noted that the officer’s report states that alterations and agreement of suitable

material could be secured by condition and the appellant would have no objection to such a condition being applied which could further help to ensure that the affordable units are visually indistinct from the market housing.



Figure 3: Indicative Street Scene SK015 Rev A



Figure 4: Proposed Materials Plan MAT01 Rev C

5.23 The mere fact that some of the affordable homes would be provided in the only terraced row proposed on site would not necessarily make them distinguishable from market homes, subject to their appropriate finish, materials, design and detailing. The submitted house type details make clear that there is no distinguishable difference in the design quality proposed for the affordable homes. Accordingly, subject to condition as considered necessary in terms of securing suitable materials, the appeal scheme complies with policy 58S.

Reason 3: landscaping

5.24 Reason for Refusal 3 states that the layout does not provide sufficient on-site landscaping to enhance the visual amenity of the adjoining countryside or create a “beautiful” place and that it is contrary to Local Plan Policy 38 and policies NDP1 and NDP4 of the Harrold Neighbourhood Plan.

5.25 Local Plan Policy 38 requires that existing features of landscape value should be incorporated into the landscaping scheme and that the proposed landscaping shall make a positive contribution to the streetscape and integrate with the built environment.

- 5.26 HNBP Policy NDP1 states that ‘new development should seek to preserve and where possible enhance existing visual and landscape features of the village and adjoining countryside’. HNBP Policy NDP4 states that new development should take opportunities to protect and improve the character and appearance, beauty and safety of the village and should minimise the impact of the development on the natural and built areas of the village and adjoining countryside.

Enhancing the visual amenity of the adjoining countryside

- 5.27 In accordance with Local Plan Policy 38 and Harrold Neighbourhood Plan Policies NDP1, NDP2 and NDP4, the retention of the existing hedge and trees along the site’s eastern boundary will preserve an existing visual and landscape feature of the village (which the Planning Officer’s report confirms is ‘welcomed’).
- 5.28 In accordance with Policy NDP4, which seeks to minimise the impact of development on the adjoining countryside, a new hedge is proposed along the site’s western boundary (outside of the ownership of individual properties in order to ensure longevity). The new hedge will soften the appearance of the proposed development (and ‘minimise’ the impact of the development) when viewed from the open countryside. The proposed landscaping is shown on the Proposed Landscape Plan (reference LAL01 Rev B), which was submitted as part of planning application 24/00243/MAF. If necessary, additional landscaping details can be secured by way of an appropriately worded planning condition.

Creating a ‘beautiful’ place

- 5.29 In addition to retaining the existing hedge and trees along the site’s eastern boundary and the proposed wildflower meadow to north and south of the site’s access, landscaping at the front of each unit will further soften the appearance of the proposed development (when viewed from Odell Road) and make a positive contribution to the streetscape (in accordance with Local Plan Policy 38).
- 5.30 The proposed landscaping complements the proposed built environment at the site and will contribute to the creation of high quality public spaces. In accordance with Local Plan Policy 38, it will make a positive contribution to the streetscape and integrate well with the built environment to ensure the development appears in keeping with its surrounding context.

Reason 4: Impact on 91 Odell Road

- 5.31 Reason for Refusal 4 states that, due to the position, height and design of Plot 17, the proposed development will have an overbearing impact on the occupiers of 91 Odell Road to the detriment of their residential amenity and is therefore contrary to Local Plan Policy 32(iv).
- 5.32 Local Plan Policy 32(iv) requires that development proposals minimise the effects of pollution and disturbance, paying particular attention to ‘factors which might give rise to disturbance to neighbours and the surrounding community, including overlooking...’
- 5.33 Section 2.3 of the Planning Officer’s report confirms that ‘due to the position and design of the proposed dwellings, there is not considered to be any loss of light or loss of privacy concerns’. The only windows proposed on the southern elevation of Plot 17 will be obscure glazed and/or rooflights (as confirmed on Plan SK900 Rev C) and they are therefore not expected to give rise to overlooking of 91 Odell Road. The only north facing windows in the side of number 91 are secondary windows (see floor plans and elevations for 91 Odell Road in **Appendix 4**). The primary windows face west across the dwelling’s rear garden and open countryside beyond. As confirmed in the Planning

Officer's report, there are not considered to be any loss of light or privacy concerns associated with the amenity of number 91.

- 5.34 However, the Planning Officer's report states that, due to the proximity of Plot 17 to the party boundary with 91 Odell Road, the size and position of Plot 17, and the ground level (incorrectly assumed to be higher than the neighbouring ground level at 91 Odell Road), Plot 17 is considered to have an 'overbearing' impact on 91 Odell Road.
- 5.35 In response to these concerns it is firstly noted that, contrary to the officer's assertions regarding ground levels, the proposed level of Plot 17 would be approximately 400mm lower than that of number 91 by reason of being positioned further back from the road with the land falling in this direction (see drawing SK016 included as **Appendix 5**). Furthermore, the dwelling on Plot 17 would be set in from the common boundary with number 91 by 1.2m at its closest point with the boundary line then tapering away from Plot 17 and across the rear of number 91. Number 91 is itself positioned approximately 1.2m the other side of this boundary at the closest point. It is also noted that the part of Plot 17 closest to the rear elevation of number 91 is the single storey (with roof accommodation) front projecting element such that the outlook from the rear of number 91 would not be directly impacted by the full two storey element. Having regard to these factors and the open outlook afforded to number 91 to the west and south, it is not considered the proposal would impose upon the outlook available from number 91 to a harmful degree.
- 5.36 Plan GA01 rev A (**Appendix 3**) shows a separation distance of nearly 7m between the centre point of the nearest rear/west-facing window of 91 Odell Road and Plot 17 taken at a 45 degree outlook. This is considered sufficient to ensure that the proposed development will not have an overbearing impact on 91 Odell Road, whilst also ensuring a cohesive street scene along Odell Road, in accordance with the requirements of Harrold Neighbourhood Development Plan Policy NDP4.
- 5.37 The Indicative Street Scene submitted as part of the planning application (see Figure 6 below) shows the relationship between 91 Odell Road and Plot 17 (as viewed from Odell Road). The ridge line for Plot 17 sits approximately 1100mm taller than 91 Odell Road, following the topography of Odell Road (which generally rises from south to north) which is an appropriate response seeking to respect the character and appearance of the 'existing linear built character' of the street, in accordance with Harrold Neighbourhood Development Plan policies NDP2 and NDP4.



Figure 6: Indicative Street Scene (SK015 Rev A)

- 5.38 Notwithstanding the above, in the preparation of the appeal an inconsistency has been noted between the site layout plan (indicating a hipped roof to Plot 17) and the elevations for Plot 17 (indicating a gabled roof). As such, an updated set of elevations showing house type K with a hipped roof has been prepared and is submitted with the appeal for the Inspector's consideration (plan reference SK901 Rev D). A hipped roof would lessen any impact on number 91 by reducing the extent

of built form apparent within the outlook to the rear of the property. If it is found to be necessary and agreeable to the Inspector to accept this revision, the Appellant is agreeable to substitute the House Type K plan showing a five bedroom house at Plot 17 (SK900 Rev C) for a hipped roof design (SK901 Rev D).

- 5.39 Furthermore, and whilst appreciating it is a more substantive change, the Appellant would like to invite the Inspector to consider an alternative house type for Plot 17 (drawing reference SK900 Rev D) which would see it reduced to a bungalow on the same footprint and layout as currently shown in the appeal scheme and expected to be capable of resolving the LPA's concerns with regards to outlook. Since the footprint of the building and its position on the site are unchanged, no changes to Proposed Site Layout SK001 Rev J or other plans would be necessary. Since the re-designed version of Plot 17 would comprise only a single storey of development, it would further reduce any perceived impact on the outlook from 91 Odell Road and there would be no detrimental impact on the amenity of this neighbouring property. If it is found to be necessary and agreeable to the Inspector to accept this revision, the Appellant is agreeable to substitute the House Type K plan showing a five bedroom house at Plot 17 (SK900 Rev C) for a three bedroom bungalow (SK900 Rev D).

Reason 5: On-site public open space

- 5.40 Reason for Refusal 5 states that the applicant has failed to provide sufficient on-site public open space in accordance with the Open Space SPD and that the application is therefore contrary to Policy AD28 of the Allocations and Designations Local Plan.
- 5.41 Policy AD28 of the Allocations and Designations Local Plan (2013) and the Open Space SPD (2013) requires on-site provision of 228sqm of informal and amenity green space for a scheme of this size and mix. The quantum of on-site informal and amenity green space has been calculated using Appendix 6 of the Open Space SPD (enclosed at **Appendix 6** for reference). The appeal scheme exceeds this requirement and proposes 250sqm of amenity space (please see Figure 7 below, extracted from drawing ref POS01 rev A).

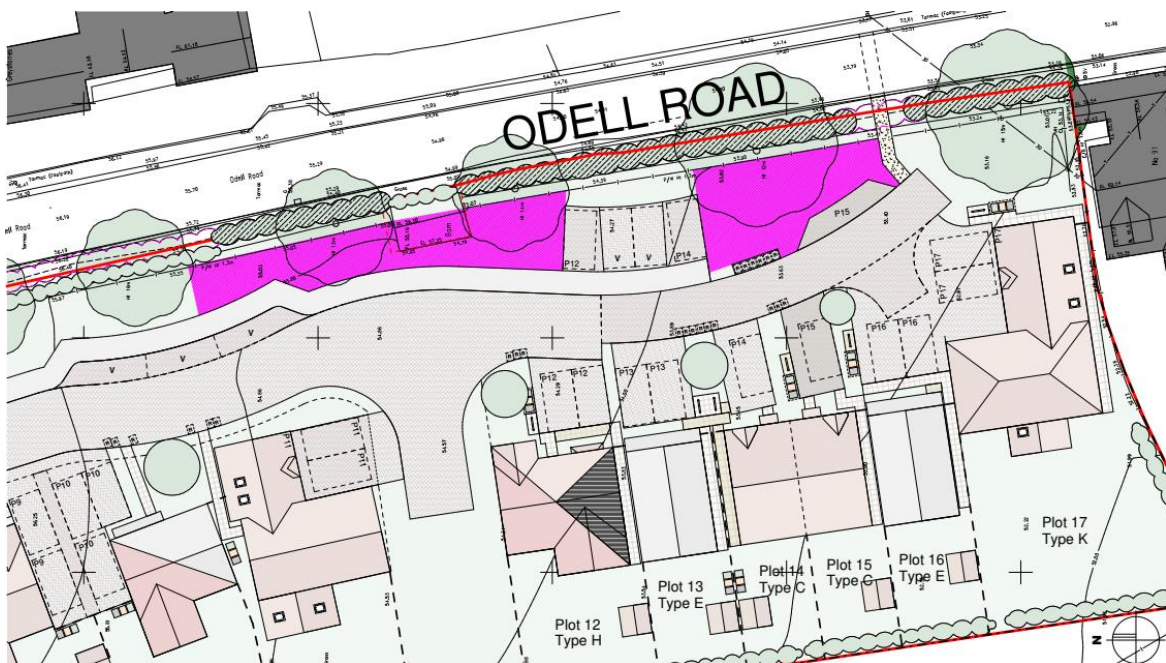


Figure 7: Extent of amenity space – 250sqm shown in pink

5.42 Policy AD28 defines 'informal/amenity green space' as:

"Spaces open to free and spontaneous use by the public but neither laid out or managed for a specific formal function such as a park, playing field or recreation ground, nor managed as natural or semi natural habitat".

5.43 Section 2.4 of the Planning Officer's report considers that the 250sqm of amenity space (as shown in Figure 7 above) is part of a 'wide grass verge' that must be retained to protect existing trees and hedgerows. The report highlights that the Open Space SPD only allows wide grass verges to count towards open space provision if the site comprises fewer than nine dwellings – though it is noted this should only serve as guidance and there must be a consideration of the particular merits and site context.

5.44 Although the proposed open space is next to a road, it is not a 'wide grass verge.' It is a usable amenity space that is nearly 10m wide (at its widest point). It is not next to a through-road – it is adjacent to a private drive and would remain separated from Odell Road by the mature trees and hedgerows along the site's eastern boundary (which further contribute towards its amenity value).

5.45 Page 32 of the Open Space SPD presents a 'good' example of informal amenity space. One of the reasons it is considered 'good' is that it is large enough to accommodate landscaping within a residential area. The informal amenity space in the proposed development is also large enough to accommodate landscaping – it is nearly 10m at its widest point (see Figure 7 above and Proposed Landscape Plan LAL01 Rev B). If necessary, details of additional landscaping within the informal amenity space and/or details of hard or planted boundaries to separate it from internal road, can be secured by way of an appropriately worded planning condition.

5.46 Page 33 of the Open Space SPD shows an example of amenity space that is being inappropriately used for car parking, instead of amenity space. However, unlike this example, and since the proposed development meets Bedford Borough's parking standards (for both allocated and visitor bays), there is not considered to be a risk of cars parking in the amenity space, instead of in the designated car parking bays. The same could be prevented by careful landscape design in any event.

5.47 Figure 7 above demonstrates that there is ample space for the 'informal' amenity space required by Policy AD28 – and it is not a 'wide grass verge'. In fact, the quantum of informal open space exceeds the minimum requirement (as calculated using Appendix 6 of the Open Space SPD).

5.48 Notwithstanding this, it should also be noted that, in practice, the land required for the easement for the foul sewer in front of the field gate (between plots 11 and 12) would also offer visual amenity value since it is proposed that it would remain undeveloped. It is not proposed to formally designate this part of the site for amenity use because access to the field gate and the easement for the foul sewer is required to be maintained. However, whilst the space is not necessary to meet the 228sqm requirement, it would contribute to the overall spaciousness and visual amenity of the development.

5.49 In order to secure the future maintenance of the informal amenity space and other communal space and landscaping within the site, a S106 agreement has been submitted as part of this Appeal addressing future maintenance requirements (see Schedule 1 Part 2).

5.50 Accordingly, the proposal is considered to provide adequate on-site open space in accordance with policy AD28 of the local plan.

Reason 6: Great Crested Newts

- 5.51 Reason for Refusal 6 states that the applicant has failed to adequately demonstrate that Great Crested Newts will not be impacted by the proposed development, or propose suitable mitigation. It states that the development is contrary to Local Plan Policy 42S.
- 5.52 Local Plan Policy 42S requires that planning applications assess the impact of the proposal on the biodiversity value of the site. If an adverse impact is unavoidable, the application should demonstrate how the harm will be reduced through appropriate mitigation.
- 5.53 The consultation response received from NatureSpace during the determination period of application 24/00243/MAF states that applicants must either demonstrate that any impacts to Great Crested Newts can be covered by one of the available licensing options or, instead of the licensing options, the applicant could opt to carry out eDNA surveys of ponds within 500m of the site to rule out impacts on Great Crested Newts.
- 5.54 Since the refusal of the planning application, Eco Check Ltd has carried out a survey on behalf of the Appellant and has identified five ponds within 500m of the site. The results of the survey are included within the updated Preliminary Ecological Appraisal submitted as part of the appeal (see section 4.19 in particular).
- 5.55 The eDNA testing on the only pond located within 250m of the site confirmed the absence of Great Crested Newts. Of the four remaining identified ponds, only one other could be tested for eDNA (and testing confirmed that no Great Crested Newts were present). A request for access to two of the ponds was not granted and ownership for one of the ponds could not be established (and it was inaccessible). A summary is provided in Table 3 below:

Pond reference	Distance from site	Survey
P1	250 – 500m from the site	Despite a request for access, access was not granted. The pond is securely fenced off.
P2	250 – 500m from the site	Despite a request for access, access was not granted. The pond is securely fenced off.
P3	Within 250m of the site	The eDNA testing confirmed the absence of Great Crested Newts.
P4	250 – 500m from the site	Despite a request for access, access was not granted. The pond is securely fenced off.

P5	250 – 500m from the site	The eDNA testing confirmed the absence of Great Crested Newts.
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Table 3: eDNA testing for ponds within 500m of the site (source: PEA prepared by Eco Check Ltd)

- 5.56 Although Great Crested Newts may disperse up to 500m from their breeding ponds, research undertaken by Natural England (Cresswell & Whitworth 2004) suggests that newts will rarely move further than 200-250m from breeding ponds, with much reduced distances recorded where adjacent habitats are of good quality. Given the distances of local water bodies and good quality habitats (hedgerows and grassland) in their vicinity, it is therefore considered unlikely that newts would travel to use the small area of suitable habitat (hedgerows, grassland) within the site, even if they were locally present.
- 5.57 Section 4.19 of the report prepared by Eco Check Ltd concludes that Great Crested Newts are unlikely to be present on the site or impacted by the works and that, with a non-licensed Reasonable Avoidance Mitigation Statement (RAMS), the impact on Great Crested Newts is considered to be neutral and a district licence or mitigation licence is not required. If necessary, an appropriate RAMS can be secured by way of an appropriately worded planning condition.

Reason 7: provision for affordable housing

- 5.58 Reason for Refusal 7 states that the proposed development would fail to secure and make adequate provision for affordable housing on the site, and that the development is therefore contrary to Local Plan Policy 58S.
- 5.59 In accordance with Local Plan Policy 58S, which requires sites of 10 or more dwellings to provide 30% affordable housing, the scheme proposes six affordable units (30%). In order to secure the delivery of these six affordable units, a S106 agreement has been submitted as part of this Appeal (see Schedule 1 Part 1).

Reason 8: financial contribution towards off-site outdoor sports and play areas

- 5.60 Reason for Refusal 8 states that the proposed development would fail to secure and make adequate financial contribution towards the provision of off-site sports space and play areas within the locality of the site, and that the development is therefore contrary to Local Plan Policy 86S, Policy AD28 of the Bedford Borough Allocations and Designations Local Plan, and Bedford Borough Council's Open Space Supplementary Planning Document (2013).
- 5.61 In accordance with Local Plan Policy 86S and Policy AD28 of the Bedford Borough Allocations and Designations Local Plan, which require new developments to contribute towards the provision of measures to mitigate their impact on existing infrastructure, a financial contribution of £94,977.85 is proposed. The contribution was calculated using Appendix 3 of the Open Space SPD (enclosed at **Appendix 7** for reference) and was confirmed in correspondence with the Case Officer on 9th October 2024 (see **Appendix 8**).
- 5.62 In order to secure the financial contribution towards off-site outdoor sports and play areas, a S106 agreement has been submitted as part of this Appeal (see Schedule 1 Part 2).

Reason 9: financial contribution towards medical services

- 5.63 Reason for Refusal 9 states that the proposed development would fail to secure and make adequate financial contribution towards the provision of general medical services within the locality of the site, and that the development is therefore contrary to Local Plan policies 33, and 86S.
- 5.64 In accordance with Local Plan policies 33 and 86S, which require new developments to ensure they do not have a harmful impact on the adequacy of existing infrastructure and to contribute towards the provision of measures to mitigate their impact on existing infrastructure, a financial contribution of £30,447 towards extending facilities at Harrold Medical Practice is proposed. The contribution was confirmed in correspondence with the Case Officer on 9th October 2024 (see **Appendix 8**).
- 5.65 In order to secure the financial contribution towards medical services, a S106 agreement has been submitted as part of this Appeal (see Schedule 1 Part 2).

6 Summary and Conclusions

- 6.1 This Appeal Statement has been submitted on behalf of the Appellant, Brampton Valley Homes Ltd, in respect of an appeal made under Section 78 of the Town and Country Planning Act 1990 against the refusal of application 24/00243/MAF by Bedford Borough Council. The application was for a residential development of 17 dwellings and associated infrastructure.
- 6.2 The Council's decision notice for application 24/00243/MAF cited nine reasons for refusal.
- 6.3 With reference to Reason for Refusal 1, the proposed development fully accords with the requirement of the allocation policy NDP2 and the mix is considered to represent an appropriate balance between the latest evidence regarding local housing need, and local market conditions, whilst also making an efficient use of land (and delivering the requisite 17 units and other criteria in accordance with the site allocation in the HNDDP). The hardstanding proposed as part of the scheme is considered necessary to service 17 dwellings (irrespective of their size), and particularly since the retention of the hedge (a principle supported by the LPA) necessitates a new internal access road running parallel to Odell Road. If the four and five bedroom units became two or three bedroom units (with a requirement for only two parking spaces each), only four parking spaces in the scheme would be removed. The amount of hardstanding that could be removed is therefore minimal in any event. All of the gardens in the scheme are considered to be of an appropriate size, depth and configuration with an open outlook across fields to the rear. Spacing between the units has been designed in a way that ensures a cohesive street scene along Odell Road and seeks to improve the character and appearance of the 'existing linear built character' of the street.
- 6.4 The proposed development would make efficient use of the land and provide an appropriate mix of housing types to reflect the mixed prevailing character of the area and local market conditions as required by national policy (NPPF para 128). Similarly, the mix of housing types and sizes proposed and the layout and design are considered to respect and complement the established character and pattern of the local area, in accordance with policies 28S, 29 and 30 of the local plan and NDP1 and NDP4 of the HNDDP whilst delivering on and meeting the requirements of the site's allocation policy HNDDP2.
- 6.5 With reference to Reason for Refusal 2, although the affordable units are the only terraced or maisonette dwellings, they are not the only non-detached dwellings on the site (units 14 and 15 are semi-detached). Furthermore, the Indicative Street Scene submitted as part of the planning application (reference SK015 Rev A) and the Proposed Materials Plan (reference MAT01 Rev C) show a range of styles – unrelated to tenure. The design quality would be consistent throughout and ensure no distinction between housing tenures.
- 6.6 The affordable provision is necessarily focussed on two and three bedroom dwellings. In accordance with the Local Housing Needs Assessment (2022), which confirms that most of the need for affordable housing is for two and three bedroom dwellings, the proposed development comprises four two-bedroom affordable units and two three-bedroom affordable units. In order to be attractive to an affordable housing provider (having regard to management and maintenance requirements), the affordable dwellings are provided as terraced units and maisonettes and would be of the same design quality and mixed materials palette to ensure they are indistinguishable from the market homes.
- 6.7 With reference to Reason for Refusal 3, a new hedge is proposed along the site's western boundary in order to soften the appearance of the proposed development (and ameliorate the impact of the

development) when viewed from the open countryside. The Proposed Landscape Plan (reference LAL01 Rev B) also shows a wildflower meadow to north and south of the site's access and landscaping at the front of each unit. This will further soften the appearance of the proposed development (when viewed from Odell Road) and make a positive contribution to the streetscape. If necessary, additional landscaping details can be secured by way of an appropriately worded planning condition.

- 6.8 With reference to Reason for Refusal 4, the separation distance between 91 Odell Road and Plot 17 is considered sufficient to ensure that the proposed development will not have an overbearing impact on 91 Odell Road, whilst also ensuring a cohesive street scene along Odell Road, in accordance with Harrold Neighbourhood Development Plan Policy NDP4. Notwithstanding this, a single storey version of Plot 17 is submitted as part of this appeal (reference SK900 Rev D) which the Inspector is invited to consider as an alternative with a further reduced impact on number 91 should it be considered appropriate to do so. If it is found to be necessary, the Appellant agrees to substitute the House Type K plan showing a five bedroom house at Plot 17 (SK900 Rev C) for a three bedroom bungalow (SK900 Rev D).
- 6.9 With reference to Reason for Refusal 5, the proposed provision of 250sqm of on-site amenity space exceeds the 228sqm required by Policy AD28 for a scheme of this size and mix. Although the proposed open space is next to a road, it is not a 'wide grass verge.' It is a usable amenity space that is nearly 10m wide (at its widest point). It is not next to a through-road – it is adjacent to a private drive and would be separated from Odell Road by the mature trees and hedgerows along the site's eastern boundary (which further contribute towards its amenity value). Additional landscaping in the amenity space can be secured by way of a planning condition, if necessary. In order to secure the future maintenance of the informal amenity space, a S106 agreement has been submitted as part of this Appeal (see Schedule 1 Part 2).
- 6.10 With reference to Reason for Refusal 6, an updated Preliminary Ecological Appraisal prepared by Eco Check Ltd (submitted with the appeal) concludes that Great Crested Newts are unlikely to be present on the site or impacted by the works and that a district license or mitigation license is not required. If necessary, a Reasonable Avoidance Mitigation Statement (RAMS) can be secured by way of an appropriately worded planning condition.
- 6.11 With reference to reasons for refusal 7, 8 and 9 (affordable housing, off-site outdoor sports and play areas, and medical services), a S106 agreement to secure the requested provisions or contributions has been submitted as part of this Appeal (see Schedule 1).
- 6.12 In summary, the proposed development is considered to represent an appropriate form of development for this allocated site having regard to the site's context and surroundings and the technical and policy requirements for development. Accordingly, the appeal scheme is considered to accord with all relevant local and national policies, and in particular, accords with the Harrold NDP. The Appellant therefore invites the Inspector to favourably consider the Appeal proposals and allow the appeal accordingly.