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## Appeal Decision

Site visit made on 10 November 2020

**by Graham Wyatt BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> November 2020**

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**Appeal Ref: APP/K0235/W/20/3246183**

**Land east of Rookery House, The Lane, Wyboston MK44 3AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
  - The appeal is made by Mr Parrott against the decision of Bedford Borough Council.
  - The application Ref 19/01308/PIP, dated 9 May 2019, was refused by notice dated 30 September 2019.
  - The development proposed is described as a "residential development".
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. This is an application for permission in principle. As such, no definitive details have been provided regarding the layout or appearance of the proposed dwellings. The national Planning Practice Guidance states that the scope of permission in principle is limited to location, land use and amount of development<sup>1</sup>. Accordingly, I have considered only the issues relevant to those 'in principle' matters in my determination of the appeal.
3. The Bedford Borough Local Plan 2030 was adopted on 15th January 2020 (the Local Plan) replacing the policies formerly set out in the Bedford Borough Local Plan (2002) and the Core Strategy and Rural Issues Plan (2008). The Council officer's report and the decision notice refer to the policies in the replaced plans. Notwithstanding this, I have determined the appeal on the basis of the policies set out in the recently adopted Local Plan.

### Main Issue

4. The main issue is the effect of the development on a scheduled monument.

### Reasons

5. The proposal seeks to erect a residential development of between one and four dwellings on the site, which forms a roughly rectangular parcel of land that is largely covered by unmanaged grass. It is bound to the west and along The Lane by a belt of trees with the open countryside and agricultural land to the south. The area is rural in character and contains dwellings of a variety of style and size that are mainly located to the north of the appeal site. Although it lies opposite existing dwellings, the appeal site nevertheless relates better to the

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<sup>1</sup> Paragraph:012 Reference ID: 58-012-20180615 Revision date 15 06 2018

- open countryside to the south of The Lane, to which it makes a positive contribution.
6. To the east of the site is a scheduled monument known as the “Moated enclosure and associated building platforms”. The scheduled monument dates from the medieval period and is, by definition, of national importance. Annex 2 of the National Planning Policy Framework (the Framework) defines a designated heritage asset to include, amongst other things, scheduled monuments. The Framework also confirms that the significance of an asset derives not only from its physical presence, but also from its setting. Annex 2 of the Framework defines the setting as the surroundings in which a heritage asset is experienced and that its extent is not fixed and may change as the asset and its surroundings evolve.
  7. Historic England confirm in its letter of 4 July 2019 that the scheduled monument is a hugely significant earthwork that is thought to relate to a manor house associated with Wyboston. In addition, it is in very good condition and one of the best defined earthwork moated sites in the area and is of national importance. Moreover, archaeological remains may exist under the scheduled monument and in objecting to the development, Historic England also note the potential for important non-designated heritage assets within the development area itself. Thus, the significance of the site is a nationally important monument whose preservation is highly desirable and as such any archaeological remains would fall within the scope of footnote 63 of the Framework, and having reference to paragraph 194 of the Framework, any harm to the significance of a designated heritage asset should require clear and convincing justification.
  8. As a scheduled monument, this reflects its status and origins, along with its historical significance which I find to be greatly derived from its setting within a largely open and rural context to the south of the village. Thus, it is clear that the site is of very important significance, which is reflected in its status as a nationally important monument and a designated heritage asset. I find that the surrounding farmland and open countryside, which includes the appeal site, contribute towards its significance and allows the site to be appreciated within the rural landscape.
  9. The proposal would introduce a suburban form of development that would result in a reduction in the open space between the site and the asset, diminishing its setting and eroding the connection between the scheduled monument and the surrounding countryside. Furthermore, as it is of the highest significance, and in the absence of detailed evidence to suggest otherwise, there is significant risk that the scheduled monument could be directly affected or harmed by the development. As such I consider that a precautionary approach is justified.
  10. Therefore, the erection of dwellings on the appeal site would result in a negative contribution to the setting and the significance of the asset and I find the harm identified to be less than substantial. Accordingly, the Framework requires at paragraph 196 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

11. Although the harm is less than substantial, it should not be treated as a less than substantial objection to the proposal. The appellant does not advance any public benefits as a result of the development. However, I accept that the provision of up to four dwellings would make a limited contribution towards the housing supply and need of the area, and that there would also be some economic and social benefits related to the development and the future occupation of the dwellings. However, I am not persuaded that these matters represent any more than a limited public benefit which would be insufficient to outweigh the otherwise identified harm and the great weight the Framework requires is given to the asset's conservation.
12. Therefore, whilst I acknowledge the benefits of the development, I must have regard to paragraph 193 of the Framework and the great weight that must be given to the conservation of a heritage asset. In this particular case, given the nature of the proposal that could potentially affect the setting of a nationally important monument, I am not persuaded that the benefits of the development would outweigh the harm that I have identified above.
13. Thus, the development would be in conflict with Policies 7S, 28S, 29 and 41S of the Local Plan and paragraphs 193 and 196 of the Framework, which seek, amongst other things, to ensure that developments are of the highest quality developments that integrate with the historic environment and character.

#### **Other Matters**

14. I acknowledge the location of the appeal site in relation to the A1 and A428 and that it is served by utilities and sewage. I also acknowledge the existing electricity pylon which is considered to dominate the site and the letter of support from the neighbouring property. However, I am not persuaded that these matters represent an appropriate reason to find in favour of a development that would itself cause additional harm to the significance of the designated heritage asset.

#### **Conclusion**

15. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

*Graham Wyatt*

**INSPECTOR**