



Appeal Decision

Site visit made on 29 September 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/K0235/W/22/3300223

Land to the Rear of 35 Hookmans Lane, Renhold, Bedford MK41 0JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A and Mrs J James against the decision of Bedford Borough Council.
 - The application Ref 21/01485/FUL, dated 24 May 2021, was refused by notice dated 17 December 2021.
 - The development proposed is the demolition of an existing two storey, double garage and the erection of a five-bedroom dwelling with associated garages to land at the rear of number 35 Hookmans Lane.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is whether the proposed development provides suitable arrangements for refuse and recycling collection.

Reasons

3. The proposed development includes the erection of a dwelling within the large rear garden of 35 Hookmans Lane. The principle of erecting the proposed dwelling within the garden is not the subject of an objection from the Council and an alternative scheme has been granted planning permission (Ref 22/0246/FUL). Difference between the approved and appeal schemes include the consented dwelling being sited closer to the host property and a bin store being erected closer to a roadside collection point. The drag distance from the approved dwelling's bin store to the collection point would be less than the 25 metres maximum distance identified in the Council's *Technical Guidance: Waste and Recycling in New Developments* (the Guidance).
4. This part of the Guidance reflects the requirements of the Building Regulations whereby occupiers should not need to carry refuse more than 30 metres to the bin storage area and such areas should be within 25 metres of any waste collection point. However, Building Regulations are separate from any planning requirement and the Guidance does allow for, in exceptional circumstances, a collection point to be remote from a dwelling.
5. For the proposed development, the drag distance from the bin store to the roadside collection point would be circa 100 metres and also involved dragging the bins slightly uphill rather than along a near level route. Steps are proposed

between the proposed bin store and the parking area which would be a further obstacle when seeking to drag the bins to the collection point. In combination these factors would not amount to the necessary exceptional circumstances of the type referenced in the Guidance and thereby unsatisfactory arrangements would be made for the collection of refuse and recycling from the proposed dwelling, especially for older or less physically able occupiers.

6. Even if there are other schemes in the surrounding area, including the neighbouring dwellings, where occupants may be required to drag bins for a similar or greater distance, their detailed planning circumstances, including whether there might have been the exceptional circumstances referred to in the Guidance, have not been provided and they have been given limited weight in the determination of this appeal.
7. Reference is made by the appellants to the potential for a private firm collecting the refuse and recycling from the proposed dwelling. However, there can be no certainty that future occupiers would be willing to use and pay for a private service. A condition requiring private collection in perpetuity would be difficult to both monitor and enforce. Accordingly, this matter is given limited weight in the determination of this appeal.
8. The Council has provided a number of appeal decisions¹ but without their detailed planning circumstances. For this reason, limited weight has been given to these decisions in the determination of this appeal which has been assessed on its own circumstances.
9. The absence of objections from the Council to the principle of the proposed development, harm being caused to the character and appearance of the surrounding area and to any adverse impact being caused to the living conditions of the occupiers of neighbouring properties have been carefully noted. However, in this case and for the reasons given, these matters do not outweigh the unsuitability of the arrangements for refuse and recycling collection associated with the proposed dwelling.
10. Accordingly, it is concluded that this appeal should be dismissed because the proposed development would not provide suitable arrangements for refuse and recycling collection and, as such, it would conflict with Policies 29 and 32 of the Bedford Borough Local Plan which, amongst other matters, require development to integrate functional needs such as refuse/recycling storage and collection points.

D J Barnes

INSPECTOR

¹ APP/K0235/W/20/3262808, APP/K0235/W/20/3265471 & APP/K0235/W/21/3275066