



Appeal Decision

Site visit made on 1 April 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/Y0435/W/24/3356448

Old Telephone Exchange, Bradwell Road, Loughton, Milton Keynes MK5 8DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Connolly against the decision of Milton Keynes City Council.
 - The application Ref is 24/01147/FUL.
 - The development proposed is conversion and extension of redundant telephone exchange to create a one-bedroom dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form as this sufficiently describes the appeal proposal.
3. From the evidence before me there is no dispute between the main parties as to the acceptability of the scale, design and appearance of the proposed extensions and alterations or the effect of these works on the character and appearance of the area. Moreover, there is no dispute between the main parties on the acceptability of the proposal in terms of its effect on the living conditions of the future occupiers of the property or the occupiers of neighbouring properties. I have, therefore, confined my detailed considerations to the effect of the proposed development on trees, highway safety and biodiversity.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area, with particular regard to trees;
 - the effect of the development on highway safety, with particular regard to parking; and
 - the effect of the development on biodiversity, in particular bats and the provision of biodiversity net gain.

Reasons

Character and appearance

5. The appeal site comprises a small brick building with a tile pitched roof. It is set back from the edge of the pavement on Bradwell Road and is situated between the car park of the Talbot Inn public house and Loughton School. Opposite the site,

pub and school are residential dwellings. The building is surrounded by trees and other planting. The trees and greenery currently contribute positively to the character of the area as part of the tree boundary to the public house car park, the trees along and around Bradwell Road, and provide a green buffer between the building and the surrounding uses.

6. The proposal would extend the building to the site boundaries at the rear and along the side with the school. This would result in the loss of all of the trees and existing planting within the site and would not provide space for any significant replanting to the sides or rear of the appeal site.
7. The loss of all of the trees within the site, not just the single tree on the frontage, would have a significant effect upon visual amenity. The existing building is in a state of disrepair and the trees and planting are overgrown. However, it does not currently significantly harm the character of the area, and I have no compelling evidence that conversion and extension of the building is the only means of securing improvements to the character of the area.
8. I also have no compelling evidence that the school would be amenable to providing replacement planting within their site. The area within the school grounds currently provides staff parking and, therefore, any planting would likely reduce the available parking area. Consequently, the appeal proposal would result in substantial loss of existing greenery from the street scene which would be detrimental to the character of the area.
9. Although the design and scale of the conversion and extensions is not objectionable, the benefits to the character of the area would not mitigate the adverse effect from the loss of the trees. Moreover, although the proposal would result in the re-use of an existing building and a brownfield site, which should be given substantial weight as advised at paragraph 125 of the National Planning Policy Framework (the Framework), the development would cause substantial harm. The general benefits of providing one dwelling and the boost to housing supply would be limited and would not outweigh the harm.
10. For the above reasons, I find that the development would adversely affect the character and appearance of the area, with particular regard to trees. It would, therefore, conflict with the requirements of Policies D1 and D2 of the Milton Keynes Council Plan:MK 2016-2031 (the Plan:MK) which, amongst other matters, require developments to respond appropriately to the site and surrounding context, include soft and hard landscaping that continues the verdant and green character of Milton Keynes, and exhibit a positive character.

Highway safety

11. The appeal proposal would not include any parking or turning provision for the proposed dwelling. It, therefore, would not comply with the Milton Keynes Parking Standards Supplementary Planning Document 2023 (the Parking SPD) which requires one parking space, plus 0.33 unallocated spaces, per dwelling in this area. The Parking SPD has already considered the lower parking requirement for smaller units and continues to require one space per dwelling.
12. The appeal proposal is not a car-free development, and the condition suggested by the appellant would not prevent the future occupiers of the property from owning a car as it would only restrict them from applying for parking permits, which

are not required in the immediate area. There are no means to prevent the future occupiers of the property from owning a car and I have no compelling evidence that the future occupants would not own a car. The lack of an on-site parking space would not necessarily disincentivise car use, as suggested by the appellant, it would more likely result in increased demand for on-street parking.

13. Policy CT10 of the Plan:MK seeks to ensure that all development should meet the Council's full parking standards, unless mitigating circumstances dictate otherwise. Paragraph 8.60 of the supporting text advises that mitigating circumstances might include development proposals that are located in a high density area or within close proximity of a public transport node such as a rail or bus station.
14. The appeal site is not in a high density area. Although it is close to services, shops and amenities in Loughton and Shenley Church End, Milton Keynes train station would be over one mile, and approximately 24 minutes, walk from the appeal site. The local shops and facilities would be within comfortable walking and cycling distance, especially given the presence of the Redway. Nevertheless, the train station would be a distance that is unlikely to be used for daily commuting to work or for larger shopping trips.
15. There are no parking restrictions on the road immediately outside the appeal site. However, it is close to the restrictions on parking outside the school. I also saw at the time of my visit that, although there is on-street parking available, there is a high level of existing on-street parking demand on the opposite side of the road, even though the houses in this area have off-street parking. Moreover, my visit was not within the school drop-off or pick-up periods which are likely to result in greater vehicle numbers, parking pressure and also a high level of pedestrian footfall.
16. From my own observations, and given the advice of the Council Highway Engineer, the level of on-street parking is already high, and I have no compelling evidence that there would be spaces available for the future occupants of the dwelling. I acknowledge that there is a public car park on Bradwell Road which, at the time of my visit, had spaces available and also includes a car club space. Nevertheless, the occupants of the proposed property are more likely to seek to park on the highway near to the property than in the car park. The appeal proposal would be likely to result in additional pressure for on-street parking which is not controlled in the local area.
17. Albeit that the proposal would only result in one additional car on the street and even though it is close to services and facilities, the lack of any on-site parking would result in an increase in off-site parking pressure. This would, due to the existing high levels of on-street parking, vehicle movements and pedestrian movements, adversely affect highway safety.
18. Cycle parking is indicated on the plan. However, this is shown as two cycle spaces directly outside the front of the building. The cycle parking is not covered or secured and would not form appropriate long-term, residents, cycle parking. This matter would be capable of being resolved through the imposition of a suitably worded condition. While that may be the case, the provision of cycle parking would not off-set the effect of the development on highway safety.
19. For the above reasons, the development would adversely affect highway safety, with particular regard to parking, contrary to the requirements of Policies CT2 and

CT10 of the Plan:MK which, taken together, seek to ensure that development would not have an inappropriate impact on the operation, safety, or accessibility to the local highway network, meet the Council's full parking standards unless mitigating circumstances dictate otherwise, and not reduce on-site parking if this would increase additional pressure in off-site parking.

Biodiversity

20. The removal of a number of trees and the majority of the other landscaping from within the appeal site would have the potential to affect biodiversity. The existing building has also been redundant for some time and may provide suitable habitat for biodiversity, especially bats.
21. Circular 06/2005¹ states that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". Ecological mitigation should only be employed where it is not possible to avoid the impact. Furthermore, mitigation measures should be specific to an identified harm.
22. The submitted Preliminary Ecology Appraisal, dated April 2024 (the PEA), was carried out by a suitably qualified and experienced ecologist. Nevertheless, I have no reason to believe that the Council's Ecologist is not also suitably qualified and experienced. The presence of loose and missing tiles, as noted in the PEA, would provide opportunities for bats to enter the building or to use the gaps in the roof itself. Although cobwebs would indicate that the interior of the roof space is not being used by void dwelling species there may be crevice dwelling bats using the crevices in the roof. The appeal proposal would result in the replacement of the roof and the PEA has not satisfactorily considered the potential of crevice dwelling bats.
23. The tree near the appeal site is also identified in the Tree Survey as having extensive deadwood throughout, not just as being "mature." The information in the Tree Survey conflicts with the suggestion in the PEA that this tree is not mature enough to contain deadwood features. The presence of deadwood features would provide opportunities for bat roosting which has not been assessed in the PEA.
24. Although the tree is not within the appeal site and, therefore, would not necessarily be removed, the Tree Survey recommends its removal. Furthermore, even if it were not removed the extended building would be close to the tree and the residential use of the building would increase light, noise and disturbance to any bats that might be using the tree.
25. The appellant has suggested that any additional surveys and mitigation could be secured by conditions. The finer details of the mitigation strategy could be secured by condition, once the baseline and presence, or otherwise, of protected species has been established. The submitted PEA does not provide sufficient detail to establish the baseline with regard to crevice dwelling bats and the deadwood features in the nearby tree. Given the advice in Circular 06/2005, without the

¹ ODPM Circular 06/2005: Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system.

additional information I cannot be certain that any harmful effects arising from the proposal could be adequately avoided or mitigated.

26. In the absence of sufficient information on the likelihood of the presence of bats the proposal would risk adversely affecting biodiversity, in particular bats, contrary to the requirement of Policy NE2 of the Plan:MK which seeks to resist development where there is a reasonable likelihood of the presence of statutorily protected species or their habitats, unless it has been demonstrated that the proposed development would not result in a negative effect upon those species and habitats.
27. Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met.
28. The Planning Practice Guidance (the PPG) advises that the biodiversity gain condition does not apply to, amongst others, development subject to the de minimis exemption and self-build and custom build developments. The appellant is seeking to argue both exemptions apply.
29. Although the appellant advises that the development is to be carried out by the appellant and for their occupation and, therefore, comprises self-build, I have no means, such as a signed legal agreement, to secure the property as self-build and without this, I am not able to confirm that this exemption is applicable.
30. The PPG advises that, for de minimis exemption, the development must not impact on any priority habitat and if there is an impact on other on-site habitat, that impact must be on less than 25 square metres and on less than 5 metres of linear habitat. On-site habitat is impacted if it is lost or degraded such that there is a decrease in the biodiversity value of that habitat.
31. The PPG is also clear that it is for the appellant to demonstrate that the on-site habitat would be less than 25 square metres and should provide sufficient evidence to support their justification. Although the application form suggests that the proposal would be below the threshold and the appellant has continued to argue this within their appeal statement, I do not have any compelling evidence that the extent of the tree and landscaping removal is less than 25 square metres. From the submitted plans the proposed extensions to the building would appear to exceed this threshold and the Council has used the Statutory Metric Calculation tree helper tool and estimated that the removal of two trees would equate to more than 25 square metres.
32. I, therefore, cannot be certain that the development would fall within the de minimis exemption and would not require biodiversity net gain to be provided. If it is clear the development proposal is not exempt, the pre-development biodiversity value needs to be provided as part of the application, and it would not be appropriate to secure this through a condition.

Other Matters

33. The Talbot Inn is a Grade II Listed Building noted as C17 with C18 re-fronting. The special interest and significance of the Talbot Inn is derived in part from its age,

architectural interest, and historic fabric. The area immediately around the public house forms part of the setting and part of its significance. Mindful of the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act), I have had special regard to the desirability of preserving the setting of the listed building.

34. The appeal building lies on the edge of the car park associated with the public house and there is some intervisibility between the two. However, given its location and the extent of the proposed development, I consider that the appeal proposal would preserve the setting of the listed building and the contribution the setting makes to its significance. Nevertheless, the proposal would not positively enhance the setting of the listed building, as the appellant asserts and the lack of harm, in this respect, would not alter my overall conclusions.

Conclusion

35. For the reasons given above the appeal should be dismissed.

K Townsend

INSPECTOR