



Appeal Decision

Site visit made on 6 May 2025

by **A Edgington BSc (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/Y0435/W/24/3350220

New Inn, 2 Bradwell Road, New Bradwell, Milton Keynes MK13 0EN

- 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 Charles Wells Limited against the decision of Milton Keynes Council.
 - The application Ref is 24/00270/FUL.
 - The development proposed is Erection of three bed terraced dwellings (use class C3) on land adjacent to The New Inn public house utilising new access off Bradwell Road, with associated parking and landscaping, including reconfiguration of beer garden and car park of the public house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has raised concerns that additional reports have been submitted at appeal. However, these reports appear to provide additional information rather than evolving the scheme. Moreover, it is clear that the Council has assessed those reports. As appeal documents are generally in the public domain I see no reason why interested parties could not have reviewed that evidence and have had an opportunity to comment.

Main Issues

3. The main issues are the effect of the development on:
 - The setting of the Grade II listed New Inn;
 - The character and appearance of the area;
 - Landscape and ecology;
 - Highway safety with particular regard to parking stress; and,
 - Noise and disturbance.

Reasons

Setting of listed building

4. The New Inn is a plain but substantial two storey, rubble stone and brick structure. Two early 19th century stone ranges are arranged gable end to the road, with the principal elevation facing the canal. A later brick range has been added across the full depth of the original structure to the rear. The stone structure has brick dressings around the sash windows, and brick chimney stacks. The utilitarian side

elevation is a strong and striking architectural feature in the street scene, and appears to be more completely intact compared to the principal elevation which has had its ground floor sash windows replaced with bays.

5. The original building was built to service the canal's barges and formed part of a larger layout including a yard area, wharf, brewhouse, pigsties, granaries, coke house and stables. To the rear the Ordnance Survey (OS) maps show a large garden which was retained after the demolition of the ancillary buildings in the 20th century.
6. The rear garden's mature vegetation frames views of the New Inn when approaching from the north, and also provides the impression of a verdant setting to the south. The garden also provides a buffer between the New Inn and the building pattern of Nightingale Crescent. Moreover, the openness to the front and rear of the New Inn, and the lack of nearby buildings reinforces appreciation of the New Inn's spatial relationship with the canal and the full extent of the plot to the rear. This openness contributes to the New Inn's setting.
7. There is architectural and historic value arising from the New Inn's overall scale, form and design which demonstrates the solid vernacular design and craftsmanship of the period, as well as communal and societal value arising from its association with the canal. The loss of the ancillary buildings has diminished its contribution to an understanding of the canal's economy, but nonetheless the OS maps show that even when there were ancillary buildings around the New Inn, its principal elevation had a direct visual relationship with the canal across the yard.
8. As such, the New Inn's significance is derived from its overall form and historic fabric, and its spatial relationship with the canal, Bradwell Road and the wider building pattern, which has retained a spaciousness which forms a buffer around the New Inn itself.
9. The development would be a short terrace of three modest dwellings with an active road frontage. The dwellings would be seen in the same visual envelope as the New Inn but would have a generic and fussy cottage design. The typology of curved window heads, dormers and pitched roof porch canopies would fail to reflect or relate to the overall form, scale and detailing of the New Inn. Whilst there are extensive housing estates nearby, which present with unremarkable 20th century design and which may have similar features, these are some distance away.
10. The dwellings would be separated from the New Inn by an access to a new parking area located alongside Plot 3. As such the New Inn would sit between two vehicular entrances and from Bradwell Road would appear completely surrounded by tarmac. The openness and the buffer between the New Inn and the surrounding building pattern would be removed, contributing to the urbanisation of this section of the road. The hardstanding in front of the New Inn would also be extended to create an additional line of parking, which would further erode the New Inn's contextual and visual relationship with the canal. That there is already hardstanding to the front and side of the New Inn does not justify further extensions. It is unclear how an increase in hardstanding could be considered as a benefit, as posed in the heritage statement.
11. The argument is advanced by the appellant that the development would better reveal the New Inn's rear elevation, but although this has some period interest, it is the north facing front elevation that was designed to be public facing. In any case,

visibility from the public realm is not necessarily determinative when considering the benefits of development. Moreover, it would further reveal the incongruity of the development's scale and typology when compared to the scale and austere design of the New Inn, as well as revealing the increased extent of hardstanding.

12. Although the building pattern has changed over the last two centuries, the later residential development has retained a spatial buffer, which reinforces the New Inn's social and economic prominence and its relationship with the canal. The development would intrude into that buffer and the New Inn would become incorporated into a spreading building pattern. This would diminish its setting and reduce significance. This would amount to less than substantial harm.
13. Whether local residents are patrons of the development or not does not affect its visual distinctiveness. I acknowledge that the dwellings would step down towards the New Inn, but this does not alter my reasoning with regard to the development's scale and overall design.
14. The appeal statement contains an image of the street scene. However, I do not find this image compelling as it appears to show a greater setback between Plot 1 and Plots 2 and 3 when compared to the layout plan.
15. Paragraph 215 of the Framework sets out that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposals. The development would provide three dwellings which would have a minor local benefit. Nonetheless, I conclude that the harm arising from the development would not be outweighed by those public benefits.
16. As such the development would have an adverse effect on the setting of the new Inn. It would be contrary to S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), and Policy HE1 of the Local Plan (LP) which are concerned with the safeguarding of designated heritage assets, including setting. It would also fail to accord with Section 16 of the National Planning Policy Framework (the Framework), which is also concerned with heritage assets.

Character and appearance

17. The New Inn sits on a fairly narrow section of Bradwell Road, between the canal and railway bridges. Although the wider area contains extensive 20th century housing development, this is set back from the road. This section of the street scene has a high degree of local distinctiveness as a consequence of topography, the canal and railway bridges, and the visual prominence of the New Inn. The road frontages for a considerable distance in each direction comprise brick walls, detached houses set back from the road, and mature vegetation. Although there are two nearby residential estates, it appears that care has been taken to retain a buffer between that development, Bradwell Road and the New Inn. This has given this section of road a semi-rural feel. Moreover, notwithstanding its car parking areas, the New Inn's overall form, scale and typology gives it a uniqueness and distinctiveness within the building pattern.
18. The development would be a short terrace with an active road frontage. As there is no comparable building form in the vicinity along Bradwell Road, it would introduce a new building form and typology, and at a higher building density. The development would require the removal of most of the mature vegetation forming the appeal site's road frontage and framing the New Inn when viewed from the

north. It would therefore intrude into the existing visual buffer and introduce urbanisation.

19. As set out above with regard to heritage issues, the scale and detailing of the dwellings would be out of keeping with the scale and typology of the New Inn. This would have a localised adverse effect on the semi-rural character and appearance of the street scene, and consequently, its distinctiveness.
20. The appellant argues that the boundary vegetation could be retained as a hedge but given the species composition and condition, together with the small size of the front gardens, it seems to me to be unlikely that the elm trees would form a manageable hedge or that future homeowners would retain it as such. In any case, even if the elms could be managed as a hedge, it would not mitigate the development's intrusion into the building pattern or its incongruity.
21. I appreciate that the Council's consultee had no concerns with regard to character and appearance, but this does not alter my reasoning, which broadly accords with concerns set out in the officer's report.
22. As such, the development would fail to accord with LP Policy D1 which requires development to respond appropriately to the site and surrounding context, and LP Policy D2 which is concerned with local distinctiveness.

Landscape and Ecology

23. The development's footprint would cover the small enclosed lawn and paved area that comprise the New Inn's rear garden. The existing habitats drawing does not show all the hedges I saw at my visit, and the arboricultural assessment omits that same hedge, as well as a line of conifers parallel to the elms in Group G3.
24. There are two sycamores close to the site's southern boundary which would be retained. The arboricultural assessment indicates that T1 is within the site and T2 is on adjacent land. At my visit these trees were casting considerable shade over the area that would be the rear gardens of Plots 1 and 2. They would also, at other times of day, cast shade across the rear of those dwellings. It seems highly likely that at least the tree that is within the appeal site would come under pressure for removal once the dwellings were occupied.
25. The appellant suggests that the existing vegetation, G3, along the front boundary could be retained as a hedge. However, this comprises mainly what appears to be self-seeded and diseased elm trees. Even if reduced in height, and if their stems did not conflict with path access points, it is unlikely that they would form a serviceable hedge. However, I acknowledge that in the event that the appeal was allowed a condition could require new hedge planting along the road frontage.
26. The application is not required to meet targets with regards to Biodiversity Net Gain (BNG). Nonetheless, the ecological appraisal sets out that there would be an 11.84 per cent increase in habitat units. This appears to be derived largely from the planting of 20 trees, 18 of which would be around the periphery of the beer garden. However, the trees are shown on plan as having a diameter of about 1.5 metres and in some cases are planted 2 - 3 metres apart. Moreover, most native trees will, over time, have crown diameters that are substantially larger than shown, and trees planted in those locations will also cast considerable shade over the beer garden. As such, the landscape plan with regard to tree planting is unrealistic.

27. It is also suggested that there would be a significant increase in hedgerow units. However, those shown are alongside the boundaries of what would be quite narrow gardens, alongside vehicular turning areas, or are annotated as low hedges. Given the spatial restrictions and proximity to circulation areas it is highly unlikely that these hedges would be allowed to establish or to reach a size and maturity commensurate with attracting local fauna. Moreover, given my comments with regard to the omission of some hedges it seems likely that the baseline figure for the BNG calculation is understated. Taking the above into account I find the BNG significantly overstated.
28. The development would include surface mounted bird and bat boxes which could enhance local biodiversity. However, these would be within the domestic curtilage of the dwellings and their small gardens, and likely to be subject to noise and disturbance which are not always conducive to use by local fauna.
29. The Council has suggested that a detailed landscape plan could be secured by condition. However, given the narrowness of the gardens, and their orientation, it seems highly unlikely that tree planting within those small gardens would survive to have any meaningful impact on the local landscape as they would cast significant shade. There would be a loss of existing biodiversity and insufficient space to replace lost tree cover.
30. The ecological appraisal indicates that tree T1 has a low potential for roosting bats. The Council noted that the appraisal used an out of date edition of the bat survey good practice guide and that further surveys are required to search for further evidence. However, the current edition of the good practice guide¹ appears to state that further surveys are not always needed for situations where there is low roosting potential, subject to context. In the absence of more detailed information, I am unable to conclude that further surveys should have been carried out.
31. The Council has raised a concern around Great Crested Newts and a pond some 80 metres from the site. However, this is not mentioned in the ecological appraisal or by the Council's internal consultee. In the absence of further details, I give this no weight and conclude that there is nothing before me to suggest that there would be an adverse impact on protected species or priority habitats.
32. However, given my concerns in relation to the accuracy of the BNG calculations, and the likely removal of existing trees I am unable to conclude that there would not be an adverse effect on landscape and ecology. As such the development would be contrary to LP Policy D1 which is concerned with landscape works to provide high quality places, and LP Policies NE3 and NE4 which require development to maintain biodiversity and to enhance and strengthen green infrastructure, amongst other considerations. There would be no conflict with LP Policy NE2 which is concerned with priority habitats and protected species.

Highway safety

33. LP Policy CT10 states that development should meet the Council's full parking standards but also that on-site parking should not be reduced below the Council's expectations if this would result in additional pressure for off-site parking that could not be resolved by parking controls.

¹ Table 6.3, Bat Surveys for Professional Ecologists, 4th edition

34. There would be an overall loss of parking bays for the New Inn. In addition, the parking provided for the dwellings would fail to meet the parking standards set out in the SPD, as there would not be parking for visitors.
35. However, the appellant has submitted a parking survey which indicates that at peak times there would be shortage of three spaces at the New Inn, and a parking survey indicates that there is capacity for on-street parking nearby which could accommodate this additional demand. There is nothing before me to suggest otherwise. The Council has noted that overflow vehicles might park close to the appeal site, and that this section of road is a blind spot. However, there did not appear to be any parking restrictions along this stretch of road and it has not been raised as a concern by the highway authority.
36. The Council has also raised a concern in relation to the relation to the visibility splay. The appeal statement notes that Dwg. 23.3497.101 Rev P3 shows an amendment to Plot 3's frontage to accommodate the visibility splay. I am unable to confirm that this drawing does show visibility splays but in the event that the appeal was allowed a condition could require the visibility splays to be free of obstructions.
37. Consequently, I conclude that there would be no conflict with LP Policies CT2 and CT10 or Paragraph 115 of the Framework insofar as these are concerned with highway safety and parking provision.

Noise and disturbance

38. A noise survey was undertaken over a 48 period on a May weekend in 2024. This indicates that noise associated with the road traffic, the New Inn's beer garden or the relocated car park will not have an adverse effect on the proposed dwellings provided the necessary mitigation is installed. The report accepts that there will be times when having windows open might result in noise levels being above the standard thresholds. This could have an adverse effect on the living conditions of future occupiers. However, the residential development to the west of the New Inn's car park and beer garden is closer to those noise sources than what is proposed. As such, I conclude that in this context, the proposed mitigation would be reasonable and could be imposed as a condition should the appeal be allowed.
39. There is nothing in the evidence to indicate that the noise and disturbance arising from the development's own parking area, sited directly alongside Plot 3, has been taken into account. However, as I have found harm in relation to other issues it is not necessary for me to consider this further, and it has not been determinative.
40. With regard to noise arising from the road, and the continued operation of the New Inn, I find that there would no conflict with LP Policy NE6 which is concerned with noise and the amenity of buildings and outdoor space.

Other matters

41. One of the Council's concerns at application stage concerned surface water drainage. The appellant has submitted a Surface Water drainage strategy during the appeal and although the Council notes that this should not be accepted, it is clear that the Council has assessed that information and considers that a condition would be an appropriate mechanism to secure appropriate appropriate drainage, should the appeal be allowed. On the basis of what is before me I see no reason to

disagree. There would be no conflict with LP Policies FR1 and FR2 which are concerned with flood risk management.

42. The Council has raised concerns in relation to the bin and cycle stores but these are not mentioned in the reasons for refusal and I have not considered this further.

Conclusion

43. The development would provide three dwellings in what appears to be a sustainable location, which would be a small contribution to local housing supply. Nonetheless, the development would be contrary to the Act, the local development plan and national guidance. The benefits arising from the housing would not outweigh the harm identified above and there are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR