



Appeal Decision

Site visit made on 8 May 2025

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 JUNE 2025

Appeal Ref: **APP/K0235/W/24/3356140** **125-127 Midland Road, Bedford MK40 1DE**

- 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 Jumu'ah Zilboud of Bedford Islamic Centre against the decision of Bedford Borough Council.
 - The application Ref is 24/00204/FUL.
 - The development proposed is the change of use to place of worship (Use Class F1(f)) and community centre (Use Class F2(b)), with shop (Use Class E(a)), and extension to form stairwell enclosure.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the loss of the existing retail use is justified in this location, including the effect of the proposed development on the living conditions of nearby residents;
 - the effect of the proposed development on parking provision and highway safety; and
 - whether sufficient cycle parking would be provided.

Reasons

Loss of retail

3. The appeal site comprises an end-of-terrace commercial building, which forms part of a continuous row of commercial units and falls within a designated Local Centre. The proposed development would retain a small element of retail at ground floor level, although retail (including restaurant) floorspace would nevertheless be lost.
4. Policy 82 of the Bedford Local Plan 2030 (LP) relates specifically to the change of use within Local Centres. It sets out that changes of use from essential shops to other uses will only be granted planning permission if the proposal meets a series of exceptions. These exceptions include i) where alternative essential local shops are available within the centre; ii) that it can be demonstrated that the current or last use is no longer economically viable; iii) that the vitality or viability of the Local Centre would not be adversely affected; and iv) the proposed use would avoid the

concentration of similar uses whose cumulative impact would be detrimental to the surrounding area.

5. There is no dispute between the Council and appellant in respect of criteria i) and iii). I have no reason to disagree with those findings and will not discuss them any further.
6. In respect of the marketing of the site (associated with criterion ii), a marketing report was provided by Stimpsons Eves, a firm of Chartered Surveyors. This sets out how the property was marketed, which included direct mailing and listing on specialist property websites. The particulars for the property have also been provided. It was concluded that there was limited interest in the property, typically due to the large scale of the building relative to its location.
7. The Council argues that this strategy was insufficient as the property was marketed on a leasehold, not freehold basis. However, there is no evidence before me of where such a requirement is set out in policy. Based on the marketing strategy provided, I consider reasonable steps have been taken to market the site, attracting limited interest. That this was on a leasehold basis only is not unusual and I do not consider that this would have significantly limited interest in the property. From that perspective and based on the evidence I have been provided with, I am of the view that the proposed development would, in this case, meet the requirements of criterion ii. The Council has made reference to an appeal case at Goldington Road. However, this related to the change of use of a public house, which differs markedly from the case before me. In any case, I am not bound by the conclusions of that previous Inspector and have assessed the scheme before me against the evidence provided and site-specific circumstances.
8. In respect of a concentration of similar uses (criterion iv), a high number of operational places of worship currently exist near to the appeal site. The appellant sets out that of the nearby places of worship listed by the Council, the majority do not lie within the Local Centre. Be that as it may, the wording of LP Policy 82 is not so precise as to set out that those other similar uses must be located only within the same Local Centre. I consider the list of places of worship provided, and observed on site, to be within a reasonable distance from the site.
9. The Council sets out that residents living near the appeal site would likely be affected by noise and disturbance late into the night and during the early morning as a result of this additional place of worship. This would principally arise from the comings and goings of attendees using the premises.
10. The appellant sets out that the previous occupier of part of the building, a restaurant, operated between the hours of 5pm and 11.30pm Tuesdays to Thursdays and between 5pm and 2am on Fridays and Saturdays. However, this differs markedly from the hours of the proposed use, which would open 7 days a week, including Bank Holidays and weekends. Hours of operation between April and September would include worship at 3.45am and 10.30pm.
11. Irrespective of the precise hours of operation of the other places of worship in the surrounding area, for which I am provided with very limited information, activity in the area would undoubtedly increase during these times as a result of the proposed development. This would likely include the starting of car engines, manoeuvring and door slamming. Even where visitors would not travel to the site

by car, the activity associated with the use, including general comings and goings and conversation outside, would still likely increase during these times.

12. This would result in the creation of noise and disturbance to nearby residents, and would take place late into the evening, early in the morning, during weekends and at bank holidays. It is during these times that nearby residents would typically expect peace and quiet. There is no substantive evidence before me of how noise and disturbance may be managed, for example through the submission of a premises management plan or noise impact assessment. Whilst it is argued by the appellant that an existing place of worship on Brereton Road would cease operation if the appeal were to succeed, there is nothing before me, such as a legal obligation, which would ensure that.
13. Overall, I conclude that the proposed development would result in a concentration of similar uses and would have a harmful effect on the living conditions of the occupants of neighbouring dwellings, with particular regard to noise and disturbance. Accordingly, the proposed development would be contrary to the relevant provisions of LP Policies 32 and 82. These policies, in summary and when taken as a whole, seek to ensure that only appropriate changes of use occur in Local Centres and that noise and disturbance is minimised.

Parking and highway safety

14. The appeal site is positioned at the junction of Midland Road with Rutland Road. A busy mini roundabout here connects those roads with Ford End Road and Prebend Street. The submitted transport assessment indicates that there has been a high number of collisions involving pedestrians in the area surrounding the application site during the past 5 years, many having occurred near to the roundabout adjacent to the site.
15. The area surrounding the site is largely regulated by a Controlled Parking Zone. Parking restrictions are understood to apply between 8am and 6pm Monday to Saturday only. Few of the surrounding residential properties have private off-street parking in the form of a driveway, and park within designated on-street parking spaces. During my early afternoon site visit I noted a reasonably high number of parked cars and few available parking spaces in the immediately surrounding area.
16. While several standalone car parks have been identified within the surrounding area, many of these are located 5 or more minutes' walk away, as is the case for identified on-street parking spaces. It is highly likely that users of the proposed development would seek to park close by, in part due to the frequent but short worship time, and particularly at times of higher parking stress. This is highly likely to include nearby streets and those where few major roads need to be crossed. This would particularly be the case during winter months, after dusk and during inclement weather conditions. I am also unaware of any designated space for the drop-off/pick up of worshippers at the site. This form of illegal parking has already been identified within the area, and any increase has the potential to impede the free flow of traffic and pedestrians here.
17. In addition to the above, the transport assessment has been produced on the basis of between 5 and 10 worshippers typically attending prayer times, with higher numbers (100-150) on Fridays. However, the submitted planning statement makes reference to approximately 50 people attending prayer times other than

Fridays. I therefore have some doubt in respect of actual attendee numbers. This is particularly relevant given that the submitted drawings indicate 58 prayer spaces on the ground floor with 106 prayer spaces on the first floor. This is in addition to the retail/café use proposed. The overall capacity of the building is therefore considerable.

18. With the above in mind, and taking into account the character of the area, including the busy junction on which the appeal site sits, any additional on-street parking as a result of the proposed development, however minimal, would likely result in inconsiderate parking as individuals seek to park near the site. Ultimately, this is likely to impede the free flow of traffic and potentially be detrimental to highway safety.
19. I accept that the site is positioned in a sustainable location, with footways (including current improvement schemes) and bus routes providing access to the proposed site by alternative means to the car. However, I do not have any substantive evidence before me to demonstrate that walking, cycling or bus use would be the preferred mode of transport.
20. Consequently, I conclude that it has not been sufficiently demonstrated that the proposed development would have an acceptable effect on parking provision and highway safety, contrary to the relevant provisions of LP Policies 29 and 31. These policies, in summary, seek to provide adequate car parking and ensure that highway safety is not adversely affected.

Cycle parking

21. Cycle parking proposed as part of the proposed development would come in the form of 8 Sheffield stands to the rear of the building. This would provide space for 16 bikes. Although the Council raises concerns about the specific location of these, I am satisfied that such detail could be reserved by condition, should the appeal be allowed.
22. Overall, I conclude that appropriate cycle parking could be provided and secured by condition, in accordance with the relevant provisions of LP Policy 29. This policy, in summary, seeks to ensure appropriate cycle parking provision. This is in a similar vein to the relevant provisions of Parking Standards for Sustainable Communities: Design and Good Practice 2014. The lack of harm in this respect does not overcome or outweigh the harm identified under the other main issues.

Other Matters

23. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. It does not follow from the PSED that the appeal should succeed, and wider planning considerations are paramount, but nevertheless the particular need for the development in this location is a matter to which I give weight in assessing the proposed development.
24. The appellant and individuals of the community are part of a group with protected characteristics for the purposes of the PSED. I appreciate that in dismissing the appeal, individuals would be unable to derive the benefits of the proposed

development, having the potential to disproportionately affect them. Nevertheless, I have no substantive evidence before me to indicate that no other form of accommodation would be obtainable or that the community would be left without any facilities if the appeal were to fail. I have also reasoned above the significant harm that the proposed development would cause to the wider public. For these reasons, I find that this factor is not sufficient to outweigh the harm that would be caused, and which is contrary to the objectives of the development plan.

Conclusion

25. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR