



Appeal Decision

Site visit made on 21 May 2025

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/P0240/W/25/3360290

5 Rectory Lane, Houghton Conquest, Central Bedfordshire MK45 3LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr S Singh (5ab Care Ltd) against the decision of Central Bedfordshire Council.
The application Ref is CB/24/03504/VOC.
 - The application sought planning permission for change of use from residential dwelling (C3) to a children's home for up to four children (C2) and erection of associated detached bin and cycle stores without complying with a condition attached to planning permission Ref CB/24/02112/FULL, dated 8 October 2024.
 - The condition in dispute is No 2, which states that: 'Prior to the first use of the site for the care of four (4) children, a parking scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: a plan demonstrating the siting of 4 or more parking spaces within the application site; vehicular tracking of vehicles from those parking spaces to the highway to demonstrate manoeuvring of vehicles within the site and to the highway boundary; the number of staff on site at any one time and the timing of shift patterns for staff; the contact details of a site manager. The management of the facility shall be implemented in accordance with those details, including the demarcation of the parking spaces, and retained in perpetuity, unless otherwise agreed in writing'.
 - The reason given for condition No 2 is: 'To ensure that there is adequate parking and that there would not be danger or inconvenience to other road users, including vehicles and pedestrians, in accordance with Policies T2 and T3 of the Central Bedfordshire Local Plan 2021'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The proposal seeks removal of the disputed condition and, therefore, the main issue is whether the condition is necessary in the interests of parking and highway safety.

Reasons

3. No 5 Rectory Lane is a modern two storey detached dwelling located in a residential road of mixed property types. The surrounding area is residential in character. The access off Rectory Lane is shared as the driveway runs to the side to the appeal property to provide access to Nos 1 and 3 situated to the rear of No 5.
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4. Policy T2 of the Central Bedfordshire Local Plan 2015 – 2035 (2021) requires that development proposals must not have a detrimental effect on highway safety and patterns of movement, must provide appropriate access and have regard to the Council's standards. Policy T3 requires developers of trip-generating developments to have regard to the car parking standards set out in the Council's Design Guide and Parking Strategy.
5. Four parking spaces are required for the proposed use in terms of the level of occupation by residents and staff, in accordance with the car parking standards. Plans submitted with the application show the proposed parking arrangements, with one space provided in the garage adjoining the property and the other three in tandem in front of No 5. The Council's guidance, however, indicates that a maximum of two spaces should be arranged in tandem.
6. Due to the relative size of the space between No 5's front elevation and the boundary, it would not be possible for the vehicles furthest into the site to manoeuvre out of the spaces without other parked vehicles needing to move first. As a result of the limited space, one consequence is that vehicles would reverse onto the road. Such movements would not be conducive to the safety of pedestrians or other drivers, particularly given the limited width of Rectory Lane and the roundabout junction nearby, despite the fact that the road might not be heavily used.
7. Alternatively, vehicles would need to reverse into the shared driveway to leave in forward gear or enter the space in front of Nos 1 and 3 in forward gear to turn around, a vehicle movement I saw occur at the site inspection. In either case, this could lead to potential conflict with other vehicles using the driveway in relation to occupation of Nos 1 and 3; or regular turning movements in the area close to these properties will lead to undue noise and disturbance to the occupiers.
8. The main parties take different views on how the shift patterns of staff might affect the likelihood and regularity of such movements occurring. However, without the condition in place to manage parking arrangements it is likely that the movements described will occur on a regular basis with the resultant harmful effects on safety. Moreover, there are likely to be other vehicle movements associated with occupation of the property, not just those from staff changeovers, that will result in the same effects due to the parking arrangements.
9. I have had regard to the appellant's contention that a separate permission for occupation of the home by three rather than four children¹, as well as the lawful residential use of the property, establish a 'fallback' for the current parking arrangements and, therefore, the condition is unnecessary. I note, however, with regard to permission for occupation by three children that the application was revised from occupation by four children to three specifically due to concerns about on-site parking and manoeuvring. The lower level of occupation would result in fewer movements. The fact that the Highway Authority (HA) did not object at the time does not alter the fact that the proposal was amended and permission granted for a lower level of occupation due to the same concerns raised in this case.

¹ Ref CB/23/03668/FULL.

10. While the original permission for residential use established similar parking arrangements to those proposed in this case, the required level of parking provision for this size of residential property is three rather than four spaces. Moreover, car parking standards and guidance issued subsequent to the original permission indicates that no more than two spaces should be arranged in tandem. In addition, residential use is likely to generate fewer vehicle movements than the proposed use in this case. For these reasons, the lawful use and earlier permission are not directly comparable to the current proposal and are not sufficient reason to set aside the findings of harm that would occur without the condition in place.
11. It is also contended that the lack of restrictions to on-street parking will enable flexibility in parking arrangements. However, as the HA notes, on-street parking is for temporary parking rather than for regular users, which should properly be accommodated off-street to avoid undue obstructions.
12. There is no basis to find that the condition is unenforceable, as contended. The Council indicates that the condition provides the opportunity for a different parking layout to be provided and demarcated, which would not require more than two tandem spaces and which would demonstrate how vehicles could move independently of each other. With the approved arrangements established in accordance with the condition, it would be possible to ensure that the parking scheme is implemented and subsequently used as intended.
13. Accordingly, for these reasons, without the disputed condition in place the proposal would result in material harm to parking and highway safety, contrary to Policies T2 and T3 of the Central Bedfordshire Local Plan 2015 – 2035, as described. Therefore, I conclude that the condition is necessary in the interests of parking and highway safety.

Conclusion

14. For the reasons given above it is concluded that the appeal is dismissed.

J Bell-Williamson

INSPECTOR