



Appeal Decision

Site visit made on 2 June 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2025

Appeal Ref: APP/K0235/W/25/3360463

Land On The South Of Keeley Lane, Wootton, Bedford MK43 9HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ollie Doyle of Blakeney Estates Ltd against the decision of Bedford Borough Council.
 - The application Ref 24/01842/M73 was approved on 23 January 2025 and planning permission was granted subject to conditions.
 - The development permitted is for All Reserved Matters for residential development of up to 20 dwellings, public open space, landscaping, access to Keeley Lane, sustainable urban drainage systems and associated infrastructure, pursuant to Outline permission 22/01035/MAO, including removal of condition 8 attached to 23/02636/MAR to allow for permitted development rights to be reinstated.
 - The conditions in dispute are Nos 9 and 10 which state that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order), there shall be no alterations or additions to the roof to plots 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14 and 15 (Classes B and C of Part 1, Schedule 2 of the GPDO) without the specific grant of planning permission by the Local Planning Authority; and Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order), there shall be no enlargement or extension of the dwellings hereby permitted or the erection of outbuildings constructed within the curtilage of any dwellinghouse (Class A and Class E of Part 1, Schedule 2 of the GPDO) without the specific grant of planning permission by the Local Planning Authority.
 - The reasons given for the conditions are: To enable the Local Planning Authority to exercise control over any development within the site to ensure a satisfactory standard of development, to safeguard and protect the amenities of the surrounding area and neighbouring properties in accordance with Policies 30 and 31 of the Bedford Borough Local Plan 2030 and Policy W6 of the Wootton Neighbourhood Development Plan 2030; and To enable the Local Planning Authority to exercise control over any development within the site to ensure a satisfactory standard of development, to safeguard and protect the amenities of the surrounding area and neighbouring properties in accordance with Policies 28S, 29, 30 and 32 of the Bedford Borough Local Plan 2030 and Policy W6 of the Wootton Neighbourhood Development Plan 2030.
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Decision

1. The appeal is allowed and the planning permission Ref 24/01842/M73 for All Reserved Matters for residential development of up to 20 dwellings, public open space, landscaping, access to Keeley Lane, sustainable urban drainage systems and associated infrastructure, pursuant to Outline permission 22/01035/MAO, including removal of condition 8 attached to 23/02636/MAR to allow for permitted development rights to be reinstated at Land On The South Of Keeley Lane, Wootton, Bedford MK43 9HR granted on 23 January 2025 by Bedford Borough Council, is varied by deleting conditions 9 and 10 and substituting them for the conditions set out in the attached Schedule.

Background and Main Issue

2. Outline planning permission was granted under application reference 22/01035/MAO for a residential development of up to 20 dwellings, public open space, landscaping, access to Keeley Lane, sustainable urban drainage systems and associated infrastructure. Reserved matters were subsequently approved under application reference 23/02636/MAR, which included, at condition 8, the removal of permitted development rights. Application reference 24/01842/M73, submitted under Section 73 of the Town and Country Planning Act 1990, sought to remove condition 8 and was granted, subject to conditions including, at conditions 9 and 10, the removal of permitted development rights for certain plots under Class B and Class C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and for all plots under Class A and Class E of Part 1, Schedule 2 of the GPDO.
3. The main issue is whether the conditions are reasonable and necessary, with regard to the provision of starter homes, parking and external amenity space.

Reasons

4. Paragraph 55 of the National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In addition, Paragraph 57 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Planning Practice Guidance (the PPG) states that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity.
5. Condition 9 removed permitted development rights under Class B and Class C of Part 1, Schedule 2 of the of the GPDO for certain plots. Class B permits additions etc to the roof of a dwellinghouse and Class C permits other alterations to the roof of a dwellinghouse. Development under Class B and Class C could lead to the creation of additional bedrooms, which may result in a need for further parking spaces on some of the plots. The increase in bedrooms would require an additional parking space in respect of the three-bedroom dwellings at plot numbers 3, 9, 10 and 15 where only two on-plot spaces would be provided. Given the limited space on these plots and the amount of visitor spaces across the development, the increased number of bedrooms could result in a demand for on-street parking.
6. While the approved parking layout¹ indicates that plot numbers 3 and 15 would have a garage in addition to 2 parking spaces on the driveways, the layout does not demonstrate that the garage would provide a parking space. The approved layout shows that plot 2 would have 3 spaces, which would meet the requirements of a four-bedroomed house as set out in the Parking Standards for Sustainable Communities: Design & Good Practice Supplementary Planning Document 2015. Consequently, it would be reasonable and necessary to remove permitted development rights under Class A, Class B and Class C in respect of plots 3, 9, 10 and 15 to ensure that adequate parking would be provided.

¹ Drawing number A_2239 PL110 Revision L

7. Policy W6 of the Wootton Neighbourhood Development Plan to 2030 NP requires a range of housing types including bungalows and smaller starter homes. The enlargement of dwellings under Class A, Class B and Class C could lead to the increase in size of smaller homes, including starter homes. Nevertheless, there is no substantive evidence before me that demonstrates that an enlargement of these dwellings would lead to an increase in value that would result in such homes to fall outside the affordability of a starter home. Moreover, it would not be reasonable to restrict permitted development rights to retain the smaller homes permanently given that the requirements of future occupants may evolve over time.
8. Condition 10 removes permitted development rights for all of the approved dwellings under Class A and Class E of Part 1, Schedule 2 of the GPDO. The PPG states that area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.
9. Development permitted under Class A and Class E would lead the reduction of the private amenity space. Nevertheless, development permitted under Class A and Class E includes limitations that would ensure that sufficient external amenity space would be retained. Moreover, the small scale of development that is permitted under Class A and Class E would not lead to a substantial change to character and appearance of the area or cause unacceptable harm to the living conditions of the occupants of neighbouring properties. On this basis, the blanket removal of Class A and Class E permitted development rights is not reasonable.
10. I conclude that condition 9 is reasonable and necessary, insofar as it relates to plots 3, 9, 10 and 15, having regard to the provision of parking and that condition 10 is not reasonable or necessary having regard to the provision of starter homes and external amenity space.

Conditions

11. The guidance in the PPG makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant, albeit that in some cases I have amended the wording in the interests of clarity. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

12. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting some of the disputed conditions and substituting others.

J Pearce

INSPECTOR

Schedule of Conditions

- 1) The development shall be carried out in accordance with the plans and documents listed on this notice and the plans and documents approved as part of the original reserved matters 23/02636/MAR, as listed below, unless required otherwise by a separate planning condition of this permission:
 1. Location Plan ref: A2239_EX100, Council ref: V01, received 5 December 2023
 2. Site Layout as proposed ref: A_2239 PL100 R, Council ref: V02D, received 18 June 2024
 3. Proposed Elevations ref: A2239_PL300 D, Council ref: V03A, received 22 April 2024
 4. Proposed Elevations ref: A2239_PL310 C House Type B Plot 4,7 and 8, Council ref: V04, received 5 December 2023
 5. Proposed Elevations ref: A2239_PL320 C House Type C Plot 18 and 19, Council ref: V05, received 5 December 2023
 6. Proposed Elevations ref: A2239_PL325 C House Type C Plot 18 and 19, Council ref: V06, received 5 December 2023
 7. Proposed Elevations ref: A2239_PL330 D, Council ref: V07A, received 22 April 2024
 8. Proposed Elevations ref: A2239_PL340 D, Council ref: V08A, received 22 April 2024
 9. Proposed Elevations ref: A2239_PL350 C, Council ref: V09A, received 22 April 2024
 10. Proposed Elevations ref: A2239_PL351 B, Council ref: V10A, received 22 April 2024
 11. Proposed Elevations ref: A2239_PL352 C, Council ref: V11A, received 22 April 2024
 12. Proposed Elevations ref: A2239_PL353 B, Council ref: V12A, received 22 April 2024
 13. Proposed Elevations ref: A2239_PL360 C House Type G Plots 13 and 14, Council ref: V13, received 5 December 2023
 14. Proposed Elevations ref: A2239_PL370 D, Council ref: V14A, received 22 April 2024
 15. Proposed Elevations ref: A2239_PL380 C House Type I Plots 11 and 12, Council ref: V15, received 5 December 2023
 16. Proposed Floor plans ref: A2239_PL200 C House Type A Plot 9 and 10, Council ref: V16, received 5 December 2023
 17. Proposed Floor plans ref: A2239_PL210_231017 House Type B_Plot 4_7_And_8 Plans Rev-C, Council ref: V17, received 5 December 2023
 18. Proposed Floor plans ref: A2239_PL220_House Type C_Plot 18 And 19_Plans Rev-D, Council ref: V18A, received 22 April 2024
 19. Proposed Floor plans ref: A2239_PL230 House Type D_Plot 2 Plans Rev-D, Council ref: V19A, received 22 April 2024
 20. Proposed Floor plans ref: A2239_PL240 House Type E _Plot 5 And 6_Plans Rev-D, Council ref: V20A, received 22 April 2024
 21. Proposed Floor plans ref: A2239_PL250_240415 House Type F Floor Plans Plot 1 REV-D, Council ref: V21A, received 22 April 2024
 22. Proposed Floor plans ref: A2239_PL250_231017 House Type F_Plot 16 Plans REV B, Council ref: V22, received 5 December 2023

23. Proposed Floor plans ref: A2239_PL251_240415 House Type F Floor Plans Plot 16 REV-C, Council ref: V23A, received 22 April 2024
24. Proposed Floor plans ref: A2239_PL252_240415 House Type F Floor Plans Plot 17 REV-C, Council ref: V24A, received 22 April 2024
25. Proposed Floor plans ref: A2239_PL253_240415 House Type F Floor Plans Plot 20 REV-C, Council ref: V25A, received 22 April 2024
26. Proposed Floor plans ref: A2239_PL260_231017 House Type G_Plots 13 And 14_Plan Rev-C, Council ref: V26, received 5 December 2023
27. Proposed Floor plans ref: A2239_PL270_231017 House Type H_Plot 3 And 15_Plan Rev-C, Council ref: V27, received 5 December 2023
28. Proposed Floor plans ref: A2239_PL280_231017 House Type I_Plots 11 And 12_Floor Plans Rev-C, Council ref: V28, received 5 December 2023
29. Tenure Plan ref: A_2239 PL150J, Council ref: V29B, received 18 June 2024
30. Parking Layout Scheme ref: A_2239 PL110 L, Council ref: V30C, received 18 June 2024
31. Materials Information ref: A_2239 PL130G, Council ref: V31B, received 18 June 2024
32. Boundary Treatment ref: A_2239 PL140H, Council ref: V32C, received 18 June 2024
33. Affordable Housing ref: A_2239 PL160G, Council ref: V33B, received 18 June 2024
34. Refuse Strategy Plan ref: A_2239 PL120 H, Council ref: V34B, received 18 June 2024
35. Mobility Housing Plan ref: A_2239 PL170F, Council ref: V35B, received 18 June 2024
36. Scale Plan ref: A_2239 PL180G, Council ref: V36B, received 18 June 2024
37. Cycle Parking and Storage ref: A2239_PL530_231017 Proposed Cycle Parking rev A, Council ref: V37A, received 22 March 2024
38. Fire Hydrant Plan ref: A_2239 PL560C, Council ref: V38B, received 18 June 2024
39. Vehicle Tracking ref: 27876_02_010_01 F, Council ref: V40B, received 2 May 2024
40. Vehicle Tracking ref: 27876_02_010_03 E, Council ref: V41B, received 2 May 2024
41. Vehicle Tracking ref: 27876_02_010_04c fire tender tracking, Council ref: V42A, received 22 March 2024
42. House Size Plan ref: A_2239 PL190G, Council ref: V45B, received 18 June 2024
43. Street Scene ref: A2239_PL400_240415 Illustrative Street Scene REV-C, Council ref: V46A, received 22 April 2024
44. Surface Finishes ref: A_2239 PL510D, Council ref: V47B, received 18 June 2024
45. Open Space Assessment ref: A_2239 PL520E, Council ref: V48C, received 18 June 2024
46. Impact Map VERSION 1, Council ref: V49B, received 18 June 2024
47. Landscape Management Plan ref: edp8108_d004f STRATEGY PLAN, Council ref: V50B, received 18 June 2024

48. Planting schedule ref: edp8108_d006i, Council ref: V51B, received 18 June 2024
49. Tree Protection Plan ref: edp8108_d007-B-Tree Protection Plan, Council ref: V52, received 5 December 2023
50. Topographical Survey ref: 32628_T/0, Council ref: V53, received 5 December 2023
51. Planning Statement, Council ref: V54, received 5 December 2023
52. Ecological Management Plan ref: edp8108_r010a/Construction Method, Council ref: V55, received 5 December 2023
53. Landscape Management Plan LEMP, Council ref: V57, received 5 December 2023
54. Design and Access Statement ref: P4/REV A, Council ref: V58, received 5 December 2023
55. Sustainability Statement ref: 23100 REV A, Council ref: V59, received 5 December 2023
56. Arboricultural Statement ref: edp8108_r003b, Council ref: V60, received 5 December 2023
57. Drainage details ref: 27876-CALC-0201---Drainage calculation, Council ref: V61, received 5 December 2023
58. Canopy Details ref: edp8108_d005-H, Council ref: V62B, received 18 June 2024
59. Biodiversity Study and Report ref: edp8108_d010---Offsite Baseline Habitats, Council ref: V63, received 5 December 2023
60. Biodiversity Study and Report ref: edp8108_d011---Offsite Proposed Habitats, Council ref: V64, received 5 December 2023
61. Biodiversity Study and Report ref: edp8108_d012-A-Ecological Protection Zones, Council ref: V65, received 5 December 2023
62. Great Crested Newt Mitigation Principles, Council ref: V66A, received 18 June 2024
63. Great Crested Newt Mitigation Principles, Council ref: V67B, received 18 June 2024
64. Survey on Crested Newts 202304006, Council ref: V68B, received 18 June 2024
65. Biodiversity Metric ref: edp8108_r007b Biodiversity Metric 3.0 (1), Council ref: V69, received 5 December 2023
66. Schedule of Accommodation ref: A_2239 REV A -SCHEDULE OF ACCOMMODATION, Council ref: V70, received 5 December 2023
67. Garage Elevation and Floor ref: A2239_PL540_240219 REV A, Council ref: V72, received 22 March 2024

- 2) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR152, or a 'Further Licence') and with the proposals detailed on plan "Land South of Keeley Lane, Wootton: Impact plan for great crested newt District Licensing (Version 1)", dated 1st June 2023.
- 3) No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR152 (or a 'Further Licence') and in addition in compliance with the following:

- Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the Great Crested Newt Mitigation Principles.
 - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
- 4) The tree protection measures set out on the plan edp8108_d007B dated 15th November 2023 (LPA Ref. V52 of 23/02626/MAR) shall be carried out prior to the commencement of development and retained for the full construction period.
- 5) No dwelling shall be occupied before its associated garage / parking area(s) as shown on the approved plans is available for use. All areas to be used for car parking in connection with the development hereby permitted shall not be used for any other purpose.
- 6) The turning space for vehicles illustrated on the approved plans shall be built and available for use before any other part of the development takes place and shall not thereafter be used for any other purpose.
- 7) The proposed bird and bat boxes shall be installed in accordance with the plan as shown within Appendix 1 of the Landscape and Ecological Management Plan (LEMP) (LPA plan ref: V57 of 23/02636/MAR).
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order), there shall be no garage conversions to living accommodation.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no development permitted by virtue of Class B and Class C of Part 1 of Schedule 2 to the Order shall be undertaken to plots 3, 9, 10 and 15.

End of Schedule