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## Appeal Decision

Site visit made on 3 June 2025

by **Felicity Thompson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

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**Appeal Ref: APP/K0235/C/23/3333890**

**1-5 Midland Road, Bedford, Bedfordshire MK40 1PL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mr Iain Pratt of B&M Retail Ltd against an enforcement notice issued by Bedford Borough Council.
  - The notice was issued on 7 November 2023.
  - The breach of planning control as alleged in the notice is without planning permission, the change of use of part of the land for the display of advertisements consisting of external vinyl signs with an anthracite background applied to seven windows fronting Midland Road; five powder coated dibond box fascia trays and six individual internally illuminated acrylic raised signs advertising 'b&m.'
  - The requirements of the notice are to:
    - i) Cease the use of the part of the land affected for the display of advertisements by removing the seven window vinyl signs (identified as '1' in Appendix 1), six individually internally illuminated acrylic raised signs advertising 'b&m' (identified as '2' in Appendix 1) and five powder coated dibond box fascia trays (identified as '3' in Appendix 1).
    - ii) Make good the affected surfaces and reinstate their original finish.
  - The period for compliance with requirement i) is three months and requirement ii) four months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended).
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### Decision

1. It is directed that the enforcement notice is corrected and varied by:

1) The deletion of the allegation in section three of the notice and its replacement with the following allegation:

*Without planning permission, the change of use of part of the land for the display of advertisements consisting of seven external vinyl signs with an anthracite background applied to five windows fronting Midland Road, one window on the corner of Midland Road with Harpur Street and another window fronting Harpur Street; five powder coated dibond box fascia trays and six individual internally illuminated acrylic raised signs advertising 'b&m.'*

2) The deletion of i) *three months from the date this notice takes effect* and ii) *four months from the date this notice takes effect* as the time for compliance in section six of the notice and the substitution with i) *four (4) months from the date this notice takes effect*, and ii) *five (5) months from the date this notice takes effect*.

2. Subject to the correction and variations, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

## **The Enforcement Notice**

3. The allegation refers to external vinyl signs being applied to seven windows fronting Midland Road, where in fact one is on the corner of Midland Road with Harpur Street and the other fronting Harpur Street. Nevertheless, it is clear from the photographs attached to the notice, and therefore the notice as a whole, which advertisements are subject of the notice. The appellant evidently understood this, and the allegation can be corrected as set out in my decision without injustice.

## **The appeal on ground (a) the deemed planning application**

4. The main issue is whether the advertisements preserve or enhance the character or appearance of the Bedford Conservation Area.

### *Reasons*

5. As set out in the Bedford Conservation Area Character Appraisal (the Appraisal), the distinctiveness of the Bedford Conservation Area (BCA) derives from, amongst other things, its location at the heart of an historic market town, with a rich legacy of historic structures, particularly from the 18th and 19th centuries, and the consistency of plot layout, building lines, building scale and proportion.
6. The BCA is large and is divided into character sub-areas, with the appeal site being within the Town Centre: West sub-area which is principally a commercial area consisting predominantly of shops and offices. Many of the buildings within the area are individually designed which, as noted by the Council, provides a variety and richness to the street scene. It is noted in the Appraisal that some buildings to the west of High Street possess grander proportions as key department store buildings, including the main building comprising No.1-5.
7. Number 1-3 Midland Road was built in 1929 as a Marks and Spencer department store. The former department store makes a positive contribution to the significance of the BCA, as an historic market town, recognised by its identification in the Appraisal as a 'building recommended for local listing' and a 'landmark building.'
8. Moreover, it is considered to possess sufficient architectural and historic interest to be considered a non-designated heritage asset. The Council stated that its architectural interest is derived from its neo-classical style and proportions, as well as its relatively grand exterior typifying its original use as a department store. Historic interest arises through its former use and as evidence of changing practices and lifestyles during the early to mid-20th century.
9. The Council acknowledged that the Harpur Street frontage is of lesser significance as a secondary elevation of limited architectural embellishment, which was insensitively extended in the 20th century.
10. The formerly separate building now incorporated into the ground floor unit to the west of the department store is identified as a 'building of positive merit/retains residual merit' in the Appraisal. The front elevation has a modern shopfront at ground floor level with a neo-Tudor treatment above. As an individually designed building it provides variety to the streetscene and makes a positive contribution to the significance of the BCA.
11. The vinyls cover a significant proportion of the ground floor windows and because of the colour and design have a bleak and visually uninteresting appearance. They

do not allow for visual interaction between the street and the buildings interior which would otherwise be associated with an active frontage.

12. The facias as a result of the size and use of shiny materials and bold colours, have a garish, prominent, and obtrusive appearance, particularly viewed against the pale colour of the building. The individual lettering is similar to the previous Marks and Spencer advertising and the advertisements do not obscure architectural details. However, overall, the advertising scheme significantly detracts from the architectural style and grand character of the building, with consequent harm to the non-designated heritage asset and the evidential contribution it makes to the significance of the BCA.
13. The Appraisal notes that the area has suffered surprisingly little change, given commercial pressures, but there have been unsympathetic changes including modern shopfronts and advertisements. In this respect the appellant referred to other examples of vinyl advertisements, and I saw some unsympathetic advertising. However, this does not provide justification for advertisements which further erode the areas character and appearance, particularly in the context of the special attention that must be paid to the desirability of preserving or enhancing the character or appearance of the area as a whole.
14. The appellant suggested that the fascia signs are changed to remove the 'sunburst' background and would have a two-tone blue colour, and the external illumination of the 'b&m' raised signs could be omitted. However, removing the sunburst background and illumination would not address the harm in respect of the glossy nature and scale of the fascias.
15. I find that the advertisements have resulted in an appreciable degree of harm to the character and appearance of the building and area. It follows that the advertisements, do not preserve or enhance the character or appearance of the BCA.
16. Given the scale of the development within the context of the Conservation Area as a whole, I consider the harm to be less than substantial. Nevertheless, I am mindful that the National Planning Policy Framework (the Framework) says great weight should be given to the conservation of a designated heritage asset and any harm to such assets should require clear and convincing justification.
17. Moreover, that where a proposal would lead to less than substantial harm to the significance of such an asset, that harm should be weighed against the proposal's public benefits including, where appropriate, securing its optimum viable use. This requires a balancing exercise of harm against the public benefits of the proposal.
18. The appellant stated that this part of town experienced the closure of three of its largest stores in 2020, including Beales, Debenhams and Argos, and Marks and Spencer evidently relocated to an out-of-town premises. I saw several vacant premises and other businesses which appeared to be in the process of closing.
19. I have had regard to the aims of the Framework in respect of the need to recognise the role that town centres play at the heart of local communities by taking a positive approach to their growth, management, and adaptation.
20. There are evidently benefits associated with the viable reuse of the premises by the appellants, not limited to the occupation of three floors of retail space, significant

private investment fitting out the building, along with the creation of 39 full and part time quality employment opportunities. These, along with securing the long-term use of the building are matters capable of attracting significant weight.

21. I have had regard to the submissions regarding the layout of the store. However, since there is no substantive evidence that the advertisements subject of the appeal, are the only means by which the continued economic viability of the business could be achieved, these matters cannot outweigh the great weight that I am required to attach to the heritage assets conservation.
22. The advertisements in the Romford case are not of the same scale as those in this appeal, given that only two vinyls were proposed, and it seems they were not considered to be sufficiently prominent. They are not therefore directly comparable. Marks and Spencer also used vinyls along the Harpur Street elevation, but they provided more interesting displays, and did not include vinyls on the windows of the Midland Road frontage. They are not therefore directly comparable in terms of appearance, nor extent.
23. I have had regard to the pre-application advice offered and to the previous planning history. For certainty, matters relating to the re-provision of pedestrian access, littering and rough sleeping have had no bearing on my assessment.
24. I conclude that the advertisements do not accord with the design and heritage protection aims of policies 34 and 41S of the Bedford Borough Local Plan 2030 Planning for the future. Together these require the preservation or enhancement of the historic environment and heritage assets, and that advertisements should have a positive visual impact on a building or on its surroundings. They also fail to accord with national policy which seeks to conserve and enhance the historic environment.
25. The appeal on ground (a) fails and planning permission will not be granted.

#### **The appeal on ground (f)**

26. I have considered the appellant's suggested alternative under ground (a) above.

#### **The appeal on ground (g)**

27. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant suggested periods of six and seven months respectively, based on the time needed for discussions with the Council, to agree a mutually acceptable advertising scheme.
28. Given my findings under ground (a) it is likely that the appellant will need to submit an alternative proposal/s to the Council. Having regard to these circumstances, even if account is taken of the need to remedy the harm, the requirements to undertake all the works within three and four months would place a disproportionate burden on the business.
29. I conclude that the periods for compliance should be extended to four and five months, respectively. This would be a proportionate response to the breach of planning control and would achieve an appropriate balance between the need to resolve the breach of planning control and the interests of the appellant. To this extent, the appeal on ground (g) succeeds.

## **Conclusion**

30. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

*Felicity Thompson*

INSPECTOR