



Appeal Decision

Site visit made on 16 June 2025

by **Chris Couper BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Appeal Ref: APP/K0235/W/25/3361046

The New Inn, 1 Rushden Road, Wymington, Bedford NN10 9LN

- 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 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by John Frankiewicz (DCa) against the decision of Bedford Borough Council.
 - The application Ref is 24/00869/S73.
 - The application sought planning permission for the use of the Victorian outbuilding as two self-catering C1 hotel/guesthouse accommodation units and external alterations to the outbuilding (development already carried out) and provision of four dedicated parking spaces adjacent to the outbuilding along with an extension to the public house car park without complying with conditions attached to planning permission Ref 20/02112/S73A, dated 8 April 2021.
 - The conditions in dispute are Nos 2, 3, 6 and 9 which state that:
 - No 2: *The development hereby approved shall be carried out in accordance with the plans and documents listed on this notice, unless required otherwise by a separate planning condition of this permission.*
 - No 3: *Within 3 months of the date of this approval a scheme for car parking (with access thereto) and turning in accordance with Bedford Borough Council's Parking Standards for Sustainable Communities: Design and Good Practice 2014 shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented, marked out and made available for use within 3 months of the date of the approval of the conditional details and the car parking and turning areas shall not thereafter be used for any other purpose.*
 - No 6: *Within 2 months of the 17 space car park extension being substantially completed a native hedgerow planting scheme to the south and west of the extended car park shall be submitted to and approved in writing by the Local Planning Authority, which shall include details of the following:-*
 - a) *Planting proposals giving location, species, number, density and planting size.*
 - b) *The relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services.*
 - c) *Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period.*
 - d) *Details of the long-term management and maintenance proposals for the new planting.*
 - No 9: *Prior to works commencing on the 17 space car park extension, details of a scheme of surface water attenuation tanks under the car park(s) shall be submitted to and approved in writing by the Local Planning Authority. The surface water attenuation tanks shall be installed in accordance with the approved details.*
 - The reasons given for the conditions are:
 - No 2: *To provide certainty on what is being authorised by this permission.*
 - No 3: *To ensure a satisfactory standard of development in accordance with saved Policy 31 i), ii) and iii) of the adopted Bedford Borough Local Plan 2030.*
 - No 6: *To enhance the appearance of the proposed development and in accordance with Policies 29 (ii), 30 (i and iii) and 38 of Bedford Borough Local Plan 2030.*
 - No 9: *To ensure satisfactory surface water drainage and in accordance with saved Policies 92 and 93 of the Bedford Borough Local Plan 2030.*
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Decision

1. The appeal is allowed and planning permission is granted for the use of the Victorian outbuilding as two self-catering C1 hotel/guesthouse accommodation units and external alterations to the outbuilding (development already carried out) and the provision of four dedicated parking spaces adjacent to the outbuilding, along with an extension to the public house car park, at The New Inn, 1 Rushden Road, Wymington, Bedford NN10 9LN in accordance with the application Ref 24/00869/S73 without compliance with condition numbers 2, 3, 6 and 9 previously imposed on planning permission Ref 20/02112/S73A, dated 8 April 2021, and subject to the conditions on the attached schedule.

Background and Procedural Matter

2. The appeal site comprises the New Inn Public House ('the PH') and associated land and buildings. Planning permission was granted in April 2021 for the use of the Victorian outbuilding as two self-catering C1 hotel/guesthouse accommodation units and external alterations to the outbuilding and the provision of four dedicated parking spaces adjacent to the outbuilding, along with an extension to the public house car park (Ref: 20/02112/S73A) ('the original permission').
3. The original permission, which was retrospective in respect of the use of the Victorian outbuilding as hotel/guesthouse accommodation required, amongst other things, that a scheme of parking and turning be submitted and approved within 3 months of the date of that decision, and that it be implemented and made available for use within 3 months of its approval.
4. A scheme pursuant to that condition was subsequently submitted to the Council and approved (Ref: 22/00149/AOC) as depicted on drawing 16221(D) 201 Rev B ('the approved parking scheme'). However, the approved parking scheme was not implemented, and an application under S73 of the Act for amendments to the parking layout was subsequently refused (Ref: 23/00401/S73), as was application Ref: 24/00869/S73, which is the subject of this appeal.
5. The parking layout as proposed is shown on drawing 16221 (D) 250 Rev B ('the amended parking layout'). It depicts a total of 17 spaces to serve the PH, 14 of which would be on an area of raised land to the rear, and 3 of which would be on lower land next to 4 parking spaces to serve the guest accommodation.
6. Given that condition no 3 attached to the original permission required that the approved parking scheme be implemented and made available within 3 months of its approval, and as, on the basis of the evidence before me and that of my visit, the approved parking scheme was not implemented, I have dealt with the appeal under S73A of the Act.
7. The Council states that the proposed 14 car parking spaces would harm the character and appearance of the site and the area.

Main Issue

8. Therefore, the main issue is the effect that varying the conditions as proposed would have on the character and appearance of the site and the area.

Reasons

Character and appearance

9. The PH is located in Wymington, opposite a junction where Podington Road and Rushden Road meet High Street. An outbuilding on the site next to Rushden Road has been converted to provide guest accommodation. The remainder of the land, broadly to the rear of the PH and the outbuilding, comprises car parking, a beer garden, and an area where the proposed 14 space car park would be.
10. The proposed 14 space car park would be on an elevated, open part of the site, which is accessed via a gravel ramp from the existing car park. Its grass surface was closely cropped at the time of my visit. The appellant states that this area was levelled and finished with hardcore long ago to service the adjacent railway. At Figure 5 of his Statement of Case he has provided an aerial photograph to support his claim that until the PH closed it was used as an overflow car park, and the Council's officer report states that it was allocated as such in the original permission.
11. The Settlement Policy Area ('the SPA') boundary for Wymington, as defined in the Bedford Borough Local Plan 2030 ('BBLP'), cuts through the appeal site, with the PH, the guesthouses and nearby land within it, and the remainder of the site outside of it. Compared to the approved parking scheme, which broadly straddles the SPA boundary, the proposed 14 space car park would be wholly outside it.
12. However, there is a tall hedgerow on the northern boundary of this area, with commercial buildings the other side. Along all of its western boundary is a hedgerow, with the railway and associated electricity poles and cables beyond. The landscaped beer garden and Podington Road lie to the south. Consequently, whilst this part of the appeal site falls outside of the SPA, it is well-contained, it has a managed rather than a rural character, and it feels closely associated with, and well-related to, the settlement.
13. Approaching along Podington Road from the south, the car park would be set well back behind trees and landscaping, with an additional hedgerow proposed to be planted between it and the beer garden. As a result, and notwithstanding that it would be on raised ground, the amended parking layout would not appear prominent or incongruous, particularly as the spaces would be arranged in a linear row parallel to the site's western boundary.
14. Approaching down High Street from the east, the land initially drops away to the road junction and the PH, before rising again within the site. Consequently, vehicles parked on the elevated land to the rear would be visible in some views from High Street above and beyond the buildings on the site frontage. However, those views would be fairly distant, and against a backdrop of the existing hedgerow and railway infrastructure. Moreover, as a result of a sinuous strip of additional landscaping proposed where the land rises within the site, visual screening of parked vehicles would be likely to increase over time.
15. As the proposed hard surfacing would be at ground level, having regard to the topography and the screening afforded by existing and proposed vegetation, that finish would not be prominent from outside of the site. Whilst lighting could make the area more visible during hours of darkness, there is existing lighting associated

with the PH, and measures to reduce light spillage and glare could be required by a planning condition.

16. For all these reasons, the amended parking layout would be well-related to the SPA and the built form of the settlement, it would not harm the character and appearance of the site or the area, and it would not be detrimental to the intrinsic character and beauty of the countryside.
17. As part x) of BBLP Policy 7S concerns the provision of new community buildings, it is of little relevance to this scheme. I agree with the Council that the scale of the development, with 17 parking spaces proposed to serve the PH, would be appropriate for this local facility, in accordance with its part viii). Having regard to its part xi) the scheme would not harm the intrinsic character and beauty of the countryside, and it would have appropriate regard to its context in accordance with BBLP Policy 30 part i).
18. However, as the scheme is not supported by Wymington Parish Council, and as it would not make a positive contribution to the character of the settlement, it would conflict with BBLP Policy 7S parts vii) and ix), along with the similar requirement for development to enhance its surroundings and to promote local distinctiveness, in BBLP Policy 28S parts i), ii) and iv), and Policy 29 parts i) and ii). Nevertheless, for the above reasons, and on the main issue in the appeal, I consider that it would accord with the broad thrust of the development plan when considered as whole.

Other matters

19. The scheme is accompanied by a report by Corner Water Consulting Flooding entitled 'Relocation of Pub Car Parking Surface Water Drainage'. It sets out that the amended parking layout would have a permeable surface, but the soil beneath is not suitable for infiltration via soakaways, and an attenuation and controlled outflow solution is necessary. Subject to compliance with that report, I am satisfied that the scheme would not exacerbate flood risks in the area.
20. The Council considers that the proposal would have no additional arboricultural implications compared to the approved parking scheme, other than the removal of a short section of Yew hedgerow. Having regard to the Arboricultural Survey, Arboricultural Implications Assessment and Tree Protection report by DCA Landscape, I agree that trees on the site would be largely retained and that, subject to suitable protection measures, those retained trees would not be significantly impacted.

Other Considerations and Planning Balance

21. The appellant states that the PH was struggling financially, before it closed 15 months ago, since when it has been marketed without success. It was still closed at the time of my visit. The proposal would free-up space adjacent to the PH and beer garden, to enable a marquee to be erected for functions, or for similar business opportunities.
22. Whilst the need for those functions may be commercially driven, I have no cogent reason to doubt that they could help to maximise income for the PH, thereby helping to support this community facility. Thus, the scheme could find a measure of support from BBLP Policy 7S part vi) and, more particularly, support from National Planning Policy Framework ('the Framework') paragraphs 88 d) and 98 d),

which seek the retention and development of accessible local services and community facilities, such as public houses.

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. As the scheme would not enhance the area, and as it is not supported by Wymington Parish Council, there would be a limited conflict with some development plan policies. However, given that it would not harm the character and appearance of the site or the area, it would not conflict with others, and in potentially helping this community facility re-open and attract additional business, it finds a measure of support from BBLP Policy 7S part vi), along with the Framework.
24. The scheme would therefore comply with the development plan when considered as a whole. Given that conclusion, my findings regarding the absence of tangible harm, and having regard to the scheme's potential benefits, the appeal will be allowed.

Conditions

25. Turning to the matter of conditions, the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under S73A should restate the conditions imposed on earlier permissions that continue to have effect. It continues that new conditions may be imposed provided that they do not materially alter the development that was subject to the original permission and are conditions that could have been imposed on it.
26. Starting with the conditions in dispute, in the original permission the approved plans and documents were listed separately and were not included in its condition no 2. For the sake of clarity, I have included the approved plans and documents in my condition no 1.
27. In place of condition no 3 in the original permission, my condition no 2 specifies the amended parking layout. Given the information on that drawing, I am not persuaded that further details of the parking area are required or, as it is an alternative to the approved parking scheme, that it shall be implemented within a particular timeframe. I have framed my condition accordingly.
28. In place of original condition no 6, my condition no 5 requires that a scheme of landscaping be submitted and approved to reflect the amended parking layout, and is necessary in the interests of the character and appearance of the area.
29. In place of original condition no 9, my condition no 8 refers to the amended parking layout and is imposed in the interests of ensuring appropriate surface water drainage.
30. Given the siting of the amended parking layout on an elevated parcel of land, a condition is necessary in the interests of the character and appearance of the area, and as suggested by both principal parties, requiring the submission and approval of a scheme of lighting. My condition no 12 addresses this.
31. The evidence indicates that the use of the Victorian outbuilding as hotel/guesthouse accommodation has already begun. I have therefore omitted condition no 1 imposed in the original permission from my decision. Condition nos 4, 5, 7, 8, 10, 11 and 12 in the original permission are not in dispute. I have limited

information on these matters, and some of their requirements may already have been implemented, but some are clearly necessary due to implementation or retention clauses. I have therefore reimposed those conditions, as condition nos 3, 4, 6, 7, 9, 10 and 11, making minor amendments where necessary in the interests of clarity.

Conclusion

32. For the above reasons, and having regard to all other matters raised, including representations for and against the scheme by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby approved shall be carried out in accordance with the following plans and documents 16221 (D) 250 Rev B, 16221 (D) 251 Rev A, L22002.01.0, L22002.02.0 Rev A, L22002.03.0 Rev A, the Relocation of Pub Car Parking Surface Water Drainage report by Corner Water Consulting, the Arboricultural Survey, Arboricultural Implications Assessment and Tree Protection report by DCA Landscape, and the Preliminary Ecological Appraisal of Land at The New Inn by The Greensand Trust.
2. The approved scheme of car parking as depicted on drawing no 16221(D) 250 Rev B shall be fully implemented and marked out in accordance with that plan prior to its first use, and the car parking areas shall not thereafter be used for any other purpose.
3. Within 3 months of the date of this approval a triangular pedestrian visibility splay of 1.8 metres X 1.8 metres shall be provided on each side of the vehicular access. All parts of the splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above ground level.
4. Within 3 months of the date of this approval, the bird, bat and invertebrate boxes shall be installed on site in accordance with the ecological enhancements outlined in the Preliminary Ecological Appraisal dated September 2020 (V14).
5. Within 2 months of the car parking layout being substantially completed, a planting scheme in accordance with the details depicted on drawing no 16221 (D) 250 Rev B shall be submitted to and approved in writing by the local planning authority, which shall include details of:
 - a) Planting proposals giving location, species, number, density and planting size.
 - b) The relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services.
 - c) Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period.
 - d) Details of the long-term management and maintenance proposals for the new planting.
6. All planting comprised in the approved planting scheme shall be carried out within the next planting season after the details are approved, or in accordance with a timescale to be agreed in writing with the local planning authority. Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. The finished floor levels of the hotel/guesthouse accommodation shall be set no lower than 68.54 metres above Ordnance Datum (AOD) for the single storey Western Unit and 68.39 metres above Ordnance Datum (AOD) for the two storey Eastern Unit.
8. Prior to the first use of the proposed parking area as depicted on drawing no 16221 (D) 250 Rev B, the surface water attenuation strategy as set out in the Relocation of Pub Car Parking Surface Water Drainage report by Corner Water Consulting shall be implemented in accordance with that report.

9. There shall be no increase in ground levels on the site (including the car parking areas) as a result of the development hereby approved.
10. The C1 hotel/guesthouse shall be used for holiday accommodation purposes only. The accommodation shall not be occupied as a person's sole or main place of residence; the operator shall maintain a register of the holiday occupants' main place of residence, which is available for inspection by the local planning authority at any time; and no single holiday let shall exceed 28 days in length and no person shall occupy the building for more than 3 months in any one calendar year.
11. 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 fences, gates or walls shall be erected or constructed within the application site without the specific grant of planning permission by the local planning authority.
12. Details of any lighting proposed in the parking area as depicted on drawing no 16221 (D) 250 Rev B, shall be submitted to, and approved in writing by, the local planning authority, prior to that area's first use. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.