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## Appeal Decision

Site visit made on 12 August 2025

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

**Decision date: 11 September 2025**

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**Appeal Ref: APP/K0235/W/25/3366177**

**Rose Tree Cottage, Moor End Road, Radwell, Bedford MK43 7HY**

- 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 Beth Preston against the decision of Bedford Borough Council.
  - The application Ref is 23/00041/FUL.
  - The development proposed is described as 'the erection of a single new four-bedroom dwelling on land to north of Rose Tree Cottage with associated access, detached single garage and associated works.'
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the site is an appropriate location for the proposed development, having regard to the development strategy for the area.
  - The effect of the proposed development on the character and appearance of the area.
  - The effect of the proposed development on ecological interests.

### Reasons

#### *Location*

3. It is uncontested between the main parties that the appeal site sits outside any defined Settlement Policy Area (SPA) boundary in the Bedford Borough Local Plan 2030 (2020) (Local Plan) or land allocated for housing in the Felmersham and Radwell Neighbourhood Development Plan 2030 (NDP).
4. The Local Plan recognises that the rural areas include a wide range of settlements which vary in size and function. It identifies several places as 'Small Settlements' which do not have a defined SPA but nevertheless do have a definite built form, including at Radwell.
5. Local Plan Policy 6 specifically supports development within the built form of small settlements where they positively contribute to the character of the settlement and are appropriate to the structure, form, character and size of the settlement as a whole. The supporting text to this policy sets out the elements that are excluded from the built form of small settlements. This includes individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the

continuous built form of the settlement. Garden, paddocks and other undeveloped land, even where that land is within the curtilage of buildings, where it is on the edge of the settlement and relates more to the surrounding countryside than to the built form of the settlement are also one of the exclusions.

6. The appeal site comprises part of the side garden area to a detached property known as 'Rose Tree Cottage' which sits at the end of a continuous ribbon of houses along the eastern side of Moor End Road. Although these dwellings are in linear form, the pattern of development to the north of Rose Tree Cottage, and on the opposite side of the highway that it fronts, is much more scattered and is dominated by open fields and agricultural land.
7. Even when using the appellant's measurements, the nearest dwelling to the north, which is a detached property known as 'Staniland' is a substantial distance away from the appeal site. This property, in my judgement, constitutes an individual building that is clearly detached from the continuous built form of the settlement. Accordingly, it follows that this large degree of separation, and intervening area of predominantly undeveloped land between Rose Tree Cottage and Staniland is also detached from the built form and on the edge of the settlement.
8. Although this strip of land may be in use as 2 separate gardens, it comprises mainly undeveloped grassland, with mature vegetation and trees along and within its boundaries. The character of the highway also transitions to a narrower country lane, with belts of tall mature tree cover on both sides of it, at this point. Furthermore, the mixture of post and mesh, and timber picket fencing that encloses the appeal site has a lightweight appearance and is not dominating or prominent in views from the surrounding area
9. The prevailing verdant character and appearance of the appeal site and adjoining land to the north is thereby consistent with adjacent open agricultural land and countryside. As a result, it relates more to the surrounding countryside than to the built form of the settlement and therefore falls within the second bullet point exclusion of Local Plan Policy 6. Accordingly, all of the factors above have led me to conclude that the appeal site is not within the built form of the small settlement of Radwell.
10. It has been put to me that the previous nature of Radwell is one of infill housing and that the appeal site would be in line with the garden areas of adjacent residential properties. However, in addition to the reasons above, a large expanse of open land would remain to the north of the proposed dwelling. Accordingly, it would not be positioned within an area that would logically be seen as replicating or completing the prevailing pattern of development, as might be necessary to achieve infilling.
11. I have also provided an image of the settlement and properties where the appellant considers there to be a clear distinction between the garden land and the adjoining countryside. Whilst it is stated that these are areas of land to the rear of main gardens, and/or extend to the railway, it is unclear which properties are being referred to. On the evidence presented, I am therefore unable to be certain that their circumstances and characteristics are directly comparable to those which apply in this appeal.
12. As such, I find that the site is not an appropriate location for the proposed development, having regard to the development strategy for the area.

It therefore fails to accord with Local Plan Policy 6 and Policy FR1 of the NDP, which seek, amongst other matters, to limit development within the countryside and focus development within settlement boundaries.

### *Character and appearance*

13. As previously noted above, the appeal site is located outside of the core shape and built form of Radwell. Despite the presence of houses to the south, the prevailing character of the immediate area is therefore rural, dominated by open agricultural fields, hedgerows and trees.
14. Whilst the site is currently well screened by mature trees, 16 of these trees are proposed to be felled to make way for the introduction of a detached dwelling and detached garage, with associated hard surfacing for the access track, car parking and private amenity areas. This would clearly increase the built form and density of development across the site and result in it appearing significantly more urbanised than is presently the case. This urbanisation and resultant loss of openness would be detrimental to the intrinsic value and character of the rural landscape and countryside in this location.
15. Long-distance views of the site are restricted; however, the discordant effect of the proposed development would be plainly visible through the gap for the vehicular entrance into the site, and when approaching from the north of Moor End Lane. It would also be readily apparent from the rear habitable windows and garden area of Rose Tree Cottage.
16. The appellant has pointed out that any future structure or paraphernalia could be erected on the land without the need for planning permission as it is a garden to a domestic property. Be that as it may, in my view it is unlikely that any such extension(s) would be as substantial as the proposal now before me. I also have no substantive evidence to indicate that there is a significant probability that such development would take place should this appeal be dismissed. These factors therefore limit the weight that I can attach to it as a fallback position.
17. I appreciate that the trees proposed to be removed are not protected by the recently confirmed Tree Preservation Order and that the Council's Tree Officer has raised no objections. However, the Tree Officer's response was in relation to arboricultural matters, including the loss of the trees and the impact on the retained ones, rather than the proposed development as a whole. This lack of an objection therefore does not overcome all of the harm that I have identified that the proposal would cause in respect of character and appearance.
18. As such, I find that the proposed development would cause unacceptable harm to the character and appearance of the area. It would thereby conflict with Policies 28S, 29, 30, 38 and 39 of the Local Plan, as well as NDP Policies FR1 and FR5. These seek, amongst other matters, for developments to be of a high quality design; that enhance the landscape, integrate well and contribute positively to the area's character; taking account of the site's characteristics and ensuring that the scale, form and character of the existing settlement is maintained.

### *Ecology*

19. The appeal site is predominantly undeveloped grassed land that contains hedgerows, mature trees and a few sheds. The surrounding, wider area is for the

most part rural in nature. This means that there is a likelihood that the surrounding areas would be a habitat for wildlife and gives rise to the possible presence of bats, birds and their habitats on or near to the site.

20. The presence of a protected species is a material consideration when considering a proposal that, if carried out, is likely to result in harm to the species or its habitat. Paragraph 99 of Circular 06/2005 advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed in making the decision.
21. The appellant may have informed the Council that following the consultation response from Nature Space and discussions with them, they would enter into a District Level Licence (DLL) once a recommendation was forthcoming. However, neither a countersigned Impact Assessment and Conservation Payment Certificate or any other ecological appraisal has been provided with the appeal. Moreover, DLL is a recent initiative that specifically relates to great crested newts (GCN) and Nature Space only consider a development's impact on GCN. As such, the lack of comment from Nature Space in respect of other protected species, such as bats and birds, can therefore not be taken as meaning that there is an absence of harm to them as this is not within its remit.
22. Insufficient evidence has therefore been advanced to enable me to conclude that the proposal would not have an unacceptable effect on any protected species or their habitats or on any other features of ecological value. Accordingly, the proposal would conflict with Policy 42S of the Local Plan which seeks, amongst other matters, to ensure that developments should not adversely affect protected species. It would also fail to accord with Section 15 of the Framework, in respect of conserving and enhancing the natural environment.

### **Planning Balance**

23. The Council accepts that it is unable to demonstrate a 5 year deliverable supply of housing land. Its 3.46 year supply represents a considerable shortfall. The relevant policies of the development plan are therefore deemed to be out of date and, in light of Paragraph 11 d) ii of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. I have found that the site is not suitable for housing, that it would be harmful to the character and appearance of the area and could result in harm to protected species or its habitat. These harms would be wide ranging and long lasting and would be contrary to the aims of the Framework that I have referred to above. With these factors in mind, I ascribe these matters substantial weight.
25. I have had regard to the important contribution that the proposal would make to the deliverable supply of housing in the area. However, given that it is only for a single dwelling, any benefits in this respect would be somewhat limited. I have also been made aware of the appellant's family's desire to move back to the local area where they grew up. Nonetheless, personal circumstances will seldom outweigh more general planning considerations, particularly where development would be permanent. The personal circumstances therefore carry little weight.

26. The site is not within a conservation area, and it has been put to me that there are no assets or areas of particular importance on the site or in proximity to it. I have also been made aware that it is in Flood Risk Zone 1, in an area at a low risk of flooding, and that prior to the application there were no protected trees within the vicinity. However, the lack of harm in these respects would not weigh in the proposed development's favour.
27. With this in mind, I attach limited weight to the appeal scheme's benefits. As such, and bringing matters together, the adverse impacts of granting planning permission would, in this particular case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

### **Other Matters**

28. The appellant's frustration in respect of the amendments that the Council requested and were made to the scheme, the costs associated with this, and the changes in planning officers, delays in determining the application and the lack of engagement before making the decision are noted. I have also been made aware that the Parish Council did not object to the proposal. However, these factors have not had any bearing on my decision as I have only had regard to the planning merits of the proposal, based on the drawings and evidence that is before me.
29. In support of their cases both the Council and the appellant have made comments on an appeal decision for a dwelling (Ref: APP/K0235/W/20/3264577). Whilst I have had regard to this in reaching my findings, each application and appeal must be determined on its own merits, and that is what I have done in this case. Furthermore, although the appellant considers the Council to have been misleading in certain respects, nothing that I have been referred to would lead me to reach a different decision.

### **Conclusion**

30. For the reasons given above, the proposed development conflicts with the development plan and that conflict is not outweighed by other material considerations. Therefore, the appeal is dismissed.

*Mark Caine*

INSPECTOR