



Appeal Decision

Site visit made on 3 September 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/K0235/W/25/3362710

Woodleys Farm House, Knotting Road, Melchbourne, Bedford MK44 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Hudson against the decision of Bedford Borough Council.
 - The application Ref is 24/01389/CPNQ.
 - The development proposed is described as 'prior notification for change of use from an agricultural building to a dwellinghouse(s) (Use Class C3) including associated building operations reasonably necessary to convert the building'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision, as the application form refers to the appellant's Planning Statement and plans which is not a description of development. The description in the banner heading also aligns with that used in the appeal form.
3. The Council's decision notice refers to conflict with the development plan and the National Planning Policy Framework (the Framework). However, I have assessed the appeal against the GP8DO and this includes having regard to the Framework only in so far as it is relevant to the prior approval matters.
4. A planning application to convert the existing barns into six dwellings was refused by the Council in February 2024 and dismissed at appeal in December 2024¹ ('the 2024 appeal'). The 2024 appeal differs from the current proposal in that it sought planning permission as opposed to prior approval. A separate prior approval application² for the change of use to three dwellings was refused by the Council in June 2024 ('the 2024 prior approval'). Despite the differences, I have had regard to the earlier schemes, insofar as they are relevant to the appeal before me.
5. At the time of the appeal decision in March 2025, the appellant advised that bat surveys had been commissioned, with their completion dependent on the appropriate survey season. A Bat Survey Report and a roof plan annotated to show the extent of a proposed bat loft, were submitted in August 2025. Established case law states that, in considering whether, or not, to accept amendments to a proposal during the appeal process, it must be considered whether the proposed change involves a "substantial difference" or a "fundamental change" to the application and

¹ Appeal ref: APP/A1910/W/16/3148092.

² Council ref: 24/00798/CPNQ

whether the proposed amendments would cause unlawful procedural unfairness to anyone involved in the appeal. The additional information is intended to address the Council's reason for refusal and does not materially alter the nature of the development proposed. Furthermore, the Council have been provided with opportunity to comment on the additional material. I am therefore satisfied that no party would be prejudiced by taking this information into account.

Background and Main Issue

6. Class Q(a) of the GPDO permits development consisting of a change of use of (i) a building that is part of an established agricultural unit and any land within that building's curtilage, or (ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses). Class Q(c) also allows for building operations which are reasonably necessary to convert the building. This is subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.
7. The provisions of paragraph W (prior approval) of the GPDO is clear that the local planning authority may refuse an application where, in the opinion of the authority – (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.
8. The Council's reason for refusal relates to insufficient information to determine the potential impact on protected species. Regulation 9(1) and 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) requires a competent authority to have regard to the requirements of the associated Directive³ so far as it may be affected by the exercise of its functions. This includes any proposal that may result in the deterioration or destruction of the breeding sites and resting places of European Protected Species (EPS), including bats and the places that they roost. Therefore, although not mentioned in Class Q of the GPDO, the potential effect on protected species must be considered as part of the prior approval process.
9. The Council raises no specific concerns in relation to the limitations and restrictions set out in paragraphs Q.1 and Q.2. Its reasons for refusing the previous 2024 prior approval application, including the extent of structural alterations and the use of the agricultural unit, are no longer matters in dispute between the main parties. Based on my observations on site and the evidence before me, I have no reason to take a different view, including in respect of the prior approval matters Q.2(1)(a) to (d) and (g) of the GPDO which relate to transport and highways, noise, contamination (subject to conditions), flooding, and the provision of adequate natural light in all habitable rooms. However I must consider the matters under Q.2(1)(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the change of use, and (f) the design or external appearance, where they are relevant to the main issue.
10. The main issue is the effect of the proposed development on protected species, including the effectiveness of the proposed mitigation measures.

³ Council Directive 92/43/EEC

Reasons

11. The appellant's Bat Survey Report (the Report) presents the findings of emergence surveys and confirms that the appeal site supports several bat species and associated roosts. These bats roosts are primarily day roosts, although a maternity roost was also identified. The Report outlines the ecology mitigation hierarchy, which prioritises the avoidance of adverse impacts on habitats and species. Mitigation measures should only be considered where such impacts cannot be avoided.
12. The proposed conversion works would involve extensive alterations and refurbishment of the agricultural buildings. In this context, retaining the existing roosts in situ would not be realistic. The Report includes an outline bat mitigation strategy, recommending measures such as the timing of works taking place during the appropriate season, providing a compensatory bat loft, wooden cladding feature and implementing an appropriate lighting scheme. An application for an EPS licence from Natural England would be required.
13. Appendix F of the Report identifies areas of the site that should be subject to light restrictions to minimise light spill into ecologically sensitive areas. Given that current artificial lighting levels at the site are low, the effectiveness of the proposed mitigation strategy would be heavily reliant on the success of the lighting scheme in preventing light intrusion into these sensitive areas.
14. Whilst the recommended light restricted area would be located away from access roads and parking areas, there would still be a high likelihood of increased human activity requiring lighting during hours of darkness, within this area. The submitted plans show that two new openings, including full-height patio doors, would be introduced on the elevation of Plot 5 facing towards this area. As the use of blinds and curtains during hours of darkness cannot be guaranteed, it is likely that internal lighting would spill into this area. While other openings on the same elevation would reuse existing apertures, the change of use to residential would increase the likelihood of light spill, particularly from bedrooms used at night, compared to the site's previous agricultural use. Furthermore, the entirety of main private garden area serving Plot 5 would be located within the recommended light-restricted area. It is reasonable to expect that future occupiers would wish to use this garden frequently, especially during summer evenings after dusk. Such use would likely necessitate some level of external lighting in order for occupants to maximise the usability of their garden to a reasonable extent.
15. Whilst it may be possible for a specialist lighting designer to create a lighting scheme that minimises light spill into the light-restricted area, there is insufficient evidence before me to demonstrate that such a scheme would be effective. Furthermore, the potential range and extent of limitations required to control light spill could negatively affect the reasonable enjoyment of the occupiers of the Plot 5 dwelling in particular, and would likely be unrealistic in the medium to longer term. On this basis, a pre-commencement condition in this regard would not be reasonable or enforceable. Therefore, it has not been demonstrated that the presence of bats in this location does not make the change of use impractical or undesirable, or that the proposed design or external appearance of all of the proposed dwellings would be acceptable.

16. Whilst it is not within my remit to determine whether or not the legal tests for an EPS licence would be met as this would duplicate the function of another regulatory body, I am still required to ensure that any potential harm to an EPS would be adequately mitigated and whether or not the proposed development is unlikely to be licensed. The evidence before me gives rise to doubt that such a license would be issued and I am not satisfied the development as proposed would avoid significant harm to the long-term conservation status of the bat species present.
17. I therefore conclude that the proposed development has the potential to result in harm to protected species because it has not been demonstrated that the proposed mitigation measures would be effective. Accordingly, prior approval in relation to the matters specified under Q.2(1)(e) and (f) is refused. Consequently, the appeal proposal does not constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO. The proposed development also conflicts with the biodiversity protection aims of the Framework.

Other Matters

18. The appeal proposal would secure a viable future use of the historic disused barns, reducing the risk of them dilapidating into disrepair. However, such benefits cannot justify an application made under Class Q of the GPDO.
19. The appellant's frustrations regarding timescales and the history of previous applications at the appeal site are noted. The Council did not include the effect on protected species as a reason for refusing the 2024 prior approval scheme and had had opportunity to raise this matter sooner. However, the Council's handling of this and previous applications is not a determinative matter in this case, which has been considered on the basis of the relevant legislation and the evidence before me. Moreover, the Council's internal consultation processes and when it consults its ecologist is not a matter for this appeal. Whilst I acknowledge the effort made by the appellant to engage with the Council, this does not alter the decision.

Conclusion

20. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR