



Appeal Decision

Site visit made on 16 September 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th October 2025

Appeal Ref: APP/K0235/W/25/3369426

44 Brabazon Close, Shortstown, Bedford MK42 0FF

- 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 Mr David Pullen against the decision of Bedford Borough Council.
 - The application Ref is 24/02100/S73A.
 - The development proposed is change of use of part of the land from amenity land to private garden. Installation of new 6ft (1.83m) side and rear fence to the property boundary. To be made from feather edge boards and cant rails.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of part of the land from amenity land to private garden. Installation of new 6ft (1.83m) side and rear fence to the property boundary. To be made from feather edge boards and cant rails, at 44 Brabazon Close, Shortstown, Bedford MK42 0FF accordance with the terms of the application, Ref 24/02100/S73A, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos *Location Plan V01; Site Plan V02; Site Map V03*.

Applications for costs

2. An application for costs was made by Mr David Pullen against the decision of Bedford Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application form includes description of the appearance, condition and removal of the fence formerly on the site. In the interests of clarity, I have omitted such details from the description of development in the header and decision.
4. At time of my site visit, the proposed fence was in situ and appeared to follow the red line demarcated on drawing, Site Plan V02. The implementation of the development weighs neither for nor against the proposal which I have determined on the basis of the submitted plans.
5. The appellant refers to potential amendments, including altering the position of the fence. Paragraph 16.1 of the *Procedural Guide: Planning Appeals – England*¹ advises that the appeal process should not be used to evolve a scheme and there are no provisions for amendments to be submitted. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was

¹ Updated 30 June 2025

considered by the Council and by interested parties at the application stage. I have therefore determined the appeal on the basis of the plans which accompanied the planning application and were considered by the Council.

6. The Council consider that the strip of land next to the carriageway and adjacent to the site's northern boundary comprises 'amenity land'. The extract of the site layout at figure 6 of the appellant's statement of case shows indicative landscaping, annotated with stylised symbols inferring tree canopies and shrub foliage, and the Detailed Landscaping Proposals Plan June 2001² is annotated with details and location of plant species. Whilst the drawings provide details of the landscaping proposals for the housing estate, it is unclear whether the annotations infer a specific use of land. The strip of land is in the ownership of the appellant, is within the dwelling plot, and does not comprise a part of the highway. Therefore, the evidence before me is inconclusive as to whether the land comprises 'amenity land' with a specific public benefit or merely comprises an unenclosed portion of the dwelling plot. Whilst the appellant disputes the classification as amenity land, the proposal seeks a change of use to private garden, and I have assessed the proposal on this basis.
7. The street view image dated November 2009³, shows a fence set back from the carriageway, providing enclosure of a rectangular private garden at the rear of the appeal property, and appears to correspond with the demarcations on the OS map base of Location Plan V01. The appellant's statement includes photographs of a fence erected by a former owner, described as a "pallet fence", which had been re-sited beyond the original position of the fence so as to increase the area of enclosed garden. However, I have been provided no evidence to suggest the previous fence was re-sited with the benefit of planning permission. Therefore, I have considered the effects of the proposed fence within the context of the site's original layout, rather than the location of the former pallet fence.

Main Issue

8. With regard to the above, the main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

9. The appeal site comprises a two-storey, end of terrace dwelling, set within a corner plot. The appeal property has a pitched, tiled roof, storm porch, and red and buff brick. It is typical of the design of dwellings within the wider, suburban, modern housing estate.
10. Brabazon Close terminates in front of the appeal property, and a brick weave carriageway runs past the side boundary to serve a small cul-de-sac behind the site. Situated at the entrance to the cul-de-sac, the appeal property's front and side elevations and rear garden boundary treatment are visible in the street scene.
11. The appeal site is near the end of Brabazon Close which offers no through route, and vehicular traffic and pedestrian footfall passing the site would typically be very low. Views of the appeal site are limited to the immediate surroundings of Brabazon Close. Some distant views of the appeal property would exist from the landscaped open space beyond the metal railing fence, opposite the appeal

² Appendix 1 of Council's Written Representation Statement, 4th September 2025

³ Paragraph 5.6 of Council's Written Representation Statement, 4th September 2025

property's frontage. However, the appeal site is in a quiet location and is of modest visual prominence within the locality.

12. The 2009 street view image shows a timber fence enclosing an area of rear garden at the appeal property. A timber fence also runs along the side boundary of no 28 Brabazon Close, on the opposite of the cul-de-sac entrance. Therefore, timber fences are an established feature within the street scene.
13. The 2009 image shows a wide strip of mown grass land between the carriageway of Brabazon Close and the appeal property's side elevation and fence, which the Council assert is not residential curtilage. However, the strip of land appears closely associated with the dwelling, is distinct from the highway, and does not invite public use.
14. As indicated by the 2009 image, the appeal property's timber, close-boarded fence and blank, brick side elevation address the street. From the street, the fence and side elevation comprise visually dominant features.
15. The image shows a sporadic row of small shrubs against the side elevation and timber fence. The planting makes only a small contribution to softening the appearance of the fence and building, and therefore the value of the land as strategic landscaping appears limited.
16. The site's former appearance therefore lacked features of visual interest. Nonetheless, the unenclosed character of the strip of mown grass contributed a degree of spaciousness to the street scene.
17. The Council confirm that the feather edge, timber design and material of the fence that is the subject of the appeal proposal, would be acceptable and in keeping with existing development in the area.
18. The fence has been sited close to the carriageway edge, enclosing most of the former strip of grass land and private rear garden, and contains land to the side of the dwelling, spanning most of the side elevation with a small set back from the front elevation. However, a strip of grassland of around 1m width has been retained. The proposal therefore maintains a soft, green edge to the plot.
19. The cul-de-sac entrance is flanked by a grass verge adjacent to no 28, and the remaining strip of land within the appeal plot. On approaching the cul-de-sac, the arrangement of the proposed fence appears to broadly reflect the siting of no 28's boundary treatment which abuts the highway verge on the opposite side of the carriageway. Therefore, the proposed fence does not appear uncharacteristic or out of keeping with the siting of boundary treatments within the area.
20. The fence is more prominent than the original boundary treatment layout insofar as it is sited closer to the carriageway. However, the extent of visual change from the original arrangement of a timber fence and blank brick elevation is small. Therefore, I do not consider the fence to be overly prominent or imposing.
21. The land enclosed by the fence is modest in scale and of limited strategic landscape value, and therefore the proposal has not resulted in a substantial loss of open space. There remain clear views along the street to dwellings within the cul-de-sac. Therefore, whilst the fence's siting has reduced the width of the open strip of land, Brabazon Close retains a spacious, suburban character.

22. The siting of the fence has increased the area of enclosed private garden. Gardens in the area are generally modest in size. However, the increased area of the appeal property's private garden is not so conspicuous as to disrupt the pattern of development. Furthermore, due to the quiet location without through traffic, the visual effects of the proposal are highly localised.
23. The Council refer to an appeal decision for relocation of a fence at a dwelling at another settlement within its area⁴. The Inspector concluded the loss of a green strip of land would be detrimental to the open and verdant character and appearance of the street scene. However, the Inspector identifies the site as being visually prominent due its location on a road serving other dwellings and providing a route to a children's play area, next to dwellings with open and verdant gardens. Therefore, the scheme appears to materially differ from the appeal site in terms of its visual prominence and pattern of development.
24. For these reasons, whilst the development has resulted in visual change, I do not consider it amounts to harm to the character and appearance of the area.
25. The proposal would therefore comply with Policy 28S(ii), Policy 29(ii & vii) and Policy 30(ii) of the Bedford Borough Local Plan 2030 which require proposals have a positive relationship with the surrounding area, integrate well with and complement the character of the area, respect the context within which it will sit and the opportunities to enhance the character and quality of the area and local distinctiveness, ensure that private and public amenity spaces are clearly defined, and consider the quality of the development in terms of scale, density, massing, height, materials and layout, including the provision of private space.

Other Matters

26. Concerns were raised regarding the effect of the fence on highway safety. I have had regard to the advice of the Highways (Development Control) Officer, who raised no objection on highway safety grounds, as the low visibility splay of the street to parking spaces at the rear would be accommodated by low traffic speeds.

Conditions

27. Since the proposed fence has been erected, the standard condition setting a time limit for implementation is not necessary. In the interests of certainty, I have attached a condition to specify the approved plans

Conclusion

28. For the reasons given, having regard to the development plan as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

⁴ Appeal decision reference: APP/K0235/D/23/3315585