



Appeal Decision

Site visit made on 7 October 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Appeal Ref: APP/P0240/W/25/3370429

Land to Rear of 183-183A Poynters Road, Dunstable, Bedfordshire LU5 4SH

- 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 S Ahmed against the decision of Central Bedfordshire Council.
 - The application Ref is CB/25/01080/FULL.
 - The development proposed is described as proposed change of use from previous separated area of C3 residential garden amenity area to B8 open storage area as a non employment generating use. Entire area of land within Applicants ownership to be hard paved complete with ramped access from access dirt track complete with a pair of steel security gates to secure the site, complete with resurfacing of entire length of Right of Way dirt track from application site to back edge of footpath at Hadrians Avenue. Proposed open storage use of application site will be for Applicant personal use storage of his classic car collection.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit I observed that the gates and hardstanding *in situ*.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on highway safety; and
 - iii) whether the scheme is acceptable in respect of flood risk and drainage.

Reasons

Character and appearance

4. The appeal site comprises a rectangular parcel of land surrounded by residential gardens. It is enclosed by fences, walls and gates. The land is accessed via a long single width track that runs parallel to the rear gardens of residential properties that front Poynters Road.
5. Whilst there is dispute between the parties as to whether or not the proposal relates to the storage of classic cars the proposal seeks B8 open storage for the storage of cars. The appellant indicates the proposal would be for personal car storage and for up to 12no vehicles, although the site could accommodate circa 25no vehicles.

6. Being land-locked, and set behind a pair of high solid gates, the proposal would not be visible in the wider streetscene. Nevertheless, the proposal would be visible from the upper windows of residential properties which face towards the appeal site where it would appear as a starkly incongruous use to that of the adjoining residential gardens.
7. The appellant states that the area has been hard surfaced in a similar manner to the frontage of residential properties within the locality. Whilst the use of materials used in the wider locality is not disputed the scale of storage would be uncharacteristic of the prevailing nature of development in the immediate surroundings. As the proposal would be at odds with the prevailing pattern of development it would be materially harmful to the character and appearance of the area. Landscaping would not sufficiently mitigate the harms identified.
8. Proximate to the appeal site are a range of boundary treatments, including 2m high fences. Accordingly, whilst the gates are of a solid construction I do not find that they are incongruous within the site's immediate context such that they are unacceptable.
9. For the above reasons, I therefore find that the proposed development would cause unacceptable harm to the character area. This draws the proposal into conflict with Policy HQ1 of the Central Bedfordshire Local Plan (2021) (LP) which requires amongst other things, that development proposals reinforce local distinctiveness and respond positively to their context.

Highway safety

10. The proposal would utilise an existing access track. The track is unlit and constructed of unbound, granular material. It is in excess of 200m in length, providing many residential properties with a rear access to their garden and/or garages/outbuildings. The track also runs parallel to a recreation space and play park.
11. The appellant states that a maximum of 25no vehicles could be stored on the site, although only 50% capacity is proposed. They go on to state that cars would be driven to the site for storage and occasionally taken for a drive, at a frequency of approximately 2 per week.
12. The appellant contends the track is wide enough for cars to pass each and goes on to state that HGV vehicles would not be appropriate for the site. Even if vehicles could pass along the track the proposal would result in the intensification of a substandard access. Conditions to secure the number of vehicles, trips and type of vehicles would be difficult to enforce and therefore would fail to meet the condition tests set out in the Planning Practice Guide (PPG) and Framework.
13. Having regard to the significant length of the narrow track and the proposed scale of storage the proposal would result in potential conflict with other highway users. Also noting that the appeal site is proximate to a recreation area/play park, utilised by pedestrians generally and vulnerable users such as children, I consider that the intensified use of the access and track would be detrimental to highway and pedestrian safety.
14. I, therefore, conclude that the proposed development would harm highway and pedestrian safety which draws the proposal into conflict with Policy T2 of the LP.

Amongst other things, this policy requires new development to not have a detrimental effect on highway safety and patterns of movement.

Flood risk and drainage

15. Part of the appeal site lies within a location identified as being at high risk of surface water flooding, as shown by the Environment Agency surface water flood risk maps. The application was not accompanied by a Flood Risk Assessment (FRA) and only limited information has been provided in evidence to support the appeal proposal.
16. The access track in proximity to where it meets the public highway would be at greatest risk. The appellant states that the access is not within the appellant's ownership and considered it should have been excluded from the redline application boundary. The PPG stipulates that: *"The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings)"*.
17. Policy CC3 of the LP requires a site-specific Flood Risk Assessment and a drainage strategy. Furthermore, the Framework sets out when a developer will be required to provide a site-specific FRA including, among other development, all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3.
18. The appellant states that they have replaced an undeveloped grassed area with a hard paved area which retains a permeable layer and that there would be no change to the surface drainage infiltration or in regard to vulnerability of the site and therefore would not pose a long-term flood risk. However, limited information has been provided in this regard. Whilst it is noted that the appellant no longer intends to re-surface the length of the access track the area of land proposed for storage has been hard surfaced with block paving. In the absence of a drainage strategy, or FRA, insufficient information is before me regarding the risks and effects of drainage and flooding at the site and elsewhere. Consequently, there is no substantive evidence to suggest the proposal would comply with the requirements of the LP.
19. The appellant indicates their willingness to undertake a FRA and drainage strategy, suggesting that these could be subject to a planning condition. However, having regard to the PPG I do not concur that it would be appropriate to leave such matters to a condition.
20. For these reasons, I cannot be satisfied that the proposal would be acceptable in terms of flood risk and drainage. Conflict therefore arises with Policies CC3 and CC5 of the LP and the Framework insofar as they seek to ensure appropriate and specific flood mitigation and sustainable drainage measures are in place.

Other Matters

21. I note the appellant's assertion that they have cleared up and overgrown dumping site. I have no evidence before me to contradict this assertion. However, I am not satisfied that the proposal is the only means of securing the land from antisocial behaviour and its long-term maintenance. A lack of objection from the Rights of

Way consultee and Bedfordshire Fire & Rescue Service are also neutral factors in the determination of the appeal.

22. Local residents raise a number of objections to the proposal, including, but not limited to, pollution and air quality, security and crime risk, wildlife and the Public Sector Equality Duty. As I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.
23. The appeal site lies within the Zone of Influence of the Chiltern Beechwood Special Area of Conservation. Had I been minded to allow the appeal, it would have been necessary for me to undertake an Appropriate Assessment to consider the impacts of the development upon the European designated site. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.

Conclusion

24. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. In this circumstance, no material considerations, including the Framework, indicate that a decision should be taken otherwise than in accordance with it.
25. The appeal is therefore dismissed.

R Gee

INSPECTOR