



Appeal Decision

Site visit made on 21 October 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: **APP/K0235/W/25/3359107**

59 and 61 Church Road, Willington, Bedford MK44 3PU

- 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 Kevin Sherwood against the decision of Bedford Borough Council.
 - The application Ref is 24/00659/FUL.
 - The development proposed is the construction of new access driveway, construction of replacement single garage and parking space in rear garden for No 61 Church Road. Demolition of existing garage for access to the rear gardens and construction of 4 no. three bedroom detached houses with single garages, parking spaces, cycle and bin storage on land at 59 and 61 Church Road, Willington.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address provided in the appellant's appeal form in the banner heading above as this more correctly identifies the location of the appeal site.
3. I have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 202 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The Council's appeal documentation refers to several listed buildings in the vicinity of the appeal site but has found harm only in relation to the Church of St Lawrence. To comply with my statutory duty, I have also considered the effect of the proposed development on all referenced listed buildings.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area including the setting and significance of several listed buildings;
 - Whether or not the proposed development makes adequate provision for woodland planting associated with the Forest of Marston Vale; and
 - Whether or not the proposal makes adequate provision for biodiversity.

Reasons

Character and appearance

5. Nos. 59 and 61 Church Road (No.59 and No.61) are detached bungalows and are part of an established linear form of built development along both sides of Church Road. The buildings are mixed in character but mainly share a similar form and alignment to the road and typically have relatively wide and deep gardens which adjoin with the surrounding countryside. The appeal site is located near to the western end of Church Road, where the linear, built form transitions into a more open estate development to the west and north.
6. The appeal site comprises an L-shaped plot situated in the rear gardens of Nos. 59 and 61, with access proposed via the side of No.61. Immediately to the west of the site is a footpath connecting to the surrounding countryside. Beyond the footpath lies a relatively large plot containing a detached dwelling (No.63). Further west and north, where the road turns sharply into Church End, lies the Parish Church of St Lawrence and the historic Manor Farmhouse estate.
7. The Parish Church of St Lawrence (Ref.1312387) (the church) is a Grade II listed building. The church is located on the western fringes of the settlement in a relatively open, rural context with clusters of mature planting and trees. It is a key focal point in views along Church Road and in views towards the settlement from the footpath alongside the appeal site. Beyond the church is Manor Farmhouse, a Grade II listed building (Ref.1312403), together with the Stables of Former Manor House (Ref.1114191) and Willington Dovecote (Ref.1321578) the latter two are Grade I listed buildings and scheduled monuments. This collection of heritage assets have 16th century origins and the list descriptions mention that the owner at the time had close links with Cardinal Wolsey and later Henry VIII. They are identified as having Group Value and the Grade I status and scheduling of both the stables and dovecote identify that they are of the highest significance in terms of the Framework. In relation to this appeal, the significance of these buildings derives from their considerable age, form, features and function together with their collective value and historic associations, and their grouping within the landscape.
8. During my visit I was aware of some views filtered by vegetation from the appeal site through to the church. Although Manor Farmhouse, the stables and dovecote are not directly viewed from the appeal site, the more open setting of these estate buildings, including the church, reinforces their visual separation from the built form of the wider settlement. This rural setting includes the contribution made by the appeal site and is part of the environment in which the listed buildings are appreciated and understood and thereby their significance.
9. The development would comprise four, detached, one and a half storey dwellings with garages grouped around a turning head. The dwellings would extend built form deep into the gardens at the western end of the road which would be distinctly at odds with the linear form of the existing development. It would represent an uncharacteristic wedge of built form extending out into the rural landscape, and just at the transition point with the historic estate. As such it would appear out of place and jar with the grain of the settlement.
10. Some views of the proposed development from the surrounding rural area would be screened by existing landscaping, and there may be opportunities to bolster this. However, with the proposed density and height of the development, its layout

close to the boundaries, and the likelihood of the removal of some boundary planting, the proposed development would still be very apparent within the surrounding area. Notwithstanding the Visual Impact Study and Photographic Assessment submitted with the appeal documentation, the development would be clearly seen by those using the adjoining footpath on the approach to the village, and this would be especially marked in the winter months when the foliage dies back. Therefore, the proposed development would introduce a much more built-up character to this area, eroding the rural setting of this part of the settlement. Furthermore, the proposed buildings are also likely to be seen from Church Road, above some of the existing rooftops, revealing the encroachment of bulky built form into the surrounding rural area and noticeably breaching the established linear form of development.

11. Although the appeal site is some distance from the church and the other listed buildings, the proposed development on this backland site would erode, to some extent, the rural setting of the church and the way that the historic estate buildings are viewed in the landscape. It may be that there are only filtered views of the church from the appeal site but on the approach to the settlement along the footpath the proposed development would appear incongruous and detract from rural views of the church.
12. I recognise that the Council and indeed a previous Inspector¹ considered that development in the vicinity of the appeal site would not impinge on the setting of the other listed buildings aside from the Church, but my view reflects the setting of the historic estate in its wider rural context and settlement pattern and complies with my statutory duty.
13. Permission has been granted for the rebuilding of No.63 Church Street, including its positioning further into the plot. However, it does not appear to me from the submitted evidence that the single replacement dwelling in its large plot is comparable to four new dwellings extending across most of two rear gardens on the edge of the settlement. The fact that this replacement dwelling is outside the settlement boundary or nearer to the church does not alter my view on this matter.
14. Although the principle of development may be acceptable as the site is within the settlement boundary, it does not follow that all areas within the boundary will be acceptable for development as there are other factors including settlement character which need to be considered. Furthermore, it appears common practice that settlement boundaries are drawn to follow recognisable features on the ground. There may also be other developments within the settlement boundary which demonstrate recent properties constructed in depth and where the linear pattern has been changed. However, the sites suggested by the appellant do not appear to share this appeal site's context including the footpath alongside and proximity to heritage assets and have a different site history.
15. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area including the setting and significance of several listed buildings. Paragraph 212 of the Framework advises that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework goes on to advise that significance can be harmed or lost from development within

¹ App/W0205/A/06/2026093

its setting, and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the church, in the language of the Framework, to be at a low level of less than substantial harm in this instance. In relation to the wider setting of the listed buildings associated with Manor Farmhouse and their Group Value, I consider that the proposal would cause a very low level of less than substantial harm. This harm commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. The Framework advises that this harm should be weighed against the public benefits.

16. The development would provide four dwellings which would contribute towards housing land supply. A boost to housing supply is an important Framework consideration in favour of the development, especially as the Council accepts that it does not have a Framework compliant housing land supply. The site would be within an established residential area within the settlement boundary, which the appellant suggests has a good range of services and facilities and is in an accessible location. It is also suggested that the properties would be 'lifetime homes' suitable for all ages. The development would also have social and economic benefits during construction and occupation and would contribute to the vitality of local services and facilities. However, given the size of the development proposed, these public benefits would be modest in scale, and I attribute them limited weight.
17. Given the above, I conclude that the overall limited weight that I attribute to the public benefits would be insufficient to outweigh the level of harm to the designated heritage assets, to which I attach great weight. As such, the proposal would not comply with the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets. I have also found harm to the character and appearance of the wider area. Consequently, the proposal would not comply with Policies 28S, 29, 30, 41S of the Bedford Borough Local Plan (2020) (BBLP), and Policy W1A of the Willington Neighbourhood Development Plan (2022), which amongst other things seek to conserve or enhance the significance of heritage assets.

Woodland planting

18. BBLP Policy 36S relates to the Forest of Marston Vale green infrastructure project, a nationally recognised Community Forest with a Government target to create 30% woodland cover by 2031. The Council's policy requires that development proposals within the boundary of the forest area deliver 30% tree cover across their site. The Forest of Marston Vale: Design Guidance Supplementary Planning Document (SPD) (2022) outlines how the 30% planting requirement could be achieved, including off-site through a financial contribution made to the Forest of Marston Vale Trust.
19. The appellant has submitted a draft Section 106 Agreement (S106) with the appeal documentation proposing to make a financial contribution towards off-site planting rather than providing the required tree cover on the appeal site. The Council has justified the sum sought with supporting information. I consider that the measures in the S106 appear necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.

20. I appreciate that the appellant did not appear aware of the need for the woodland planting until the Council made its decision, but this was a reason for refusal. In accordance with the Procedural Guide: Planning Appeals (2025), an executed and certified copy of the S106 should have been submitted at the time of making the appeal. This document remains unsigned by the appellant and any others with an interest in the land, and the plans referred to appear not to be included.
21. Therefore, notwithstanding the willingness of the appellant to make a payment, in the absence of providing the required on-site tree planting or a completed S106, the proposal would not make adequate provision for woodland planting associated with the Forest of Marston Vale. It would therefore be contrary to BBLP Policies 28S, 35S and 36S and the SPD, and would conflict with the Framework which states that opportunities should be taken to incorporate trees in developments.

Biodiversity

22. Although the application was submitted prior to biodiversity net gain being a legal requirement for this type of development, BBLP Policy 43 requires development proposals to provide a net increase in biodiversity on site or the linking of existing habitats. Therefore, there is a requirement for a clear demonstration of how a net increase in biodiversity will be achieved through the development.
23. The appellant indicates that many boundary trees and shrubs would be retained and has proposed some enhancement measures in the Ecological Impact Assessment and Ecological Design Strategy, including some in excess of the recommendations. However, the development would result in the removal of several trees and shrubs which score highly for biodiversity. In the absence of a biodiversity metric to demonstrate pre and post development biodiversity values, I am not satisfied that it has been adequately demonstrated that a net increase in biodiversity on the site or the linking of existing habitats has been demonstrated.
24. The appellant suggests that the S106 to fund the planting of trees within the Forest of Marston Vale would add to the biodiversity provided overall. However, even if the proposed S106 was considered acceptable, BBLP Policy 43 requires a net increase in biodiversity on site or the linking of existing habitats. It does not appear, therefore, that this requirement has been met. A condition attached to an approval would not be appropriate as there would appear to be no mechanism to secure the off-site planting and I am not satisfied that adequate provision for biodiversity could be made on site.
25. The proposal therefore does not make adequate provision for biodiversity. As such it would conflict with BBLP Policy 43 as described above. It would also conflict with the Framework which requires that opportunities to improve biodiversity in and around developments should be integrated as part of their design.

Planning Balance

26. The Council accepts that it does not have a Framework compliant housing land supply. The appellant suggests that this is circa 3.47 years, a fact not disputed by the Council. This is a fairly substantial shortfall and could trigger the presumption in favour of development as set out in paragraph 11d) of the Framework. This indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework

identifies designated heritage assets as assets of particular importance. I have found that the harm to designated heritage assets would not be outweighed by the public benefits, and this provides a strong reason for refusing the development. Consequently, this disengages the presumption in favour of sustainable development as set out in paragraph 11d) and the scheme should be determined under a normal planning balance.

27. I have already noted the public benefits of the appeal scheme, including four new dwellings, which would add to the overall stock and choice of residential dwellings and support the supply of homes, a Framework requirement. These are important considerations given the shortfall in housing land supply. The scheme would also be located within the settlement boundary with public transport provision, and would support the vitality of the community, including local services and facilities, and would provide some construction jobs and help sustain local businesses. It would also avoid the need to release land in the open countryside, and the site is considered to be achievable and deliverable. However, given the size of the development proposed, I have concluded that the overall limited weight that I attribute to the public benefits, would be insufficient to outweigh the level of harm to the designated heritage assets, to which I attach great weight.
28. Therefore, for the above reasons, I conclude that the proposal would have a significantly harmful effect on designated heritage assets. I have also concluded that the scheme would cause harm to the character and appearance of the area and would not comply with the requirements in relation to biodiversity and tree planting. All these matters weigh heavily against the scheme.
29. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall, the cumulative benefits of the proposed development, which include the matters I have highlighted above, are clearly worthwhile but nevertheless overall carry limited weight in favour of the scheme. However, these benefits would not be of sufficient magnitude to outweigh the harm and related policy conflicts that I have identified. That harm would be very significant and permanent and such that the scheme would not be in accordance with the development plan when considered as a whole.

Other Matters

30. The appellant has expressed concerns that the Council was difficult to communicate with and refused the application without notification. These matters, however, are for the Council, and do not alter my findings on the main issues.

Conclusion

31. For the above reasons, and having taken all other matters raised into account, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR