



Appeal Decision

Site visit made on 3 November 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2025

Appeal Ref: APP/P0240/W/25/3371983

Woodside Livery Stables, West End, Haynes MK45 3QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr B Mullan against Central Bedfordshire Council.
 - The application Ref is CB/25/01419/OUT.
 - The development proposed is redevelopment of the site for 5 dwellings and associated works.
-

Decision

1. The appeal is allowed and outline planning permission is granted for redevelopment of the site for 5 dwellings and associated works at Woodside Livery Stables, West End, Haynes MK45 3QU in accordance with the terms of the application, Ref CB/25/01419/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application seeks outline planning permission with all matters reserved except for access. I have considered the appeal on this basis and have treated any details in relation to the reserved matters as illustrative.
3. The appeal was made against the Council's non-determination of the application. Within the planning application form the appellant had signed Ownership Certificate A stating that all land was within their ownership. The LPA disputed this due to part of the land within the red line on the site location plan being part of the public highway. As such they considered that Ownership Certificate B should have been signed and the requisite notice served to the Highway Authority. Consequently, the LPA deemed the planning application to be invalid.
4. The Planning Practice Guidance advises that applicants, when providing an ownership certificate, must confirm that an appropriate notice has been served on any other owners of the land to which the application relates. An application is not valid, and therefore cannot be determined, unless the relevant certificate has been completed.
5. Following correspondence from both parties, I am satisfied that the appellant signed Ownership Certificate A in good faith. Moreover, given the Highways Authority is a statutory consultee and provided a consultation response to the application, I am satisfied that they were given requisite notice of the proposal in accordance with legislation and were therefore not deprived of their rightful opportunity to make representations. Accordingly, I consider that the appeal is valid, with no party being prejudiced by my determination of the appeal.

6. Notwithstanding this, the Council set out that had they deemed the application valid, they would have proceeded to recommend approval for the outline application. I have subsequently been provided with a report from the Council outlining their assessment of the application, along with suggested conditions. The appellant has had an opportunity to comment on this report and is satisfied with the proposed conditions, to which I will return later.

Reason

7. As the Council has not raised any objections to the proposal, no conflict has been identified with the development plan taken as a whole. I have reviewed all of the information within the Council's report and I find no reason to disagree with their assessment. Accordingly, I concur that, subject to conditions, the proposal is in accordance with the Central Bedfordshire Local Plan (2021) and the Haynes Neighbourhood Plan.

Conditions

8. The Council suggested a number of conditions, which I have considered in the light of the advice in the Framework and Planning Practice Guidance (PPG). In some cases, I have edited the suggested condition for clarity and enforceability.
9. In the interests of certainty and clarity, I have imposed conditions relating to the approval of reserved matters, the commencement of development as well as the approved plans.
10. A condition requiring submission of materials proposed is necessary to ensure a satisfactory appearance and to safeguard the character of the area.
11. A pre-commencement condition is necessary to ensure that any site contamination, or the potential for such, is detected and remediated accordingly and that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment.
12. A condition requiring compliance with the Council's construction and environmental codes of practice is needed to minimise the impacts of development on neighbours, trees, hedges and biodiversity.
13. Conditions requiring sustainability measures, electric vehicle charging points and compliance with water efficiency standards are necessary to ensure the proposal addresses climate change and other environmental matters.
14. A condition requiring a noise protection scheme relating to commercial and industrial noise is necessary to protect the living conditions of future occupiers of the proposed development.
15. Conditions relating to external lighting, bin collection/storage areas, car and cycle parking, accessibility and adaptability of dwellings, implementation timetable for hard and soft landscaping along with a landscape management plan are necessary to ensure a satisfactory standard of development.
16. Conditions requiring an arboricultural survey, details of a buffer between the edge of the development and the SSSI, details and location of protective fencing and an ecological enhancement strategy informed by the January 2025 Ecological Appraisal are necessary to protect and enhance biodiversity.

17. A number of conditions are necessary in the interests of highway safety, these relate to turning facilities, junction layout, pedestrian footways and visibility splays.
18. To ensure an acceptable relationship between the proposed development and adjacent premises, a condition requiring finished floor levels is necessary.
19. A condition requiring compliance with licensing relating to great crested newts is necessary in the interests of biodiversity.
20. The Council's suggested condition limiting the development to 5 dwellings is not necessary since the outline planning permission is clearly stated to be for 5 dwellings in the description of development and in the application form.
21. Conditions 5, 15, 20 and 21 which prevent any development approved from commencing until they have been complied with are considered fundamental to the development hereby approved. It is necessary for them to take the form of 'pre-commencement' conditions in order to have their intended effect.
22. The Council has suggested a number of informatives relating to works within the public highway, parking standards and ecology. I am satisfied that the appellant has seen these informatives, given that these were in the Officer Report which the appellant has commented on. I have not attached them to this decision, given they have no legal weight.

Conclusion

23. For the reasons given above the appeal should be allowed and outline planning permission granted.

T Bennett

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping (including details regarding landscaping adjoining the site), layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Development hereby permitted shall be carried out in accordance with the following approved plans: GC Planning Partnership Ltd Site Location Plan and 1021.01 Rev A (insofar as it relates to the access arrangements only and on the basis that the layout proposals shown are indicative only).
- 4) Prior to their use in the development hereby approved, details of the materials to be used on the external surfaces shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved materials.
- 5) Prior to the commencement of development, a scheme to deal with contamination of land / ground gas/ controlled waters shall be submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
 1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 6) The development hereby permitted shall be undertaken in full accordance with Central Bedfordshire Council's adopted 'Construction Code of Practice for Developers and Contractors' and 'Environmental Code of Practice.'
- 7) Before the submission of any subsequent reserved matters the applicant shall submit a sustainability statement which demonstrates the development's compliance with policies CC1, EE2, EE4, CC3, CC5 and HQ1 of the Central Bedfordshire Local Plan as a minimum and shall include those measures to be incorporated into the design. The details thereby approved shall be installed within the development, prior to the occupation of the first dwelling.
- 8) Prior to the construction of vehicular parking areas, facilities shall be installed for the charging of electric and ultra-low emission vehicles for use in conjunction with the dwellings in accordance with a scheme submitted to and approved in writing by the local planning authority. The scheme shall include details of active charging posts or passive provision such as cabling and electricity supply. The approved facilities shall be retained thereafter.
- 9) All dwellings hereby approved must comply with the water efficiency standard of 110 litres per person per day as detailed by Regulation 36(2)(b) of Part G of Schedule 1 and Regulation 36 to the Building Regulations 2010 (as amended).
- 10) No dwelling shall be occupied until a scheme for protecting the proposed dwelling from noise from industrial and commercial sources has been submitted to and approved in writing by the local Planning authority. No dwelling shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.
- 11) Prior to the occupation of any dwelling, details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved by the local planning authority. The external lighting shall be installed in accordance with the approved details.
- 12) Prior to the occupation of any dwelling, details of a communal refuse collection point for the five dwellings, located at the site frontage and outside of the public highway and any visibility splays, shall be submitted to and approved by the local planning authority. The scheme shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.

- 13) Prior to the occupation of any dwelling, an implementation timetable for all hard and soft landscaping, in full accordance with the Landscaping details approved under Condition 2 and a five-year Landscape Maintenance and Management Plan from the date of its implementation shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. All landscaping shall be implemented in accordance with the approved implementation timetable and shall be maintained and managed in accordance with the approved maintenance and management plan following its implementation.
- 14) All ecological measures and/or works shall be carried out in accordance with the details contained/shown in the January 2025 Cherryfield Ecological Appraisal and SSSI Mitigation and Enhancement Strategy Plan as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 15) Prior to the commencement of development an Ecological Enhancement Strategy (EES) for the creation of new wildlife features such as hibernacula, erection of bird, bat and bee boxes in buildings/structures, hedgehog holes in fences and tree, hedgerow, shrub and wildflower planting has been submitted to and approved in writing by the local planning authority. The content shall be informed by the January 2025 Ecological Appraisal and include the:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) details of initial aftercare and long-term maintenance.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

- 16) Notwithstanding the details set out in the SSSI Mitigation and Enhancement and Strategy Plan by ASP Environmental Ltd, any subsequent Reserved Matters application must include full details of an undeveloped 15-metre buffer between the edge of any development and the ancient woodland SSSI to the south, including a future management and maintenance plan for the buffer.
- 17) Any subsequent Reserved Matters application shall include an Arboriculture Survey and Impact Assessment.

- 18) No development shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR152, or a 'Further Licence') and with the proposals detailed on plan "Woodside Livery Stables: Impact plan for great crested newt District Licensing (Version 1)" dated 10th June 2025.
- 19) No equipment, machinery or materials shall be brought on to the site for the purposes of development until full details of the location and substantial protective fencing for the protection of any trees, hedges or other such landscaping feature to be retained on site, has been submitted to and approved in writing by the local planning authority and the fencing has been erected in the positions shown on the approved drawing. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.
- 20) Notwithstanding the submitted details, prior to the commencement of development, details of the junction of the proposed vehicular access with the highway (including surfacing) shall be submitted to and approved in writing by the local planning authority. The junction shown on the approved plans shall be constructed to base course level prior to the commencement of any other development on the site. The development shall not be occupied until the junction has been constructed in accordance with the approved details.
- 21) Notwithstanding the submitted details, prior to the commencement of development, details for a 2m wide pedestrian footway (or width to be agreed if required) linking up with existing pedestrian facilities towards the A6, shall be submitted to and approved in writing by the local planning authority. The footway shall be provided prior to the occupation of any dwelling.
- 22) No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.
- 23) The detailed layout plans to be submitted for approval of any subsequent Reserved Matters in connection with this development shall illustrate a vehicular turning area for a fire tender within the curtilage of all premises taking access directly from the public highway.

- 24) The detailed layout plans to be submitted for approval of any subsequent Reserved Matters in connection with this development shall include cycle and car parking in accordance with The Parking Standards for New Developments SPD (2023) or other such documents that replace them. The approved scheme shall be implemented and made available for use before the development is occupied and the cycle and car parking areas shall not thereafter be used for any other purpose.
- 25) Any subsequent Reserved Matters application shall include details of the existing and final ground and slab levels of the buildings to be erected on site. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in full accordance with the approved details.
- 26) Any subsequent Reserved Matters application shall include details of the provision of a minimum of 35% Category 2 Requirement M4(2) adaptable homes and a minimum of 5% Category 3 Requirement M4(3) wheelchair accessible homes (or any new or revised regulations that revoke or modify the Building Regulations).

****End of Conditions****