



Appeal Decision

Site visit made on 4 November 2025

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th November 2025

Appeal Ref: APP/P0240/W/25/3366716

Land between Arenson Centre and Foster Avenue, Arenson Way, Houghton Regis, Dunstable LU5 5UL

- 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 Option Two Development Ltd against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/00677/FULL.
 - The development proposed is the construction of 10 industrial units (Use Class B2) with associated parking, access, landscaping, ancillary infrastructure and upgrading of public rights of way.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the site on the application form is unclear and there is a typographical error with the address on the appeal form. I have therefore taken the address of the site from the Council's decision notice, which is consistent with the submitted location plan, in the banner heading above.
3. The description of development was changed with the agreement of the parties to that contained in the banner heading above.
4. I note the planning history of the site, including the dismissal of an appeal¹ for a larger scheme at the appeal site, which both the Council and the appellant refer to. Whilst I note the decision of the Inspector in that case, I am not fully familiar with the proposal and I also note the changes in national and local policy since that decision was made.
5. Neither the appellant nor the Council have fully addressed the status of the site as designated Local Green Space in the development plan. Nevertheless, Government policy on this matter is clearly set out in the National Planning Policy Framework December 2024 (the Framework)² and in Planning Practice Guidance (PPG)³. I am satisfied that both parties were aware of this status and the implications for assessing the proposal. I have determined this appeal on the basis of the evidence before me and in accordance with relevant legislation, policy and guidance.

¹ Appeal Ref: APP/P0240/W/21/3283061

² Including paragraphs 106, 107 and 108 and Chapter 13

³ PPG - Open space, sports and recreation facilities, public rights of way and local green space - Paragraph: 005 Reference ID: 37-005-20140306 Revision date: 06 03 2014 to Paragraph: 022 Reference ID: 37-022-20140306 Revision date: 06 03 2014 (inclusive)

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development on a site designated as Local Green Space, with regard to the development plan and the Framework;
- The effect of the proposal on green infrastructure and biodiversity;
- The effect of the proposal on highway safety, parking and storage; and,
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

7. The appeal site is located to the northwest of a roundabout serving an industrial estate and is undeveloped apart from two parallel sets of electricity wires, supported by timber pylons, which extend along part of the site.
8. The site is bounded by early/semi-mature trees and bushes and contains grass and scrubland. An unsurfaced footpath along a public right of way (FP50) passes through the site, linking a footpath by the roundabout to the southeast with the surfaced Dog Kennel Walk footpath to the northwest.
9. To the southwest and northeast of the site are various warehouse and industrial buildings and associated roads and parking areas. Despite its close proximity to an existing industrial estate, the site is not allocated for employment use in the development plan, and has a very different character and appearance to the industrial estate.
10. The appeal site is part of the Dog Kennel Down County Wildlife Site (CWS) and is designated as Local Green Space in the Houghton Regis Neighbourhood Plan 2022 – 2035 (HRNP), which was adopted in 2024.
11. I note the appellant's comments regarding the designation and value of this part of the CWS, and similarly, for the designation of the site as part of Local Green Space in the HRNP. Nevertheless, the appeal site does form part of an established CWS and does form part of land designated as Local Green Space in the development plan. Arguments as to whether the site justifies these designations are, therefore, moot.
12. Furthermore, from the evidence and my observations on site, it is not clear why the site would not meet the criteria for Local Green Space, or why it would not be suitable for inclusion within the CWS.
13. Apart from very limited exceptions, paragraph 108 of the Framework states that *...decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts set out in chapter 13 of this Framework.*

14. Consequently, development within a Local Green Space would be inappropriate unless it met the requirements of one of the specified exceptions at paragraph 154 of the Framework, none of which are engaged in this case. Furthermore, the proposed development would adversely affect the spatial and visual openness of the Local Green Space.
15. For these reasons, the proposal would be inappropriate development on land designated as Local Green Space in the development plan.

Green infrastructure and biodiversity

16. The appellant acknowledges that the proposal would result in the harmful loss of some trees and green infrastructure within a CWS / Local Green Space, but that this is an inevitable consequence of the development of the site.
17. Furthermore, the appellant states that retained woodland and hedgerow at the site would be enhanced through future coppice management and further planting, whilst an area of the site would be transformed to a grassland habitat commensurate with the 'key characteristics' of the CWS. However, this would result in medium distinctiveness habitats (other neutral grassland and Bramble scrub) being lost and not replaced within the scheme. In order to satisfy the Trading Rules this is proposed to be addressed off-site.
18. However, I note from the Arboricultural Impact Assessment (AIA) that the proposal would encroach into both the crown and the root protection area (RPA) of retained trees. In particular, for Category B groups G7 and G8, the proposed buildings would significantly encroach into the identified crowns and RPAs.
19. The implications of this are not directly explained in either the AIA or the appellant's Statement of Case. I note the concerns of the Council's Tree Officer in this regard, and I consider it very likely that the health of many retained trees, and in particular in groups G7 and G8, would deteriorate significantly were the proposal to be constructed.
20. It is not clear how the effect of the proposal on retained trees has been considered in reaching the BNG conclusion. The plan⁴ the BNG assessment is based upon does not show the crowns or RPAs of retained trees, and shows a somewhat different layout to that proposed.
21. However, PPG advises that the *statutory framework for biodiversity net gain involves the discharge of the biodiversity gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development. The determination of the Biodiversity Gain Plan under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective... Given this, it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met.*⁵
22. However, notwithstanding any additional planting, the insertion of areas of hardstanding, and ten buildings that would significantly encroach into identified crowns and RPAs of retained trees, would adversely affect green infrastructure on

⁴ Ref. 02-106 rev E

⁵ PPG - Biodiversity Net Gain - Paragraph: 019 Reference ID: 74-019-20240214

the site. This would be very likely to disrupt ecological connectivity within a designated CWS / Local Green Space, detracting from its biodiversity.

23. Even if I were to accept the BNG objective could be met in this case, including through off-site activities, the harm to biodiversity at a designated CWS / Local Green Space would outweigh this.
24. For these reasons, the proposal would adversely affect green infrastructure and biodiversity. It would, therefore, conflict with policies EE1 (green infrastructure), EE2 (enhancing biodiversity), EE3 (nature conservation), EE4 (trees woodlands and hedgerows) and EMP3 (employment development on non-allocated sites) in the Central Bedfordshire Local Plan 2021 (CBLP), and with policy BNF1 (biodiversity and protecting natural features) of the HRNP, and with the Framework, in this regard.

Highway safety, parking and storage

25. The Council's position on this matter is somewhat confused, with references to different drawings and different access arrangements. Whilst the concerns of the Council's Highways officer over access to the site from the roundabout are noted in the officer report, it is said the Council has not included this as a reason for refusal. This is on the basis the proposed access to the site is the same as was proposed for the previous scheme dismissed at appeal, where the Inspector found the access arrangements would be satisfactory.
26. However, on the Council's decision notice, the fourth reason for refusal specifically concerns access to the appeal site from the public highway. Regardless of the wording in the officer report, this is the formal position of the local planning authority on this matter.
27. However, from the evidence it is not clear to me what the Council's concern is with access from the roundabout and what documents it considered in reaching that view.
28. The highway access would be unchanged from that previously proposed, which was considered acceptable at the time that proposal was determined. The previous scheme was of considerably larger scale than the current proposal and I also note the internal layout changes, which include a wider internal road, no parallel parking, and the provision of a turning head.
29. From the information before me, including proposed site plan Ref. PL-106 rev F, I do not consider the proposed vehicular or pedestrian access arrangements between the site and the highway would be unsafe.
30. As with its position with regard to highways, the Council is also a little confused with regard to parking standards. A total of 44 parking spaces are proposed. There would be 33 car parking spaces, two of which would be located by each of the ten units, including an accessible space by each unit. The remaining 13 car parking spaces would be located by the side of the proposed internal road, to the southeast of the proposed units. There would also be a further space by each unit for LGVs, making 10 such spaces in total, whilst one space for an HGV to park, in a layby towards the northwest of the site would also be provided.
31. Policy T3 (parking) of the CBLP refers to compliance with parking standards that are not in the evidence before me and which pre-date the standards in the

submitted Supplementary Planning Document (SPD): Parking Standards for New Developments August 2023. I have considered the standards contained in the SPD in determining this appeal.

32. For B2 general industrial uses such as are proposed the SPD sets out how many spaces are required. Based on the floorspace stated on the application form (2205sqm) a total of 34 parking spaces would be required, whilst a total of five spaces for articulated (HGV) vehicles would also be required.
33. The SPD parking standards do not specify that parking spaces are solely for cars, and so the proposed car and LGV spaces mean the standards are easily surpassed by the proposal. The Council's officer report also acknowledges an agreement that only two HGV spaces would be required, due in part to the proposal and that each unit would have an LGV parking space next to it.
34. Furthermore, the SPD is planning guidance only; whilst it is a consideration it is not part of the development plan with reference to s38(6) of the Planning and Compulsory Purchase Act 2004 as amended. In this case, from the evidence, the proposed parking would be acceptable for the proposed use, and would be unlikely to lead to any issues of highway safety.
35. The Council has also raised concerns that waste and recycling storage / collection areas are not identified, and that this may lead to the storage of bins in parking spaces or at other unsuitable locations. The Council is also concerned at the location of secure bicycle storage within the buildings and whether this would be achievable.
36. The appellant has advised that each unit would store its own waste / recycling material internally, rather than use a communal storage area, which does not seem unreasonable. Whilst this is not shown on the submitted drawings⁶, I am content that a suitably worded planning condition attached to any grant of planning permission, would be sufficient to control this satisfactorily.
37. In terms of internal bicycle storage, this is shown on the submitted drawings, and I find the Council's statement that it is concerned that internal bicycle storage could not be achieved given the size of the units to be difficult to understand; the ground floor area of each unit would be some 117.8m², which would seem more than ample to accommodate secure bicycle storage as part of a wider use.
38. For these reasons, the proposal would be acceptable in terms of highway safety, parking and storage. It would, therefore, accord with policies T2 (highways safety and design) and T3 of the CBLP, with policies TCP2 (parking) and BE1 (employment) of the HRNP, and with the Framework, in this regard.

Other Considerations

39. The appellant has undertaken an Alternative Sites Assessment within the Dunstable / Houghton Regis area, which shows there are no suitable, available or viable comparable allocated or existing sites for the proposed development within the area of search. I also note that 61 full time equivalent jobs would be created by the proposal, and that further jobs would be created / safeguarded through the

⁶ E.g. Ref. PL-111 rev B

construction and associated works. The Council's Business Investment Manager has expressed strong support for the proposal for a number of reasons.

40. I am satisfied the proposal would result in economic benefits. However, the Council's development plan sets out the amount and location of future employment development that is planned for, over the plan period. This site is not included as an allocated employment site in the development plan and so the delivery of the Council's planned growth is not dependent on this site. Nevertheless, I give the economic benefits of the proposal weight.
41. The proposal would improve FP50 public right of way through the site in terms of surfacing and would thereby improve its accessibility, including by cyclists and people with disabilities. The upgraded route would also connect to other such routes in the area, supporting sustainable travel. However, the character and appearance of the CWS / Local Green Space would be substantially and adversely altered by the proposal in the vicinity of FP50, which would detract from the recreational aspect of its purpose. Nevertheless, the improved accessibility of the route carries weight in favour of the proposal.
42. The proposal would be satisfactory in terms of highway safety, parking provision and storage arrangements. However, such arrangements would be necessary for any development and so carry very limited weight.
43. The appellant considers that the proposal, whilst causing some harm to the CWS / Local Green Space, would deliver a net gain in biodiversity, including habitat commensurate with the wider CWS / Local Green Space. However, I have already expressed concerns regarding the BNG assessment with respect to retained trees, and I have found that the proposal would have an adverse effect on green infrastructure and biodiversity overall. Consequently, this weighs against the proposal.

Conclusion

44. With reference to paragraph 108 and Chapter 13 of the Framework, substantial weight should be given to any harm to designated Local Green Space, including harm to its openness. Inappropriate development is, by definition, harmful to Local Green Space and should not be approved except in very special circumstances.
45. I find that the other considerations in this case, as set out above, do not clearly outweigh the totality of the harm to the Local Green Space that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
46. The proposed development would, therefore, conflict with Policy GSR3 of the HRNP and with the Framework, in this regard.
47. For the reasons given above and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR