



Appeal Decision

Site visit made on 4 November 2025

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2025

Appeal Ref: APP/P0240/W/25/3366996

Land Opposite 54 Park Road, Moggerhanger, Bedford MK44 3RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr F Newberry against the decision of Central Bedfordshire Council.
 - The application Ref is CB/25/00656/OUT.
 - The development proposed is erection of two (x2) four bedroom detached dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for Costs was made by GC Planning Partnership on behalf of the appellant against Central Bedfordshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was submitted in outline form with all matters reserved except for means of access. Therefore, I have treated the drawings showing the layout, scale and external appearance of the dwellings as indicative only.
4. The appellant submitted additional information with the appeal. This comprised further updates on the Council's housing land supply position, information relating to Biodiversity Net Gain (BNG) and further habitat surveys. Although this additional information has not been subject to public consultation, the information is of a technical nature, and the Council has had the opportunity to comment on it during the appeal. The development proposed remains unchanged following the submission of these details. I have therefore based my decision on the amended information.
5. The BNG information and habitat survey referred to above have been assessed as acceptable by the Council, and they no longer contest their refusal reasons (Nos 2 and 3) relating to those matters. Accordingly, the focus of my assessment will be on the Council's concerns relating to designated heritage assets.
6. The Council's Conservation Officer raised concerns regarding the proposal's effect on the setting of the Grade I listed Moggerhanger House. The decision notice did not refer to this. Notwithstanding this, Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty on me to consider the desirability of preserving a listed building or its setting. Therefore, it is

necessary for me to undertake my own consideration of any effects to the setting of listed buildings and to factor this into the main issues of the appeal.

Main Issues

7. The main issues in this appeal are: the effect of the proposal on: i) the significance of Moggerhanger Park, a Grade II listed Registered Park and Garden; and ii) whether the proposal would preserve the setting of the Grade I listed, Moggerhanger House.

Reasons

Registered Park and Garden and Listed Building

Special interest and significance

8. The appeal site comprises an enclosed area of pasture fronting onto Park Road, a residential street on the periphery of the settlement. It is located within Moggerhanger Park, a Grade II Registered Park and Garden (RPG). The land to the south and west of the appeal site has an open and undeveloped quality and encompasses farmland and the planned landscape associated with the RPG. There are some residential properties to the north of the appeal site lining Park Road, as well as opposite. Given the proximity of those properties to the RPG and the outskirts of Moggerhanger, the appeal site portrays a clear transition between the edge of the settlement, the RPG and the open countryside beyond.
9. Moggerhanger Park is a late 18th Century RPG that incorporates, in part, the designs of Humphrey Repton. Comprising the historic estate grounds of Moggerhanger House, the RPG includes parkland, specimen non-native trees, avenues, woods, extensive areas of farmland, a kitchen garden and ancillary estate buildings that once supported the country house. A small number of 20th century dwellings are located within the boundaries of the RPG, including those to the north of the appeal site along Park Road.
10. Moggerhanger House, is an impressive Grade I listed country house that sits roughly in the centre of the RPG, commanding views of the expansive formal grounds and the farmland beyond. Dating from the 18th Century and designed by the renowned architect Sir John Soane, it has exceptional architectural quality exemplified by its restrained design with classical motifs, its use of material and symmetry. The house continues to display its original historic and architectural integrity when seen from the land around and still reads as a single cohesive entity. In this context, the various parts of the RPG (planned garden, kitchen garden, farmland, woods, estate buildings) broadly continue to reflect the different purposes and roles that constituted its original layout.
11. The appeal site is not within the formal planned gardens that surround the Grade I listed house, yet it is within the RPG's wider environs and is visually contiguous with the large areas of farmland characterising the designation's north and west. The site although somewhat degraded, maintains an open and partially verdant character that provides a transition between the RPG and the built development along Park Road.
12. The significance and special interest of the two designated heritage assets are very much entwined. The setting of the main house within the largely open grounds of the RPG, allows its visual qualities to be appreciated and understood.

Moreover, the various parts of the RPG which include areas of open land such as the appeal site, provide a reminder of the estate's visual appeal and practical use, reflecting a sense of openness, historic patterns of land management and country estate design. Overall, the combined effect of Moggerhanger House and its surrounding lands mean that the nature, magnitude and scale of this former country estate is still readily apparent.

13. In this context, the appeal site's verdant and undeveloped appearance makes a small albeit important contribution to the setting of the listed house, and the RPG in general.

Appeal proposal and effects

14. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
15. There is a clear awareness of the appeal site on the approach to the park's formal public entrance from Park Road. The trees that line the appeal site and contain the open land merge with the more formally planted landscape that characterises the approach to the main house.
16. The removal of some mature trees along the site's frontage to create an access would diminish the experiential value these add when approaching the main house from the built-up settlement edge. There would also be a loss of natural features that form part of the RPG. The construction of two dwellings would give rise to a suburban form of development on the appeal site and an associated encroachment of built form and domestic activity within the open setting of Moggerhanger House and the RPG. As a consequence, the legibility of the estate's planned origins and connection with its verdant, undeveloped surroundings would be harmfully eroded.
17. With regard to the Grade I listed house, irrespective of intervisibility or supplementary planting along the site boundary, the appeal scheme would reduce the open, agricultural landscape that is of value to its setting and significance. Even if an acceptable planting scheme was agreed, gaps between trees along the boundary and the site frontage, would appreciably reveal built development that would diminish the site's existing value.
18. I acknowledge that the appeal site's appearance would be distinct from the more formal pleasure garden area within the RPG, in having an agrarian rather than a manicured appearance. I also acknowledge it is at the periphery of the designation, close to the RPG's northern boundary. Nevertheless, the RPG's special interest is made up of farmland, woodland and functional agricultural areas, and in this respect the appeal site is still treated as an integral component of its heritage value, which I consider to be significant and worthy of retention.
19. Therefore, the proposed development would cause some less than substantial harm—albeit at the lower end of the scale - to the significance of the RPG and within the setting of the Grade I listed house, from which it derives some of its

significance. However, this harm must still be regarded as a very important consideration in the balance section below.

20. The appellant considers that the Council's decision to refuse the permission is somewhat unfair given there are already some dwellings in the RPG along Park Road. Yet the site context differs in respect of the appeal site as it adjoins and forms part of a wider area of open and undeveloped land to the south of those dwellings. It also provides a verdant transition between the built frontage of Park Road and the entrance to the park. Moreover, the recently constructed dwellings to the north¹ were approved under different circumstances - the site had a previously developed barn and wall, whilst it is positioned between and enclosed by two established dwellings on Park Road. In terms of those dwellings, I acknowledge that they're also within the RPG boundary, yet I am not aware of when they were built, or the circumstances which led to their consent. Accordingly, the examples referred to by the appellant are not comparable to the scheme before me, nor do they justify further built-development along the frontage and within this part of the RPG.

Other Matters

21. A short distance away and on the opposite frontage to the appeal site is the Grade II listed 58 Park Road (No 58), an attractive cottage originating from the 18th Century. Incorporating a timber frame, rough cast render, symmetrical window openings and a central gabled porch, No 58's significance is derived in part from its architectural and historic interest. The frontage trees and vegetation also provide a neat verdant boundary around the cottage and make a positive contribution towards its setting.
22. The proposal would be set away from that property on the opposite side of the road and would be unlikely, subject to an acceptable design; to result in any harm to the special interest it derives from its setting. Therefore, I have no reason to disagree with the Council's view that there would be no harm to the setting of this listed building.
23. Similarly, no concerns were raised by the Council regarding No 54 Park Road, a cottage with a similar profile to No 58 and located opposite the appeal site. The cottage is indicated as a non-designated heritage asset. Given that an acceptable separation could be maintained between the appeal scheme and that property and its immediate garden setting, I have no reason to disagree with the Council's view.

Heritage and Planning Balance

24. Paragraphs 214 and 215 of the Framework, state that in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given that the extent of the development and the perspectives from where it would be viewed would be relatively minor and localised, I find the harm to the heritage assets in this case to be 'less than substantial' and at the lower end of that spectrum. In respect of the listed building this harm is of considerable importance and weight, while I attach great weight to the conservation of the RPG. Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.

¹ CB/23/01132/FULL, granted planning permission, on 23 October 2023.

25. The public benefits include the construction of two open market dwellings. This would make a small albeit important contribution to the housing supply in the district, particularly given that modest schemes can be built out quicker than their larger counterparts. For this reason, that benefit would attract moderate weight. There would also be some economic and social benefits derived from the pre and post-construction phases borne from increased spending and use of local services and facilities, as well as the creation of short-term employment in the construction industry. There would also be some minor benefits associated with the creation of additional planting that could improve the biodiversity value of the site.
26. Overall, the moderate weight that I ascribe to the public benefits which would accrue from the proposal is not sufficient to outweigh the great weight I attach to the conservation of the RPG and the considerable importance and weight given to the harm to the listed house. Moreover, I have not been presented with any evidence indicating that the long-term operation and use of the RPG and Moggerhanger House are dependent upon the proposal. Therefore, there would be insufficient public benefit to offset the identified harm, and the proposed development would not accord with the Framework.
27. The Council is unable to demonstrate a 5-year supply of housing land, triggering the operation of footnote 8 of the Framework and paragraph 11(d). The main parties are divided on the extent of the shortfall. However, my findings in respect of the designated heritage assets, in my judgement, provide a strong reason for refusing the development, thus, despite there being a deficit in the five-year housing land supply as agreed by the main parties, the 'tilted balance' does not apply.
28. Drawing all the above together, the proposal would have a harmful effect on the significance of the RPG, and would fail to preserve the setting of Moggerhanger House, from which it derives some of its special interest and significance. It would therefore fail to comply with Policies HQ1, HE2 and HE3 of the Central Bedfordshire Local Plan (2021) (the Local Plan). Collectively, these require amongst other things, that proposals take account of local distinctiveness, the conservation, enhancement and restoration of RPGs, and preserve the special character and significance of listed buildings.
29. The Council's refusal reason on this matter includes Policy EE4 of the Local Plan. I have not referred to this in my conclusion on the main issue above, as the Council no longer contests the proposal's effect on biodiversity and nature conservation interests.

Conclusion

30. The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR