



Appeal Decision

Site visit made on 4 November 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Appeal Ref: APP/K0235/Q/25/3366231

50 De Parys Avenue, Bedford MK40 2TP

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 (as amended) against a refusal to modify a planning obligation.
 - The appeal is made by Avic Care (Supported Living) Limited against the decision of Bedford Borough Council.
 - The development to which the planning obligation relates is extension and conversion of existing property to form 27 units sheltered accommodation.
 - The planning obligation, dated 23 November 2001, was made between Bedford Borough Council and Lilystone Construction Limited.
 - The application Ref 24/02260/S106A, dated 26 November 2024, was refused by notice dated 20 January 2025.
 - The application sought to have the planning obligation modified as follows: to amend the occupation restriction to 'That the sheltered housing units shall be occupied only by persons over the age of 55 years and / or registered disabled persons of any age and / or registered mental, behavioural, and neurodevelopmental disorders falling within recognised World Health Organisation categories ICD10 F01-F99.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In determining this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.
3. The site lies within the Bedford Conservation Area. I have, therefore, had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. Based on the reason for refusal set out in the Council's Decision Notice dated 20 January 2025, the main issue in this appeal is whether the obligation continues to serve a useful purpose and whether the proposed change to the obligation would serve that purpose equally well.

Reasons

Background

5. 50 De Parys Avenue is a substantial three storey detached building that has been extended to the rear and subdivided to form 27 units of sheltered accommodation under a previous permission¹ (the 2001 permission). That permission was supported by a planning obligation which restricted occupancy of the sheltered accommodation to persons over the age of 65 years and / or registered disabled persons of any age.
6. The proposal, which is the subject of this appeal, proposes to modify that provision of the planning obligation such that occupancy of the sheltered accommodation could be by persons over the age of 55 years and/or registered disabled persons of any age and/or registered mental, behavioural, and neurodevelopmental disorders falling within recognised World Health Organisation categories ICD10 F01-F99.
7. There are two strings to the restriction of occupancy, as governed by the extant obligation. The first restricts occupancy on the grounds of age whilst the second restricts occupancy to persons with a registered disability. It is, of course, the case that anyone occupying the site could qualify on both grounds. The proposal would specifically extend the qualification for occupancy to those with certain, specific registered mental, behavioural, and neurodevelopmental disorders and persons over the age of 55.

Car ownership

8. Whilst the 2001 permission made provision for seven parking spaces, the only provision that I observed at the time of my visit was an area at the front of the site allowing vehicles to pull off the highway and stand within the site. No individual spaces were demarcated.
9. The Council identify that, when the original proposal was considered, car parking was a matter of concern, reasoning that car parking demand should be limited through restricting occupancy to safeguard the amenities of adjacent occupiers. This has not been disputed by the appellants.
10. For a plot of this size, 27 units of residential accommodation is a high number and, were the occupancy of apartments to be unrestricted in terms of car ownership, it is likely that considerable demand for car parking, when compared to that of a single dwelling occupying the plot, would be generated. Any demand for car parking generated would, if not accommodated within the site, appear on street in competition with existing residential and other uses in the vicinity.
11. I noted during my site visit that on-street parking in De Pary's Avenue is limited to permit holders and pay-to-park. To the north, on Park Avenue, there is unrestricted parking and I observed that, albeit that this reflects a snapshot in time, occupancy of spaces was very high, to the degree that I could not identify an opportunity for an additional car to park. No parking surveys have been submitted by the appellants to assess the availability of on-street parking demand.

¹ Council Ref: 01/00136FUL

12. It is widely accepted that car ownership amongst supported housing client groups in affordable housing is lower than that for general needs housing and that average car ownership declines with age. It is, nonetheless, likely that, by reducing the average age of residents of the care home, the number of residents seeking to keep a car would increase.
13. Occupancy of the on-street parking on De Pary's Avenue by future occupiers would be impractical, given the need for permits, or ongoing cost. It has not been demonstrated that any increase in car parking demand could be accommodated in the nearby unrestricted on-street parking.
14. The opportunities to provide off-street parking within the site are limited, given the coverage of the plot by built form and would be likely to be detrimental to the amenity of occupiers of the site through the loss of private open space. There would likely be further issues regarding the movement of significant numbers of vehicles as the only available access, parking and manoeuvring space lies on the common boundary with a neighbour's rear garden, which would provide the principal private amenity space for that plot.
15. It will be seen below that the proposed change has potential to change the needs of residents for support. Depending how this support is provided there may be implications for car parking demand, where external support services need to attend residents.
16. The appellants have not provided any assessment of either changes to parking demand, or on-street parking availability. It is likely that the proposal would generate an increased demand for parking in the local area and it has not been demonstrated that this could be accommodated within the site or overflow onto surrounding streets, appearing in competition with the existing needs of neighbours. It is thus apparent to me that there remains a need to control the keeping of vehicles by occupiers of the site and that the restriction in age of occupiers contributes to that purpose.

Wellbeing

17. A Planning Statement provided by the appellants to accompany the application identifies that the present supported living arrangement operated within the care home provides for independent living with the option of residential nursing care to meet the occupant's specific needs. Within the building there is a communal dining area and kitchen for the residents, together with medical facilities. Staff are in attendance 24 hours a day and there is a ground floor office. Each of the units has its own kitchen area and bathroom. The original permission did not secure outside space for residents of the site.
18. Whilst there is a certain synergy between the support needs of the elderly and those with physical or mental health disabilities, their support needs may vary considerably, depending on the precise nature of the disability, or degree of age-related infirmity. Depending on the specific needs of residents, the range of disabilities and the make-up of the populace of the home this may change the requirements for communal, office and wellbeing space.
19. However, a mental health disorder could be a registered disability and therefore people with a mental health disorder could already be eligible to reside in the

property. This notwithstanding, the suggested amendment would extend the scope of mental health conditions of future occupiers.

20. The operator of the care home would be responsible of caring for the residents, including those with mental health needs. The appellants provided a letter to clarify how the accommodation would be run in regard to individuals with mental health needs. This provides few details beyond the operator's procedures. There is little information before me as to how these procedures would be applied in practice in the running of this care home, or what changes would be needed to respond to changes in the demographic make-up of residents. No mechanism was provided within the 2001 permission to secure a management plan and there is no means of doing so in accompaniment of the proposed changes to the obligation.
21. I find that extending the health requirements for occupation of the units could alter the needs of residents and introduce a different set of demands to be accommodated within the building, and in terms of management of the care facility than those which were considered at the time of the 2001 permission. On the basis of the evidence before me it has not been demonstrated that such changes could be accommodated so as to adequately satisfy the needs of the residents.

Conclusion on the main issue

22. Bringing these matters together I find that the existing provision within the planning obligation contributes to the management of parking demand generated by the care home. The need for such control is ongoing to safeguard the amenity of neighbours. Thus, the obligation continues to serve a useful purpose in this respect.
23. I have further found that broadening the health requirements to qualify for occupation may result in additional and competing residents' needs. It has not been demonstrated that these needs could be satisfied effectively so as to safeguard the wellbeing of all future residents. In that respect the existing restrictive occupation controls usefully limit the demands on the accommodation.
24. Finally, it has not been demonstrated that the proposed modifications to the obligation would serve equally well to control the use of the care home to safeguard the amenity of neighbours or ensure that the care home would provide satisfactory facilities to provide for the needs of residents.

Other Matters

25. The proposal would not alter the external appearance of the building and thus the character and appearance of the CA would be preserved.
26. There is no dispute between the parties that there is a pressing local need for accommodation for people over the age of 55, with 2100 such persons on the Housing Register, of which 185 are homeless. Further, there is an acknowledged need for sheltered accommodation for those in the community with mental health issues. The proposal would go some way to address this need, however, I have found that the accommodation provided has not been demonstrated to make appropriate provision for the needs of residents.
27. Nonetheless, this does not outweigh the need to ensure that such accommodation provides suitable facilities for the care of vulnerable people in their need, whilst ensuring that such facilities can be successfully integrated into their local

community without adverse effect on the amenity of neighbours. These matters lie at the heart of what good planning should achieve.

28. I have had due regard to the PSED and found that the development could provide the opportunity to advance its aims by meeting the needs of elderly persons and persons with mental wellbeing. However, set against the well-established and legitimate aim of the protection of vulnerable persons, to ensure that facilities provided for them are satisfactory and appropriate, and the safeguarding of neighbours' quality of life dismissing this appeal is a proportionate response.

Overall Conclusion

29. For the reasons given above the appeal should be dismissed.

I A Dyer

INSPECTOR