



Appeal Decision

Site visit made on 11 November 2025

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/K0235/W/25/3369495

Land to rear of 5-7 Bedford Road, Wilstead MK45 3HN

- 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 Alessandro Dinghile against the decision of Bedford Borough Council.
 - The application Ref is 24/01759/Ful.
 - The development proposed is for the construction of 3 no. 3-bed accessible bungalows with associated landscaping, parking and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies close to the Grade II listed buildings known as 5 and 7 Bedford Road¹ (No 5-7), Winters Moon² and 8 Church Road³. In considering whether to grant planning permission, I have been mindful of my statutory duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires special regard to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
3. While the Council's decision notice refers only to No 5-7, the Council's Conservation Officer highlights potential harm to the setting of the other two listed buildings. Accordingly, the main parties were invited to comment on the significance of Winters Moon and 8 Church Road, whether the appeal site is within their setting, and whether harm would result from the proposed development. Consideration of these effects therefore forms part of the first main issue.
4. The Grade II* listed Parish Church of All Saints (the Church)⁴ is also referred to in the evidence. Its significance derives from its historic and architectural value, including elements dating back to the 14th Century. Neither of the main parties suggest that the proposal would cause harm to the contribution that the setting makes to the Church's significance. Nevertheless, I am aware of my statutory duty under Section 66(1) of the Act. Having considered the nature of the proposal, the spatial relationship between the appeal site and the Church, its visually contained setting, and intervening land, I am satisfied that no harm to its significance would occur.

¹ List Entry Number: 1312324

² List Entry Number: 1137456

³ List Entry Number: 1114197

⁴ List Entry Number: 1321582

5. It is noted that Wilstead is also referred to as Wilshamstead within some of the evidence. It is understood that this is one and the same settlement.
6. The Council has previously granted separate listed building consent for works to No 5-7⁵ ('listed building consent'). A planning application and listed building consent relating to extensions and alterations to No 5-7 was subsequently dismissed at appeal in July 2024⁶ ('the 2024 appeal'). Although the appeal proposal is entirely different and relates to the garden of No 5-7, I have had regard to the earlier decisions, insofar as they are relevant to the appeal proposal.

Main Issues

7. The main issues are:
 - the effect of the proposed development on the character and appearance of the area and whether or not the significance of the settings of the Grade II listed buildings known as 5 and 7 Bedford Road (No 5-7), Winters Moon and 8 Church Road would be preserved;
 - whether or not suitable living conditions would be provided for occupiers of the proposed development with particular regard to outlook, outdoor amenity space provision and waste collection;
 - the suitability of the proposed access arrangement for road users;
 - the effect of the proposed development on archaeology;
 - the effect of the proposed development on ecology with particular regard to protected species; and
 - whether or not the proposed development would meet the tree planting requirements of the development plan.

Reasons

Character and appearance

Site context

8. Bedford Road connects the A6 and the settlement of Wilstead. At the village centre, a crossroads links Bedford Road, Luton Road, Cotton End Road and Church Road, the latter leading to the Church. Development radiates from this junction and includes a parade of shops, residential properties, two public houses and associated parking areas. Buildings vary in age and style but predominately feature brick or rendered facades with tiled roofs. Grass verges, hedgerows and trees are evident along the route, becoming more prominent towards the countryside edge. Despite the variety of built form, the spacing between buildings and soft landscaping contribute positively to the semi-rural character and appearance of the area.
9. The appeal site comprises open grassed garden with several trees and is located to the rear of No 5-7, a part single-storey and one-and-a-half-storey dwelling. Boundaries are either open to the wider garden or defined by hedgerows and trees,

⁵ Council ref: 23/02083/LBC

⁶ Appeal refs: APP/K0235/W/24/3340202 and APP/K0235/Y/24/3340204

with small sections of close-boarded fencing and temporary heras fencing also present. Adjacent land includes the rear of properties along Church Road, allotments, recreational land and a parish burial ground. Access to No 5-7 is via Bedford Road along a single track that loops behind The Red Lion, also serving 1 and 3 Bedford Road. Access to the appeal site would be from Jubilee Way. Although the site does not front a road, its verdant character contributes positively to the rural setting of the locality and provides an attractive backdrop to the village core.

Listed building settings

10. No 5-7 derives its significance from its origins as a former public house of community value until the mid-1930's. While altered and extended, surviving features include colour-washed roughcast over a timber frame, clay tile and pantile roof and red brick chimney stacks. As noted in the 2024 appeal, despite changes, No 5-7 retains sufficient vernacular character and appearance to illustrate the historic evolution of Wilstead. Although parts of the building appear to be in a poor state of repair, it retains architectural and structural significance.
11. The large garden of No 5-7 is an integral part of its historic setting, reflecting its prominence as a former public house. The spacious plot contrasts with the tighter grain of surrounding development and helps to preserve the building's visual and historic relationship with the countryside edge. Despite the presence of modern buildings nearby, the garden maintains a verdant quality that reinforces the rural character of the locality and contributes positively to the significance of No 5-7.
12. Winters Moon and 8 Church Road are thatched roof cottages, valued for their architectural and aesthetic qualities as examples of traditional building techniques and materials, retaining a significant proportion of their original or early fabric. Alongside complementing each other's setting, the openness of the appeal site provides a semi-rural backdrop that contributes positively to their respective settings.
13. The proposed bungalows would have a contemporary yet simple design, incorporating timber cladding and other elements intended to replicate wooden outbuildings. However, their linear arrangement, interspersed with parking and driveway areas and a separate access with turning head requiring a break in the existing boundary, would not reflect the informal character typically associated with such outbuildings. Furthermore, their uniform alignment, large footprints each comparable in size to No 5-7, and extensive areas of glazing would result in an overtly domestic appearance. Although low-rise and physically set away from No 5-7 and beyond the shared boundary with Winters Moon and 8 Church Road, the proposal would introduce built development, unacceptably eroding the open and verdant setting that contributes to the historic character of these listed buildings.
14. While the scheme seeks to minimise hard landscaping and includes a landscape scheme intended to create a visual barrier between the buildings, these measures would not prevent the loss of spaciousness or disruption to the informal, organic pattern of development underpinning the historic setting of the listed buildings. Moreover, proposed planting would take time to mature and would not offset the immediate effects of the proposal, the harmful effects of which would be exacerbated by the removal of existing landscaping. Consequently, the scheme

would result in a harmful change to the way the listed buildings are experienced and understood within their respective contexts. For the same reasons, the proposed development would cause harm to the character and appearance of the area.

15. It follows that the proposed development would fail to accord with the statutory duty under Section 66(1) of the Act and there would be harm to the significance of the setting of No 5-7, Winters Moon and 8 Church Road. Given the scale and nature of the proposal, the degree of harm to the significance of the No 5-7 would be a moderate level of less than substantial harm. The harm to the significance of Winters Moon and 8 Church Road would be a low level of less than substantial harm.

Enabling development

16. Paragraph 221 of the Framework requires assessment of whether there would be benefits of enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, which would outweigh the disbenefits of departing from those policies. The appellant states that the proposal offers an opportunity to fund repairs and invest in No 5-7, which is in a considerable state of disrepair. Restoring No 5-7 could help reveal its significance in line with Paragraph 219 of the Framework.
17. However, repair works to No 5-7 do not form part of the appeal proposal. Furthermore, it has not been shown that the appeal proposal is the only development option for the site, or that a less harmful design would be even less viable. Even if a condition could be used to ensure the implementation of the separate listed building consent, no substantive evidence has been provided to demonstrate that any alternative schemes requiring less intervention have been explored. Consequently, the enabling case put forward would not justify the harmful nature of the appeal proposal.

Public Benefits

18. Paragraph 215 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
19. It is acknowledged that the appellant seeks to improve the overall appearance of the site and that, without timely and significant investment, No 5-7 risks further deterioration. While I am not satisfied that the proposal is justified as enabling development, it could nonetheless provide funding towards refurbishment works.
20. The proposal would also deliver public benefits through the provision of three accessible dwellings utilising modern construction and energy saving techniques. The Council is unable to demonstrate a five-year housing land supply, with the latest figure provided indicating a supply of 3.36/3.46 years, well below Government expectations. The appeal site is also located close to a proposed Universal Studios theme park. Whilst the proposal would only deliver three units this would nonetheless be a small yet valuable boost to the local housing stock, which could be delivered relatively quickly. While I am not aware that the theme park has yet received permission, this could further add to demand for housing in the area, which the proposal could contribute towards.

21. Occupiers of the proposed dwellings would likely help to maintain or enhance the vitality of the rural community in the village, providing homes suitable for younger and older people. The site is located close to existing dwellings and the village centre and so is not isolated for the purposes of applying the Framework. There would also be small economic benefits from construction and subsequent local spending.
22. The appellant highlights the provision of refuse turning facilities and new planting with resulting biodiversity net gain (BNG) as benefits. However, the Transport Assessment states that refuse turning may not be necessary. Furthermore, new planting is partly intended to compensate for losses and to meet statutory net gain requirements. I therefore attach limited weight to these benefits.
23. Taken as a whole, the public benefits of the proposed development attract a moderate degree of weight.

Heritage Balance

24. The Framework is clear that great weight should be given to the conservation of a designated heritage asset. In this case, the modest degree of weight attributed to the public benefits are not sufficient to outweigh the moderate and low levels of less than substantial harm identified, which must be afforded great weight. The proposal would therefore conflict with the historic environment protection policies of the Framework.
25. I conclude that the proposed development would result in harm to the character and appearance of the area and would fail to preserve the significance of the setting of the listed buildings known as No 5-7, Winters Moon and 8 Church Road. In this regard, there would be conflict with Policies 28S, 29, 30 and 41S of the Bedford Borough Council Local Plan 2030 (2020) (BBLP), Policies BE1 and BE2 of the Wilshamstead Neighbourhood Plan 2021-2035 (2023) (NP) which require development proposals to promote local distinctiveness, complement the character of the area, to protect heritage assets and their settings and to give particular attention to the context in which it is placed.
26. There would also be conflict with paragraph 215 of the Framework which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. There would also be conflict with the guidance in the National Design Guide which states that well-designed places to respond to existing local heritage and character.

Living conditions

27. Each dwelling would be dual aspect with private amenity space to the side and rear. However, the separation between the rear elevation leading onto the main patio areas and the boundary of the site would be limited, leaving limited room for a native hedgerow to establish. Failure to achieve this would also add to my concerns regarding the character and appearance of the area. Even if sufficient space were available for the hedgerow, the narrow gap to the proposed boundary treatments would likely restrict outlook from the rear of each dwelling.
28. The Council's Technical Guidance: Waste and Recycling in New Developments (2021) advises that residents should not be required to pull their bins further than 25 metres from the storage areas to the highway. Evidence indicates that refuse

vehicles already use Jubilee Way. However, the pull distance would exceed the guidance figure. The appellant suggests a condition requiring a private management company to be responsible for the deposition and collection of bins. However, I am not satisfied that such a condition would be reasonable or enforceable. Occupiers would retain the right to Council collection, and a lesser carry distance cannot be guaranteed.

29. I conclude that it has not been demonstrated that the proposed development would provide adequate living conditions for occupiers of the proposed dwellings with particular regard to outlook, outdoor amenity space provision and waste collection. In this regard, the proposal would conflict with Policies 29, 30 and 32 of the BBLP and Policy BE2 of the NP which require development to integrate functional needs such as refuse and collection points, to consider the quality of development including the provision of private space, to consider the impact of development including arrangements for dealing with waste and to be well integrated with the surroundings. For the same reasons, the proposed development would conflict with Paragraph 135 of the Framework which required a high standard of amenity for future users.

Access

30. Occupiers of the proposed dwellings would have the option of travel by modes other than the private vehicle. Nevertheless, it is likely some reliance on private vehicles would remain.
31. The appellant's Transport Statement (TS) confirms that adequate off-street parking for cycles and vehicles would be provided and asserts that the shared driveway meets the required standards. However, the driveway is long, and visibility of oncoming vehicles would be restricted at times by bends and retained or proposed landscaping. Although traffic generation would be low, passing points located adjacent to the bends only, would not prevent occasional inconvenience for road users, who may need to manoeuvre or reverse to allow others to pass.
32. Larger vehicles, such as fire tenders, would likely use the driveway infrequently. Even so, it has not been demonstrated that the turning head would provide space for such vehicles or larger refuse lorries, should this be required. While the footpath width appears sufficient given the likely low traffic frequency, which would enable pedestrians, cyclists and vehicles to share the driveway when necessary, this does not overcome my concerns regarding the lack of suitable passing points.
33. Overall, there is no objective evidence to suggest that the proposal would equate to an unacceptable impact on highway safety or a severe residual impact on the highway. Even so, for the reasons set out I conclude that it has not been demonstrated that the proposed access arrangement would be suitable for all users. In this regard, it would conflict with Policy 31 of the BBLP and Policy TT1 of the NP which amongst other things, require new development to provide suitable access arrangements and avoid vehicular conflict.
34. While the Council's decision refers to Policy TT3 of the NP, this relates to rights of way and funding. Therefore, this particular policy has not been determinative to my finding in this case.

Archaeology

35. The appellant's Heritage Asset Impact Assessment, prepared in association with the 2024 appeal, provides a desk-based review of the archaeological and historical background of the site and identifies the potential for archaeological remains. The evidence indicates that the Historic Environment Record confirms the appeal site lies within the core of the postulated extent of the medieval settlement of Wilstead. Combined with recent archaeological investigations in the wider area, this indicates a potential for significant archaeological remains within the appeal site.
36. Planning practice guidance⁷ advocates a proportionate approach, noting that only a small proportion of development sites require pre-determination field evaluation. While trial trenching could potentially be invasive for the appellant, the evidence before me indicates that further archaeological evaluation is necessary prior to determination to ascertain the extent of any archaeological remains and whether any mitigation is required, in accordance with Paragraph 207 of the Framework.
37. I conclude that it has not been demonstrated that the proposal would have an acceptable effect on archaeology. In this regard, it would conflict with Policy 41S of the BBLP and Policy BE1 of the NP which amongst other things, require applicants to provide an assessment proportionate to the significance of the assets affected in order to inform the decision-making process and requires archaeological evaluation to be undertaken where development proposals have the potential to affect heritage assets with archaeological interest.

Protected species

38. There is no dispute between the main parties that the site lies within the NatureSpace red impact zone indicating that great crested newts (GCNs) could be present or their habitats affected by the proposed development. However, discrepancies exist in the advice provided by the Council's consultees with regards to whether or not sufficient information has been provided to ensure no adverse effect upon GCNs. Similarly, the appellant's Preliminary Ecological Appraisal states that GCNs are highly unlikely to be present on the appeal site but also suggests that a mitigation licence may be required.
39. It is therefore unclear whether any additional mitigation measures would be necessary and what these would entail. The appellant has confirmed willingness to enter a licensing scheme if required and to deliver BNG. While such matters could potentially be addressed by a planning condition, it is ordinarily necessary to establish the full effect of the proposal on protected species before determination. Given that I am dismissing the appeal for other reasons, I have not sought further clarification and, based on the evidence before me, I must take a precautionary approach.
40. I therefore conclude that it has not been satisfactorily demonstrated that the proposal would not have a harmful effect on ecology, with particular regard to protected species. In this regard, it would conflict with Policy 42S of the BBLP and Policy NE1 of the NP which require applications enhance biodiversity and demonstrate how proposed mitigation will reduce the adverse effects where protected species are adversely affected. There would also be conflict with the Framework which seeks to protect habitats and biodiversity.

⁷ Planning Practice Guidance Paragraph: 041 Reference ID: 18a-041-20190723

Tree Planting

41. The evidence confirms the appeal site lies within the Forest of Marston Vale, where there is an aim to increase tree cover from 3% to 30% by 2031. Policy 36S of the BBLP and Policy RC1 of the NP require development proposals to demonstrate how they will deliver this 30% tree cover.
42. The Wilshamstead Neighbourhood Plan and the Council's Developing in the Forest of Marston Vale: Design Guidance Supplementary Planning Document (SPD) (2023) clarify that this requirement should be met primarily through woodland-style planting although other form may be acceptable. Given the limited open space remaining on the appeal site, excluding private gardens and hard surfaced areas, I am not satisfied that the appellant's tree planting scheme, even accounting for the proposed hedgerow, clearly demonstrates compliance with the 30% requirement. While exceptions can apply, for example to preserve the setting of a heritage asset, my findings on the first main issue do not support such relaxation in this case.
43. I therefore conclude that it has not been demonstrated that the proposed development would meet the tree planting requirements of the development plan. In this regard, it would conflict with Policy 36S of the BBLP for the reasons outlined above.

Other Matters

44. The Council has identified no other harm, including in relation to the principle of losing part of a wider area of land allocated as open space, compliance with the National Design Standards, or the effect on the living conditions of neighbouring occupiers. However, these considerations do not provide a reason to allow the appeal given the harm identified under the main issues.
45. The appellant indicates that some of the development plan policies and consultee requirements are hindering the delivery of small housing schemes, contributing to housing land supply issues. However, the Council's broader approach to housing delivery is not a matter for me to consider in this appeal, which has been assessed on its individual merits.

Overall Planning Balance

46. Paragraph 11 d) of the Framework would ordinarily be engaged as the Council cannot demonstrate a five-year supply of deliverable housing sites. However, an exception applies where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets.
47. I have found that the proposal would harm the significance of the listed buildings known as No 5-7, Winters Moon and 8 Church Road due to the harmful effect it would have on aspects of their respective settings that contribute to their significance. It would not therefore accord with the Framework in this regard, and Paragraph 11 d) would not therefore be engaged. Consequently, the presumption in favour of sustainable development does not apply, and the proposal must be determined under a normal planning balance. I have also concluded that it has not been demonstrated that the proposal would be acceptable in relation to access, archaeology, protected species, tree cover and living conditions for occupiers of the proposed dwellings.

48. It is common ground between the main parties that the site lies outside the settlement boundary of Wilstead. The Council's Officer report appears to misapply Paragraph 11 d), despite identifying harm to the setting of a heritage asset and its reasons for refusal do not include reference to the spatial strategy or locational policies of the Development Plan, including Policies 3S and 7S of the BBLP. This may not have been intentional. Even if it was, these policies additionally refer to character which is relevant to my first main issue. However, given the clear conflict with the other policies of the Development Plan identified under the main issues, it is not necessary for me to seek clarification in this regard or to consider these other policies any further.
49. The identified policy conflict in this case is significant and taken together weigh to a very substantial extent against the proposal. In these respects, the proposal would conflict with the Development Plan when considered as a whole. The moderate weight to the benefits does not outweigh this harm and policy conflict.

Conclusion

50. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR