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## Appeal Decision

Site visit made on 8 December 2025

**by Jennifer Wallace BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

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**Appeal Ref: APP/P0240/W/25/3372613**

**Land rear of 2 to 8, Ailwyns Acre, Cranfield, Bedford MK43 0GA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
  - The appeal is made by Stockgrove Homes Ltd against the decision of Central Bedfordshire Council.
  - The application Ref CB/25/00829/VOC was approved on 12 June 2025 and planning permission was granted subject to conditions.
  - The development permitted is residential development of 5 no. detached dwellings.
  - The conditions in dispute are Nos 1, 15, 18 and 19 which are listed, along with their reasons, in the attached schedule.
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### Decision

1. The appeal is allowed and the planning permission Ref CB/25/00829/VOC for 5 no. detached dwellings at Land rear of 2 to 8, Ailwyns Acre, Cranfield, Bedford MK43 0GA granted on 12 June 2025 by Central Bedfordshire Council, is varied by deleting conditions 15, 18 and 19; and deleting conditions 1 and 6 and substituting for them the following conditions:
  1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1124-3B2A; 1124-3B3B; 1124-3B5; 1124-4B10B; 1124-4B2A; 1124-4B3; 1124-4B5; 1124-L1; 1124-L2; 1124-L5B; TPP ACC 01; 1124-1B2C; 1124-1B3B; 1124-1B5C; 1124-2B2B; 1124-2B3B; 1124-2B5C; 1124-5B2C; 1124-5B3D; 1124-5B5C and 2116-P4/Rev A.
  6. No dwelling hereby approved shall be occupied until the parking scheme and turning areas for vehicles shown on approved drawing ref: 1124-L5B shall have been constructed in accordance with the approved plans. The parking scheme and turning areas shall be retained thereafter for this purpose.

### Preliminary Matters

2. The appeal form indicates the description of development was amended. However, that wording does not describe the development. I have therefore used the description of development from the application form.
3. The appeal proposes to vary condition 1 to include an approved plan for Plot 1's garage. There is no dispute that this amendment is necessary to define the terms of the permission and that the proposed garage would be consistent with that originally approved. It is therefore not necessary for me to consider this matter further.
4. Two site location plans were cited in condition 1. The parties have confirmed which layout plan forms the approved plan and I have also amended condition 1 to reflect

this. In the interests of consistency, I have also amended condition 6 so the use of plans in the permission is consistent. I am satisfied there is no prejudice to any party from my taking this approach.

5. I note condition 14 regarding fire hydrants has been removed on a subsequent application<sup>1</sup>. However, as interested parties have not been offered the opportunity to comment on this as part of this appeal, there is a risk of procedural unfairness to those parties were I to remove that condition and it therefore remains in place.
6. The reasons for imposing the conditions made reference to the National Planning Policy Framework (the Framework) only and I have not been directed to any relevant policies in the development plan. I have therefore determined this appeal in accordance with the policies of the Framework.

## **Background and Main Issues**

7. Planning permission was granted on appeal<sup>2</sup> for a residential development of 5 no. detached dwellings (the 2022 permission). The application the subject of this appeal sought to vary this and was allowed as per the details in the banner heading above. This appeal seeks to vary condition 1 as set out in my preliminary matter and remove three conditions.
8. The main issues in this appeal are whether the specified conditions are reasonable and necessary with respect to:
  - the living conditions of neighbouring occupiers and character and appearance of the area in respect of condition 15;
  - the living conditions of neighbouring occupiers and character and appearance of the area in respect of condition 18; and
  - highway safety and the character and appearance of the area in respect of condition 19.

## **Reasons**

### *Condition 15*

9. The permission the subject of this appeal moved the position of the garage serving plot 4 closer to the boundary with the properties on Harter Avenue. It also changed the direction of the apex of the roof so there is now a roof slope facing into those rear gardens. Given the dormer window and internal staircase, it is not unreasonable to assume that an upper floor may be installed in the garage although one is not shown on the approved plan and the appellant has indicated the garage would be more than single storey.
10. However, paragraph E.1. of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) confirms that development is not permitted by Class E if the building would have more than a single storey or the building would exceed 4m where the building has a dual pitch roof, such as in this case. The appellant has confirmed the height of the garage is in excess of 4m. The garage therefore would not benefit from any rights under Class E.

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<sup>1</sup> CB/25/02761/VOC approved 22 October 2025

<sup>2</sup> APP/P0240/W/20/3265232 allowed 18 February 2022

11. I therefore conclude it is not necessary for condition 15 to be imposed, as the garage would not benefit from permitted development rights, so no adverse effects on the living conditions of neighbouring occupiers or to the character and appearance of the area could arise.

#### *Condition 18*

12. Condition 18 removes the permitted development rights granted by Classes A (enlargement, improvement or other alteration of a dwellinghouse), B (additions etc to the roof of a dwellinghouse) and C (other alterations to the roof of a dwellinghouse) of Part 1 of Schedule 2 of the GPDO for the whole development. The Planning Practice Guidance is clear that such blanket removals of freedoms are unlikely to meet the tests of reasonableness and necessity.
13. The scheme allowed by application CB/25/00829/VOC shows substantial dwellings in commensurate plots. Dwellings which directly adjoin the site also have well sized gardens such that there would be no reason to withdraw their permitted development rights. There is not a uniformity of layout or appearance that it would be necessary to protect.
14. The Council's statement of case cites concerns about the demand for additional parking should the properties be extended. However this is not referenced in the comments of the highway officer, the officer report and did not form part of the reason for imposing the condition. There is no substantive evidence before me that any increase in parking would have an adverse effect on highway safety, bearing in mind that control is provided through condition 6 which requires the retention of the existing parking and turning facilities.
15. While the Council sets out this control would also be to assess the visual impacts of any additional parking or turning areas that would be required, I note that permitted development rights under Class F were not withdrawn, so future occupiers of the property would be capable of installing hard surfaces incidental to the enjoyment of the dwelling house in any event.
16. It is therefore not reasonable or necessary for condition 18 to be imposed.

#### *Condition 19*

17. Vehicular access to the site from Lodge Road is shown on the site location plan and I have no reason to dispute the appellant's claim that the access was present prior to the grant of the 2022 permission. This access would lead to what will be the rear garden of plot 1 and is clearly shown as remaining on the previously approved layout plans. There is nothing in those plans or in the subsequently approved conditions that would close this access or otherwise restrict its use.
18. I have no reason to doubt Lodge Road is used by pedestrians, cyclists and horse riders. However, there is no substantive evidence before me of highway safety issues along Lodge Road so as to justify preventing vehicles from using this access. While I have been provided with details of intended works to the highway, this is framed in terms of allowing Lodge Road to be designated as a quiet lane, rather than in response to any identified highway safety concern.
19. While the Council has expressed some concern with respect to visibility at the access, this is not clearly defined. There is no evidence before me to suggest that the vegetation to either side of the access lies in the control of a third party who

would prevent the vegetation from being maintained in such a manner as to prevent suitable visibility from being achieved. The Council's evidence is not compelling that this access is unsuitable for use.

20. There are differing opinions as to the status of Lodge Road however the Council's statement is unambiguous that it is in the process of designating Lodge Road as a quiet lane. This is a matter which was noted as being in dispute in the 2022 decision, indicating that in the over three years since that decision was issued, the designation has not been confirmed. In any event, the access is existing and so forms part of the existing highway arrangement to be considered during the designation process. The correspondence with the Council's Sustainable Transport & Active Travel Manager refers to discharging a longstanding promise, however this is not sufficiently clear as to the status of Lodge Road so as to make me discount the clear comment in the Council's statement of case.
21. The fact there would be access and parking to the front of the property is not a reason to prevent the use of the access. It is not clear why the requirements of the Council's dropped kerb licencing document would be relevant given this condition relates to an existing access. There are references to various 'commitments' made by the appellant regarding the access. However I do not have any evidence before me demonstrating these could be enforced by the Council.
22. Visually, the access had a similar appearance to surrounding accesses onto Lodge Road and was not strident or incongruous. Consequently, there would be no harm to the character and appearance of the area. While it may be that future occupiers could introduce areas of hardstanding subsequent to the use of the access, this was not prevented by any of the conditions imposed on the permissions and so could happen in any event.
23. For these reasons, I conclude condition 19 is not reasonable or necessary in the interests of the character and appearance of the area or highway safety.

### **Other Matters**

24. The Council accepted the amendments to the approved scheme and I have no reason to revisit that decision. There is no obligation to carry out public consultation on applications made under s73A. It is not uncommon for proposals to be amended and no further inference should be taken from this. The walls within the site are protected by other conditions. It would be a matter for the Council to address any issues with this, or with respect to protected trees. Details in sales particulars or conversations with the developer do not alter the planning status of the site. It will be for the Council to take the appropriate action should there be any breach of the conditions. Other regimes exist to address poor parking and anti-social behaviour.
25. It would be a matter for future occupiers of the property how they chose to use the garden and be satisfied with the level of privacy within it. The appellant's approach to the appeal is a matter for them.

### **Conclusion**

26. For the reasons given above, I conclude that the planning permission should be varied as set out in the formal decision.

*Jennifer Wallace* INSPECTOR

## **Schedule of Disputed Conditions**

### **Condition 1**

The development hereby permitted shall be carried out in accordance with the following approved plans: 1124-3B2A; 1124-3B3B; 1124-3B5; 1124-4B10B; 1124-4B2A; 1124-4B3; 1124-4B5; 1124-L1; 1124-L2; 1124-L5A; 1124-L5B; TPP ACC 01; 1124-1B2C; 1124-1B3B; 1124-1B5C; 1124-2B2B; 1124-2B3B; 1124-2B5C; 1124-5B2C; 1124-5B3D; 1124-5B5C

Reason: To identify the approved plan/s and to avoid doubt

### **Condition 15**

Notwithstanding the provisions of Part 1, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no external alterations, including alterations to the roof, shall be inserted into the proposed detached garage of Plot 4, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To safeguard the appearance of the completed development and protect the privacy of neighbouring residents. (Section 12, NPPF)

### **Condition 18**

Notwithstanding the provisions of Part 1, Class A, B and C of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions (including roof extensions and alterations) hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the building/s in the interests of the amenities of the area and to protect the residential amenities of adjoining occupiers (Section 12, NPPF)

### **Condition 19**

The access onto Lodge Road on the northern boundary of Plot 1 shall be used as a pedestrian garden access only. This access shall not be used by vehicular traffic.

Reason: For the avoidance of doubt and in the interests of the visual amenities of the area and highway safety (Sections 9 and 12, NPPF)