



Appeal Decision

Site visit made on 10 December 2025

by **S Hubbard BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th January 2026

Appeal Ref: APP/P0240/W/25/3371676

Land to the South of Olympus Road, Henlow SG16 6HD

- 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 Annington Property Ltd against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/03533/OUT.
 - The development proposed is Outline application: Proposed residential development of 6 dwellings and associated works (with all matters reserved except means of access).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application is made in outline with details of access provided for consideration at this stage. All other matters are reserved for future consideration. I have taken submitted plans relating to access as forming part of the application. I have treated other plans as indicative only.
3. The appellant submitted several amended plans to the local planning authority and a new plan dealing with pedestrian access and refuse collection. However, the Council did not accept these plans and determined the application on the basis of the original plans submitted with the application. The plans in question have subsequently been submitted with the appeal. They do not fundamentally alter the scheme and are mostly illustrative relating to matters reserved. As the plans have been submitted with the appeal, the Council and interested parties have had the opportunity to consider and respond to them. As such I do not consider that any party would be prejudiced by me considering the new and amended material in determining the appeal.
4. The Council did not refer to Policy HQ10 of the Central Bedfordshire Local Plan which deals with the protection of open space in their reasons for refusal. However, the policy was referred to in the officer report and in the Council's appeal statement. Consequently, I consider that the appellant has had a fair opportunity to address this matter.
5. The appeal is supported by a unilateral undertaking to secure off-site biodiversity net gain. I address this later in the decision.

Main Issues

6. The main issues are:
 - (i) Whether the proposal would result in a loss of open space, with regard to the provisions of the development plan and national planning policy; and
 - (ii) The effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

Open Space

7. The site comprises an open grassed area with a small number of trees. At the time of my site visit a small football goal was present on the site. The space is overlooked from the rear first floor windows of the properties on Olympus Road and Derwent Road.
8. The Council described the space as a community hub which provides space for children to play and the community to socialise. Comments from interested parties indicated that the space is used for informal sport, exercising and socialising. During my site visit I observed someone using the space to walk their dogs.
9. Whilst the illustrative block plans and landscape proposals indicate a small area of open space could be retained on the site, the proposal would result in the loss of the majority of the green space and potentially some of the purposes it is currently used for, such as informal sport.
10. Policy HQ10 of the Central Bedfordshire Local Plan (LP) states that verges, landscape strips and other areas which provide for recreation or contribute to visual amenity and/or ecological networks will be safeguarded from encroachment or loss unless social, environmental or economic benefits significantly outweigh the need to protect the land.
11. The appellant has pointed out that the site is private land and whilst access is not currently restricted it could be in the future and therefore could not be considered a community asset. Although the site is privately owned it is clear to me from the evidence provided and from my observations on site that the site is currently used as an open space for recreation by the local community. Additionally, the historic maps contained within the appellant's Townscape Appeal Statement indicates that this use has taken place for some time. Policy HQ10 does not differentiate between public and privately owned land and the glossary to the National Planning Policy Framework (the Framework) does not state that open space has to be in public ownership, only that it has to have public value and offer important opportunities for sport and recreation and can act as a visual amenity. Whilst access may be restricted in the future, it is not now and no evidence of intention or ability to restrict access has been put forward.
12. The appellant pointed out that the site is not specifically protected through a site-specific designation in the Local Plan which suggests that it has limited value. However, Policy HQ10 applies to all relevant spaces, whether they have a specific designation or not. The lack of designation therefore does not reduce the protection afforded by this policy or indicate that the site is of limited value.

13. Accordingly, I consider that the space constitutes open space as per Policy HQ10 and the Framework. Whether the loss of this open space conflicts with Policy HQ10 requires an assessment of the social, environmental and economic benefits of the development.
14. The proposal would provide social benefits through the delivery of housing, particularly in the context of a shortfall in supply which I discuss further below. The provision of housing can lead to a number of social benefits as pointed out by the appellant such as improved health and well-being, reduced inequality and greater stability for families and communities. However, the irreplaceable loss of open space valued by the community for recreation would have a negative social effect.
15. Despite being a statutory requirement, there are environmental benefits from biodiversity net gain, which are proposed to be delivered local to the site. There are also some limited economic benefits from the construction of this small-scale development and the associated additional spending once the dwellings are occupied.
16. Given the rather modest benefits arising from the proposal, I do not consider these outweigh the significant harm associated with the loss of open space.
17. The Design and Access statement and Planning Statement indicate that there are several other open spaces in the vicinity. However, there is limited detail on the types of these spaces and how comparable they are to the space in question and whether they serve a similar function. Nor is there any assessment of the overall level of provision in the area against local needs or any applicable standards to demonstrate that this space is surplus to requirements. Interested parties have also noted that some of these spaces are within the nearby RAF base and therefore not accessible to residents. In any case, the existence of nearby spaces does not, on its own, justify the loss of open space as per Policy HQ10 or the provisions contained within Section 8 of the Framework in so far as they relate to the protection of open space.
18. For the reasons given above, I conclude that the proposal would create significant harm resulting from the loss of open space of recreational value and is contrary to Policy HQ10 of the LP and Section 8 of the National Planning Policy Framework in so far as it relates to the protection of open space. I deal with compliance with Policies HQ1 and HQ8 under the character and appearance main issue below.

Character and appearance

19. As the proposal is an outline application, the issues relate to the principle of development and the ability for the site to accommodate six dwellings without causing harm.
20. The site sits within a residential area comprising of predominantly terraced properties laid out mainly in a perimeter block arrangement. The properties mostly face directly on to the street with just a small set-back used either as a front garden or car parking. This arrangement creates a strong relationship between the building and the street. The surrounding properties have a strong degree of coherence in terms of scale, massing, materials and architectural design.

21. The site itself is an open grassed area with several small trees. Properties facing Olympus Road and Derwent Road back on to the site. Close boarded fencing marks the boundary between the properties and the site. There is an area of surface car parking between the site and the properties on Avon Road. The space fronts on to Olympus Road but is otherwise enclosed by the surrounding properties. The appellant's Townscape Appeal Statement (TAS) indicates that historically the space would have been largely enclosed behind buildings fronting Olympus Road.
22. The TAS indicates that the site's context has seen a good deal of change, most notably the removal of buildings fronting Olympus Road, the introduction of surface parking and the introduction of the close boarded fences demarking the boundary between the site and the surrounding properties. As such the current arrangement is now different from what it was when the estate was originally planned. There is no evidence that the site or the surrounding area constitutes a non-designated heritage asset. However, the site has a historic association with the nearby RAF base, providing recreational space for service families residing in the surrounding properties.
23. The site was previously largely enclosed. However, it would have been visible from the surrounding properties thus making a visual contribution, albeit limited, to the character of the area. Furthermore, the site would have contributed to the character of the area by the way in which the site would have been used and is still used by the occupiers of the surrounding properties. As the site is visible today, its tidy nature and the presence of trees provides a contribution to the visual amenity and character of the surroundings. As such I consider that the loss of the majority of this open space would be harmful to the character and appearance of the site and the surrounding area.
24. The TAS states that the introduction of fencing reduces the relationship between the existing properties and the open space. However, this does not in itself undermine its current contribution to the character of the area, as there is still clearly a relationship between the properties and the space by virtue of proximity and availability of access from some of the rear gardens of the properties. The historic pattern of changes to this space and other spaces within the surrounding area also do not undermine the contribution of this space to the character of the area, as this space itself has provided some recreational character to the area over a significant period of time.
25. Policy HQ8 of the LP states that proposals for the development of back-land sites will be resisted where they are against the pattern and grain of development and the character and appearance of the area would be harmed. The supporting text to the policy states that back-land development is development which sits behind the existing building line with little or no frontage onto public highway.
26. The site sits mainly behind the properties which front on to Derwent Road, Olympus Road and Avon Road. The submitted illustrative plans for the layout of the proposal present a form of development involving two groups of terraces comprising each of three dwellings. One group faces towards Olympus Road but is set back with parking and a small area of open space between the dwellings and the street. The other group backs on to these and faces towards the existing surface parking court. Accordingly, neither group directly fronts on to a highway and would sit behind the building line. Whilst there could be other forms of layout,

the indicative plans do not give confidence that a scheme involving six dwellings could be developed in a way which reflects the surrounding context of properties directly fronting the street. As such, the development of six dwellings on this site would not be in keeping with the existing grain of development and would therefore cause harm to the character and appearance of the area. Accordingly, the proposal would be in conflict with Policy HQ8.

27. The appellant has argued that the site is not back-land development as it does not comprise the development of back gardens. However, the policy does not state it only applies to back gardens. The TAS indicates that the 'cross-terrace' approach shown in the illustrative plans is already characteristic of the area with examples of 'cross-terraces' on Avon Road. However, these terraces, similar to the terraces along Derwent Road and Olympus Road, front directly on to the street and therefore contribute to the formal, perimeter block character of the area.
28. It is acknowledged that the Council's Landscape Officer did not object to the planning application and concluded that the proposal would not harm the character and appearance of the area. Notwithstanding this, for the reasons given above, I disagree with this conclusion.
29. The Council raised concerns about the width, depth and height of the dwellings shown on the illustrative plans. These matters do not form part of this application, and I consider there is sufficient scope within a future reserved matters application to address these concerns.
30. Overall, given the harm I have identified to the character and appearance of the site, I also conclude that the proposal would conflict with Policy HQ10 referred to above, which protects areas which contribute positively to visual amenity and Policy HQ1 of the LP. Policy HQ1, amongst other matters, requires development to enhance or reinforce local distinctiveness and sense of place and ensuring size, scale, design, density and materials relate well with the surrounding character.
31. The appellant has set out in their statement how the proposal would comply with the other elements of Policy HQ1. Any compliance with these other elements, does not outweigh the harm identified above, particularly as a number of the points relate to matters reserved.
32. The appellant also referred to compliance with paragraph 135 of the Framework. Many of the criterion in paragraph 135 of the Framework cannot be properly assessed as part of an outline application. However, with regard to paragraph 135(c) and (d), given the reasons above, I find that the proposal would not be sympathetic to the local character of the area or establish or maintain a strong sense of place.
33. I acknowledge that the Framework seeks to not discourage change such as increased densities and seeks to optimise the potential of sites. However, given the reasons above, the number of dwellings proposed on this site would be harmful to the character and appearance of the area and therefore the increased density would not be appropriate in these circumstances.

Other Matters

34. It is common ground between the parties that the Council cannot demonstrate a five year supply of housing. The appellant submitted a Housing Land Supply Review (HLSR) alongside the appeal. The HLSR concludes that the Council has a 3.95 year supply, which represents a shortfall of 2,163 dwellings. The Council has not identified what they consider to be the shortfall. As such my decision is on the basis of the shortfall identified in the HLSR.
35. The provision of six additional dwellings in an accessible location within the built-up area is a benefit of the scheme. However, given the small number of dwellings proposed, these would only make a very modest contribution to addressing the shortfall. The appellant has indicated that the development has the potential to provide dual-aspect homes which would meet national housing standards and would have good sized gardens. These features would provide an additional benefit on top of the provision of new homes. The scheme also would provide economic benefits and environmental benefits as discussed above.
36. The Council raised concern that the proposal would fail to comply with Policy EE2 of the LP as there were no means to secure the proposed off-site biodiversity net-gain areas for a period of 30 years. A unilateral undertaking has been submitted with the appeal to secure the provision of off-site net-gain. However, as biodiversity net gain is largely a post-permission matter which is dealt with through the discharge of a statutory pre-commencement condition and as I am dismissing the appeal for other reasons, I do not need to consider this matter further.

Planning Balance and Conclusion

37. The conflict with Policies HQ1, HQ8 and HQ10 of the LP identified above, means that the proposal would conflict with the development plan when read as a whole.
38. The Council cannot demonstrate a five year supply of deliverable housing sites. Consequently, the policies most important for determining the application are deemed out of date for the purposes of paragraph 11(d) of the Framework. This does not in itself dictate the weight to be applied to those policies. Policies HQ1, HQ8 and HQ10 are considered consistent with the Framework in terms of securing good design which respects the character and appearance of the site and its surroundings and the protection of open space. Accordingly, I attribute significant weight to the conflict with these policies from the proposal.
39. Paragraph 11(d) advises that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
40. The policies in the Framework that protect areas or assets of particular importance do not in this case provide a clear reason for refusing the development proposed. Therefore, paragraph 11(d)(ii) applies. In the particular circumstances of this case, for the reasons set out above, I consider that the harm resulting from the loss of

open space and the harm to the character and appearance of the site and the surrounding area significantly and demonstrably outweighs the benefits of the scheme, as identified above, when assessed against the policies in the Framework taken as a whole.

41. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

S Hubbard

INSPECTOR