



Appeal Decision

Site visit made on 13 January 2026

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th January 2026

Appeal Ref: APP/K0235/W/25/3374626

Tanglewood, Keysoe Row East, Keysoe, Bedford MK44 2JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs Natalie Somerville against the decision of Bedford Borough Council.
- The application Ref is 25/00735/S73.
- The application sought planning permission for the conversion of existing timber barn workshop into residential property without complying with conditions attached to planning permission Ref 01/02434/FUL, dated 14th August 2002.
- The conditions in dispute are Nos 7, 8 and 9 which state:
 7. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no fences, gates, walls, extensions, sheds, greenhouses or hardstandings shall be erected within the curtilage of any dwellinghouse hereby permitted without the specific grant of planning permission by the Local Planning Authority.*
 8. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order "revoking or re-enacting that Order), no garage hereby permitted shall be converted to living accommodation without the prior approval of the Local Planning Authority.*
 9. *Notwithstanding the provisions of the Town and Country : Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no doors or windows, other than those shown on the approved plans, shall be installed or altered and no other material alterations carried out to the external appearance of the dwelling without the specific grant of planning permission by the Local Planning Authority.*
- The reasons given for the conditions are:
 7. *To safeguard the amenities of the adjoining occupiers. To ensure that any development is in keeping with the overall appearance of the , and in accordance with Policy 1 of the Bedfordshire Structure Plan 2011, Policy G1 of the Bedford Borough Local Plan 1993, Policy BE30 of the Deposit Draft Bedford Borough Local Plan (February 1997), and design code E1 of the adopted design guidance Residential Extensions, New Dwellings & Small Infill Developments.*
 8. *To ensure that adequate provision is made for vehicles to park clear, of the highway in the interests of road safety and in accordance with Policy 1 of the Bedfordshire Structure Plan 2011, Policy G1 of the Bedford Borough Local Plan 1993, Policy BE30 of the Deposit Draft Bedford Borough Local Plan (February 1997), and design code E4 of the adopted design guidance Residential Extensions, New Dwellings & Small Infill Developments.*
 9. *To enable the Local Planning Authority to exercise control over the external appearance of the property and its impact on neighbouring amenity, and in accordance with Policy 1 of the Bedfordshire Structure Plan 2011, Policy G1 of The Bedford Borough Local Plan 1993, Policy BE30 of the Deposit Draft Bedford Borough Local Plan (February 1997), and design code E1 of the adopted design guidance Residential Extensions, New Dwellings & Small Infill Developments.*

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing timber barn workshop into residential property at Tanglewood, Keysoe Row East, Keysoe, Bedford MK44 2JD in accordance with the application Ref 25/00735/S73, without compliance with condition numbers 1, 2, 3, 4, 5, 6, 7 and 8 previously

imposed on planning permission Ref 01/02434/FUL dated 25th February 2002 and subject to the following conditions:

- 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no fences, gates, walls or extensions shall be erected within the curtilage of any dwellinghouse hereby permitted without the specific grant of planning permission by the Local Planning Authority.
- 2) Notwithstanding the provisions of the Town and Country: Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no doors or windows, other than those shown on the approved plans, shall be installed or altered and no other material alterations carried out to the external appearance of the dwelling without the specific grant of planning permission by the Local Planning Authority.

Applications for costs

2. An application for costs was made by Mrs Natalie Somerville against Bedford Borough Council. This application is the subject of a separate decision.

Background and Main Issue

3. Planning permission was granted in 2002 for the conversion of the appeal barn to residential use¹, subject to several conditions. Condition 7 restricts the properties permitted development rights for the erection of fences, gates, walls, extensions, sheds, greenhouses and hardstanding within the curtilage of the dwellinghouse. The Council confirms the reason given for the condition is to ensure that any development is in keeping with the overall appearance of the area and to safeguard the amenities of the adjoining occupiers.
4. Condition 8 restricts the conversion of the garage to living accommodation to ensure that adequate provision is made for vehicles to park clear of the highway in the interest of highway safety. Condition 9 restricts the installation or alteration of any doors or windows other than those shown on the approved plans and the restriction of any other material alterations to the external appearance of the dwelling. This was imposed to enable the Council to exercise control over the external appearance of the property and to safeguard neighbouring amenity.
5. The appellant seeks to vary conditions 7 and 9 so that the restrictions relating to new extensions, windows, doors and other material alterations would only apply to the northernmost elevation of the barn², directly adjacent to the north-east boundary. They also seek the deletion of condition 8 as planning permission has been granted for the conversion of the garage³. The appellant contends that the continued imposition of conditions 7 and 9 is unreasonable and unnecessary as they unduly restrict the appellant's ability to make changes to their property, contrary to national guidance.
6. In refusing permission for the variation of conditions 7 and 9, the Council has cited the appeal building as an agricultural barn conversion where continued control over future works and alterations carried out under permitted development would be warranted as a means of ensuring that the character and appearance of the original building and surrounding area would not be harmed. The Council confirms that neither condition

¹ Council Ref. 01/02434/FUL

² As indicated on the plan on page 7 of the Appellant's Appeal Statement ref. 064759

³ Council Ref. 22/00172/S73A

was imposed to preserve the setting of the neighbouring Grade II listed building, Oxford Farmhouse (list entry no. 1137111). I have considered the appeal on this basis.

7. The Council has raised no concerns in relation to the potential effects of varying the conditions on the amenity of surrounding occupiers. Based on the evidence that is before me and what I observed on site, I see no reason to come to a different conclusion. The Council has also raised no objection to the removal of condition 8 due to planning permission having been granted separately for its conversion. I see no reason to come to a different conclusion on this matter either.
8. Consequently, the main issue is whether conditions 7 and 9 are reasonable or necessary having regard to the effect on the character and appearance of the appeal building and area.

Reasons

9. The appeal site comprises a timber clad barn conversion and the grounds surrounding it. Despite alterations that have taken place to the appeal building to convert it to residential use, it has a clearly distinctive agricultural form and appearance which has been relatively well preserved. The immediate area is largely characterised by simple buildings, barns and dwellings interspersed with agricultural uses set along Keysoe Row East, beyond which are largely open fields. This, coupled with the wide grass verges, hedgerow boundaries and established trees that line Keysoe Row East provide the area with a semi-rural and verdant character.
10. Despite the hedgerow that has been installed to the front of the dwelling, as a two-storey building it is prominent when travelling in both directions along the highway. Views are also achievable across the fields from the public right of way (PROW) to the south-east of the site and from neighbouring buildings. Although no longer in agricultural use and surrounded by other residential developments, the appeal building has been sensitively converted and retains the appearance of a traditional agricultural building in a rural setting. Consequently, it contributes positively to the character and appearance of the area. The above factors, along with the building's prominent location, mean that the building and its setting are particularly sensitive to change.
11. Paragraph 55 of the National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) reinforces this, adding that area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. Therefore, in accordance with the Framework and PPG, clear justification for removing PD rights, based on the circumstances and individual merits of the particular case, is necessary.
12. Although the building has been converted to residential use, it retains much of its traditional design character and simple plan form. Changes that could take place to the building under permitted development rights, such as a rear extension, porch, roof additions, fenestration changes or other alterations to the building's exterior could detract from its traditional appearance and simple plan form. Without appropriate controls in place, there is the potential for such development to undermine the sensitive conversion and architectural language of the building. Such changes would be perceptible from the public realm and surrounding buildings and would result in harm to the character and appearance of the barn and surrounding area.

13. While subsequent permissions since the building was originally converted have approved alterations to the dwelling, these have not eroded the character of the building. I have no reason to believe that the appellant would make any alterations that would be harmful in the future. However, as planning permission runs with the land this does not provide sufficient guarantee beyond the appellant's ownership. Moreover, just because past changes have been made without causing harm, does not mean that any future alterations would necessarily be acceptable. In order to protect the character of the building and its contribution to the wider area, I find that the continued restriction of permitted development rights for extensions, the installation or alteration of any doors or windows other than those shown on the approved plans and the restriction of any other material alterations to the external appearance of the dwelling under condition 7 and 9 is reasonable and necessary.
14. I have considered the suggestion that the conditions could be amended to relate only to the northernmost elevation of the building. However, the Council has confirmed that the conditions were not imposed to preserve the setting and significance of the neighbouring listed building. Moreover, the positive characteristics of the building and its contribution to the surrounding area are not limited to this northern elevation, but derive from its overall design, form and agricultural character. As such, this would not overcome the harm identified.
15. From my site visit I observed a variety of boundary treatments in the surrounding area, including some examples of close boarded fences. However, front and rear gardens appeared to be typically enclosed by post and rail fencing and hedgerows in close proximity to the appeal site, which assists in providing a visual transition into the countryside beyond and contributes positively to the character and appearance of the area. Close boarded fences are not the predominate boundary treatment and, depending on where such boundary treatments were installed, have the potential to have an urbanising effect that would be perceivable from the surrounding area, including from the PROW to the south-east.
16. The use of boundary treatments such as brick walling, post and rail fencing and hedgerows that reflect the semi-rural character of the area and agrarian character of the appeal building have contributed positively to how the conversion has integrated with its surroundings. I note permission has been granted⁴ for the installation of a 5-bar entrance gate and fencing along the uppermost section of the driveway. However, this style of gate would reflect the character of the area, and the fencing would relate to a relatively small section of mostly the side boundary of the site. This, coupled with its positioning well set back from the highway, would ensure it would not be highly prominent in the public realm. Permission has also been granted for fencing that has been installed above the existing boundary wall within the rear garden; however, I observed this to be relatively discrete.
17. Granting this permission does not indicate inconsistency from the Council, particularly as the remaining boundaries of the site would be unchanged, preserving the rural transition of the site into the countryside from the public realm. In contrast, changes that could be undertaken under permitted development for the installation of fences, gates and walls without the Council's control could erode these positive characteristics and result in harm to the rural character and appearance of the surrounding area. The restriction of permitted development rights for fences, gates and walls is therefore reasonable and

⁴ Council Ref. 25/01737/S73A

necessary in the interests of preserving the character and appearance of the appeal building and area.

18. The appellant has referred to the need to secure the garden for their pets and small children. However, the restriction of the properties permitted development rights does not preclude the appellant from seeking express planning permission for such development in an appropriate manner. Noting that the recent permission granted on the site would appear to provide additional enclosure and security. While such applications attract a planning fee, as these are set nationally, any associated costs are beyond the scope of this appeal.
19. The rear garden of the appeal building is visible from the nearby PROW and is likely to be visible to some degree from the first-floor windows of neighbouring properties. While the erection of incidental buildings within the curtilage could lead to a degree of visual clutter and domestication, the appeal site is of a reasonable size, and buildings such as sheds are not uncommon in the surrounding area. Therefore, the introduction of outbuildings as permitted under Class E⁵, subject to the parameters of this Class, would not be uncharacteristic. On this basis, the removal of permitted development rights for sheds and greenhouses within the curtilage of the dwellinghouse does not meet the test of reasonableness and necessity and should be excluded from condition 7.
20. The site frontage is enclosed with a hedgerow and the front garden area, which is partly visible down the property's access, is laid to lawn. This is reflective of other front garden arrangements in the immediate vicinity of the appeal site and contributes to the verdant character of the area. However, I also observed examples of hard standing of varying sizes and finishes to the front of properties along Keysoe Row East, providing space for off-street parking. I have not been presented with any substantive evidence as to how the installation of hardstanding at the appeal site, subject to the limitations found within the GPDO, would harm the character and appearance of the appeal building or the surrounding area. Consequently, the removal of permitted development rights for hardstanding does not meet the test of reasonableness and necessity and should be excluded from condition 7.
21. The Appellant has referred to the appeal site being viewed in a residential and domesticated context with the neighbouring dwellings approved at 'The Yard' and has referred me to barn conversions approved at Row Farm, which I am told all retain their permitted development rights. However, I have limited information before me pertaining to the circumstances leading to the approval of these examples to be able to draw any meaningful comparisons and so cannot be certain that the circumstances are the same. Nevertheless, from my observations, as the appeal before me relates to an agricultural barn conversion where the planning permission has sought to retain the agrarian character of the building, it does not appear to be directly comparable to the dwellings at 'The Yard'. In any case I have considered the appeal proposal on its own merits.
22. For the above reasons, I therefore conclude that conditions 7 and 9 remain reasonable and necessary in relation to extensions, the installation or alteration of windows and doors, any other material alteration to the external appearance of the dwelling and the erection of fences, gates and walls as a means of regulating and controlling future development on the appeal site, in order to ensure that the character and appearance of the appeal building and area is preserved. Without these additional controls, there is a risk that future development could result in conflict with Policies 28S, 29 and 30 of

⁵ Of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO)

the Bedford Borough Council Local Plan 2030, insofar as they require developments to reflect the highest design quality, integrate well with and complement the character of the area in which the development is located.

23. Notwithstanding that, for the reasons set out above, the exclusion of permitted development rights for sheds, greenhouses and the installation of hardstanding within the curtilage of the dwellinghouse is not considered to meet the relevant tests. Therefore, condition 7 should be modified accordingly.

Other Matters

24. To the north-east of the appeal site is Oxford Farmhouse which is a Grade II listed building. In considering whether to grant planning permission, I have been mindful of my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be given to the desirability of preserving the listed building and its setting. The Council has confirmed that neither of the disputed conditions were imposed in the interest of preserving the setting and significance of the listed building and raises no objection to the appeal scheme on this basis. Based on the information before me, I see no reason to come to a different conclusion on this matter.

Conditions

25. The PPG makes clear that decision notices for the grant of planning permission under section 73 of the Town and Country Planning Act 1990 should also restate the conditions imposed on earlier permissions that continue to have effect. I have limited information before me about the status of the other conditions imposed on the original planning permission. Therefore, I shall impose all those that I consider remain relevant.
26. Condition 1, relating to implementation, is no longer required as the building has already been converted. Original conditions 2, 3, 4, 5 and 6 all relate to matters to be addressed prior to the commencement of the development. As the development is complete and there is no evidence before me to suggest that there has been any breach, it is unnecessary for these to be re-imposed.
27. To reflect my conclusions above, original condition 7 (now condition 1) has been amended to omit reference to sheds, greenhouses and hardstandings. The original condition 8 has been deleted given it has been superseded by a separate planning permission. Original condition 9 (now condition 2) remains reasonable and necessary and has been re-imposed.

Conclusion

28. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should succeed insofar as original condition 7 has been amended to omit reference to sheds, greenhouses and hardstanding and condition 8 has been deleted.
29. I will therefore allow the appeal and grant a new planning permission varying the disputed condition and restating those undisputed conditions that are still subsisting and capable of taking effect.

H Whitfield INSPECTOR