



Appeal Decision

Site visit made on 21 January 2026

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/K0235/W/25/3360484

The Salvation Army, 13 Kennedy Road, Bedford MK42 9NX

- 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 Khuram Mirza against the decision of Bedford Borough Council.
 - The application Ref is 24/01314/FUL.
 - The development proposed is extensions and alterations to existing building and Change of Use from Mixed Use (Sui-Generis) to flatted development (C3) to form 7 additional flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether having regard to the development plan and national planning policy there is sufficient justification to resist the proposed development on the grounds of an unacceptable loss of a community facility;
 - whether the proposal would provide adequate living conditions for future residents, with particular regard to outlook, light, noise, disturbance and privacy; and
 - whether the proposal would provide adequate provision for bin storage, with particular regard to odour and access for collection.

Reasons

Community facility

3. The appeal site comprises a vacant community outreach centre, formerly occupied by The Salvation Army. The facility includes a 3-bedroom flat at first floor level with the community facilities, a hall, kitchen, dining area and office, at ground floor. The proposal would involve a change in use to residential flats, providing eight in total.
4. The National Planning Policy Framework (Framework) states that decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
5. Policy 99 of the Bedford Borough Council Local Plan (2020) (BLP) deals with the loss of existing sports and community facilities and requires one of two criteria to be met. Criterion i expects up to date evidence to be provided that demonstrates

the facility is surplus to existing and future needs, while criterion ii outlines that the facility is to be relocated and is of a similar scale, equivalent standard, and able to serve the same community.

6. The appellant suggests that the facility has been disused since late 2023/early 2024. The decision by The Salvation Army to vacate the premises, is not in itself evidence that the community facility is surplus to needs or that a community use on the site would not be viable. The property was marketed for approximately 3.5 weeks before being sold at auction in early May 2024.
7. Whilst I am satisfied that the property was marketed, albeit for a short period of time, I have no substantiated evidence before me that there was no interest from buyers looking to retain the community use. I note that there are other facilities within the area which could provide similar spaces, the existence of other facilities, does not inherently indicate that the appeal site is surplus to existing and future needs.
8. Although The Salvation Army has other facilities within Bedford and there are other community facilities in the area, these facilities were operational prior to the closure of the outreach centre and would not constitute the relocation of the appeal facility. Moreover, I have no substantiated evidence before me that these facilities would be equivalent in scale and standard or that they would have sufficient capacity. Additionally, the Salvation Army facilities are some distance away from the appeal site and would not serve the same community.
9. As such, I conclude that having regard to the development plan and national planning policy there is sufficient justification to resist the proposed development on the grounds of an unacceptable loss of a community facility. There would be conflict with BLP Policy 99 and the Framework as set out above.

Living conditions – future residents

10. The existing building would be substantially extended and altered to provide eight one-bedroom flats stacked evenly across two storeys with largely similar floorplans. The separation distance between the proposal and the blank gable wall of the building to the north would be maintained as existing, with a width of approximately 3.5m. A large bicycle store would be located within this space, reducing the width along a substantial portion of the northern elevation to approximately 1.2m. Further, the store would be of a similar height to the head of the ground floor windows.
11. As such, the space between the buildings would be extremely limited in size, with a stark, utilitarian character. Whilst apartment buildings are typically more urban and dense, with smaller separation distances, the ground floor bedroom windows which overlook this space would have severely restricted outlooks over this unappealing service space.
12. The existing flat's kitchen overlooks the same service space, nevertheless, due to the height of the neighbouring property and the orientation of the roof away from the boundary, the outlook from this storey would not be as limited, with sky views. The proposed first floor bedroom which similarly overlooks this space would benefit from the same outlook with sufficient northerly light entering.

13. I acknowledge that lower levels of light within bedroom spaces can be acceptable. Nevertheless, due to the window orientations, limited separation distances and irregular layouts around the stairwell, the majority of the bedrooms within the northern most flats would receive inadequate levels of light. The living spaces benefit from less obstructed windows, facing alternate directions which would allow sufficient light in these spaces.
14. Considering noise and disturbance, the bicycle store would be extremely close to several flats' bedroom windows on both the ground and first floor and could be used at any time of day or night by all residents of the flats. While every flat overlooks either the road or the car park area, the use of the store, including opening/closing and manoeuvring/locking bikes in this location would result in undue noise and disturbance to the detriment of the residents of the flats directly overlooking the service space.
15. Moreover, due to the limited separation distances, the active use of this space for bike storage and as secondary entrance would result in other users lingering within the space, harming the privacy of the residents of the northern ground floor flats. A condition could be imposed requiring privacy glazing; however, this would become redundant if residents wished to open their windows.
16. The appellant suggests that the store could be relocated and that this could be secured via condition. However, there does not appear to be sufficient space within the site plan as proposed for the store to be accommodated elsewhere without significant changes which could affect other aspects of the proposal.
17. Overall, I conclude that the proposal would not provide adequate living conditions for future residents, with particular regard to outlook, light, noise, disturbance and privacy. It would conflict with Policies 28S, 30, 32 and 47S of the BLP where, amongst other things, they seek to ensure development is of a high-quality design, considering layout and factors which might cause disturbance. Similarly, it would conflict with the Framework, where it requires development to function well, and create places with a high standard of amenity for existing and future users.

Bin store

18. The bin store would be located adjacent to the boundary with the neighbouring property to the north. It would be in close proximity to windows serving the existing first floor flat at the neighbouring property as well as two of the proposed flats.
19. It is necessary for communal bin stores to be easily accessible for all residents and consider the safety of residents accessing the store. Nevertheless, a bin store serving eight flats would be likely to emit unneighbourly odours, particularly during the warmer months. Due to the proximity of the bin store to the windows of habitable rooms of both existing and future flats, the living conditions of the residents of these flats would be detrimentally affected by the odours.
20. The appellant suggests that a condition could be imposed, requiring the bin store to be relocated. Nevertheless, as with the bicycle store, there does not appear to be sufficient space within the site plan as proposed for the store to be accommodated elsewhere without significant changes which could affect other aspects of the proposal.

21. Whilst the Council accepts that a marginally longer bin drag route than recommended would be acceptable, the access route would be via the car park itself, in conflict with the Technical Guidance: Waste and Recycling in New Developments (March 2021). Nevertheless, there would be a limited number of vehicles within the car park and clear lines of sight across the car park towards the exit. As such, the potential for conflicts would be limited and the access route would not be detrimental to the safety of the refuse workers collecting the bins.
22. Although I am satisfied with the access for the collection of bins, I conclude that the proposal would not provide adequate provision for bin storage, with particular regard to odour. The proposal would conflict with Policies 32 and 47S of the BLP, where they require development to give particular attention to waste storage and odour.

Planning Balance

23. The Council can only demonstrate a 3.35 year housing land supply, this is well below Government expectations. Therefore, Framework paragraph 11d is engaged.
24. The Framework requires that decision enable the retention and development of accessible local community facilities and that development functions well while creating places with a high standard of amenity for existing and future users. The proposal would result in the loss of a community facility. In addition, the proposal would harm the living conditions of neighbouring residents in regard to odour and would provide inadequate living conditions for future residents with respect to outlook, light, noise, disturbance, privacy and odour. I consider this conflict to carry significant weight.
25. Nevertheless, the Framework seeks to boost the supply of housing and highlights the important contribution small sites can make and the speed at which they can be delivered. The proposal would make an efficient use of land, providing seven additional dwellings in an accessible location.
26. It would be in keeping with the character of the area and would make a valuable contribution towards the housing stock in circumstances where there is a significant shortfall. It would bring a currently vacant site back into use, but the appeal scheme would not be the only way to achieve this goal.
27. Short term employment would be provided during the construction and in the long term the future occupiers would benefit the local economy and community by helping to sustain the vitality and viability of local services and facilities. However, I have no evidence before me to suggest local services and facilities are failing. Overall, the benefits are of moderate weight.
28. Consequently, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

29. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan, as a whole, and there are no material considerations, including the provisions in the Framework and the benefits of the proposal, which indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

K Allen

INSPECTOR