



Appeal Decision

Site visit made on 18 December 2025

by S F Murphy BSc (Hons) MSc MRTPI MISEP CEnv.

an Inspector appointed by the Secretary of State

Decision date: 11 February 2026

Appeal Ref: APP/Y0435/W/25/3372301

Land rear of 7 - 11 Station Road, Bow Brickhill, Milton Keynes MK17 9JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Bowdler against the decision of Milton Keynes City Council.
 - The application Ref 24/01580/OUT.
 - The development proposed is part demolition of No.11, new access and siting of two new self-build dwellings.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Milton Keynes City Council against Mr and Mrs Bowdler. This application is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline with all matters, except for access and layout, reserved for subsequent approval. The appeal is determined on that basis and I have treated any drawings relating to matters of appearance, landscaping and scale as illustrative.
4. The site address given varies across the documentation that forms the planning application and appeal submission. I have chosen to use the site address given on the planning application form as I consider this correctly describes the location of the appeal site.
5. The appellant submitted into the appeal an Ecological Assessment (EA) and details of a great crested newt (GCN) district level licence (DLL) scheme agreement dated 8 October 2025. These are intended to address the second reason for refusal regarding ecology. The Council have been given the opportunity to comment on these documents. Although the appeals process should not be used to evolve a scheme, I am satisfied that it has not materially altered the proposal and that no interested party has been prejudiced by my approach and therefore I have considered the EA and DLL scheme documents.
6. The proposal is for two self-build dwellings. I note in this regard that the appellant has submitted a completed Unilateral Undertaking (UU) to ensure that the dwellings are built and occupied in accordance with what is proposed. I return to this matter later in the decision.

Main Issues

7. The main issues are:

- Whether the appeal site would be a suitable location for the proposed development, having regard to development plan policy
- Whether the appeal proposal would harm the character and appearance of the open countryside
- Effects on priority habitats and species

Reasons

Location

8. The appeal site comprises a bungalow and its attached garage at number (No.) 11 Station Road alongside the north eastern portion of the rear garden of No.7 Station Road on the northern side of Station Road. The dwellings forming part of the proposed development are divided into Plot 1 and Plot 2. Whilst works are proposed to the dwelling at No.11, I note these works do not form the reason for refusal. Plot 1 is to be located approximately in the middle of the appeal site with Plot 2 located in the northern third. The garden of No.11 would be reduced in width and length to accommodate the proposed internal access road and Plot 1.
9. Whilst all of No. 11 Station Road and its garden lie within the Bow Brickhill settlement boundary, the rear garden of No.7, which the appeal site extends into, does not. Consequently, all of Plot 2 and much of Plot 1 would be located beyond the settlement boundary and lie within the open countryside. There is no disagreement between the parties on this matter.
10. Policies DS1 and DS2 of the Milton Keynes Local Plan adopted March 2019 (the Local Plan) provide the spatial strategy and locations for growth within the plan area. They seek to direct new housing towards the existing urban area of Milton Keynes alongside three key settlements. Where housing is proposed for villages and rural settlements these should be in compliance with neighbourhood plans or within defined settlement boundaries. The policies require development to accord with the settlement hierarchy set out in Table 4.2 within the Local Plan.
11. For development proposals within the open countryside, Policy DS5 lists a number of exceptions whereby new development may be acceptable. This includes proposals essential for agriculture and countryside recreation. Although that list is not exhaustive, none of the listed circumstances apply in this instance. Policy DS5 does state that new dwellings which are of exceptional quality or of innovative design might be accepted. As design of the proposed dwellings would be a reserved matter, at this stage such a matter is unknown.
12. Consequently, the development proposal conflicts with Policies DS1, DS2 and DS5 of the Local Plan and its location is not acceptable in principle for the construction of new dwellings.

Character and appearance

13. Whilst matters of scale and appearance are not for consideration at this stage, given its position behind the existing buildings and landscaping, and its partial

position in the settlement boundary, the dwelling on Plot 1 would be unlikely to degrade the open character of the countryside.

14. Given its location at the northern end of the appeal site, Plot 2's position would be more visible to the open countryside. Whilst the hedgerow demarcates the extent of the garden, it is not of such a height to provide screening of the proposed dwelling. I note from the submitted drawings the proposed dwelling would be set back from the northern boundary to allow for a garden and that the existing open sided garage would be demolished to facilitate the proposed development. However, I consider the location of Plot 2 at the far northern end of the appeal site would be at odds with the character of the surrounding open countryside, creating a suburbanising effect undermining and eroding the open countryside appearance and its surroundings causing significant harm.
15. I acknowledge there are other outbuildings within the rear garden of No.7 outside of the appeal site as seen on my site visit. However, these are single storey and are of such an appearance that they are not significantly visually intrusive to the open character of the countryside thereby retaining a visual reprieve and rural appearance. I note the appellant has stated the proposed dwelling at Plot 2 would be no worse visually than the existing garage and therefore have no greater impact on the open countryside. However, given the appeal is for outline permission with matters of appearance and scale reserved, I have no evidence before me to confirm this would be the case. Nevertheless, the size of Plot 2 as shown on the layout drawings does appear larger than the footprint of the existing garage and as such this is not directly comparable.
16. The proposed development would also inevitably entail the enclosure of the land by fencing and paraphernalia surrounding the dwelling arising from its residential occupation. These elements would further compound the suburbanising effects of the proposed development.
17. I acknowledge that new housing development is currently taking place on land immediately to the west of No.7 Station Road's boundary line. I note the extent of development extends to a similar depth as that of Plot 2. However, these dwellings are identified as a site allocation for housing development within the Local Plan. Furthermore, being located within the settlement boundary, they are not subject to the policy constraints that land within the open countryside is, with regards to new residential development. Furthermore, Plot 2 would be physically separated from the new housing development and would be seen as an independent unit.
18. The appellant has brought my attention to the south east Milton Keynes strategic urban extension (SUE) which would be situated on open countryside to the north of the appeal site running alongside the railway line. Whilst I recognise that the SUE would result in development within the open countryside, the SUE is identified as a new strategic growth area within Policy DS1 of the Local Plan with such forms of development supported by paragraphs 72 and 77 of the National Planning Policy Framework (the Framework). Consequently, given the SUE is identified within the Local Plan and supported by policy, the circumstances of that land are notably different.
19. The appellant has also brought to my attention an appeal¹ in the same council area for new dwellings located outside the settlement boundary within the open

¹ APP/Y0435/W/23/3317652

countryside. Whilst the policy position is similar, that appeal site was separated from the wider open countryside by a road. This created a distinctive division which this appeal site does not have. Furthermore, that appeal site's position would not sit incongruously within the wider housing estate that it abuts. I do not consider this appeal is comparable to the proposed developments location.

20. For the reasons set out above, I conclude that Plot 2, given its location, would significantly harm the character and appearance of the open countryside and would be contrary to Policies DS5 and D2 which seek to ensure development and its layout are wholly appropriate to a rural area.

Ecology, including protected species

21. The appeal site is located within a red zone for GCN meaning there is a moderate potential for GCN to be located on or near the site. The proposed development would involve the partial demolition of a dwelling and the full demolition of a garage with the appeal site containing numerous shrubs, trees and a hedge to which protected species could be found.
22. The EA submitted with the appeal documents considers the ecological value of the appeal site. It identified the nearest waterbody is 151 metres (m) from the appeal site indicating the presence of suitable habitat that could support GCN. The EA outlined the hedgerows and trees on the site had high potential for breeding birds, low potential for badgers and reptiles and negligible potential for roosting bats and other protected species. Priority habitat in the form of the native hedgerow along the northern boundary was identified but this would be unaffected and retained. The EA commented that to ensure the proposed development had minimal impact on commuting bats, any lighting near or shining onto trees/ buildings should be designed in line with the Bat Conservation Trust lighting guidelines. The EA recommends mitigation measures for badgers, bats, breeding birds, GCN and reptiles.
23. I note the Council's ecologist having reviewed the EA, has raised concerns as to the practicalities of designing, implementing and managing a sensitive lighting scheme to safeguard against an adverse effect on foraging and commuting bats with regards to light spill. As the design and appearance of the proposed development are matters that are reserved, I have no evidence before me that, through the imposition of a suitably worded condition, a sensitive lighting scheme could not be designed. Light sources can be fitted with a myriad of different specifications to ensure an adverse effect on foraging and commuting bats would not occur.
24. The Conservation of Habitats and Species Regulations 2017 (as amended) impose a duty on me to consider whether European Protected Species would be affected by the development and whether the associated mitigation measures would be effective. GCNs are so protected. No GCN or evidence of GCN use, were found within the appeal site during the ecological survey. However, due to the appeal sites being located within a red zone for GCN and there being suitable connectivity to the nearest waterbody, authorisation through the DLL has been applied for via the NatureSpace Partnership. This process secures compensatory measures and provides authorisation of works, with the Council playing a role in the latter.

25. The appellant has submitted evidence of a DLL certificate issued by NatureSpace relating specifically to the appeal site with the appeal reference. The DLL certificate confirms that the proposed development has been evaluated and can be covered under the DLL. The certificate does not require further compensation and indicates a planning condition would be needed requiring the development to be in accordance with the DLL. Based on the evidence I have no strong reason to reach a different view and the proposal would be acceptable in terms of its effect on GCNs.
26. Given the above conclusions, I am satisfied that from the evidence before me, suitable management and mitigation measures could be employed such that there would be no harm to priority habitats and species from the proposed development. The proposed development would comply with Policies NE2, NE3 and NE6 of the Local Plan. Taken together these policies seek to ensure that development proposals that create significant harm and do not safeguard protected species or priority habitats without adequate mitigation or, as a last resort, compensation be refused. They also ensure that pollution from development proposals will not have an unacceptable impact on biodiversity or the wider natural environment. The proposed development would also comply with the Framework insofar as it requires decisions to protect and enhance sites of biodiversity.

Other Matters

27. The appellant states part of the appeal site that lies beyond the settlement boundary is brownfield/ previously development land (PDL) as defined within Annex 2 of the Framework. I agree that the existing structures mean that this part of the site should be viewed as PDL. Paragraph 125 c) of the Framework states that substantial weight should be given in decision making to the use of suitable brownfield land within settlements for homes. In this case, given the positions of Plots 1 and 2 lie outside of the settlement boundary, I am not satisfied that the land can be considered 'suitable' for the purposes of paragraph 125 c). I give limited weight to this paragraph. Furthermore, Annex 2 of the Framework also states that it should not be assumed that the whole of the curtilage should be developed.
28. The application is presented as the development for two self-build/ custom-build dwellings. The appellant has presented a signed and dated UU which commits to the construction of the two dwellings as self-build/ custom-build and allows for this to be enforced as such.
29. There is no dispute that there is an unmet need for self-build/ custom-build housing within the Local Plan area. However, there is a disagreement between the parties as to how self-build/ custom-build should be delivered with the Council stating the delivery route for such dwellings is through strategic allocations, within-boundary infill and neighbourhood plans. I note the evidence before me that shows the Council has not demonstrated they are meeting their duty to grant planning permission for self-build/ custom-build plots and there is a shortfall. As such, this matter is a material consideration in favour of granting planning permission.
30. The appellant has drawn my attention to a number of appeal decisions² for self-build/ custom-build developments where the balance in favour of the benefits for self-build/ custom-build housing outweighs the conflict with the development plan

² APP/K0235/W/3360479, APP/J1860/W/24/3354156, APP/J1860/W/22/3294214, APP/R1845/W/3352115, APP/G2435/W/25/3360649, APP/X3540/W/24/3347785

and in some circumstances, the settlement boundary. Whilst I recognise the weight afforded to self-build/custom-build within these decisions I do not consider the circumstances to be directly comparable. Three of the appeal decisions appear to combine the provision of self-build/ custom-build housing with a shortage of deliverable housing sites which is not the case here. With regard to the three other decisions, whilst I note the quantum of development and context are comparable, in any event the weight to be attributed to the material planning considerations is for the decision maker based upon the merits of each particular case. In any event, I have determined this appeal on its own merits. I return to this below.

Planning Balance

31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications be made in accordance with the development plan unless material considerations indicate otherwise.
32. There is no dispute between the parties that the Council can demonstrate a five-year supply of deliverable housing sites. Evidence before me shows that the Council has a shortfall of available self-build/ custom-build housing and the proposed two dwellings would help address the provisions of the Self Build and Custom Housebuilding Act 2015 (as amended), which includes a duty on Council's to give enough permissions to meet the identified demand.
33. The Framework recognises that small and medium sized sites can make an important contribution and are often built out relatively quickly. Whilst the level of shortfall for self-build/ custom-built housing is of significant concern, given the proposal would only provide two self-build/ custom-build dwellings against the shortfall, such a benefit only attracts modest weight in favour of the proposal. Given the scale of the scheme, there would be some modest social and economic benefits during the period of construction and following their occupation.
34. Ecological matters have been addressed through the submission of documentation and I am satisfied matters such as lighting can be managed and controlled. Similarly, where the proposal has been found to be acceptable in other respects, such as highway impacts, I afford those matters neutral weight. The site is in a location that is accessible by a range of sustainable modes of transport and facilities and as such I afford this moderate beneficial weight.
35. However, in the particular circumstances of this case, I have concluded that the effect of Plot 2 on the open character of the countryside would result in significant harm alongside the positioning of the proposed dwellings being located outside of the settlement boundary and this would conflict with policies of the development plan and the Framework. Overall, the benefits of the proposal set out above, do not amount to material considerations of sufficient weight to make a decision other than in accordance with the development plan. Even if the provisions of paragraph 11 d) of the Framework were relevant to the appeal as a result of the shortfall in self-build/ custom-build housing, I find the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when considered against the policies in the Framework as a whole.

Conclusion

36. For the reasons given above the appeal should be dismissed.

S F Murphy

INSPECTOR