



Appeal Decision

Site visit made on 12 December 2025

by S Bennett-Matthews Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 30th March 2026

Appeal Ref: APP/K0235/W/25/3370024

Land Off And Adjacent to 61 Studley Road, Wootton, Bedfordshire, MK43 9DL

- 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 Asset Invest Ltd against the decision of Bedford Borough Council.
 - The application reference is 24/02226/FUL.
 - The development proposed is erection of 1 detached house with associated parking and amenity spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposal on the character and appearance of the area.
3. The effect of the proposal on the living conditions of neighbouring occupiers, particularly, those at Nos 59 and 61 Studley Road having regard to outlook and overbearing impact.
4. Whether the proposal would achieve the mandatory 10% Biodiversity Net Gain (BNG).
5. Whether the proposal would comply with Policy 36S (Forest of Marston Vale 30% tree cover requirement).

Reasons

Character and appearance.

6. The appeal site comprises an elongated strip of incidental open space occupying a prominent position at the end of the cul-de-sac section of this part of Studley Road, adjacent to Nos. 61 and 77. The surrounding cul-de-sac is predominantly characterised by two-storey brick-built detached dwellings, generally set back from the road behind front driveways and gardens. Vehicular access to the proposed would be taken from the turning head that adjoins No. 61 Studley Road.
7. The land is laid mainly to grass with scattered trees. The appeal site adjoins an adopted footpath (a safe-route-to-school) which contains lighting columns forming a through-route between Studley Road and Latimer Close, linking the site to the surrounding residential areas and nearby open spaces. The incidental open space contributes positively to the open character at the end of the cul-de-sac.

8. The proposed development would materially erode the open character of this prominent location within the cul-de-sac. The introduction of a detached house, which would occupy much of the depth of this narrow plot such that it would be sited closer to the road than other properties and very close to the footpath to the rear, would result in a cramped form of development. When viewed from both the cul-de-sac and the adjoining footpath, the dwelling would appear incongruous and unsympathetic to the prevailing pattern of spaciousness that contributes positively to the open character of the cul-de-sac and wider locality. As a result, the proposal would fail to integrate with or complement the character of the established street scene and would not preserve the openness at the end of the cul-de-sac. I note that the site frontage would be soft landscaped. However, this limited area is not sufficient to off-set the bulk of the building and in any event is shallower than the garden/parking areas in front of neighbouring properties. Moreover, the provision of this area of garden would not mitigate against the loss of open space.
9. For the reasons set out I conclude that the proposed development would significantly harm the character and appearance of this part of Studley Road and the wider locality. The proposed development would therefore be contrary to policies 28S (i), 28(ii), 29(i), 29(ii), 30(i), 30 (ii) and 30 (iii) of the Bedford Borough Local Plan Policies 2030; Policies W1 (a), W1(d) and W12 (a) of the Wootton Neighbourhood Plan 2022.

The effect of the proposal on the living conditions of neighbouring occupier, particularly those at Nos.59 and 61 Studley Road, with regard to outlook and overbearing impact.

10. The occupiers of properties within the cul-de sac currently benefit from an open space on the site of the proposed development. The proposal would replace this open area with a substantial built form in close proximity to the narrow footpath, the turning head and front boundaries of Nos. 59 and 61 Studley Road. Although, the footpath and turning would provide some separation distance from these properties, the proposed dwelling would nonetheless be positioned significantly close to their front boundaries. As a result, the proposed dwelling would dominate the outlook from the front facing bedroom windows of number 59 and would be visible from windows at No.61 that look towards the appeal site contributing to a marked reduction in outlook creating a pronounced sense of enclosure. In addition, owing to its siting, depth, height, bulk and massing, the proposed development would result in an unduly overbearing relationship with neighbouring properties, particularly Nos. 59 and 61 Studley Road.
11. The proposal would therefore give rise to significant harm to the living conditions of the neighbouring occupiers, particularly those at Nos. 59 and 61 Studley Road through its harmful effects on outlook and its unduly overbearing impact, contrary to Policies 30(i), 30(ii) and 32 (iv) of the Local Plan 2030, Policy W12 of the Wootton Neighbourhood Plan 2022 and the Design Code N7 of the adopted Supplemental Design Guidance (January 2000).

Whether the proposal would achieve the mandatory 10% BNG.

12. BNG is now required under the statutory framework set out in Schedule 7A of the Town and Country Planning Act 1990, (as inserted by the Environment Act 2021). The mandatory 10% BNG requirement applies to small sites from 2 April 2024. Policy 43 of Local Plan 2030 also requires habitat enhancements or habitat creation.

13. The Council's decision refers to the absence of evidence demonstrating that the proposed development could achieve the minimum 10% BNG. The appellant's submitted statutory biodiversity metric indicated a 100% loss of biodiversity units on the site, resulting in a substantial shortfall against the required net gain. No accompanying BNG Plan has been provided to show how this deficit would be addressed.
14. The appellant confirmed a willingness to secure the necessary 10% BNG through off-site measures or statutory credits. There is no evidence before me to indicate that the mandatory BNG requirement could not be addressed through a suitably worded planning condition requiring the submission and approval of a BNG plan by the appellant to the Council prior to the commencement of development. Such an approach would ensure compliance with the statutory 10% BNG requirement and the relevant development plan policies. While I am satisfied that the statutory 10% BNG could be delivered in this way, this consideration only attracts modestly in favour of the proposed development. In any event, the ability to secure the 10% BNG by condition does not outweigh the significant harm I have identified above to the character and appearance, nor the significant adverse effects of the proposal on the living conditions of neighbouring occupiers, particularly those at Nos. 59 and 61 Studley Road.

Whether the proposal complies with Policy 36S relating to the Forest of Marston Vale (30% tree cover target).

15. The appeal site is located within the Forest of Marston Vale. Policy 36S of the Local Plan 2030 (Policy 36S) requires development within the Forest of Marston Vale to demonstrate how 30% tree cover will be delivered across the site contributing to environmental objectives of the Forest Plan for development within the Forest of Marston Vale. Proposals are also expected to reflect the relevant supplementary design guidance for development within the Forest of Marston Vale.
16. The officer report identified that several trees and shrubs on the appeal site would need to be removed to enable access and construction to take place. None of the trees is protected by a Tree Preservation Order. Further, the report identified that although these trees provide some visual habitat value, the report assesses they are of low individual quality. The report concluded that the loss of these trees could be mitigated through a condition should planning permission be granted, requiring replacement planting and landscaping. I have considered the tree officer report and I have no reason to disagree with its findings.
17. The appellant submitted evidence that the Forest of Marston Vale Trust was consulted in relation to a previous planning application on the site (ref. 23/00588/FUL). In its response to the application the Trust advised that compliance with Policy 36S could be achieved through either on-site planting of 26 trees or through a financial contribution of £810.16 towards off-site tree planting.
18. The appellant has expressed a willingness to comply with the requirements of Policy 36S and to provide a financial contribution of £810.16 towards off-site tree planting. While I am satisfied that in principle such mitigation could be secured via a S106 Agreement there is no completed legal agreement before me and therefore no means by which such payment could be secured. Therefore, in the absence of a completed planning obligation, the proposal fails to make adequate provision

towards tree provision in the area. The proposal would therefore conflict with Policy 36S as it fails to demonstrate the required 30% tree cover would be delivered, contrary to the environmental objectives for development within the Forest of Marston Vale.

Other Matters.

19. The appellant referred to several granted developments within the wider locality. I have considered the evidence provided by the appellant in this regard. However, I do not have full planning details of those schemes, including their site-specific constraints or design context, that informed those decisions. Whilst such examples indicate that new dwellings have been permitted elsewhere, each proposal falls to be determined on its own merits and in its own context. I therefore afford these examples with modest weight, and they do not alter my conclusions on the main issues.
20. I note concerns have been raised by residents regarding highway safety, parking provision, manoeuvrability of construction vehicles within the turning head, and flood risk. Based on the evidence before me and my observations on site, and in the absence of any technical evidence demonstrating unacceptable harm, I am not persuaded that these matters weigh decisively against the proposal. I therefore see no reason to disagree with the Council's conclusions on these matters. Further, I note the concerns by residents regarding the discrepancy between the application, which refers to a three-bedroom dwelling, and the submitted plans, which show a two-bedroom dwelling. However, I consider this inconsistency carries limited weight in the determination of the appeal and does not alter my conclusions set out above.

Planning Balance.

21. As of the 15 of January 2025, the Local Plan 2030 became more than five years old. The Council accepted that it could not demonstrate a five-year supply of deliverable housing sites at the time of the refusal notice. At the time of the refusal notice, the Council's calculated supply of deliverable housing sites was 3.46 years. In this circumstance the National Planning Policy Framework (NPPF) indicates that the policies which are most important for determining the application are out-of-date. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the NPPF, applies. This indicates that planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits.
22. The appellant submits that the proposal represents windfall on previously unidentified land not allocated for housing in the development plan. The appellant argues that the Council cannot demonstrate a five-year supply of deliverable housing sites, therefore new housing stock is needed to contribute towards local supply. On this basis the appellant contends planning permission should be granted on the grounds of presumption in favour of sustainable development.
23. However, these considerations do not overcome the significant harm I have identified in relation to the character and appearance of the area and the unacceptable impact of the proposed development on neighbour living conditions of occupiers, particularly those of Nos.59 and 61 Studley Road. These adverse impacts attract significant weight. Even when applying the planning balance

required by paragraph 11(d) of the NPPF, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits of the proposal.

Conclusion.

24. The development is contrary to the development plan considered as a whole for the reasons set out above. There are no other considerations including the provisions of the NPPF, that indicate the proposal should be granted contrary to the development plan. Therefore, for the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

S Bennett-Matthews

INSPECTOR