
Appeal Decision

Site visit made on 4 April 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2026

Appeal Ref: APP/P0240/C/23/3334284

Land at The Olde Watermill Shopping Village, Faldo Road, Barton-le-Clay, Bedford MK45 4RF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “Act”).
 - The appeal is made by Mr Phil Childs against an enforcement notice issued by the Central Bedfordshire Council.
 - The enforcement notice was issued on 1 November 2023.
 - The breach of planning control as alleged in the notice is the material change of use of the land to a use for the sale and storage of motor vehicles and the creation of a hard surface to facilitate the use.
 - The requirements of the enforcement notice are to 1) Cease the unauthorised use of the land for the storage and sale of motor vehicles, and 2) remove from the land the hard surface and return the land to its condition prior to the unauthorised use.
 - The period for compliance with the requirements is 4 months for step 1) and 5 months for step 2).
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Act.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes that issued on 27 April 2026.

Decision

1. The appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

The deemed application

2. In ground (a), planning permission is sought for the sale and storage of motor vehicles and the creation of a hard surface, which appears to have facilitated the unauthorised use given its extent and scale. The appellant confirms that the fence and gates no longer form part of the development.
3. The site is located within the Green Belt and close to Barton Mill, listed at grade II. The main issues are as follows: 1) Whether the development comprises inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies 2) effect on openness and character and appearance 3) the effect of the development on the setting of the nearby listed building 4) effect on ecology and watercourse, and, 4) whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.
4. Inappropriateness: Planning policies in force at the date of determination need to be applied to this case. The Framework (2024) states that development within the Green Belt is inappropriate with several exceptions, but commercial development on grey belt land should not be regarded as inappropriate subject to several factors. The Council's local plan policy SP4 is found in the Central Bedfordshire Local Plan (2015-2035), which relates to Green Belt and is, broadly, consistent with the Framework. There is agreement between the appeal parties that the

development does not fall within the exception categories set out in Framework 154 sub-section a) to g). I have no reason to take a different approach.

5. That said, Framework 154 h) explains that other forms of development such as a material change in the use of land might not be inappropriate development provided it preserves openness and does not conflict with the purposes of including land within it. I will return to this later given the implications of grey belt policy. The latter includes previously developed land (PDL) and/or any other land that does not, in either case, strongly contribute to criterion (a), (b), or (d), which are found in Framework 143 and make up purposes of designating land in the Green Belt. There is nothing before me to cast doubt over the appellant's claim that the site was used for overflow car parking purposes but in connection with the nearby retail use. Nonetheless, it can be regarded as PDL. Given the location and position of the land, the site does not make a strong contribution to either checking unrestricted sprawl, preventing neighbouring towns from merging nor does it function to preserve the setting and special character of historic towns.
6. The Framework, at 155, explains that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where sub-paragraph a) to d) are met. I consider that the development can be reasonably described as "other development" but sub-paragraph d) is irrelevant. It seems to me that the development utilises grey belt land and the limited scale does not, to my mind, fundamentally undermine the purposes, taken together, of the remaining Green Belt across the local plan area. The agent says the land's use supports online sales but there is no demonstrable unmet need for this kind of development. Additionally, given the site's rural location, I do not consider the development is in a sustainable location thus this kind of development does not provide opportunities to maximise sustainable transport solutions. For these reasons, even if the site passes the grey belt gateway, the former's main use for sale and storage of motor vehicles breaches Framework 155.
7. Returning to Framework 154 sub-paragraph h)(v), while the enforced land was already used for car parking, I consider the latter is probably linked to the use of the wider retail complex. In comparison, the sale and storage of motorised vehicles is likely to be different in character as vehicles are kept for longer periods. The use is likely to generate specific type of activity for example, comings and goings associated with the storage and sale of vehicles. The vast expanse of the unauthorised use results in a use that has a spatial and visual effect on openness given the site's location. Furthermore, the hardstanding facilitates open-air parking of vehicles making it likely that the site will be used more intensively for that purpose. Even without parked vehicles, the nature and extent of the hard surfaces harm the open aspect of the Green Belt. The appellant considers that the change of use represents a relatively minor spatial impact on the openness of the Green Belt, but, in my opinion, the openness of the Green Belt is thus harmed more than it might otherwise be.
8. The visual harm is localised given the existing boundary vegetation. Nevertheless, the change of use and associated development has turned otherwise mainly open land into an area covered with stored vehicles and materials of a type and nature that are incongruous in this spacious setting. Additionally, the unauthorised use intrudes into this part of the Green Belt, which is characterised by mainly open and undeveloped parcels of land albeit linked to the retail complex. The scheme conflicts with the objective of safeguarding the countryside from encroachment and I find that to be a serious planning objection.
9. Drawing all the above points together, in my planning judgment, the alleged development utilises grey belt land. However, it is at odds with Framework 154 and 155. Contrary to the

appellant's claims, I conclude that the alleged development constitutes inappropriate development in the Green Belt. There is conflict with Council policy SP4.

10. Character and appearance: Council policy HQ1(1) seeks proposals that take account of opportunities to enhance or reinforce the local distinctiveness of the area and create a sense of place. As I have already said elsewhere, compared to the vehicle storage and sales, parking of vehicles by customers visiting the retail complex is a different type of use and is probably transient. The site is not isolated given its association with the retail outlet, but the grant of planning permission for the alleged use has the potential to harm the open aspect of this part of the countryside and represent unwarranted intrusion. Given the extent of the area used, vehicles storage and sales are out-of-keeping with the rural aspect of the surrounding area. The development fails to safeguard the intrinsic quality of the countryside and does not provide an opportunity to enhance or reinforce local distinctiveness contrary to policy HQ1 of the local plan and Framework 135 (a).
11. Heritage: The significance of the listed building is derived from its traditional architecture, style and parkland setting. The complex includes extensive parking areas used in connection with the retail operations. The appeal site is used for overflow parking, and it is hard surfaced. Nonetheless, comings and goings linked to car sales is uncharacteristic of temporary overflow car parking use. In addition, the unauthorised use covers an extensive area and the open-air storage of motor vehicles for sale is at odds with the open landscape setting in which the heritage asset is experienced. I consider that the nature and scale of the unauthorised car sales and storage operations cause visual harm to the heritage asset's setting.
12. The harm, although of considerable weight and importance, is less than substantial in terms of Framework 215. In this regard, the argument is that Barton Mill requires resources to maintain and the car sale and storage activities bring in much needed revenue used for upkeep and maintenance. The site is used as an overflow car park linked to the retail outlet based at Barton Mill. However, optimum viable use of the heritage asset is already established albeit the building requires maintenance but based on the available evidence, it is unclear to me how the income generated through the appeal site's use supports that aim. Furthermore, the harms I have described are not outweighed by the very limited public benefits, including the potential support of a business and upkeep of the listed building. Accordingly, the change in use of the site conflicts with the main aims and objectives of the Council's policy HE1 and HQ1, and the Framework 212 to 215.
13. Ecology and water: For the following reasons, I find the Council's concerns on these two topics misplaced. First, the appellant's retrospective application to retain the development, which was refused by the Council. That being so, biodiversity would have been affected given the change of use had already taken place. In any case, Naturespace consultations indicate that, given the scale of the development and extent of the appeal site, it would be unreasonable to require a full ecological survey. Furthermore, the consultation response reinforces my view the site has limited ecological value given its makeup and use as an overflow car park. Second, given its location, the unauthorised use is unlikely to have a materially harmful effect on ecology and nearby watercourses. Accordingly, the Council's policies EE2, EE3 and CC4 are satisfied as is guidance found in the Framework 192 – 195.
14. Other considerations: There is a lack of open storage yards in urban areas. The business is rural based and supports the local economy, although I am concerned about the site's location and effect on heritage asset's setting. The site is accessible but probably by private mode of transport due to its rural location. Nevertheless, there are some economic and social benefits of the appeal site's use for car storage and sales as it generates an income, which could be used in the upkeep of the heritage asset and grounds. On the other hand, for reasons I explain

above, the development conflicts with the development plan, as a whole, as well as the Framework.

15. Planning balance: Substantial weight is given to the inappropriate nature of the development in the Green Belt and harm to openness. The development conflicts with at least one purpose of designating land inside the Green Belt, which is a serious planning objection. The development is out-of-keeping with the character of the locality and harms the significance of the heritage asset to which I attach great weight. My findings on the effect on ecology and watercourses has a neutral effect in the overall balance in that it neither weighs in favour or against. On the other side, the land that is the subject of the notice is PDL and I attach significant weight to the advanced, as summarised above, economic and social benefits. Refusal of planning permission and upholding the notice is likely to impact the business but I attach limited weight, if any, to human rights.
16. In my planning judgement, the advanced considerations in support of the appeal, whether taken individually or cumulatively, do not, on balance, clearly outweigh the conflict with planning policies designed to protect the Green Belt, character and appearance and heritage assets, so as to justify the grant of planning permission on the basis of very special circumstances. In all the circumstances, it is not disproportionate to refuse planning permission.

Compliance period

17. In ground (g), the appellant needs to show the period of compliance is too short. The evidence presented does not show to me there is a lack of storage yards in the district nor is there anything to show alternative sites have been considered but are not available. The appellant says 4 months to close operations will cause undue hardship, but the breach of planning controls should not be allowed to continue more than necessary given the harms caused. The business mainly operates online, and, in my assessment, the use can cease within 4 months. In addition, the period specified to remove the hard standing, 5 months, is also appropriate given the nature of the work required.
18. In conclusion, the period specified is reasonable to afford the appellant sufficient time to make alternative arrangements without causing significant hardship nor adversely affect the business or human rights, which I have considered. Ground (g) fails because the nature of the work required by the notice can reasonably be achieved in the period specified.

Conclusion

19. For all the above reasons and having considered all other matters raised, I conclude that the appeal against the enforcement notice should fail on ground (a) and (g), and planning permission is refused.

A U Ghafoor

INSPECTOR