



Appeal Decision

Site Visit made on 28 June 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2021

Appeal Ref: APP/K0235/W/21/3272837

Land Adjacent To 12 Bassie Close, Bedford MK42 9LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Carlie Simpson against the decision of Bedford Borough Council.
 - The application Ref 20/01238/S73A, dated 15 June 2020, was refused by notice dated 20 October 2020.
 - The development proposed is a 'driveway to be built on part of the land and the other part of the land enclosed as part of residential garden'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of the development in the heading above, which is taken from the application form, the development is more fully described on the decision notice and appeal form as the 'change of use of land to residential garden, enclosure with 1.8m high fence and laying of driveway'.
3. At the time of my site visit I saw that the fence had been erected but laying of the driveway was not complete. I have dealt with the appeal on that basis.

Main Issue

4. The main issue is whether or not the location of the development is acceptable.

Reasons

5. Policy 90S of the Bedford Borough Local Plan 2030 (adopted January 2020) is entitled 'Transport infrastructure and network improvements'. It sets out how the Council seeks to deliver strategic transport improvements, and, with that aim in mind, safeguards certain routes for such schemes. Development within safeguarded areas has the potential to constrain or impede implementation of the infrastructure improvement projects, which are integral to achieving the Plan's overall aims.
6. In this instance the appeal site is in part existing residential land associated with No 12, and in part a further parcel of land to the east (which has now been incorporated into the existing parcel of land).¹ Part of the site falls within the boundary of land that is safeguarded under policy 90S for the St John's Area Relief Scheme ('Relief Scheme'). I understand that the 'East-West rail

¹ Title plan Nos. BD224248 and BD319364

scheme' also referenced in the policy, is one of the infrastructure projects identified as necessary to facilitate the Relief Scheme.

7. Contrary to the appellant's position, I understand that details of the East-West rail scheme design are, as yet, uncertain. I accept that there are different potential options for the realignment of the railway leading to Bedford St. John's Station from Bletchley that were subject to consultation by the East-West Railway Company. I acknowledge that, within those options, the broad location of the appeal site is identifiable and appears unaffected. I also note that the proportion of the appeal site that falls within the safeguarded zone under policy 90S is relatively limited, the extent of the safeguarded land being inevitably subject to a degree of tolerance in advance of a finalised scheme.
8. Nevertheless, in my view, the extension of the residential garden associated with No 12 and the erection of fencing, clearly conflicts with the aims of policy 90S. In my experience even relatively minor changes to the nature of a site may have significant implications for the design and implementation of infrastructure projects. In that context, any encroachment into the safeguarded zone would need compelling justification (in line with section 38(6) of the Planning and Compulsory Purchase Act 2004, as amended).
9. In that context I accept that the development is clearly beneficial to the appellant, in providing a larger and more useable outside space. With reference to the cases made at appeal, I also acknowledge that on account of the nature and surrounding context to the appeal site, that no unacceptable effects would arise in other respects (including with reference to character and appearance, biodiversity and highway safety).
10. However the benefits of the proposal are effectively private, and there is no indication that the pre-existing arrangement at No 12 was particularly disadvantageous to occupants, or prevented comfortable enjoyment of that property. As such, at best, I can accord the benefits of the scheme only very limited weight. That the proposal would be otherwise acceptable is, moreover, a neutral finding rather than one that weighs positively in favour of allowing the appeal.

Conclusion

11. Therefore for the above reasons, having considered the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR