



Appeal Decision

Site visit made on 22 January 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 March 2025

Appeal Reference: APP/P0240/W/24/3352282

Land off Kerrison Close, Lidlington, Bedfordshire, MK43 0UW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs D & D O'Connell against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/02777/OUT
 - The development proposed is Outline Application: Residential Development
 - comprising 3 residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site includes land which has been safeguarded for the purpose of delivering East West Rail (EWR), a project of national significance aiming to deliver new and enhanced rail infrastructure to provide frequent, fast, and reliable rail links for communities between Oxford, Milton Keynes, Bedford, and Cambridge. Safeguarding Directions were issued by the Secretary of State for Transport on 14th November 2024 under articles 18(4), 31(1) and 34(8) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Safeguarding Direction), these directions were issued after the decision of Central Bedfordshire Council on the matter here appealed and therefore apply to the determination of this appeal.
3. Central Bedfordshire Council have indicated they are unable to a 5-Year Housing Land Supply which they calculate to be 3.46 years, and that in consequence the presumption in favour of sustainable development is engaged as set out in paragraph 11(d) of the Framework, which I have accordingly addressed in my conclusions.

Main Issue

4. The Main Issue is whether the development would be in a suitable location having regard to (a) the effect of the development upon character and appearance of the area and (b) the proximity of rail infrastructure.

Reasons

Character and Appearance

5. The development proposed would include three dwellings on an area of open land located between an established residential area forming part of the village of Lidlington and a belt of vegetation and trees that lies along the southern side of an existing dual-track railway line which runs between Fenny Stratford and Kempston. A bridleway and pedestrian route running east from Lombard Street in the centre of the village lies between the appeal site and the established development; this pathway links with a public footpath running broadly north-south across the rail line and, as the proposal suggests, potentially joining with Kerrison Close from which the proposal would be accessed.
6. The area proposed to be developed is roughly triangular, tapering to the east where a new vehicle access from Kerrison Close would be located, in addition to a parking area. As an outline application, no details are sought to be approved other than means of access, however, the indicative site plan shows three dwellings with a similar typology of detached housing to that in the housing area adjoining, each set within a plot of reasonable size.
7. The Council indicate the area of the site is designated as open space protected from encroachment. Policy HQ10 of the Central Bedfordshire Local Plan 2021 (CBLP) refers to the protection of such spaces in the following terms: (they) 'will be safeguarded from encroachment or loss unless social, environmental or economic benefits which significantly outweigh the need to protect the land can be demonstrated'. Although an unmanaged piece of coarse grassland, partly invaded by vegetation, the space is crossed by a footpath/cycleway/bridleway which appears to be well-used. During my site visit I observed these routes in use including by dogwalkers and cyclists, there was also bramble clearance taking place at the edge of the bridleway.
8. It is apparent that the development of the site as proposed would significantly change the openness, and therefore the attractiveness, of the area to the detriment of its users and other local people and I therefore conclude there would be a significant conflict with Policy HQ10 of the CBLP which seeks the objectives I set out in my preceding paragraph.

Rail Infrastructure

9. Lidlington Rail Station lies just to the west of the appeal site and although that rail line is seemingly lightly trafficked this is likely to increase to a much greater level as a result of the East-West Rail infrastructure project. There may be as-yet-unidentified impacts from intensification of use and construction of rail infrastructure near the site including a potential relocation of Lidlington Station. The proposed development would, in part, occupy land which the Safeguarding Direction requires to be protected from development. The indicative layout shows that one of the proposed dwellings and some proposed parking areas would fall within the safeguarded area. In consequence the proposal would conflict with, and risk the implementation of, a nationally important infrastructure project.

Conclusion

10. I have concluded that the proposal would cause the loss of an area of open land which has amenity value and contributes positively to the benefits of walking and cycling by those who currently, and in the future may, use the identified pathway and cycle route/bridle way. This would conflict with the objectives of National Policy to promote healthy lives as set out in Paragraph 96 of the National Planning Policy Framework at (c) and Policy HQ10 of the CBLP. Whilst the Council's deficiency of housing land supply might tilt the planning balance in favour of the proposal, as paragraph 11(d)(ii) indicates, it is clear that even if the identified conflicts did not arise and it were argued that the proposal would be a benefit in delivering three dwellings at a time when there is a deficiency of housing land supply, the proposal would intrude upon land subject to a Safeguarding Direction required for an infrastructure project of national importance, a harm which cannot be outweighed by what is proposed. Consequently, for the reasons given and taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR