The Planning Inspectorate

Appeal Decision

Site visit made on 17 April 2018

by G Rollings BA(Hons) MA(UD) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th May 2018

Appeal Ref: APP/H5960/W/18/3195994
River terrace abutting 105 to 115 Deodar Road, Putney, London, SW15 2NU

- 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 Mr Mark Talbot (Stoutheart Limited) against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2017/2707, dated 5 May 2017, was refused by notice dated 18 August 2017.
- The development proposed is described as: "Change of use of the extension of the river walk in Wandsworth Park front class D2 – assembly and leisure to class 3 – dwellinghouses so that the gardens to 105 and 109 to 115 Deodar Road can extend into the river walk area (approx. 176 square metres)".

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site is an Asset of Community Value (ACV), and was designated as such following the determination of the application but prior to the lodgement of the appeal. The parties have had the opportunity to comment on this change of status during the appeal process and I am satisfied that none would be prejudiced in relation to this matter in my consideration of the appeal.

Background and Main Issue

3. The land in question is currently part of Wandsworth Park, although it is currently inaccessible to the general public. The change of use would involve the amalgamation of this land with the adjacent private gardens, thereby altering the land's association with the park.

4. Accordingly, the main issue is the effect of the proposed change of use on the supply of public recreational infrastructure in the area.

Reasons

5. The appeal site is a small strip of land between the Thames River wall and the rear gardens of 105 Deodar Road and 109-115 Deodar Road. It is joined to the larger Wandsworth Park at its eastern end, although it is separated from the main park by a visually permeable gate, which is locked. The land is therefore inaccessible to the general public. Two gates give access from the land to each of the gardens, and these are usually also locked, although I was allowed by the appellant to access the site via one of these during my visit.

6. The land was historically open to the public, as public land managed as part of the park. In its current form and present management, it is a quiet, isolated space and I acknowledge the concerns of the appellant and other parties regarding security and anti-social issues that have occurred in recent years. The Council holds an ambition to provide public riverfront access alongside all parts of the Thames, as set out in Policy DMT 3 of its adopted *Development Management Policies Document* (2016) (DMPD). Similarly, DMPD Policy PL 9 seeks to increase access to the riverside through redevelopment opportunities, and Policy PL 4 seeks to protect and improve public open space. These are consistent with Policy 7.18 of *The London Plan* (2016), which resists the loss of protected open spaces without satisfactory replacement, and the *National Planning Policy Framework* (the Framework), which guards against the unnecessary loss of valued recreational facilities (paragraph 70) and seeks to protect public access (paragraph 75).

7. It is clear that the appellant views the proposal as a resolution to the current security issues, and that the site would be used in a greater capacity than its present state. However, I must balance these considerations against the adopted policy position, which weighs significantly in favour of retaining the land for public use. Additionally, the ACV designation weighs in favour of the present public use designation. In applying the ACV designation, the Council would have had regard to section 88 of the *Localism Act 2011*, in which it will have considered that the use of the land would be beneficial to the well-being of the local community in years to come. As such, the ACV designation is not a matter that I cannot set aside lightly.

8. I appreciate that the land is presently not available for wider use by the community, in the way that it might have been in the past. However, its present status does not dampen the likelihood of greater public use in the future. The evidence presented to the appeal by interested parties suggests that this is a realistic prospect.

9. Furthermore, I have had regard to the likelihood of the land becoming part of a riverside walking and cycling route. I have not seen evidence that this is a realistic prospect in the short-term; nonetheless, I have had regard to DMPD Policy DMT 3, which seeks provision of new riverside walking and cycling routes in development of sites adjoining the Thames. The policy's accompanying text identifies that such allocations are made for safeguarding purposes and involve long-term implementation. Accordingly, the land provides latent future public value that has not yet been fully realised.

10. I have considered whether a temporary change of use would be appropriate. This could involve a lease of the site to achieve the change of use for a set period. The appellant has suggested that a lease could allow for the re-instatement of the present land use. However, removing the public designation of the land would negate the potential future short- to medium-term benefits to the community, as identified in the previous paragraphs. Moreover, the establishment of new patterns of use over time, as private garden land in this case, could have a negative effect on the likelihood of the resumption of public use at any point in the future.

11. I therefore conclude that the proposed change of use would have a harmful effect on the supply of public recreational infrastructure in the area. It would conflict with DMPD Policies DMO 1, DMO 3 and DMT 3, the Council's

Core Strategy (2016) Policies PL 4 and PL 9, Policy 7.18 of The London Plan, and the Mayor of London's *Green Infrastructure and Open Environments: The All London Green Grid Supplementary Planning Guidance* (2012), as well as paragraphs 70 and 75 of the Framework. Together, these seek to protect and improve and public access to land alongside the River Thames, amongst other considerations. In reaching my decision, I have had regard to the effects of the proposal on the particular significance of the various heritage designations of the park.

Conclusion

12. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR