



Appeal Decision

Site visit made on 30 July 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2019

Appeal Ref: APP/K3415/W/3220988

10 Metcalf Close, Burntwood, Staffordshire WS7 9LH

- 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 and Mrs Cockerill against the decision of Lichfield District Council.
 - The application Ref 18/01148/COU, dated 29 July 2018, was refused by notice dated 7 November 2018.
 - The development proposed is described as "area to side of property has been purchased and to become additional garden space".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on local public open space provision.

Reasons

3. The appeal site is a long and narrow rectangular shaped area of land at the end of a small cul-de-sac. It comprises an area of amenity grassland to the side of 10 Metcalf Close (No 10). The long boundary with No 10 is defined by a fence and hedge. The shorter boundary with 7 Boulton Close is lined with some mature conifer trees and the remaining boundaries are open. The appeal site forms part of the wider area of publicly accessible, informal recreational space which runs through the housing estate. While some sections are simply footways, others open to large swathes of grassed areas with additional landscaping and seating to benefit all.
4. The site forms part of a residential area that was granted outline planning permission in 1986¹ and was subject to a condition which required the delivery of public open space to be included in the layout. The reserved matters approval² was subject to a condition for the delivery of the public open space in accordance with the approved plan and this was the subject of a legal agreement. The plan that accompanies the agreement shows this land as 'public open space'. Details of the planning permissions and legal agreement are provided by the Council as part of the appeal.

¹ Planning Application ref L10256

² Planning Application ref L870614

5. The area forms part of the Hunslet Road/Boulton Close Amenity Green Space. Amenity green space is defined by the Lichfield District Council Open Space Assessment 2016 (OSA) as an area *"mainly found in housing areas where it is used to enhance the appearance of an area and provide opportunities for informal activities such as jogging, dog walking and children's play space close to home. This type of open space is also present in town and city centres where they are used by workers and visitors for informal recreation and relaxation"*.
6. Policy HSC1 of the Litchfield District Local Plan Strategy (2015) (LPS) supports proposals which improve the quantity, quality and accessibility of green spaces especially where deficiencies have been identified. The policy also protects all open space facilities identified in the OSA and sets minimum standards for the distance from amenity green space for residents and provision of amenity green space for strategic developments. The OSA, using the 1.43 hectare (ha) per 1,000 population and the 2011 census figure for the population for Burntwood, identifies that an additional 7.2 ha of amenity green space would be required to comply with Policy HSC1.
7. The policy also supports the protection of amenity green space to encourage healthy lifestyles and sustainable, quality environments. These spaces, no matter whether large or small, are also important as they can act as corridors for movement by sustainable methods such as walking or cycling, linking existing communities and facilities. Not only do these spaces provide informal recreational space they also contribute to the overall wider landscape and local environment.
8. Policy CP10 of the LPS promotes healthy lifestyles by facilitating access to a range of high quality and well-maintained open spaces which the Council will seek to preserve and improve with footpath and cycle connections between urban areas and the countryside. The policy stresses that the loss of open spaces including linear recreational routes will be resisted where it can be shown there is an existing or future need, unless it can be clearly demonstrated that alternative spaces of an equivalent or a higher standard are being provided in a location which is equivalent or better, which improve access and result in no loss of amenity or environmental quality or quantity. Where such spaces, routes and/or facilities are lost any replacement must be made available prior to the loss of the original facility.
9. The appeal site is part of valuable open space for the local community. As set out above, the OSA confirms that there is a current under provision of open space in the locality. Moreover, I have been provided with no evidence to show that this open space is surplus to requirements, would be replaced by an alternative space of an equivalent or a higher standard in a location which is equivalent or better, which improves access and results in no loss of amenity or environmental quality or quantity.
10. The development would result in an unacceptable erosion of public open space which is contrary to Policy CP10 of the LPS. Additionally, the proposal is contrary to Policies HSC1, CP3, CP14, Policy Burntwood 1 and Policy Burntwood 2 of the LPS and the revised Framework which state that access to a network of high quality public open spaces is important for health and well-being of communities and that areas of public open space should be protected, maintained, improved and enhanced.

Other Matters

11. I sympathise with the appellants concerning the favourable communications with the Council and the officer support for the proposal. Nevertheless, Planning Committees are not bound to accept the recommendations of their officers and my assessment is based on an impartial appraisal of the planning merits with regard to relevant planning policies. Dissatisfaction with the Council's procedural policies should appropriately be made in the first instance through the authority's own complaints procedure.
12. The desire to extend the private garden area to the house is also appreciated especially as the main private outside area to the house is limited in size. However, the erosion of amenity green space would be contrary to the development plan and there are no other considerations which would outweigh its loss.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Hanson

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