



Appeal Decision

Site visit made on 8 October 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2019

Appeal Ref: APP/U2805/W/19/3229991

42 Lowry Close, Corby NN18 0QT

- 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 Mrs Jovana Jevtic against the decision of Corby Borough Council.
 - The application Ref 18/00849/REG4, dated 6 March 2018, was refused by notice dated 28 May 2019.
 - The development proposed is the change of use of amenity land to garden land.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site has been the subject of a previous appeal decision¹ which I have had regard to in my consideration of the proposal before me.

Main Issue

3. The main issue is the effect of the development on the public open space provision and the character and appearance of the area.

Reasons

4. The appeal site forms part of a parcel of land that is used as public amenity space which sits between Lowry Close and Sower Leys Road. The development seeks to include the land within the garden area of the host property through the erection of a close boarded timber fence, which would align with an existing fence at the site.
5. Policy 3 and 8 of the North Northamptonshire Joint Core Strategy 2016 (the Core Strategy) seek, amongst other things, to ensure that developments respond to the site's immediate and wider context, local character and landscape setting and create safer places by designing out crime and other security measures. The National Planning Policy Framework (the Framework) states at paragraph 97 that existing open space should not be built upon unless the criteria set out therein is met. This is reflected in Policy 7 d) of the Core Strategy.
6. The site represents an area of some 23 sq. m as calculated by the appellant and is sited in the eastern corner of the amenity land. While the loss of the land would be discreet as it is located in one corner of the field, it would

¹ APP/U2805/W/18/3208637 dated 28 November 2018

nonetheless be visible from Lowry Close at the metal gate that allows access into the site, as well as to users of the amenity space. Although I acknowledge that the area of land concerned is quite small when considered against the totality of open land provided in the vicinity, this in itself is not a reason to allow the piecemeal erosion of such areas. I have no evidence before me to suggest that the land in question is surplus to requirements, that it would be replaced by an equivalent provision or that it is required for an alternative sports and recreation provision which clearly outweighs its loss.

7. Furthermore, I am not persuaded that the change of use would not result in a material loss of amenity land, thereby setting a negative impact on the character of the area and harming its visual amenities. Moreover, although only a small area of space, it nonetheless contributes towards the overall visual qualities of the area and the introduction of a fence on land that is currently open, would create a hard edge to what otherwise forms part of the green and pleasant public amenity space. Thus, the development would result in material harm to the character and appearance of the area.
8. I have carefully considered the appellant's concerns regarding the site and the photographs provided depicting the litter and anti-social behaviour that has taken place. I have also taken into account the support for the change of use by Northampton Police. However, as the previous Inspector explained, planning is concerned with land use in the public interest and there is still little substantive evidence before me that appropriate enforcement action could not resolve such matters. Thus, the appellant's concerns can only be afforded limited weight in support of the appeal and do not overcome the harm I have identified.
9. The appellant also suggests that the land is no longer managed by the Council as the grass is not being cut at this point and it is difficult to collect litter. However, my visit revealed that the area was free of litter and the grass at the appeal site had been cut and was being managed to the same standard as the remainder of the open space.
10. Consequently, the development would result in material harm on public open space provision and the character and appearance of the area. It would be in conflict with Policies 3, 7 and 8 of the Core Strategy and the Framework which seek, amongst other things, to ensure that developments respond to the site's immediate and wider context, local character and landscape setting, create safe environments and support and enhance community facilities, such as public open space.

Conclusion

11. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR