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## Appeal Decision

Site visit made on 31 October 2019

**by Graham Wraight BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 November 2019**

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**Appeal Ref: APP/C3430/W/19/3235519**

**16 Brindley Close, Penkridge, Staffordshire, ST19 5HX**

- 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 Weatherley against the decision of South Staffordshire Council.
  - The application Ref 19/00143/COU, dated 21 February 2019, was refused by notice dated 16 July 2019.
  - The development proposed is the change of use from public open space to garden extension for existing residential dwelling. Procedures related to the disposal of public open space under section 123 (a) of the Local Government Act 1972 have been undertaken (see accompanying letter for detail)
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The change of use of the land has already been undertaken and therefore I have determined this appeal on that basis. I noted during my site visit that the land has been enclosed by a fence, but this fence is not detailed in the description of the development or shown on the plans provided. I have therefore not considered this fence as part of the appeal development.

### Main Issues

3. The main issues are (i) the impact upon the character and appearance of the area and (ii) the impact of the reduction in open space provision.

### Reasons

#### *Character and appearance*

4. The appeal site is part of a larger area of open space which lies immediately adjacent to a housing estate. A continuous and established mature landscaping belt is located immediately adjacent to the boundaries of those dwellings that adjoin the open space. The presence of the landscaping belt and its generally uniform appearance is a significant component of the character of the area and one which marks the transition between the area of open space and the more suburban nature of the housing estate.
5. The appeal development has resulted in the removal of part of the landscaping belt and the extension of the garden area of the dwelling. This has interrupted the continuity of the landscaping belt and resulted in the length of the rear garden of the dwelling extending a substantial distance beyond those of the

other dwellings that border the open space. In combination, the removal of part of the landscaping belt and the increase in the garden area of the dwelling have caused significant harm to the character and appearance of the area.

6. The appellant has referred to new landscaping that has been planted along the boundary of the appeal site and the open space. Whilst I observed this landscaping during my site visit, I have not been provided with any specific details of it and I cannot be sure what screening impact it would ultimately have. However, in any event, this vegetation would be unable to replicate the impact of the established landscaping belt and would not adequately compensate for its loss. Furthermore, it would still be clear that the curtilage of the appeal dwelling extended far beyond those of the adjacent dwellings. In both respects therefore, the harm to the character and appearance of the area would continue.
7. The appellant considers that the existing landscaping belt is not adequately maintained. At the time of my visit the landscaping belt appeared to be well kept but I have not been provided with details of a maintenance schedule on which I could make any specific judgement. However, notwithstanding the absence of such details, the potential for the landscaping belt to become overgrown does not justify a development that has caused the degree of harm to the character and appearance that I have identified.
8. For the reasons stated above, I conclude that the development has caused significant harm to the character and appearance of the area. This is contrary to the objectives of Policy EQ11 of the South Staffordshire Core Strategy Development Plan Document 2012 (CS) which seeks to safeguard character and appearance.

#### *Open space provision*

9. The development has resulted in the reduction of only a relatively small part of the area of open space. Furthermore, it would appear that the appeal site was not easily accessible, as it was covered with dense established vegetation. This factor, together with its positioning away from the hard-surfaced footpaths that run through the area and its closeness to the boundaries of residential dwellings, would have severely reduced the likelihood of its use by members of the public. The development has therefore not had a substantial impact upon the functionality of the open space as a whole, in particular in terms of its use by local residents.
10. Accordingly, I conclude that the development does not conflict with the general objectives of Policy HWB1 of the CS, which seeks to protect existing areas of open space in order to ensure that communities continue to have access to local facilities. Paragraph 97 of the National Planning Policy Framework seeks to meet similar objectives and the loss of the area of land in question does not prejudice these aims. The Council has also referred to its Open Space Strategy 2017 and the identification within it that the provision of publicly accessible open space remains a priority. However, for the reasons given above, the development has not compromised this priority.

#### *Other matters*

11. The appellant has provided details of the process which has led to the development occurring. Whilst these details are noted, they do not refer to the

planning merits of the case on which I must make my decision. I can therefore only give them limited weight and they do not outweigh the significant harm to character and appearance that I have identified.

### **Conclusion**

12. Although I find no harm as a result of the reduction in open space provision, I do find significant harm to the character and appearance of the area and subsequent conflict with the development plan. Therefore, I conclude that the appeal should be dismissed.

*Graham Wraight*

INSPECTOR