



Appeal Decision

Site visit made on 8 March 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/V0728/W/21/3288911

38 Hawkstone Close, Guisborough, Cleveland TS14 7PE

- 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 Neil Kitching against the decision of Redcar and Cleveland Borough Council.
 - The application Ref R/2021/0844/FF, dated 28 September 2021, was refused by notice dated 2 December 2021.
 - The development proposed is described as 'change of use from public open space to residential curtilage & boundary (garden) fence - to become private garden, keeping & preserve all existing trees.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the provision of public open space and the character and appearance of the area.

Reasons

3. No 38 Hawkstone Close is a detached property at the end of a cul-de-sac within an established residential area. The appeal site comprises an area of open grassland with a small number of mature trees within it, located between the side boundary of No 38 Hawkstone Close and a public footpath.
4. The public footpath is a lit route providing a well maintained, dedicated pedestrian route connecting various estates in the area. The appeal site forms part of the footpath's grassed margins that provide an open spacious setting to the footpath experienced by walkers along it, and positively contributing to the character of the area.
5. The appeal site is part of the Aldenham Road Green Space designated as primary open space in the Redcar and Cleveland Borough Council Local Plan May 2018 (Local Plan). Although the appeal site is of a limited size, it contributes to the footpath corridor which provides the opportunity for residents to walk safely between estates for recreation and to access services and facilities by other means than the car. The appeal site provides a clear function as part of a protected and open route where residents can feel safe to walk and is not in excess of what is needed to fulfil its primary open space function.
6. The proposed boundary fencing would project significantly into the grassed margin adjacent to the footpath. The enclosed space would notably contrast

with the open grassed areas that would remain around it and would appear as an intrusive feature. Further, the positioning of the fence line would diminish the quality of the pedestrian environment by reducing its spacious surroundings. The enclosure of the appeal site would be harmful to the footpath's open setting and to the area's character and appearance.

7. At my site visit I noted the area to the rear of 40 Meath Way where land adjacent to the footpath is being enclosed. There is a wider margin of grassland next to the footpath adjacent to No 40 Meath Way, and the decision to allow the enclosure of space adjacent to this property does not alter my view on the appeal proposal.
8. Whilst I appreciate that anti-social behaviour can be a problem in areas accessible to the public, from what I saw at my visit it is not a significant issue in the vicinity of the appeal site, and there is no other substantive evidence before me that it is.
9. Overall, I conclude that the proposed development would be detrimental to the provision of open space within Guisborough and would detract from the character and appearance of the area. The proposal would conflict with Policies N3 and SD4 of the Local Plan where these policies only support the loss of primary open space where there is a proven excess and seeks to ensure that development does not harm the character and appearance of the surrounding area.

Other Matters

10. I acknowledge the appellant's concern that the area of land was sold by the Council prior to planning permission being refused. However, I have assessed the proposal on its planning merits as I am required to do. The sale of the land is a matter between the parties.

Conclusion

11. For the reasons given above, I conclude that the proposal conflicts with the development plan, and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg,

INSPECTOR