

Appeal Decision

Site visit made on 15 July 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 August 2022.

Appeal Ref: APP/H1705/W/22/3290886

Land to rear of 22-32 Beech Way, Basingstoke, RG23 8LW

- 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 & Mrs Clayton & Tania Parmenter against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 20/03375/FUL, dated 29 November 2020, was refused by notice dated 22 July 2021.
 - The development is the change of use of land for purposes ancillary/incidental to 28 Beech Way, including the storage of the owners' caravan; erection of 1.7m fence and gates facing Dunsford Crescent.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Preliminary and procedural matters

3. The appeal site is an elongated and relatively narrow piece of land to the rear of Nos. 22-32 Beech Way, but which also occupies parts of the southern frontages of Dunsford Crescent and Napoleon Drive where those streets meet. A timber fence set in concrete posts has been erected along these frontages. The gates have not been erected, and there was no caravan on the site at the time of my visit. The grass on the site was overgrown with the land being unused, and unkempt.
4. I shall proceed on the basis that most of the development described above is proposed, whilst the appellants wish to retain the fence, as erected. There was a small gap in the fence which enabled me to enter onto the land during my visit. On the land I saw a small sign displaying the Borough Council's crest which said *'THIS AREA IS UNSUITABLE FOR BALL GAMES – please be considerate and use the local playing field'*.

Reasons

5. Napoleon Drive, Dunsford Crescent, Rose Holland Place and Waterloo Avenue form part of a larger residential estate, but are themselves cul-de-sacs, all

served by a short link to Wellington Terrace, which appears to be a main distributor. Residents and visitors arriving by car to this part of the estate pass the appeal site, which is at the end of the short link mentioned previously, and it is thus plainly in view to all who pass it.

6. In the historical photographs produced by the Council, the site, just like land on the opposite side of the road, appears to be an open amenity area being largely grassed, with trees. I note the appellants' and others' claims that the land was subject to fly-tipping before its acquisition; but this is not a view shared by all local residents in their comments. The photographs produced by the Council show it to be well maintained at that time, with no apparent fly tipping, although I appreciate that these are a record of the position at one moment in time.
7. The appellants say that the land does not comprise 'open space', as defined in, and for the purposes of, the Act¹. But the term open space has different definitions or meanings, for example, as found in the Open Spaces Act 1906², and the Framework³. Policy EM5 provides that the Borough's 'Green Infrastructure' is a network of multi-functional green spaces, including *"amenity open space in residential developments including incidental areas of green space such as grass verges"*. This aspect of the policy appears to me to chime with the Framework's definition of open space.
8. I note the appellants' reference to the originally approved layout but to my mind, prior to its enclosure, the land clearly formed an open space in the terms of the Framework and Policy EM5⁴, being of public value and acting as a visual amenity in the context of surrounding development. It contributed positively, along with other open space in the locality, in providing green and landscaped areas meant for the common good, mellowing the intrinsic hardness of urban development.
9. The erection of the fence in such a prominent position has altered the essential character of this area, to its detriment. I note the references to the extant, similar fencing used locally in other nearby places. But I did not find the fencing that I saw either attractive or pleasing to the eye.
10. In my view, the erected fence has harmed the character and appearance of the locality in two ways. First, by reason of its extent and harmful visual impact on its surroundings, and secondly, by its contribution in eroding a pleasant open area, and harming the public's perception and appreciation of a green open space by reason of its enclosing effect. Thus, the means of changing the use of the land has already led to harmful consequences.
11. I therefore conclude that the development has and would materially harm the character and appearance of its surroundings. Accordingly, a clear conflict arises with those provisions of LP policy EM5 which provide that the Council will seek to protect the Borough's green spaces, and LP policy EM10 requiring new development to positively contribute to the appearance and use of streets and other public spaces.

¹ The Town and Country Planning Act 1990.

² Section 20

³ National Planning Policy Framework, Annex 2: *Glossary*

⁴ Of the Basingstoke and Deane Local Plan (LP)

Other considerations

12. I have noted the appellants' account of the circumstances surrounding the purchase, the former ownership, and the claim that the area generally has other areas of green space. I saw that to be the case, but it does not justify approving what I have found to be a harmful development, which the proposed mitigation measures would not overcome.
13. The appellant has referred to a possible fallback in respect of the erection of other fencing, differently located, and/or the provision of a hedge around the frontage. Whilst the appellant says that the Council does not disagree that this could be done without planning permission, no Lawful Development Certificate has been produced. Neither am I persuaded, even if the fallback position existed, that it represents a realistic proposition, bearing in mind, as the appellant says, that it would not authorize the change of use of the land.
14. I have taken account of the brief submissions made in respect of personal circumstances in the context of the future intended use of the land. However, these are unsupported by any independent medical or similar professional evidence, which I would normally expect to be put forward when such circumstances are cited. I therefore give limited weight to the submission in these circumstances, given the harm I have found.
15. I have taken account of all other matters raised in the representations including the comments made by several members of the public, which include indications of support.
16. Finally, as requested, I have taken account of the text of the speech made by one of the appellants to Planning Committee, but neither this nor any other matter raised in the representations outweighs those considerations which led me to my conclusions.
17. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR