



Appeal Decision

Site visit made on 1 August 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/P1805/W/21/3287962

19 Chestnut Drive, Hagley, Worcestershire, DY9 0GH

- 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 Catherine Harrison against the decision of Bromsgrove District Council.
 - The application Ref 21/00934/FUL, dated 5 June 2021, was refused by notice dated 19 July 2021.
 - The development proposed is the change of use for the land adjacent to the garden of 19 Chestnut Drive (behind The Sycamores) from public open space use to be incorporated into the existing garden of 19 Chestnut Drive. The proposal includes enclosing the area with new fencing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on open space provision.

Reasons

3. The appeal site forms part of a larger area of open space within Hagley. The site is located to the rear of dwellings on Chestnut Drive and The Sycamores. The site is fairly level, and during my site visit formed part of an area of trees, shrubs, and planting. Although somewhat overgrown, the site contributes positively to the amenity of the area by providing a landscape buffer between the boundaries of properties and the open grassed area. It is clear that the site is valued by the local community, as demonstrated through the comments received in relation to the application.
4. Policy BDP25 of the Bromsgrove District Council District Plan (2017) (DP) seeks to protect existing amenity assets and resists the loss of outdoors open space unless it can meet certain criterion. This includes that it can be demonstrated that the open space is no longer needed or is unlikely to be required in the future.
5. The Council has provided a copy of their Open Space Audit (2017) (OSA) which notes a deficit of 1.084 hectares in amenity green space for the Hagley area. I have had regard to the appellant submission in relation to the land being undesignated and therefore not included within the OSAs calculations. I have also had regard to the map provided by the appellant detailing other nearby open spaces that do not form part of the OSA. Whilst these areas would

contribute some 0.33 hectares to the amenity green space in Hagley, there would still be a deficit.

6. I have not been provided with any evidence to demonstrate that there are other areas of open space available that would overcome the identified shortfall. Additionally, I have not been provided with any evidence that the open space is no longer needed. Due to the identified deficiencies a further loss would have a harmful impact on the amount of green amenity space provided.
7. The appellant asserts that the appeal site, due to its overgrown nature, is unused and its loss would not impact on the grassed area which is used by nearby residents. The OSA defines amenity green space as informal spaces around housing that are important to enhance the visual appearance of residential areas. As such, spaces do not need to be useable for recreation purposes to contribute positively to green amenity space. As noted above, the contributes positively to the area and provides a buffer between the grassed area and surrounding residential development.
8. The proposal involves the loss of an area of open space in an area that has an undersupply of amenity green space and would therefore conflict with DP Policy BDP25. This seeks, amongst other things, to ensure that there is no loss or displacement of outdoor space without up-to-date and robust evidence. The proposal would also conflict with paragraph 130 of the National Planning Policy Framework which seeks to ensure that developments promote health and well-being, with a high standard of amenity for existing and future users.

Conclusion

9. For the reasons set out above, I conclude the appeal should be dismissed.

Tamsin Law

INSPECTOR