



Appeal Decision

Site visit made on 22 August 2022

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/Z3445/W/22/3297985

Land adjacent 15 Romney, Belgrave, Tamworth B77 2NH

- 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 Paul Willars against the decision of Tamworth Borough Council.
 - The application Ref 0352/2021, dated 1 February 2021, was refused by notice dated 5 November 2021.
 - The development proposed is construction of 2 pairs of semi-detached dwellings with frontage parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would lead to an unacceptable loss of open space.

Reasons

3. The appeal site is a small area of open space located at the end of a cul de sac in a residential area. The cul de sac comprises pairs of semi-detached houses uniformly set back from the road by front gardens and driveways. The site adjoins a wider area of open space and pedestrian pathways which provide a link to other parts of the residential area. Whilst the appellant distinguishes the appeal site from the adjoining open space, visually and functionally the sites appear contiguous.
4. Policy ENV3 of the Tamworth Borough Council Local Plan sets out 3 criteria to inform decisions where development would result in the loss of open space or adversely affect it. The parties disagree on whether all 3 criteria are required to be met for a scheme to be policy compliant. I share the view of the Council in my reading of the policy that all criteria are required to be met as there is nothing in either the policy wording or supporting text to indicate otherwise.
5. The parties agree that criteria b and c of the policy would be met. As part of this it is noted that the appellant would make a financial contribution towards the enhancement of nearby open space. There is no evidence before me to indicate that criteria b and c of the policy would not be met and therefore I have no reason to disagree with either of the main parties.
6. The main parties disagree on whether criterion a of the policy would be met which requires the strategic benefits of delivering the Local Plan to outweigh

the negative impact or loss of the open space. The appellant has identified what they consider to be benefits of the scheme such as the sustainable location of the site and that the development would support a small business. However, I do not consider such benefits to be strategic, they are benefits that would be expected in any development of its kind. Based on the evidence before me, the scheme would not deliver a strategic benefit that would outweigh the loss of the open space.

7. All 3 criteria of the policy are required to be met for the development to be policy compliant. As the scheme fails to do this it would not comply with Policy ENV3 of the Local Plan. I do not consider there to be any material considerations to outweigh the absence of compliance.

Conclusion

8. For the reasons identified and taking into account all other matters, including the views of interested parties, the appeal is dismissed.

K Ford

INSPECTOR