



Appeal Decision

Site visit made on 10 October 2023

by L Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2023

Appeal Ref: APP/U4230/W/23/3319226

Land Rear of 21 and 23 Kempnough Hall Road, Worsley, Salford M28 2QP

- 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 David Woods against the decision of Salford City Council.
 - The application Ref 22/80993/COU, dated 15 December 2022, was refused by notice dated 21 February 2023.
 - The development proposed is Change of use from a parcel of land to Domestic Garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the location of the site within the West Salford Greenway.

Reasons

3. The appeal site is a strip of land located to the rear of 21 and 23 Kempnough Hall Road. At the time of my site visit it was evident that the land is no longer in agricultural use and is well maintained and bordered by planting, indicating that it has been incorporated into use as a domestic garden.
4. The site lies within an area designated as the West Salford Greenway in the Salford Local Plan: Development Management Policies and Designations 2023 (SLP). Policy G14 of the SLP states that the West Salford Greenway will be protected and enhanced with a strong emphasis on maintaining the openness and continuation of the Greenway and avoiding any fragmentation of it.
5. The appellant has argued that incorporating the plot of land into the garden could not be classed as fragmentation as it abuts the existing garden's rear boundary. However, I consider that removing any piece of land, however small and wherever located within the Greenway, would lead to its fragmentation. No firm details have been provided to me to indicate that the original boundary of the Greenway would have ended at the point where the proposed garden would be extended to, thus showing better continuity with the Greenway. The land in question is designated as part of the West Salford Greenway in the adopted local plan, and I have considered the appeal on this basis.
6. The appellant has highlighted that the land is surplus to agricultural requirements. Regardless of this, the land is designated as part of the Greenway and its openness should be retained. However, the change of use to an enclosed private garden has introduced a domestic formality into the

Greenway. The planted boundary and the low-level residential use do not reflect the less formally maintained natural character of the surrounding landscape, and has resulted in harm to the openness of the Greenway contrary to Policy G14.

7. I have been made aware that the condition of sale of the land included a deed of covenant stating that it could only be used as a garden space, with no buildings or extensions being permissible. However, if permission were given for the change of use, it would be reasonable to expect that a more intensive residential use would ensue with additional plantings and domestic paraphernalia such as garden furniture and play equipment. This would add further to the incongruity of the use against the appearance of the Greenway. Although the appellant has stated their willingness to keep the area clear of such paraphernalia, I do not consider that this would be reasonable or enforceable. In any case, as the planning permission would run with the land, future occupiers might not be so willing.
8. The appeal site is only a very small area in terms of the Greenway when taken as a whole. However, Policy G14 specifically states that there will be a strong emphasis on avoiding any fragmentation, indicating that even small losses would not be acceptable.
9. I conclude that the proposed change of use would detract from the character and appearance of the surrounding area. As such, it would not conform with Policy G14 of the SLP which seeks to protect and enhance the West Salford Greenway, maintain its openness and continuity, and avoid its fragmentation.

Other Matters

10. The appellant has stated that none of the neighbours objected to the proposal, but one objection was received by the Council. Nevertheless, even if this had been accurate the absence of objections would not make this proposal acceptable.
11. I note that the appellant is aggrieved with the Council's handling of their applications. However, this is a matter between the parties that does not fall within the remit of this appeal. I have therefore given it no weight in my determination.

Conclusion

12. The proposal would conflict with the development plan when taken as a whole and there are no material considerations which would indicate a decision other than in accordance with the development plan.
13. For the reasons given above the appeal should be dismissed.

L Hughes

INSPECTOR