
Appeal Decision

Site visit made on 11 November 2025

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/W4515/W/25/3371651

46 Wenlock Drive, North Shields NE29 9HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Neil Schofield against the decision of North Tyneside Council.
 - The application Ref is 25/00730/FUL.
 - The development proposed is described as retrospective change of use from unregistered waste/scrub land to residential garden.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development results in an unjustified loss of designated open space;
 - The effect of the development on the character and appearance of the area;
 - The effect on the designated wildlife corridor and biodiversity within the green infrastructure network.

Reasons

Loss of open space

3. The appeal site forms part of a green corridor separating the residential estate from the A1058 Beach Road. It is identified as open space within the North Tyneside Local Plan (2017) (the LP) and contributes to the multifunctional role of the green infrastructure network. Policies DM5.2 and DM5.3 of the LP seek to safeguard such spaces, permitting their loss only in exceptional circumstances and where alternative provision of equivalent quality and accessibility is secured.
4. The appellant contends that the land contained unmanaged scrub of negligible value, was subject to littering and anti-social behaviour, and that its enclosure has improved safety and appearance. While these matters are noted, they do not demonstrate that the land is surplus to requirements or justify its loss under the relevant policies. The Council's Green Space Strategy (2015) categorises the corridor as high quality and medium value, and the site forms part of a continuous open area that provides visual relief and separation between built development and the highway. Representations indicate that the corridor is also used informally

for walking, play and dog exercise, adding to its recreational value for the local community.

5. Although modest in scale, the development has removed part of this open space without replacement or mitigation. It therefore results in significant conflict with Policies DM5.2 and DM5.3 of the LP.

Character and appearance

6. The edge of the housing estate is defined by a uniform boundary line adjoining the open space. The appeal fence projects about 4.4 metres beyond this line, interrupting the established edge and encroaching into what was previously an open setting within the green corridor.
7. Although the fence matches others in height and materials, its position within the open space makes it conspicuous and visually intrusive. This encroachment diminishes the open character and disrupts the planned relationship between the dwellings and the green buffer. Incremental losses of this nature would weaken the coherence of the corridor and, in turn, harm the quality of the wider townscape.
8. The development therefore causes significant harm to the character and appearance of the area, contrary to Policy DM6.1 of the LP, which requires development to respond positively to its context.

Wildlife corridor and green infrastructure

9. The land lies within a designated wildlife corridor. Policies S5.4 and DM5.7 of the LP require development to protect and enhance the quality and connectivity of such corridors. Policy DM5.3 seeks to safeguard and improve the wider green infrastructure network.
10. Prior to enclosure, the site contained scrub and small trees that offered potential habitat for species such as small mammals, birds, and invertebrates, contributing to the corridor's structural diversity and ecological function. Although the appellant argues that the scrub was of low ecological value, no ecological assessment has been provided to substantiate this or to demonstrate that proposed enhancement measures would offset the harm. The removal of vegetation and introduction of a solid boundary fence reduce permeability for species and fragment the corridor, thereby diminishing its ecological function and connectivity. This also lessens the site's contribution to biodiversity within the green infrastructure network.
11. The development therefore conflicts with Policies S5.4, DM5.3 and DM5.7 of the LP, which seek to avoid significant harm to biodiversity and safeguard green infrastructure.

Other Matters

12. Suggested conditions to secure planting and biodiversity enhancements would not overcome the fundamental conflict with policies protecting open space and wildlife corridors. In addition, the appellant has no legal ability to implement or maintain works on land outside their ownership or control, and such conditions would therefore fail the tests of reasonableness and enforceability.
13. Although the officer report notes that the fence height would ordinarily comply with permitted development rights, the change of use to garden land is development

requiring planning permission, and the fence forms part of that change. It therefore cannot benefit from permitted development provisions.

14. I have had regard to the letters of support for the development. While they express personal views on improved appearance and security, these do not outweigh the identified harm and conflict with the development plan.

Conclusion

15. The proposal conflicts with the development plan when read as a whole, and there are no material considerations that indicate a decision other than in accordance with it. Furthermore, given the number of properties adjoining this open space, there is a realistic prospect that allowing this development would lead to similar proposals along the boundary, causing cumulative harm to the integrity of the green corridor. This potential for precedent adds significant weight against the scheme.
16. For these reasons, and having regard to all other matters raised, the appeal is dismissed.

A Caines

INSPECTOR