

**PLANNING  
COMMITTEE**

7th December 2022

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**Planning Application 22/01363/FUL**

**Change of use of highway land to private residential garden**

**20 Ansley Close, Redditch, Worcestershire, B98 0AX**

**Applicant: Mr Stuart Lockey**  
**Ward: Matchborough Ward**

**(see additional papers for site plan)**

The case officer of this application is Steven Edden, Principal Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk) for more information.

**Site Description**

The site lies within the residential area of Matchborough East and comprises a small strip of land to the north-west and the south-west of the property. Adjacent to the fence line to the north-west lies a pedestrian pathway which leads from Winward Road (to the north) to Milhill Road (to the south).

The land is currently owned by Worcestershire County Council and forms part of the adopted highway.

**Proposal Description**

The application, which is retrospective, proposes the change of use of highway land to private residential garden. The area in question is separated from the adjacent footway via timber fence panels erected by the current or former occupier of the property.

It is important to note that land ownership remains a separate matter to that being considered under this planning application. The change of use of the land would not affect the ownership status of the land; a separate non-planning process is required to purchase the land and to 'stop up' the highway.

**Relevant Policies**

**Borough of Redditch Local Plan No. 4**

Policy 14: Protection of Incidental Open Space

Policy 40: High Quality Design and Safer Communities

**Others**

NPPF National Planning Policy Framework (2021)

**Relevant Planning History**

None

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**Consultations**

**WCC Highway Authority**

No objection

**Public Consultation Response**

No representations received

**Assessment of Proposal**

Policy 14 of the Borough of Redditch Local Plan No. 4 (BoRLP 4) clarifies that any areas of open space that are not 'Primarily Open Space', should be considered as areas of 'Incidental Open Space'. Therefore, as the area of open space subject to this application is not indicated on the BoRLP 4 Policies map to be Primarily Open Space, it should be regarded as Incidental Open Space.

In evaluating the application against the provisions of Policy 14 it is necessary to consider the overall quality of the space in question in terms of its contribution and value to the local community. In this particular case, assessing the proposal on its merits, the site does not make an important contribution to the Green Infrastructure Network and has no particular wildlife conservation value; nor does it have a strategic function or form natural buffer between different land uses. The area is very small and would not materially impact on the overall quantity of equivalent areas of Incidental Open Space in the vicinity of the application site. Larger areas of Incidental Open Space exist to the southwest of No. 20 Ansley Close and areas of Primarily Open Space providing far greater community benefits are already provided at nearby and accessible locations including sites to the north of Winward Road and to the north of Milhill Road. These sites are indicated by arrows on a slide which accompanies the presentation document.

No public representations have been received following the expiry of the publicity period and no residential amenity concerns have been identified. Worcestershire County Council Highways Authority have been consulted and have raised no objections to the application.

The application is deemed to comply with the provisions of Policies 14 and 40 of the Borough of Redditch Local Plan and there are not considered to be any reasons to withhold issuing consent in this case.

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**RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:**

**Conditions:**

- 1) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Drawing P2115/36 Layout Plan

Drawing P2115/37 Site Location Plan

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

**Procedural matters**

This application is being reported to the Planning Committee because the land subject to this application is currently owned by Worcestershire County Council. As such the application falls outside the scheme of delegation to Officers.