

**PLANNING
COMMITTEE**

19th April 2023

Planning Application 23/00252/FUL

Change of use of highway land to private residential garden

1 Tysoe Close, Ipsley, Redditch, B98 0TB

Applicant: Mr Philip Williams
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 for more information.

Site Description

The site lies at the corner of Ipsley Lane and Tysoe Close, Ipsley within a residential area and comprises a strip of land approximately 8 metres wide to the north of the property. To the east of the site is an Electricity Sub Station which is accessed via Ipsley Lane.

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. A short length of fencing has been erected in this area together with a gravelled hardstanding and a small flat roofed outbuilding. Historic imagery shows that the outbuilding was present at the site in 2007. Whilst records show that planning permission was not obtained for the outbuilding, the building benefits from enforcement action immunity under Section 171B of the Town and Country Planning Act 1990 which sets out time limits given to Local Planning Authorities to take enforcement action. What is thought to be the original native species hedge remains together with two Ash trees and a Field Maple.

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

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Others

NPPF National Planning Policy Framework (2021)

Relevant Planning History

1984/467/FUL First Floor bedroom extension Granted 03.12.1984

1986/023/FUL Single Storey Extension Granted 28.02.1986

Consultations

WCC Highway Authority

No objection

RBC Tree Officer

No objection

Public Consultation Response

No representations received. Consultation expiry date: 30.03.2023

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 does not have a strategic function or form natural buffer between different land uses. The area is small and would not materially impact on the overall quantity of equivalent areas of Incidental Open Space in the vicinity of the application site.

The application is deemed to comply with the provisions of Policy 14 of the Borough of Redditch Local Plan.

The fencing which has historically been erected is set back from Ipsley Lane behind shrubbery and is not visually incongruous. These conclusions have been reached also taking into consideration the location of the adjacent (fenced) Electricity Sub Station. Notwithstanding the fact that the outbuilding has become immune from enforcement action via passage of time under Section 171B of the Town and Country Planning Act 1990, the building is only marginally higher than the existing section of perimeter fencing

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and sits comfortably against the adjacent Electricity Sub Station. The general appearance of the site is typical of the sylvan and verdant nature of this part of Ipsley Lane.

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.

Despite the acceptability of the proposals, your officers consider it prudent to attach planning conditions to safeguard the visual amenities of the area with respect to tree protection and the future erection of fencing. These are recommended below. Subject to the inclusion of such conditions, there are not considered to be any reasons to withhold issuing consent in this case.

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:

Layout Plan P2115.51A
Site Location Plan P2115.52

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

- 2) No trees on the application site, shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority

Reason: To safeguard the visual amenities of the area.

- 3) No gates, walls or fencing shall be erected on the application site without express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the visual amenities of the area.

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.