

**PLANNING
COMMITTEE**

29th March 2011

APPEAL OUTCOME REPORT FOR INFORMATION

APPEAL MADE AGAINST REFUSAL OF PLANNING PERMISSION:

PLANNING APPLICATION DETAILS: 2010/103/COU

PROPOSAL	CHANGE OF USE OF VACANT LAND TO RESIDENTIAL GARDENS (PART RETROSPECTIVE)
LOCATION	REAR OF 23 - 28 ETTINGLEY CLOSE & 1, 2, 11 & 12 FERNWOOD CLOSE REDDITCH
WARD	GREENLANDS
DECISION	DECISION MADE AT COMMITTEE ON 20 JULY 2010

The author of this report is Ailith Rutt, Development Management Manager who can be contacted on extension 3374 (e-mail: ailith.rutt@redditchbc.gov.uk) for more information.

Discussion

The case related to a strip of land to the rear of existing rear garden curtilages. Some rear gardens had been extended into this land which is designated primarily open space (POS) and others were proposing to extend into the POS strip. The application was refused for the following reasons:

1. The encroachment of the residential use and the enclosure of the land proposed would be contrary to the criteria set out in Policy R1 of the Borough of Redditch Local Plan in that it would detract from the visual openness of the designated Primarily Open Space and as such would be harmful to the visual amenities of the area.
2. The change of use of the land proposed would be likely to have a negative impact on the nearby SSSI and the woodland edge habitat and as such would be likely to be harmful to the biodiversity of the site and its surroundings, contrary to PPS9 and Policies CS2, R1 and B(NE)10a of the Borough of Redditch Local Plan No.3.

Officers sought to defend these reasons through their written representations to the Planning Inspector.

**PLANNING
COMMITTEE**

29th March 2011

The Inspector considered the effect of the proposed development on the character and appearance of the POS and said that there was a visual merit in retaining the POS strip to the rear of the gardens as it had been. Therefore she saw no justification for allowing the loss of POS relative to Policy R1 of the Local Plan.

She also felt unable to conclude that the proposal would not harm the SSSI as there was insufficient information to prove or disprove any harm. However, it should also be noted that she did not criticise the LPA for not seeking this information.

Appeal outcome

The appeal was DISMISSED and costs were neither sought nor awarded.

Further issues

At the Planning Committee meeting where the application was determined, authorisation was also given for any necessary subsequent enforcement action. This action has been held in abeyance during the appeal process, and the case has now been re-opened and reviewed with the objective of rectifying harmful breaches of planning control.

Recommendation

The Committee is asked to RESOLVE that

the item of information be noted.