

**Item 4b**                    **14/00094/FUL**

**Case Officer**            **Mr Iain Crossland**

**Ward**                      **Chorley South East**

**Proposal**                **Retrospective application for change of use from public open space to domestic curtilage**

**Location**                **19 Beechwood Road Chorley PR7 3AX**

**Applicant**               **Mr John Beardsworth**

**Consultation expiry: 25 March 2014**

**Application expiry: 4 April 2014**

### **Proposal**

1. This proposal is a retrospective application for a change of use from public open space to domestic curtilage.
2. The garden curtilage of 19 Beechwood Road has been extended by around 4m from the rear boundary of the property and has been secured through the erection of a 1.9m high concrete post and timber panel fence.

### **Recommendation**

3. It is recommended that this application is refused.

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development

### **Representations**

5. **6 letters of objection** have been received from the occupants of 15 Beechwood Road, 25 and 34 Redwood Drive, 2, 16 and 18 Rosewood Close. These relate to the following issues:
  - Loss of public open space
  - Loss of space for children to play safely
  - Impact on the character and appearance of the area
6. **6 letters of support** have been received from the occupants of 17, 22, 23 and 25 Beechwood Road, 19 Rosewood Close and POS Landcare Limited who own the land.
7. **Cllr Bradley objects** on the basis of the loss of amenity/play area to private curtilage, and the precedent this may set resulting in an erosion of the area of important public space.
8. **Cllr Murray objects** on the basis of a loss of open space.

### **Applicants Case**

9. The applicant has lived at 19 Beechwood Road for some time, prior to the development of the Redwood Drive estate. Over recent years the applicant states there have been issues of anti-social behaviour, which have been investigated by both Chorley Council and Lancashire Constabulary. The applicant claims that this has resulted in property damage through football being played on the open space. The extension of the garden curtilage into the public open space is the applicant's solution to the issue.

10. The applicant has demonstrated that permission was sought from the landowner POS Landcare Limited. This is confirmed through a letter of support from POS Landcare in which it is stated that no other such garden extensions would be allowed by the landowner.
11. The applicant argues that the area of land taken from the public open space is minimal and leaves a substantial area that would not prevent people from using it. Also that the public open space is not of high value and does not make a significant contribution to the character and visual amenity of the area.

## **Assessment**

### Background Information

12. The land to the rear of 19 Beechwood Road was retained as public open space as part of the residential housing estate that was developed in the early 2000s.
13. This area of public open space measures approximately 0.172Ha. The extended garden curtilage covers an area of around 0.006Ha of this land, thereby reducing the public open space to an area of around 0.166Ha.
14. The boundary line of 21 Beechwood Road has been continued across the rear of 19 Beechwood Road with a 1.9m high concrete post and timber panel fence to enclose the land within the curtilage of 19 Beechwood Road.

### Principle of the development

15. The land to the rear of 19 Beechwood Road that is the subject of this application is designated within the Chorley Local Plan 2012 – 2026 as Existing Open Space. This land is protected by policy HW2.
16. Chorley Local Plan 2012 – 2026 has now been amended in accordance with Inspector's Partial Report, received 6th November 2013, and carries significant weight in all planning decisions. Policy HW2 of the Chorley Local Plan 2012 – 2026 states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:
  - a) Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or
  - b) It can be demonstrated that the loss of site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and
  - c) The site is not identified as being of high quality and/or high value in the Open Space Study; and
  - d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and
  - e) The site does not make a significant contribution to the character of an area in terms of visual amenity.

In respect of the above criteria:

- a) The applicant has made no provision for alternative equivalent facilities in the area.
- b) The evidence base that supports the Open Space and Playing Pitch SPD identifies a deficit of amenity greenspace in the Chorley South East ward therefore the loss of this open space without alternative provision would worsen this deficit.
- c) The site was not included in the Open Space Study therefore its quality and value has not been assessed.
- d) Although it is recognised that the loss of the open space to domestic garden curtilage is minimal in this case, and would not prevent the remaining area from being used for public enjoyment, the Council is mindful of the potential impact that a proliferation of such schemes would have on the quality and functionality of the land and the precedent that would be set. The Council does not wish to encourage similar proposals on public open space.

e) The open space as a whole does contribute to the visual amenity of the immediate area, however, it is recognised that the small area of land that has been subsumed within the garden curtilage of 19 Beechwood Road makes little visual impact in its own right but virtue of its size and positioning. The potential impact of a proliferation of such schemes would, however, be detrimental to visual amenity.

17. The proposal does not meet the criteria set out in Policy HW2 of the Chorley Local Plan 2012 – 2026, and is therefore considered to be unacceptable.

### **Overall Conclusion**

18. It is considered that the proposal is unacceptable and it is recommended that the application should be refused.

### **Other Matters**

#### Anti-social behaviour

19. The applicant has stated that the proposed scheme is a solution to the anti-social behaviour issues that he has experienced from land to the rear of 19 Beechwood Road. It is not clear, however, how extending the garden curtilage by around 4m into the public open space would address this.

### **Planning Policies**

#### National Planning Policies:

National Planning Policy Framework

#### Emerging Chorley Local Plan 2012-2026 (Amended in accordance with Inspector's Partial Report – 6th November 2013)

V1, HW2

#### Adopted Chorley Borough Local Plan Review

Policies: GN1, LT15

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

#### Joint Core Strategy

Central Lancashire Core Strategy (2012)

### **Planning History**

<b>Ref:</b> 2000	00/00329/REM	<b>Decision:</b> PERRES	<b>Decision Date:</b> 2 October
<b>Description:</b>	Reserved Matters application for the erection of 107 dwellings and associated works,		
<b>Ref:</b> 2001	01/00212/REM	<b>Decision:</b> PERRES	<b>Decision Date:</b> 23 May
<b>Description:</b>	Reserved Matters Application for the erection of 70 dwellings on plots 9-11, 14-65, 73-84, 86-87 and 93 and variation to house type on plots 17-19, 50-51, and 56-59 (amendment to 9/00/00329/REM to increase the slab levels of the houses),		
<b>Ref:</b> January 2002	01/00823/REM	<b>Decision:</b> PERFPP	<b>Decision Date:</b> 21
<b>Description:</b>	Substitution of house types on plots 8-25 and the addition of plots 8a, 9a, 10a, 11a, 12a, 13a, 14a, 15a, 16a, 17a and 18a,		
<b>Ref:</b> 2002	02/00755/FUL	<b>Decision:</b> PERFPP	<b>Decision Date:</b> 4 October

**Description:** Erection of 1 pair of semi-detached houses on additional plots 75a and 76a,

**Ref:** 03/00060/FULMAJ                      **Decision:**                      PERFPP                      **Decision**  
**Date:** 24 April 2003

**Description:** Substitution of house types on plots 35-53 and the addition of plots 39A and 44A,

**Ref:** 98/00245/OUT    **Decision:** NONDIS                      **Decision Date:** 21  
January 1999

**Description:** Outline application for the residential development of 5.3ha of land, with access via Beechwood Road,

**Ref:** 98/00538/OUT    **Decision:** PEROPP                      **Decision Date:** 12 June  
2000

**Description:** Outline application for residential development of 5.3 ha,

**Ref:** 99/00595/REM    **Decision:** WDN                      **Decision Date:** 25 April  
2000

**Description:** Erection of 127 houses and associated works,

**Recommendation: Refuse Full Planning Permission**

**Reasons**

1. The proposed development would result in the loss of land designated as Existing Open Space by the Chorley Local Plan 2012-2026. There is a deficit of amenity greenspace in the Chorley South East ward, which this proposal would worsen, and no alternative equivalent provision has been offered as part of the proposal contrary to policy HW2 of the Chorley Local Plan 2012-2026.