



Appeal Decision

Site visit made on 20 August 2007

by **Graham E Snowdon** BA BPhil Dip
Mgmt MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
28 August 2007

Appeal Ref: APP/H0738/A/07/2042653

Land adjacent to Lennox Crescent, Billingham, Stockton-on-Tees, Teesside

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr John Robert Wallas against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/0226/OUT, dated 6 February 2007, was refused by notice dated 4 April 2007.
- The development proposed is a two storey building comprising of four number apartments and associated parking.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is whether the proposal would result in the loss of a site used for recreational purposes, which makes a positive contribution to the character and amenities of the area.

Reasons

3. The appeal site is an area of open land lying at the heart of an inter-war estate of local authority housing. It was previously occupied in part by a community centre, which was demolished in 2004. No trace of the previous building remains and the land, which is owned by the Council, is now grassed over. For this reason, and having regard to the definition given in Annex B to PPS3, I am unconvinced by the appellant's argument that it constitutes a "brownfield" site. Notwithstanding this, I note that the accompanying advice in PPS3 suggests that there should be no presumption that such land is suitable for housing development, even when located within the defined limits of development, as this site is.
4. At the time of my visit, the site, which is overlooked on all sides by housing, was being extensively used for recreational purposes by local children. Even allowing for the fact that some of this activity may have been orchestrated for the purposes of my visit, the site is well located and suitable, in terms of size, shape and contour for children's play. There is clear evidence, in terms of worn grass and holes for goal posts that it is extensively used for ball games, which appear to be prohibited on other incidental green spaces within the estate. I also note that there is general support from the local community that the site

remains open for recreational purposes and evidence before me that the grassed areas surrounding the previous community centre were similarly used.

5. Policy HO3 in the Stockton-on-Tees Local Plan states that residential development within the limits of development may be permitted, provided that a number of criteria are met. Criterion (ii.) states that such development should not result in the loss of a site which is used for recreational purposes. In my view, the site clearly has a history of recreational use, which pre-dates its current state. I am satisfied, therefore, that, as a matter of fact, development would lead to the loss of a site used for recreational purposes.
6. I have noted the appellant's argument that the site has never been designated as "public open space" and also that it was not identified in the Council's recent "open space audit". This is not in dispute, but criterion (ii.) is not limited to formally designated "public open space" and, for the reasons set out, I do not consider that the criterion is satisfied in this instance. I also note the argument regarding the amount of designated sports facilities, natural green spaces and green corridor amenity space, within walking distance of the site, though it appears to me that the appeal site represents an indisputably appropriate recreational facility at the local level.
7. In addition, in my view, the site makes a positive contribution to the character and layout of the estate and the setting of the flanking dwellings. This would be lost, were the site to be developed in the manner proposed. Whilst I am aware that it is government policy to encourage the efficient use of land for housing purposes in sustainable locations, PPS1 also seeks to encourage high quality and inclusive design, which, among other things, provides opportunities for recreation and adds to the overall character and quality of an area. Whilst the appellant's attempts to create a form and layout, which respects its immediate surroundings, are to be commended, I do not consider that either the objectives of PPS1 or the requirements of criterion (iv.) of Local Plan Policy HO3, to be sympathetic to the character of the locality, would be fully met in this instance. This reinforces my view that the appeal should fail.
8. For the above reasons, and having regard to all other matters raised, I conclude that the proposal would result in the loss of a site used for recreational purposes, which makes a positive contribution to the character and amenities of the area and that, therefore, the appeal should be dismissed.

G E Snowdon

INSPECTOR