



## Appeal Decision

Site visit made on 12 August 2020

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2020

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**Appeal Ref: APP/G4240/W/20/3253590**

**Land directly adjacent to 6 Green Hollow Fold, Stalybridge SK15 3RP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Daniel Taylor against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 19/00845/FUL, dated 8 October 2019, was refused by notice dated 9 December 2019.
  - The development proposed is change of use of land to a private residential garden ancillary to 6 Green Hollow Fold, Stalybridge and associated erection of boundary fence.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as this is a more precise description of the proposal.

### Main Issue

3. The main issue is whether the proposed development would provide a suitable location to form a private garden for the adjacent dwelling having regard to open space provision.

### Reasons

4. The appeal site comprises an area of open space adjacent to 6 Green Hollow Fold which is a detached residential property. The site forms part of a corridor of open space that runs through the residential area that follows the route of a watercourse. There is a public footpath that runs through the wider open space that is on the opposite side of the watercourse to the appeal site.
5. The appeal site is primarily made up of trees, bushes and shrubs, the most notable of which are the trees towards the front of the site that form part of the street-scene of Green Hollow Fold. These landscape features are characteristic of the wider open space corridor which is primarily made up of dense vegetation along the watercourse.
6. Due to being located on the opposite side of the watercourse combined with the relatively steep banks on either side, the appeal site is effectively inaccessible to the public. This however does not detract from it playing an important role in relation to its contribution to the amenity and biodiversity

value of the wider area of open space. The trees that are located towards the front of the site are also positive features of the street-scene.

7. By changing the use of the land to private residential garden and surrounding it by the fence proposed, this would harmfully erode the value of the site in terms of its contribution to public amenity and biodiversity. I accept the appellants worthy intentions in terms of promoting wildlife in the area, however I do not consider that this justifies removal of an area of public space into private residential garden, and such enhancements are likely to be achievable without the necessity to change the use of the appeal site. I am also mindful that such a change of use would be in perpetuity where any future occupants of the property may not hold the same aspirations and seek to clear the site of its landscape features, which would cause further harm in terms of amenity and biodiversity.
8. I do not consider that the proposed fence, which would be the same as those used to surrounding residential properties, overcomes the harm I have identified with the proposal.
9. Whilst each application and appeal must be treated on its individual merits, allowing the appeal could be used in support of such similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the shared characteristics with similar properties in the area. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would contribute to an overall harm to the wider area which I have described above.
10. The proposal would therefore be an unsuitable location to form a private garden for the adjacent dwelling having regard to open space provision. It would not form one of the exceptions as outlined in Policy OL4 of the Tameside Unitary Development Plan (2004) which seeks to protect areas of green space.
11. It would also be contrary to Chapters 8 and 15 of the National Planning Policy Framework (2019) which seek, amongst other things, the protection of open space and the conservation and enhancement of the natural environment.

### **Conclusion**

12. For the reasons given above, I conclude that the appeal should be dismissed.

*A M Nilsson*

INSPECTOR