TILEHURST 09/01723 Pins Ref 2121131	Land adj Linnet Close, Tilehurst Mr J J Cooper	Erection of 4 No semi-detached houses with garage	Delegated Refusal	Dismissed 9.7.10

APPEAL DECISION - HEARING

The appeal relates to an outline application for four houses at a site at the end of Linnet Close which has been (until 2006) used as informal open space. The Inspector noted two main issues: The effect of the proposal in terms of amenity and local space in the area and the lack of developer contributions.

The site is a small area of land which was originally identified as a play area when the surrounding estate was built in 1966. The condition requiring this was not formally carried out and, has been agreed that it is no longer enforceable. However, the area was used informally for children's play between 1971 and 2006 and leased to the Parish Council. Since the lease expired in 2006 the area has been fenced off from public access.

The Inspector agreed that the area of land was open space as defined by PPG17 Planning for Open Space and Sport and has significant amenity value in the suburban estate. Although public views into the site area limited, the development of this piece of land would have a significant urbanising effect on this green space. PPG17 also requires that existing open space should not be built upon unless an assessment has been undertaken which clearly shows that it is surplus to requirements. Bearing in mind that there is no equivalent play space on the estate and the comments from residents, there was insufficient evidence to show that the open space was surplus to requirements. Its loss would therefore conflict with PPG17. He stated that the outcome of the application to register the land as a village green was under separate legislation and had no bearing on this appeal.

The applicant was willing to make s106 contributions at the going rate but no s106 agreement or unilateral had been signed at the time of the hearing. The proposal therefore conflicted with Policy OVS.3

The appeal was therefore dismissed.

HE