

Parish:	King's Lynn	
Proposal:	Change of use of open space land to garden land (Retrospective)	
Location:	20 Woodside King's Lynn Norfolk PE30 4SD	
Applicant:	Mr Darren Liddy	
Case No:	23/00470/CU (Change of Use Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 1 June 2023

Reason for Referral to Planning Committee – Called-in by Cllr Everett

Neighbourhood Plan: No

Case Summary

The application site comprises a rectangular parcel of land measuring approximately 55.8 square metres and is located to the north-eastern side of No. 20 Woodside, Fairstead, King's Lynn.

The land previously formed a grass verge set aside as part of the landscaping scheme for the original development of the estate, and has been enclosed by a 1.8m close boarded timber fence and changed to garden land in association with No. 20.

This application seeks to retrospectively change the use of the land to garden.

The site is located within the Sub-Regional Centre of the Borough, as defined by the Core Strategy.

Key Issues

- * Principle of Development
- * Form and Character
- * Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site comprises a rectangular parcel of land measuring approximately 55.8 square metres and is located to the north-eastern side of No. 20 Woodside, Fairstead, King's Lynn.

The land previously formed a grass verge set aside as part of the landscaping scheme for the original development of the estate, and has been enclosed by a 1.8m close boarded timber fence and changed to garden land in association with No. 20.

The site is owned by the Local Authority and the application seeks to retrospectively change the use of the land to garden.

SUPPORTING CASE

Due to the nature and scale of the application, it is not accompanied by a Planning Statement.

PLANNING HISTORY

No recent history.

RESPONSE TO CONSULTATION

Parish Council: N/A

Highways Authority: **NO OBJECTION**

Property Services: **NO OBJECTION** to the grant of planning permission for a change of use to garden land but the owner would need to agree terms with the Council as landowner to occupy the land and this may or may not be granted.

REPRESENTATIONS

No Third Party comments received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

Planning Committee
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DM15 – Environment, Design and Amenity

DM22 – Protection of Local Open Space

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The key considerations in the determination of this application are as follows: -

- Principle of Development
- Form and Character
- Other Material Considerations

Principle of Development:

The site lies within King's Lynn's Sub-Regional Centre where the principle of development is acceptable in accordance with the Development Plan.

The area is residential in character and the use of the land as garden land in association with the directly adjoining dwelling could be considered acceptable subject to other material considerations.

Form and Character:

The locality is characterised by areas of public open space, which softens the 1960s housing estate development. The application site comprises a narrow-grassed section of land which formed part of the wider landscaping of the original estate adjacent to the footpath network. This small section of land offers limited wider amenity value to the character of the area.

The land has been enclosed with a 1.8m close boarded timber fence directly adjacent to the existing garden of No.20, to allow for a larger private amenity space. The change of use does not incorporate the entire strip of amenity area to the north-east of No.20, there is a grassed area to the front and rear of the application site, along with other much larger areas of public open space within the immediate vicinity.

The site is located in a residential area where the change of use of the land would not appear at odds with the street scene. There appears to have been other similar changes of use of land to private garden space within the locality. Whilst the LPA accepts the importance of the landscape buffers and their contribution to the quality of the area, each case is considered on its own merits, taking into consideration the size and location of the parcel of land and how much weight should be afforded to its individual contribution to the local environment.

In this case, it is considered that the loss of the small section of the grass verge would not cause any detrimental impact on the character and appearance of the area.

The LPA would not consider the land in question to be an area of 'local open space' as defined in Policy DM22 of the Site Allocations and Development Management Policies Plan (2016). Therefore its value is limited and its loss would not adversely impact on public access, visual amenity, local distinctiveness, recreational value or biodiversity, as set out within the abovementioned Policy.

As such, it is considered that the application accords with Development Plan Policies CS03, CS08, DM15 and DM22; and the general provisions of the NPPF.

Other Material Considerations:

Land Ownership:

The parcel of land is under ownership of the Local Authority. The Property Services department are aware of the application for the change of use and raises no objection in principle. They are in the process of issuing a license for the lease of the land.

Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

CONCLUSION

It is your officer's opinion that the retrospective change of use of a small section of estate landscaping to garden land, in association with No. 20 Woodside, causes no detrimental impact on the amenities of the locality or wider character and appearance of the area.

It is therefore considered that the proposal accords with Development Plan Policies CS08, DM15 and DM22; and the general provisions of the NPPF.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted has been determined in accordance with the following approved plans: Ordnance Survey Location Plan (scale 1:1250).
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.