The Planning Inspectorate

Appeal Decision

Site visit made on 4 October, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 7th November, 2016

Appeal Ref: APP/H0520/W/16/3153427
Crown Cottage, The Town, Great Staughton, Cambridgeshire, PE19 5BE

- 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 Simon Ashley against the decision of Huntingdonshire District Council.
- The application Ref 15/02042/FUL, dated 5 November 2015, was refused by notice dated 30 December 2015.
- The development proposed is extending of the garden of Crown Cottage to the west onto the neighbouring field, with a change of use required from agricultural to domestic garden.

Decision

1. The appeal is allowed and planning permission is granted for extending of the garden of Crown Cottage to the west onto the neighbouring field, with a change of use required from agricultural to domestic garden at Crown Cottage, The Town, Great Staughton, Cambridgeshire, PE19 5BE in accordance with the terms of the application, Ref 15/02042/FUL, dated 5 November 2015, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary matter

2. In the interests of clarity I have in this decision taken the first part only of the description of development from the application form, omitting the added descriptive and explanatory details.

Main Issue

3. The main issues in this case are effect of the development on the character and appearance of the area, and the principle of development in the countryside.

Reasons

The effect of the development on the character and appearance of the area

4. Crown Cottage sits at the very edge of Great Staughton, bounded to the north by the quiet rural Great Staughton Road and to the south and east by the land and buildings of Manor Farm. It is outside any settlement boundary and therefore within the countryside.

5. On its western flank is a broad strip of field with a farm track on its southern boundary and substantial hawthorn hedge to the north adjoining the road.

While the field overall is in agricultural use, the area nearest to Crown Cottage contains septic tank installations related to the domestic use of that property and is also used for storage of farm machinery.

6. The proposal is for the extension of the garden of Crown Cottage into the part of the field adjoining the dwelling by an area slightly larger than its current plot size. A new boundary hedge would be created around the extended garden.

7. Photographs provided by the Council show views of the site available at a time when the boundary hedge was much lower. The photographs show views from the west where the site would be visible under those circumstances, but seen with a backdrop of Crown Cottage and a large agricultural building. At the time of my site visit the hedge was considerably higher, and the site was not easily visible from the highway to the north or from the west along Great Staughton Road. Views were further limited from the north and west by the fact that the field sits below the level of the road and is separated from it by a ditch.

8. Crown Cottage sits within a cluster of buildings within the countryside, and I conclude therefore that, even were the hawthorn boundary hedge to be reduced considerably in height, the area of field nearest to it would be viewed in the developed context of the Cottage and the farm buildings beyond. If the hedge were to be retained at its current height, the site would be minimally visible from outside. As a result of these factors the site makes a limited contribution to the open rural character of the area, and its change of use to a domestic garden is not therefore likely to have a significantly harmful effect on its character and appearance.

9. Many of the properties on this edge of Great Staughton are characterised by very large gardens and the creation of a large garden area for Crown Cottage would not be out of character with this aspect of character. The planting of a new hedge to the extended western boundary would help to screen the domestic character of the site. The relocation of a hedge line from the position on the current boundary of Crown Cottage to some 27 metres further across the field would have a very limited effect in terms of eroding the openness of the area as a whole, and in those terms would not have a significantly harmful effect on its character and appearance.

10. This is a quiet area, with most passers-by moving past by car, and little passing traffic observed during my site visit. I consider therefore that the effect on the character of the countryside through changes such as the sounds of children playing or other domestic enjoyment of the garden would be limited. Taller garden landscaping would not be out of place in a landscape punctuated by scattered large oak trees. While views of the expanded garden space would be possible from the access to the site, they would be fleeting except where entering the site. Erosion of the character of the area would therefore be limited.

11. The Council has put an appeal decision (Ref. APP/H0520/A/11/2162912/NWF) before me, but I conclude that the circumstances are not consistent with the current appeal, and this does not cause me to alter my decision.

12. The appeal site contains structures relating to the domestic use of the adjoining garden area which limit its potential for agricultural use. The proposal to expand a garden area to support the continued enjoyment of a dwelling by its occupiers, where limited harm to the countryside would arise, would not therefore be unsustainable in that it would make better use of land with limited potential to fulfil its agricultural purpose, and would provide some social benefits to occupiers of Crown Cottage.

13. The appeal proposal would not therefore be in conflict with Policy CS1 of the Huntingdonshire Core Strategy 2009 (CS) which sets out the Council's objectives in relation to sustainable development, and seeks to avoid the use of greenfield land for development where possible but accepts that this may necessary to accommodate growth, in which case it should only be done in sustainable locations. In pursuing sustainable development in the district, it is clear that all aspects of the proposal will be considered, including the design, implementation and function of the proposed development, and one of the criteria to be used is making the best use of land.

14. As a minor development relating to an existing dwelling, and which would cause very limited harm to the character and appearance of the countryside, the appeal proposal would not be in conflict with Policy CS3 of the CS, which seeks to concentrate new development in the larger, more sustainable settlements.

The principle of development in the countryside

15. The Council in its decision notice states that the appeal proposal is unacceptable in principle, being unjustified development in the countryside. Policy EN17 of the Huntingdonshire Local Plan 1995 is essentially restrictive in relation to development outside villages which is not justified in being essential for the efficient operation of local agriculture. This policy predates the Framework, and does not take account of the fact that sustainable development may be possible in the countryside. This has therefore limited the weight that I have ascribed to it.

16. The Framework sets out the presumption in favour of sustainable development. Paragraph 7 of the Framework sets out the three dimensions of sustainable development which are economic, social and environmental. Paragraph 17 sets out the core principles that should underpin decision making, which include the need to take account of the different roles and character of different areas, and to recognise the intrinsic character and beauty of the country side and support thriving rural communities within it, and also that the process should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.

17. As, for the reasons given above, I have concluded that the appeal proposal does not harm the character and appearance of its rural setting, I consider that it does not therefore fail the test of sustainable development in environmental terms, as set out in the relevant parts of the Framework. I conclude therefore that the proposal is acceptable in principle.

Conclusion

18. I conclude therefore, for the reasons given above and taking into account matters raised, that the appeal should be allowed.

Conditions

19. I have taken into account the conditions suggested by the Council and the requirements of the Framework, and the comments of the appellant. In the interests of clarity a condition is added requiring implementation of the proposal in accordance with the approved plans. As the perimeter landscaping of the appeal site is important in the interests of protecting the character and appearance of the area, I have added condition relating to its implementation and maintenance.

20. The Framework and Planning Practice Guidance is clear that it is not normally appropriate to remove permitted development rights unless a convincing justification of the need to do so has been made. No such justification has been put before me, and I have not added any condition to that effect.

S J Buckingham

INSPECTOR

Schedule

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan and Location Plan.

3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the date of this decision, and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

4) Before the land is first brought into the approved use, a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.