
Appeal Decision

Site visit made on 11 January 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/X2410/W/16/3159164

Rushey Fields Manor, Vicary Lane, Woodhouse, Leicestershire, LE12 8UW

- 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 W Kler against the decision of Charnwood Borough Council.
 - The application Ref P/16/1542/2, dated 7 July 2016, was refused by notice dated 22 August 2016.
 - The development proposed is the erection of detached garage (amended siting following previous planning approval, P/16/0240/2 refers) and formation of new access drive.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development as it appears on the appeal form. Whilst this differs slightly from that which is shown on the planning application form, it most accurately reflects the development to which this appeal relates. It is clear from the evidence that the Council are content with this approach since the same description appears on their decision notice. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is the corner of a large and open undulating field laid to grass which is part of the countryside as defined by the Local Plan¹. It lies directly adjacent to, but outside of, the extensive residential curtilage of Rushey Fields Manor (the dwelling). Along with its numerous outbuildings, the dwelling and its curtilage are somewhat of an oasis of built form in the open countryside. The extent of the residential curtilage is clearly defined by a mix of timber fencing and mature hedging.
5. The siting of the proposed garage outside of the residential curtilage would represent encroachment of built form into the open countryside. This would be contrary to its established open and undeveloped character and appearance. This effect would be exacerbated by both the overall scale of the proposed

¹ Borough of Charnwood Local Plan 1991-2006 (2004)

garage and how clear the definition of the residential curtilage is. The hard surfacing that would form the proposed driveway would be large and extensive in its coverage and represent further encroachment. This would add to the harm that I have identified.

6. I acknowledge that both the development plan and the Framework² suggest agricultural development may be acceptable in the open countryside and that the garage would use some materials arguably of an agrarian style. Nevertheless, it would still be largely domestic in its appearance through the use of, amongst other things, large bi fold doors and a partially flat roof.
7. The proposed garage would be sat in a natural dip in the ground level and this, coupled with its single storey height and the fact that it would be read against a backdrop of built form and domestic paraphernalia, would limit its visual effect to some degree. Nonetheless, it would still be of substantial scale and obviously domestic in its appearance, sat very distinctly outside of the residential curtilage.
8. Planting and landscaping could, I accept, play a part in screening both the proposed driveway and the garage. But this would be somewhat of an obvious and contrived enclosing feature in itself where the surrounding field is very open and rural. Additional planting and landscaping should, in my view, be used as a means of enhancement that is integral to a given development and not, as the case would be here, to hide something that is unacceptable in its own right.
9. For the above reasons, the proposed development would cause harm to the character and appearance of the countryside. It would therefore conflict with Policies CS2 and CS11 of the Core Strategy³ and saved Policies CT/1, CT/2, EV/1, CT/7 and H/17 of the Local Plan.
10. These Policies, amongst other things and along with the Framework, attach great importance to the protection of the countryside for its own sake and intrinsic character. In so doing, they seek to ensure that new development is of a high quality and contextually appropriate design and appearance that would not detract from undeveloped and rural character.

Other Matters

11. With regard to its positioning; the proposed development would not be completely isolated. Nevertheless, the boundary between the residential curtilage and the open countryside is clear and the two uses of land are very distinct. Thus I do not consider that this, in the context of my comments above, would be sufficient to justify the proposed development.
12. I note the appellant's assertion that the field in which the appeal site is located is used for recreational use by occupiers of the dwelling but have not been provided with any further evidence in this respect. Notwithstanding the fact that I do not have an application for a certificate of lawful use or development before me. As part of my site visit I observed an open and undeveloped grass field, separate from a contained and enclosed residential curtilage. I can therefore attach only limited weight to this matter in my findings.

² The National Planning Policy Framework 2012

³ Charnwood Local Plan 2011-2028 Core Strategy (2015)

Conclusion

13. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR