

Appeal Decision

Site visit made on 5 January 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 26th January 2017

Appeal Ref: APP/L3245/W/16/3159504

The Chestnuts, Eaton Upon Tern, Market Drayton TF9 2BX

- 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 Mrs Sarah Heath against the decision of Shropshire Council.
 - The application Ref 16/00012/FUL, dated 4 January 2016, was refused by notice dated 6 June 2016.
 - The development proposed is extension of residential curtilage (change of use of part of site from equestrian to residential curtilage) and extension of private drive.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the heading above is taken from the application form. However, the term curtilage is not a use of land. I have, therefore, determined the appeal on the basis that a change of the land to a residential use is proposed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the countryside.

Reasons

4. The appeal site partially comprises hardstanding and grouping of buildings located to the rear of a large dwelling known as 'The Chestnuts'. The buildings include a barn, brick garage and stable. The appeal site also includes part of an area of grassed paddock to the west which is separated from the hardstanding and buildings by a fence. The site is currently accessed by a private road to the side of 'The Chestnuts'. It is common ground between the main parties that the appeal site is within designated countryside.
 5. The appeal site lies within an area which is predominately characterised by undulating and gently rolling agricultural fields which extend beyond Eaton upon Tern in all directions. Though occasionally punctuated by small clusters of dwellings and rural buildings, the prevailing character of the wider area is an open and pastoral landscape.
 6. Whilst there are dwellings to the north, east and south of the appeal site, these are predominately read within the tightly knit grain of development that forms the established, linear settlement of Eaton upon Tern which is characterised by
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its wider, rural setting. Although not within any notable landscape, biodiversity or heritage designations, the appeal site nevertheless lies beyond that established built form.

7. Outline planning permission was granted in 2015¹ for the erection of a single dwelling following demolition of existing Dutch barn (to include access) on the part of the appeal site which currently comprises hardstanding and buildings. I understand that no application for reserved matters has been made to date and the residential use has not been implemented.
8. The appeal proposal seeks to increase the garden area of the approved dwelling. It is proposed to erect a fence around 16m to the west of the existing boundary of the paddock to accommodate the enlarged residential use. It would also incorporate a longer driveway that would extend into the part of the site which is currently paddock.
9. I note that the proposed development would help provide adequate vehicle manoeuvring space and an increased garden for the previously approved dwelling. However, the garden land would be increased by around 0.19ha. I agree with the Council that this would be beyond what could be considered as a reasonable expectation for a decent sized garden. Whilst I note it would be commensurate with the scale of neighbouring gardens, those gardens are generally associated with dwellings which form the tightly knit grain of the village and which have frontage onto the main road. In contrast, the appeal site would result in a significant expansion of the existing residential envelope of the village.
10. Moreover, whilst it would allow for shrubs and planting, the proposal would result in a notable encroachment of residential land upon the surrounding landscape. The domestic use of this part of the site would inevitably lead to the introduction of residential paraphernalia, such as play equipment and outdoor seating areas, as well as introducing a substantial hard surfaced driveway. The provision of such a residential character to the paddock would be in stark contrast to the prevailing landscape character of the area.
11. I note that the site would not be widely visible from the nearest neighbouring properties. However, it would be visible from several vantage points within the surrounding countryside. Whilst it would be seen against the backdrop of other domestic properties, in my view, it would be read as a prominent extension of the existing village envelope into what is otherwise an area of open and undeveloped land. As a result, I consider the proposed use of the paddock for residential purposes would be detrimental to, and would not maintain or enhance, the character of the countryside.
12. I have had regard to the appeal at Wood Farm, Myddlewood². However, the circumstances in that case are not directly comparable to this appeal as the area of land on which the gardens were proposed in the Wood Farm case was once occupied by agricultural buildings. That is not the situation here. The enlarged residential use would include land which is previously undeveloped. In any event, I have considered this appeal on its own merits.
13. Policy CS5 of the Local Development Framework: Adopted Core Strategy 2011 (CS) states that development on appropriate sites which maintains and

¹ 14/05757/OUT

² APP/L3245/W/16/3149229

enhances countryside vitality and character will be permitted. Whilst I recognise the paddock element of the appeal site is Grade 2 Agricultural Land, the appellant indicates that the wider landholding has been used for equestrian purposes for some time. Moreover, I am satisfied that were the land in use for agricultural purposes, the proportion of it lost to the proposed residential use would not be so significant as to affect the viability of the remaining land for agricultural use. To that end, I am satisfied the site would maintain countryside vitality.

14. Nevertheless, for the reasons above, I conclude that the proposal would have a harmful effect on the character and appearance of the countryside. Consequently, the appeal site would not be an 'appropriate' site for development within the terms of Policy CS5 of the CS. It would also conflict with Policy CS17 of the CS which states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets by, inter alia, ensuring that all development contributes to local distinctiveness having regard to the quality of Shropshire's environment including landscape assets, and does not have a significant adverse impact on Shropshire's environmental assets. The supporting text to the policy indicates that such assets include open space throughout the range of settlements including rural villages.
15. I agree with the appellant that Policy MD7b of the Site Allocations and Management of Development Plan 2015 (SAMDev) is not relevant as it deals with permitted development rights, the replacement of buildings and agricultural buildings.
16. The appellant considers that the proposal would also accord with Policies CS6 and MD2. However, I have not been provided with those policies or indeed the documents within which they are contained. In any event, accordance with those policies would not outweigh the conflict with Policies CS5 and CS17 of the CS and with the development plan as a whole.

Other Matters

17. The appellant indicates that the increased garden would benefit the health and wellbeing of future residents, would provide sufficient ancillary space for outdoor uses such as growing vegetables, manoeuvring vehicles, and would provide an ecological habitat. However, there is no substantive evidence before me which demonstrates that there any social, economic or environmental benefits that would outweigh the resulting harm to the character and appearance of the countryside. Consequently, the proposal would not constitute sustainable development as described in the National Planning Policy Framework for which there is a presumption in favour.

Conclusions

18. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR