
Appeal Decision

Site visit made on 5 January 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 7 February 2017

Appeal Ref: APP/Y9507/W/16/3155832

Stroods, Strood Green, Wisborough Green, Billingshurst RH14 0HL

- 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 Harry Hourihan against the decision of South Downs National Park Authority.
 - The application Ref SDNP/14/04141/FUL, dated 13 August 2014, was refused by notice dated 24 March 2016.
 - The development proposed was described as "partial removal of low level boundary wall, retention of remainder of wall and relocation of tennis court. Retention of greenhouse and vegetable patch and removal of patio area and post and rail fence. New post and rail fence to tennis court."
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development described has commenced, in that the boundary wall has been constructed and the vegetable patch is surrounded by a part of the wall. The tennis court and patio that were constructed in the field have been removed, as has the greenhouse referred to in the description of development.
 3. The appeal documentation suggested that it was only the relocated tennis court that was now required by the appellant and seeks to withdraw all other elements of the proposals. However, planning permission was refused for the whole development and, consequently, that is what I need to assess. In addition, on my visit it was clear that circumstances have changed and the wall and vegetable patch are now of more concern to the appellant than the tennis court. The individual elements of the appeal proposal are severable both physically and functionally from other elements. If I consider suitable, I am able to issue a split decision and will take this into account in coming to my decision.
 4. I note that the draft South Downs Local Plan has undergone preferred options consultation in 2015 but I am not aware of the exact stage it has reached and the extent of outstanding objections or whether the policies concerned will be considered as consistent with the National Planning Policy Framework (the Framework). Consequently, in accordance with paragraph 216 of the Framework I give it very limited weight.
-

5. I have been provided with a copy of the made Kirdford Neighbourhood Development Plan that provides policies relating to development within the Parish, including the appeal site. My attention has not been drawn to any particular policies but I have taken it into account as far as it is relevant to this appeal.

Main Issue

6. The main issue is whether the proposed change of use of land for the tennis court and vegetable garden and associated landscaping, walling and greenhouse would conserve the landscape and scenic beauty of the surrounding rural landscape within the South Downs National Park.

Reasons

7. Stroods is a Grade II listed building approached along a bridleway that also forms the access to the property from the road, with the house and its attached neighbour facing down the access track. Just before reaching the property there are garages and outbuildings associated with the property to one side of the track, which bends round between the house and outbuildings and continues beyond as a public footpath. On the opposite side of the footpath from the house, and around the outbuildings, is a paddock.
8. The appeal site is located within the South Downs National Park (SDNP) that the National Planning Policy Framework (the Framework) confirms has the highest status of protection in relation to landscape and scenic beauty. It confirms that great weight should be given to conserving the landscape and scenic beauty of the SDNP, the conservation of wildlife and cultural heritage also being important considerations to be given great weight.
9. The proposal includes a stone wall that separates the public footpath from the paddock and extends to enclose a small vegetable patch in the far corner furthest from the outbuildings. The plans show that two sides of the section enclosing the vegetable patch are proposed to be removed.
10. Given the location of the stone wall adjacent to the public footpath, it is prominent and forms an alien, somewhat suburban, feature to this side of the footpath. Consequently, despite its limited height, it is a somewhat incongruous feature in this rural area. The Council suggest that the wall may comprise permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Whilst I accept that may constitute a fall-back position, I do not consider that it would overcome the harm to the landscape and scenic beauty of the SDNP.
11. The use of land within the paddock as a vegetable garden or for other uses ancillary to the residential use of the house would extend that residential use beyond the existing curtilage of the dwelling. I understand that the corner of the paddock closest to the house was formerly a vegetable garden associated with the house and accept that the proposed location may only be an alternative to the existing. However, it is located further from the house such that it would lead to encroachment of the residential use into the surrounding countryside, particularly if it included reinstatement of the greenhouse, which would be harmful to the landscape and scenic beauty of the SDNP.

12. The revised location for the tennis court would be to the rear of the existing garage and outbuildings, extending the domestic curtilage and built development away from the dwelling. It would be adjacent to the bridleway that also forms the access to the property, although there is a small gap between the two that comprises mature tree planting and would limit views through to the tennis court to some extent. The proposed tennis court would be hard surfaced, surrounded by a 3m high chain link fence and supports, with a gravel edge, and it would require minimal levelling given the topography of the site. The proposed planting around the perimeter of the tennis court would assist in screening it from views across the paddock, and the open nature of the chain link fence reduces its visual impact. Nevertheless, it would result in a more domestic form of development extending beyond and away from the existing residential curtilage of the dwelling, introducing in a more suburban appearance to this part of the SDNP.
13. For these reasons, I conclude that the proposed change of use of land for the tennis court and vegetable garden, and associated landscaping, walling and greenhouse would not conserve the landscape and scenic beauty of the surrounding rural landscape within the South Downs National Park. As such, it would be contrary to Policies RE1, BE11 and R4 of the Chichester District Local Plan and the Framework that restricts development within the rural areas to ensure that it would not detract from its surroundings, including the setting of the landscape and the visual quality and distinctive character of the SDNP.

Other matters

14. The existing dwelling at Stroods is listed Grade II and forms a substantial dwelling within the SDNP. The proposed development would be to the opposite side of the public footpath, with a low wall and vegetable garden proposed to be close to the footpath and proposed tennis court to the rear of outbuildings that face the listed building. Notwithstanding the effect of the development on the SDNP, the low height of the wall and nature of the separation of the proposed development from the listed building ensure that it would not harm the setting of the listed building.
15. I have been provided with decisions on other planning applications and appeals, some of which relate to tennis courts within the SDNP. A number of these are within the curtilage of the house they are to serve, such that they would not result in the domestic use encroaching on the surrounding countryside. Two decisions referred to are not located within a National Park such that they would be considered under different policies and they may be better related to other development than that proposed in this instance. However, two are located within the SDNP, both of which would appear to be better related to other development taking account of the topography of those sites, one was away from public vantage points and the other was adjacent to a neighbour's tennis court. For these reasons, I consider that there are differences between those cases and the development proposed in this instance and, in any event, I need to consider the appeal on its individual merits.

Conclusion

16. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen INSPECTOR