

Appeal Decision

Site visit made on 31 January 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 23 February 2017

Appeal Ref: APP/C1760/W/16/3160728

Bottom Lane Farm, Bottom Lane, West Wellow, Romsey SO51 6DA

- 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 Liam Kavanagh against the decision of Test Valley Borough Council.
 - The application Ref 16/00964/FULLS, dated 22 April 2016, was refused by notice dated 14 July 2016.
 - The development proposed is the replacement of existing gate access.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of existing gate access at Bottom Lane Farm, Bottom Lane, West Wellow, Romsey SO51 6DA in accordance with the terms of the application, Ref 16/00964/FULLS dated 22 April 2016, and the drawings numbered Existing Plan, Proposed Plan and Elevation 002 P1 and Proposed Location and Site Plan 202 P1.

Procedural Matter

2. At the time of my visit the gate access had been constructed and is in accordance with the drawings as submitted. For the avoidance of doubt, I have determined the appeal based on the development as carried out.

Main Issue

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

Reasons

4. The appeal site is part of a field boundary which is adjacent to a path that runs along Bottom Lane. The path is a mix of unmade path and track as it heads towards Tutts Lane to the east. The area in which the appeal site is located has a semi-rural appearance and includes a number of houses along Maurys Lane. Some of these houses have gardens on the southern boundary of the path and are visible when walking along it. There are also two houses close to the appeal site, and the main house is not too far away to the west. Views out to the countryside to the north are restricted when walking along the path; this is largely due to the vegetation which grows on its borders.
 5. The appeal scheme is a timber gate with brick piers and walls which has replaced a metal gate. The gate is quite far back from the path, and it is not
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visible from along the lane until fairly close to it. There are trees and planting adjacent to both walls which serve to soften the appearance of the brick and reduce the scale of the feature. It therefore does not have an overly dominant presence. In addition, domestic structures are in evidence when walking along this part of the lane, including the houses nearby. The gate does not result in a significant reduction in views towards open countryside as these are not particularly obvious along this part of the path in any event.

6. The appellant refers to the right to install a gate under the Town and Country Planning (General Permitted Development) (England) Order 2015. This allows for the erection of a gate up to 2 metres high, provided it is not adjacent to a highway. The gate is 40 cm higher than the permitted development height. However, this is not substantially higher. The appellant has indicated that a gate of the same design would be constructed under this provision and I consider there is a realistic prospect of this happening. Even with a reduction in height, the mass of the gate and fence would have a similar effect to the appeal scheme, and I give this 'fallback' position great weight.
7. Local residents have raised concerns about the potential for other similar developments. However, no directly comparable sites to which this might apply were put forward. Each application and appeal must be treated on its own merits, and a generalised concern of this nature does not justify withholding permission in this case. Local residents suggest that there is the potential to use the gate as a formal access to the property. However, there is already a main formal access to the house from Maurys Lane, and no evidence was provided to demonstrate that this would be the case.
8. The appellant indicates that the gate has been installed to provide additional security for the house and property. The Council refer to the ability to enter the land from other parts of the site should someone wish to do so. Nevertheless, the gate would act as a deterrent along this part of the path, which is reasonably well used.
9. For the reasons given above, I conclude that the development does not cause harm to the character and appearance of the area. It is not in conflict with Policies E1 and E2 of the Test Valley Revised Local Plan 2016. These amongst other things seek new development which should integrate, respect and complement the character of the area, and do not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located.

Conclusion

10. The Council have not suggested any conditions and the development has been completed. On this basis and as my formal decision makes clear references to the approved drawings, conditions are unnecessary.
11. For the above reasons and having regard to all other matters raised I conclude the appeal should be allowed.

L Gibbons

INSPECTOR