
Appeal Decision

Site visit made on 4 July 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

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

Decision date: 8th August 2017

Appeal Ref: APP/D3125/W/17/3171569
42 Rousham Road, Tackley OX5 3AJ

- 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 Mark Harman against the decision of West Oxfordshire District Council.
 - The application Ref 16/03288/FUL, dated 13 October 2016, was refused by notice dated 1 December 2016.
 - The development proposed is change of use to garden.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The proposed extended garden area forms part of a separate parcel of land which lies to the north-east of the existing rear gardens to Nos 42-44 Rousham Road. The precise lawful use of this parcel of land is not clear from the evidence, but the appellant and Council agree that it has not formed part of the adjacent agricultural field for some time. At the time of my inspection, the parcel of land was enclosed by a post and wire fence, had been cleared of most vegetation and contained a small amount of building materials/waste and two trailers. Although it appeared unkempt, the parcel of land had an open, undeveloped appearance and rural paddock character.
4. The extended garden area would be broadly the same depth as the rear gardens for neighbouring properties at The Ridge (nos. 5-8), which have a clear and consistent boundary between them and the neighbouring agricultural field to the north-east. This agricultural field does not form part of the larger agricultural field which lies to the north of the appeal site and is separated from it by a well-established hedgerow. The adjacent rear gardens at The Ridge therefore have a visually different context from that of the appeal site in that they do not project out into the same agricultural field as the appeal scheme would. In view of this, the impact of the proposal would not be mitigated by the adjacent gardens, which provide a consistent edge to a separate agricultural field.
5. Nos 42-62 Rousham Road have an established and consistent rear garden boundary which provides a well-defined residential edge to the parcel of land the subject of this appeal and the adjacent agricultural field. The appeal proposal

would significantly extend this residential character out in an irregular way into the parcel of land. Whilst the extended garden would be mostly unnoticeable from public viewpoints, it would be visible from some neighbouring residential properties.

6. The proposal would result in the creation of boundaries to the parcel of land without any associated hedgerows (unlike the adjacent agricultural field). This would be harmful to the appearance of the countryside and landscape character of the area. Although it would be possible to require a hedgerow to be planted at the boundary to screen the extended garden area, with the use of indigenous species, this would be likely to take many years to establish. Furthermore, given that west Oxfordshire is a predominantly rural district with many small settlements that abut the open countryside, I have concerns that if this proposal were deemed acceptable, this may make it difficult for the Council to resist similar proposals, the consequences of which, when taken cumulatively, would be extremely harmful to the appearance of the countryside and landscape character of the area.
7. The appeal scheme would also give rise to the possibility of residential paraphernalia, suburban-style fencing and garden structures being erected under permitted development rights. This would be harmful to the appearance of the countryside and landscape character of the area. I would not consider it appropriate to impose a condition restricting permitted development rights from the extended garden area for garden buildings and its use for residential paraphernalia such as play equipment as this would unreasonably restrict its intended use.
8. The appellant has referred to planning permission being recently granted on a site to the south-east. However, given the distances and intervening development involved, this would not alter the context of the current appeal site or lead me to form a different conclusion in relation to the proposal.
9. Although I accept that there would be benefits to the appellant of having a larger garden, I would not consider the existing garden size to be insufficient for the host property. Similarly, I do not consider the benefits of the appellant keeping bees at the site to outweigh the harm I have identified.
10. In view of the above, the proposal would be harmful to the character and appearance of the area. It would therefore conflict with Policies BE2, NE1 and NE3 of the West Oxfordshire Local Plan 2011 which seek to safeguard the countryside for its own sake and protect the local landscape character.
11. Given that the examination into the West Oxfordshire Local Plan 2031 (Submission Draft including proposed modifications, November 2016) has yet to be concluded, I have given this limited weight in my assessment and in any event, policies OS2 and EH1 have not altered my conclusions.

Conclusion

12. The appeal proposal would conflict with the development plan when taken as a whole and I conclude, having had regard to all other matters raised, that the appeal should be dismissed.

Robert Fallon

INSPECTOR