



Appeal Decision

Site visit made on 16 August 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/P0240/W/17/3175067
Shillington Road, Lower Stondon SG16 6JX

- 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 Stewart Rataj against the decision of Central Bedfordshire Council.
 - The application Ref CB/17/00601/FULL, dated 7 February 2017, was refused by notice dated 13 April 2017.
 - The development proposed is a change of use from agricultural to residential to provide parking spaces and an extended garden area incorporating an enclosed lawn tennis court.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises a two storey detached dwelling that faces south towards the road from which it is elevated. It has gardens to the front, side and rear and is an end plot, defining where the hard built edge of the village meets the open and undeveloped countryside. Whilst not a uniform straight line, other neighbouring rear gardens contribute towards this definition. There is an undulating feel to the land that the rear garden currently abuts, with the boundaries of other rear gardens and agrarian development clearly legible in wider views. The proposed development would extend the rear garden in a linear fashion to the north. This would be to facilitate, in the main, the erection of a tennis court and associated fencing.
4. The extension to the garden in the manner proposed would exist as a discordant finger of residential land protruding into the open countryside. It would not include any buildings but the establishment of the tennis court and its associated enclosure would introduce a land use and treatment which would appear substantially proportioned and overly domestic in what is an open and undeveloped agricultural field. The encroachment of the village in this way would therefore cause harm to the character and appearance of the area, specifically the edge of the village and the open countryside. The harm would

be exacerbated by the prominence of the appeal site owing to its elevated nature.

5. The proposed development would thus fail to accord with Policy DM4 of the Core Strategy¹. This Policy sets out, amongst other things, that limited extensions to gardens will be permitted outside of settlements provided they do not harm the character of the area. The proposed development would also conflict with one of the aims of the Framework² which is to protect the countryside against harmful development for its own sake and intrinsic beauty.

Other Matters

6. I am aware that the appeal site could be enclosed by a fence or other means, of up to two metres in height, without the need for express planning permission. Be this as it may, I do not consider this to be a material fall-back position to the appeal scheme. Essentially since one must question why a two metre fence would be erected taking into account my findings on the harm a change of use to garden land would cause. In addition, such a means of enclosure would in any event be noticeably lower than the three metre fencing proposed for the tennis court. Further, any enclosed land could not lawfully in planning terms, function as a garden without express planning permission.
7. A number of examples of planning permissions that have been granted by the Council in and around the village have been brought to my attention. They vary in their type and scale but the common denominator is that they include, to varying degrees, situations where development has been approved in the countryside, outside of the defined limits of the settlement. Whilst this may be the case, no example is sufficiently similar to the appeal scheme to persuade me to allow the appeal, particularly in the context of the harm that I have found which is specific to the exact circumstances of the case before me as I have described them above.
8. I accept that the Framework offers support for sport and recreation development and whilst this is more aimed at facilities for the good of the community, I see this as a positive for the proposed development. This would not however be sufficient to overcome the harm that it would cause, given its scale and nature.

Conclusion

9. For the reasons I have set out above, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR

¹ Central Bedfordshire Local Development Framework: Core Strategy and Development Management Policies 2009

² The National Planning Policy Framework 2012