
Appeal Decision

Site visit made on 19 March 2018

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2018

Appeal Ref: APP/K2420/W/17/3179549
223 Markfield Road, Groby LE6 0FT

- 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 Daniel Cliff against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 17/00055/FUL, dated 8 March 2017, was refused by notice dated 10 May 2017.
 - The development proposed is change of use from access to rear of 223 to garden and also to move the storage container from the temporary location to a permanent one 12m further down the strip level with the hedge of 225.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the area including the countryside.

Reasons

3. The storage container is currently sited along the access between 225 and 227 Markfield Road and sits next to the flank walls of those dwellings. In its current location, it is fairly well-screened in all but direct views by the buildings themselves and boundary hedges.
4. Nevertheless, because it has few of the visual attributes more commonly associated with permanent domestic curtilage buildings, where it can be seen, its presence is incongruous. The container's proposed relocation further to the rear of the dwellings would not mitigate these harmful effects as it would still be clearly visible along the access between the properties.
5. The proposal therefore conflicts with policy DM10 of the Site Allocations and Development Management Policies DPD (2016) (SADMP), which amongst other things requires development to complement the character of the surrounding area including through its architecture and by respecting the materials of adjoining/neighbouring buildings.
6. Insofar as SADMP policy DM1 seeks to ensure sustainable development, given the identified harm to the character and appearance of the area and the clear conflict with policy DM10, the proposal would not accord with policy DM1.

7. The proposed change of use of the area to the rear of the dwellings would result in the extension of a domestic garden into an area of countryside outside the settlement boundary as defined in the development plan. The area to the rear of the appeal property and its neighbours comprises an attractive area of woodland and is next to a Bridleway.
8. SADMP policy DM4 says that development in the countryside will be sustainable where it meets certain criteria that aim to safeguard the intrinsic value, beauty, open character and landscape character of the countryside. The proposal would not meet any criterion in the policy.
9. However, only a very modest part of the countryside would be affected and given that the neighbouring residential gardens extend much further to the south-west and that there is already some semblance of domestication from the presence of boundary fences and nearby outbuildings, the proposal would not be of such magnitude to conflict with the overall objectives for safeguarding the countryside in policy DM4.

Conclusion

10. I have not found that there would be harm to the countryside. However, the clear identified harm arising from the siting of the storage container is sufficient to weigh heavily against the appeal scheme. The appeal does not succeed.

Hayden Baugh-Jones

Inspector