



Appeal Decision

Site visit made on 17 June 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 09 July 2019

Appeal Ref: APP/M1710/W/19/3221604

Hamilton House, Mill Lane, Headley, Bordon GU35 0PD

- 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 John Heaver against the decision of East Hampshire District Council.
 - The application Ref 28282/011, dated 16 August 2018, was refused by notice dated 17 December 2018.
 - The development proposed is erection of a tennis court.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant suggests that Policy CP19 of the East Hampshire District Council Joint Core Strategy 2014 (JCS) is out-of-date because he considers that it is not consistent with an earlier version of the National Planning Policy Framework (the Framework). However, an existing policy should not be considered out-of-date simply because it was adopted prior to the publication of the 2018 version of the Framework. Moreover, despite the change in wording identified by the appellant, I consider that the reasons for the policy are still broadly in line with the policies of the Framework which seek to recognise the intrinsic character and beauty of the countryside. Accordingly, Policy CP19 of the JCS is consistent with the Framework. There were also revisions to the Framework in 2019. The parties have had the opportunity to comment on these and, in any event, in terms of the main issue in this appeal, national planning policy has not changed. Therefore, neither side has been prejudiced by the revisions to the Framework.

Main Issue

3. The Council refused the application for two reasons. The first of those was based on there not being a genuine and proven need for the tennis court where it is proposed. However, even if there was such a need, the proposal would still have to meet the criteria of the policies referred to by the Council that seek to safeguard the countryside. Accordingly, I consider there is one main issue which is the effect of the proposal upon the character and appearance of the countryside.

Reasons

4. The appeal site is in the countryside on land set a little lower than the immediate surrounding area, south of the residential garden area. It is bounded in part by a low grass embankment with some established planting along its crest. Despite the site's slightly lower ground level and some existing planting, the erection of a high mesh fence would be a domestically alien feature beyond the main residential garden area of the house and thus intrude into the rural surroundings.
5. The visibility through the fence would be limited from many angles and would be obscured somewhat by the fence on the other sides of the court. Also, the size, height and structured form of the fence means it would be a prominent feature in this countryside location. In combination with the hard surface of the court, the development would be out of keeping with the softer traits of the hedgerows, grassed fields and other foliage, such that it would have a significant adverse influence on the rural landscape of the surrounding area.
6. The proposed additional planting could help to screen the fence and court, and therefore the impact of the development would be relatively localised. However, it would still be seen in local views and the harm caused would be sufficient to justify withholding planning permission.
7. For the above reasons, the proposal would be significantly harmful to the character and appearance of the countryside. Consequently, in this regard, the proposed development would not accord with the overall countryside protection aims of Policies CP19, CP20, and CP23 of the JCS and the Framework. Even if I had found that there was a justified need for the tennis court in this location, the harm to the countryside would have outweighed that, and the scheme would have remained in conflict with the policies from the development plan.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

Andrew Bremford

Inspector