



Appeal Decision

Site visit made on 13 August 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2019

Appeal Ref: APP/Z1510/W/19/3228770

Harvest Cottage, Duck End, Finchingfield CM7 4NE

- 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 Miss Emma Hodgson against the decision of Braintree District Council.
 - The application Ref 18/01577/FUL, dated 21 August 2018, was refused by notice dated 27 November 2018.
 - The development proposed is described as 'change of use from half an acre of agricultural land, which we already class formally as our garden, into garden use. We have also erected an in keeping post and rail dog run at the back left hand corner of the paddock, which is out the way and cannot be seen, only to find out our land is agricultural. We would like to change this into a garden for small purposes i.e. dog run and storage only.'
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Decision

1. The appeal is dismissed

Procedural Matter

2. The application form indicates that the development commenced in July 2018. I saw at my visit that the site appeared recently mown and accommodated residential paraphernalia comprising a climbing frame/swing set, playhouses and a paddling pool at the south east part of the site. Three sides of the proposed post and rail fencing described as forming a dog run were also present. I have therefore determined the appeal accordingly.

Main Issue

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

Reasons

4. The appeal site is enclosed by 3-rail post and rail fencing and is set at a higher land level than the adjacent B1057 with a vegetated bank between the boundary fencing and this road. Harvest Cottage immediately to the south east of the site is a Grade II listed building, and a low gate from the driveway to this dwelling provides access to the appeal site.
5. Harvest Cottage is the outermost dwelling to the west side of the B1057 as it runs north out of Finchingfield village and there are open fields and woodland beyond. Although there are a pair of semi-detached dwellings to the east of the B1057 opposite the appeal site, they are set apart from the main village by a

wide gap to their south providing access and views to the agricultural land beyond. The front part of the appeal site is within the boundary of the Finchingfield Conservation Area. However, the site is outside of the defined village envelope, and there is a clear sense of separation between the built up area of Finchingfield and the open countryside including the appeal site to the north when travelling along the B1057.

6. Notwithstanding the gate onto the driveway of Harvest Cottage, given the boundary treatment and its much greater area, the appeal site appears as a separate parcel, detached from this dwelling. The appellant advises that a traditional garden is not intended. However, as was clear from my visit, the use and maintenance of the site as residential garden through mowing, and the provision of residential paraphernalia and the proposed dog run introduce an evidently domestic formality spreading across the site.
7. The design of the proposed post and rail fencing reflects the existing boundary of the site and its appearance and materials are appropriate to the rural area. However, the domestic use and resulting residential character of the site encroaches into the open countryside, urbanises the site and erodes the defined edge of the village envelope in this prominent location. The lack of a close visual association to any dwelling further exacerbates the incongruous nature of the proposal and the subsequent harm to the open character and intrinsic qualities of the countryside.
8. I appreciate that there may be low levels of pedestrian traffic passing the site. However, notwithstanding that the site is set higher than the road, it is clearly apparent in public views from the B1057.
9. The development therefore results in harm to the character and appearance of the countryside contrary to Policy CS 5 of the Core Strategy (2011) and saved Policies RLP 2, RLP 26 and RLP 90 of the Local Plan Review (2005). Amongst other things, these require that development recognises and reflects local distinctiveness, conserves local features of importance and that it is in harmony with the character and appearance of the surrounding area. Development outside of village envelopes will be strictly controlled to uses appropriate to the countryside to protect its character and amenities, and garden extensions should have no material adverse impact on the countryside. For similar reasons, the development would also be contrary to emerging policy LPP 43 of the Local Plan currently at examination.

Other Matters

10. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to preserving the setting of the listed building of Harvest Cottage. I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the Finchingfield Conservation Area as required by section 72(1) of this Act. However, given the nature and impacts of the proposed development I see no reason to disagree with the Council that there would be no harm to these heritage assets.
11. I also note that the Parish Council and neighbours have raised no objection to the appeal proposal. However, these factors do not outweigh the harm that I have identified would be caused to the character and appearance of the countryside.

Conclusion

12. The proposal would be contrary to the development plan and there are no material considerations that indicate a decision otherwise than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR