The Planning Inspectorate

Appeal Decision

Site visit made on 17 September 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2019

Appeal Ref: APP/F1610/W/19/3224303
Ampney Sheephouse Farm, Ampney Crucis, Cirencester GL7 5DZ

- 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 & Mrs Yarrow against the decision of Cotswold District Council.
- The application Ref 18/02569/FUL, dated 6 July 2018, was refused by notice dated 11 September 2018.
- The development proposed is relocation of tennis court and erection of associated enclosure netting.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

3. Sheephouse Farm lies amongst a small cluster of other residential dwellings in the countryside. On one side is Sheephouse Lane, which gives vehicular access to the site and on the other is a parcel of land containing a tennis court, cricket practice pitch and, at the time of my site visit, some other domestic paraphernalia.

4. The appellants contend that this land parcel is part of the residential planning unit associated with Sheephouse Farm, having been used by its residents for some time. The Council confirms that the existing tennis court, which has a hard-surfaced playing area and galvanised ball-catch net, has been in existence since 2007, but disputes the appellants' position insofar as it relates to the wider land parcel.

5. Notwithstanding the lawful use of the site, however, whilst the site is well-enclosed by existing trees and hedges, supplemented by recent additional planting including to the most exposed edge, this land has a clear visual relationship with the surrounding countryside. Other than the area around the existing tennis court and between it and the dwelling, the land has an informal, undeveloped appearance.

6. The site is within the 'Dip-Slope Lowland' Landscape Character Type as outlined in the Cotswolds AONB Landscape Strategy and Guidelines 2016. The

document outlines that key features include a broad area of gently sloping, undulating lowland, gently dissected by infrequent small watercourses. It goes on to clarify that the area has a strong and structured, productive farmland character, with an agricultural landscape of mixed arable and improved pasture. Medium to large scale regular fields predominate, mainly enclosed with hedgerows. My observations at the site visit indicated that the area around the site is a clear part of this landscape and the land on which the tennis court is proposed reads as a continuation of it.

7. With that in mind, I find that the development of the land with physical structures for domestic purposes would be at odds with the prevailing landscape character, of which the site is part. This change in character would harm the scenic beauty of the AONB and contribution that the site makes to it.

8. The appellants have indicated that they plan to landscape the area following designs by an award-winning garden designer. They say that they would respect the rural feel through designs influenced by the Cotswolds AONB Landscape Management Plan. However, whilst a landscaping scheme could be secured by condition, there is no substantive indication of how the area might eventually be set out. I have no formal landscape proposals before me now and so attribute them very little weight in my decision. Be that as it may, if the designs are to respect the landscape character, they would not result in a harmful change to its appearance or the scenic beauty of the AONB.

9. The proposal would replace an existing tennis court. The new court would be smaller, with a less visually intrusive surface and lighter weight ball-catch nets. The proposal indicates that the nets would be fully retractable when not in use, but I have no clear indication of how frequently the court would be used, the practicalities of retracting the nets, or their appearance when retracted. Moreover, the new court would be sited considerably further away from the existing dwelling and other nearby buildings than the existing one. This spread of built development further into the countryside would outweigh any benefit that may arise from the change in design and appearance.

10. I am mindful that the development would be unlikely to be conspicuous in the landscape. Indeed, there appear to be few, if any, opportunities to see the proposed tennis court from public viewpoints. However, the harm to landscape character would neither conserve nor enhance the landscape and scenic beauty of the area. In the fleeting views of the existing court from Sheephouse Lane, it is seen in context with the existing buildings and so the removal of the existing structure from these views is of limited weight.

11. The new court would be sited further away from the listed building at Sheephouse Farm. However, it appeared to me that the setting of the listed building was largely derived from its relationship to the road and other surrounding buildings. Thus, the existing tennis court does not significantly impinge upon its setting and the benefit arising from moving it further away would be limited.

12. The provision of a tennis court may well provide some health benefits and enable access to the AONB for recreation purposes which gains some support from aspects of the AONB management plan and some development plan policies. However, these benefits would appear to be confined to the residents of Sheephouse Farm and their guests and so are limited in scale. Moreover,

the existing tennis court already performs this function and so these matters do not weigh in favour of its relocation.

13. Overall, I have found that there would be harm to the landscape and scenic beauty of the area. Whilst this would be tempered by the limited opportunities to see the proposal, it would nevertheless fail to conserve or enhance the AONB. The proposal would, therefore, be in conflict with those aims of Policies EN4 and EN5 of the Cotswold District Local Plan 2011-2031 that seek to avoid significant detrimental impact on the natural and historic landscape, and place great weight on the conservation and enhancement of the natural beauty of the landscape, character and special qualities of the AONB.

14. I have noted some benefits that may arise from the scheme, but attributed them only limited weight. I also note that potentially noisy activities would be moved further away from residential properties. There may also be some benefit in terms of flood risk. However, the National Planning Policy Framework, at Paragraph 172, indicates that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs. Therefore, regardless of the lawful use of the site, this matter and the conflict with the development plan that I have identified in that regard is decisive in this case.

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

M Bale

INSPECTOR