
Appeal Decision

Site visit made on 5 November 2019

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 4th December 2019.

Appeal Ref: APP/Y3940/W/19/3234457

6 Woodborough Road, Beechingstoke SN9 6HL

- 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 K Lancaster against the decision of Wiltshire Council.
 - The application Ref 19/01758/FUL, dated 18 February 2019, was refused by notice dated 17 April 2019.
 - The development proposed is described as "Retrospective change of use of land from agriculture to domestic garden and the retention of a former agricultural access onto the highway for domestic use".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the heading above is taken from the application form. However, the Council disputes that there was ever an agricultural access onto the appeal site and whether the change of use to garden has occurred. While it is not for me, as part of determining this s78 appeal, to determine whether unauthorised development has taken place, it is necessary to set out the terms under which I have considered the appeal.
3. There is an area of grassed-over hardstanding on the appeal site providing access from the lane and connecting with the driveway serving 6 Woodborough Road. From the evidence submitted it is unclear whether there was previously an agricultural access in this location. Nonetheless, development has occurred through the laying of a hard surface and use of the access for domestic purposes in association with No 6 and it is this which the appellants seek to retain. I have therefore considered the appeal on the basis that a new domestic access has been formed.
4. The remainder of the site is an area of rough grass, fenced off from the adjoining field but with no structures or domestic paraphernalia. Visually it does not appear as a garden. Therefore, while the site has apparently been in the appellants' ownership since 2007, it is perhaps unsurprising that it has not been subject to complaints or that no formal action has been taken by the Council. It is not clear from the evidence before me that the site is currently being used as garden, therefore I have determined the appeal on the basis that the proposed change of use has not yet occurred. It is however open to the appellants to apply for a determination under s191/192 of the Act¹. My

¹ Town and Country Planning Act 1990 (as amended)

determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of this appeal.

5. The appeal site is situated within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and therefore was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Secretary of State considered that the development is not likely to give rise to a significant environmental effect for the purposes of the Regulations and as such has directed that the appeal scheme is not EIA development.

Main Issues

6. The main issues are whether the appeal proposal accords with local planning policies on the location of development; and the effect of the proposed development on the character and appearance of the area and the landscape and scenic beauty of the North Wessex Downs AONB.

Reasons

Location

7. Core Policy 2 of the Wiltshire Core Strategy 2015 (WCS) seeks to deliver development in a sustainable manner. It provides a delivery strategy for housing and employment development, but also strictly controls development in the countryside, except where it accords with specific policies in the WCS.
8. The appeal site is at the end of a row of 6 dwellings in the countryside between Beechingstoke and Woodborough. It lies outside the limits of development of any settlement as defined on the policies map of the WCS and therefore, in planning policy terms, is in the open countryside. The proposed change of use of the site to garden would not be permitted by any of the specified WCS policies which allow development in the countryside. The proposal therefore does not accord with local planning policies on the location of development and conflicts with Core Policy 2 of the WCS.

Character and appearance

9. The landscape around the site comprises large, arable fields interspersed by patches of woodland and individual, or small groups of houses. It has a very open, agricultural character and provides expansive views across to the scarps in the distance. The appeal site is highly visible from Woodborough Road, and although separated from the surrounding field by a post and wire fence, extensive views are possible across the site to the countryside beyond. As set out above, the site does not have the appearance of a domestic garden, and at the time of my site visit it looked very similar to the adjacent grassed field. Consequently, the site retains the appearance of agricultural land and integrates into the rural landscape.
10. The National Planning Policy Framework (Framework) directs that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Core Policy 51 of the WSP requires that proposals are informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessments; and that proposals in AONBs demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plan.

11. The site is within the Greensand Vale Landscape Character Area (LCA) in the Wiltshire Landscape Character Assessment 2005 and the Vale of Pewsey LCA in the Kennet Landscape Character Assessment 1998 and Kennet Landscape Conservation Strategy 2005. These documents describe the LCA as open valley floor pasture with very large fields and weak or declining hedgerow structure and dispersed residential and farm buildings. The landscape is identified to be in declining condition and in need of repair, and therefore is sensitive to change. Urbanisation of lanes is identified as having affected landscape character and management objectives include encouraging replanting of hedges and safeguarding the rural character of lanes.
12. The North Wessex Downs AONB Management Plan 2014-2019 includes the site within the Vales Landscape Character Type (LCT). Key issues identified for this LCT include the need to conserve and enhance the remoteness and expansive open scale of the downland landscape, the impact of change of use of land to domestic garden use and the loss of rural character through suburbanising influences from new development.
13. The change of use of the site to garden would be likely to result in more intensive residential activities over time, including the introduction of domestic structures and paraphernalia and a more formally maintained appearance, such as mown grass and ornamental planting. Although the other dwellings in this row all have gardens to the side, they are consistent in size with the existing garden of No 6. The proposal would result in a garden substantially larger than the others in the row, resulting in significant encroachment of domestic activity into the countryside. This would have a suburbanising effect that would erode the open and rural character of the landscape.
14. Although the appellants contend that the ability to erect buildings on the land could be restricted by way of planning condition, this would only control certain types of development. Some activities and domestic paraphernalia do not constitute development however, so would be outside the scope of planning control. Therefore, despite the appellants' contention that with such a condition the site would look no different to how it does now, it would not safeguard against domestication of the land in the long term.
15. The proposed native species hedging would provide some screening of the site and would contribute to reinstating the hedgerow structure in the landscape, which is encouraged by the various landscape assessments and strategies set out above. It would however be unlikely to block views of taller structures which are commonly seen in gardens, such as washing lines, trampolines and play equipment. There would also still be views into the site across the driveway and existing garden of No 6 and through the access subject of this appeal. Therefore, the proposed hedging would only partially mitigate the adverse impacts of the proposed change of use.
16. The access is somewhat overgrown with grass and is therefore not particularly prominent when seen from the road. It does however provide additional driveway for No 6 and therefore the opportunity to park additional vehicles. The access therefore contributes to the encroachment of domestic activity into the countryside and the suburbanisation of the character of the area.
17. Consequently, the appeal scheme would harm the character and appearance of the area and would not conserve or enhance the landscape and scenic beauty of the North Wessex Downs AONB. As such, it would conflict with Core Policy

51 of the WSP which seeks to prevent development that has a harmful impact on landscape character; and with Core Policy 57 which requires a high standard of design that, amongst other things, enhances local distinctiveness and relates positively to its landscape setting. Furthermore, it would conflict with Framework paragraph 170 which requires decisions to contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes in a manner commensurate with their statutory status.

Other Matters

18. The appellant suggests that the in-out driveway created by the second access is a safer arrangement than reversing into the road. There is however no evidence before me that the previous access arrangements for No 6 resulted in any adverse impacts on highway safety. Indeed, the Council identifies that the previously approved driveway for No 6² incorporated a turning head, so no such reversing would have been required. Consequently, this argument carries very little weight.
19. The proposed hedging would provide biodiversity enhancements, however given its limited extent and lack of connectivity with other hedgerows in the area, this would result in only minor benefits. Given the great weight to be given to conserving the landscape in the AONB, this benefit does not outweigh the harm identified.
20. The appellants have directed me to a proposal in the local area for a replacement dwelling, which is visible in the distance from the appeal site. While it would have been subject to the same landscape policies as the appeal proposal, as a replacement dwelling it would have been subject to other development plan policies not relevant to this appeal. As such, it is not clear that the circumstances are comparable to the case before me, which I have considered on its own merits.

Conclusion

21. For the reasons given above, the appeal is dismissed.

L McKay

INSPECTOR

² Planning permission reference K/59747/F for a two storey extension, garage, conservatory and creation of new vehicular access