



Appeal Decision

Site visit made on 16 December 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2019

Appeal Ref: APP/U1105/W/19/3237679

**16 Parkey Cottages, Road from Bushayes Corner to Pytte Cottage,
Clyst St George EX3 0NZ**

- 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 A Vinall against the decision of East Devon District Council.
 - The application Ref 19/0281/FUL, dated 6 February 2019, was refused by notice dated 26 March 2019.
 - The development proposed is change of use from agricultural land to domestic garden and parking with new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from agricultural land to domestic garden and parking with new vehicular access at 16 Parkey Cottages, Road from Bushayes Corner to Pytte Cottage, Clyst St George, EX3 0NZ, in accordance with the terms of the application, Ref 19/0281/FUL, dated 6 February 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site lies on the outskirts of the small settlement of Clyst St. George, outside of its designated 'Built Up Area Boundary' as defined by the East Devon Local Plan 2013 – 2031 (Local Plan). Whilst situated on a rural road leading away from the developed part of the village, the dwelling is seen in context with the Church and dwellings on the opposite side of the road. The Church presents a large brick wall of varying heights along the roadside edge and there are numerous sections of wall enclosing gardens that face onto the road, including at the appeal site.
4. No 16 Parkey Cottages adjoins an agricultural field, although the small part that is subject of this appeal has been separated by a post-and-rail fence. The field has a managed hedgerow boundary extending along the roadside. The change of use would involve the removal of a section of the hedge adjoining the dwelling and existing wall to create an access. A brick wall would be built either side of a visibility splay to match the existing wall. The post-and-rail fence separating the garden from the field would be supplemented by a new hedge.

5. The extent of hedgerow removal would be modest, given its overall size, and its replacement with a brick wall would assimilate well with the immediate context of the site and would provide continuity with the adjacent section of wall. Given its logical siting and the nature of the wall and hedgerow enclosures, it would appear as a natural and logical arrangement of two gardens adjoining either side of the host dwelling. The proposal would form an acceptable transition from a domestic setting to an agricultural field, replacing the former arrangement of an abrupt termination of the dwelling adjoining the field. Overall, the change of use would result in a minimal effect on the rural character of the area.
6. I accept that the proposal could potentially be relocated to a different area of the curtilage, such as the front garden. However, from my observations, the level differences would be likely to result in more extensive engineering works which may be more harmful to the character and appearance of the area. In any event, the front garden, whilst evidently part of the existing curtilage, has a hedgerow enclosure and removal of part thereof would still result in a similar degree of change to that proposed.
7. In view of the above, the change of use would not lead to unacceptable harm to the character and appearance of the area. It would therefore comply with, in particular, Local Plan Strategies 7 and 46 and Policies D1 and D2, which collectively, amongst other things, seek to conserve and enhance the landscape character of the area, including through the retention of natural and manmade features which contribute to the local landscape.
8. The proposal would also comply with Policy CSG5 of the Clyst St. George Parish Neighbourhood Plan 2015 - 2031 (NP), which seeks to protect the essential character of the area. There would be a degree of tension with NP Policy CSG7 insofar as relates to the partial loss of hedgerow. However, the construction of a new hedgerow on the boundary of the garden with the field would result in a net gain in hedgerow overall, and thus, would comply with the broader objective of the Policy.

Conditions

9. In addition to the statutory time limit, it is necessary to specify the plans in the interests of certainty.
10. In the interests of the character and appearance of the area, it is necessary to seek details of the external materials to be used in the construction of the walls and for details of landscaping to be approved.
11. I have removed discretionary tailpieces from some of the conditions in the interests of precision.

Conclusion

12. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

Hollie Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan, Received 7 February 2019
 - Proposed vehicular access & gates Ref: 1A, Received 7 February 2019
- 3) Prior to any construction of the development above ground level, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
- 4) Prior to any construction of the development above ground level, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment.

The approved landscaping scheme shall be carried out in the first planting season after commencement of the development. The landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species.

END OF CONDITIONS