



---

## Appeal Decision

Site visit made on 16 June 2020

**by Graham Wyatt BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> July 2020**

---

**Appeal Ref: APP/J0540/W/20/3247024**

**Barroway House, English Drove, Thorney PE6 0TL**

- 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 Glading against the decision of Peterborough City Council.
  - The application Ref 19/01511/FUL, dated 4 October 2019, was refused by notice dated 2 December 2019.
  - The development proposed is described as a "proposed hobby workshop".
- 

### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The appeal site forms a roughly rectangular parcel of land that is mainly laid to grass and sited to the east of the host property. The area is generally rural in character and the appeal site forms part of a small group of dwellings that are surrounded by open fields and agricultural land. It is proposed to erect a building on the appeal site to be used for the appellant's hobby constructing large scale model trains and would be ancillary to the occupation of the dwelling known as Barroway House.
4. There is debate between the parties regarding the lawful use of the appeal site, which the Council define as paddock land associated with the dwelling and has provided aerial photographs and plans of the site over the past years. The appellants dispute this and state that the land is indeed curtilage or garden land, used in association with the dwelling and has been used as such for the past 20 years when the land was taken out of agricultural production. The appellants have provided a sworn statement from the previous owners of Barroway House, whom state that the appeal site was used as their garden.
5. I have carefully considered the statements submitted by the appellant. However, notwithstanding the location of the development is within the red line area of the plans submitted in support of the planning application, or the appearance of the land, it has not been adequately demonstrated that the site on which the proposed building would be erected falls wholly within the domestic curtilage of Barroway House. Therefore, as the development would

be sited beyond the domestic curtilage of Barroway House and outside of the village envelope and the Peterborough Urban Area boundary, for the purposes of planning policy, it would be located within the countryside.

6. Thus, it is necessary to test the proposal against Policy LP2 (Settlement hierarchy and the countryside) of the Peterborough City Council Local Plan 2019 (the Local Plan) which sets out the location and scale of new development and states that development in the countryside will be restricted to that which has been demonstrated as being essential for the effective operation of local agriculture, horticulture and forestry as well as those needed for outdoor recreation and access to greenspace, transport or utility services.
7. The appellant argues that Policy LP2 of the Local Plan is aimed at new dwellings within the countryside. However, the supporting text at paragraph 5.5 states that the settlement hierarchy also helps protect the character of the landscape by placing a restriction on the forms of development that would be acceptable in the countryside.
8. Therefore, the proposed hobby workshop does not meet any of the exceptions listed within Policy LP2 of the Local Plan. The hobby workshop would be used as ancillary to the occupation of the dwelling and as such, it would result in the extension and encroachment of residential curtilage into the countryside, thereby eroding the rural qualities of the area. The proposal would be in conflict with Policy LP2 of the Local Plan, the specific requirements of which are specified above.

### **Other Matters**

9. It is clear that the appellant is held in high regard as a large model train maker and I accept that there would be benefits resulting from the development, such as reducing the need to travel to Peterborough to undertake the hobby and removing the need to hire premises that in turn, would take up employment space. I also accept that the Parish Council supported the planning application and that there were no technical objections to the proposal. However, the benefits associated with the proposal would not outweigh the harm that I have identified in relation to the main issue.

### **Conclusion**

10. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

*Graham Wyatt*

**INSPECTOR**