



Appeal Decision

Site visit made on 14 July 2020

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/L2630/W/20/3245801

186 Yarmouth Road, Broome NR35 2NZ

- 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 Mrs Paula Linehan against the decision of South Norfolk District Council.
 - The application Ref 2019/1272, dated 18 June 2019, was refused by notice dated 20 December 2019.
 - The development proposed was originally described as "I would like to add a piece of land I own behind my property to be the garden to my house. This piece of land has always belonged to the property and it was originally a 'cow shippon' but the building was demolished and replaced by a bungalow seven years ago, it is now redundant and hasn't been used for agriculture for over 40 years as not fit for agriculture."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development above is taken from the application form. The Council's decision notice refers to the proposal as "change of use of land to residential curtilage". I have taken both descriptions into account.

Reasons

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.
4. The appeal site is situated to the rear of Yarmouth Road on the edge of Broome. It contains a couple of sheds but is mostly overgrown with brambles and other vegetation. It is bounded by a rough track along its north-east side, by drainage channels and trees along its south-east and south-west sides, and by residential properties to the north-west. Between the site and the road is a recently built bungalow to the rear of the properties that front the road. Open countryside surrounds the site apart from along the north-west side.
5. There are views of the countryside across the site, including from gaps between properties along Yarmouth Road. These views are attractive due to the greenery and openness of the rural landscape that surrounds this part of Broome. Although the site has evidently not been used for agriculture for many years and is generally untidy, its green and undeveloped state means that it contributes positively to this rural landscape. The houses along this side of Yarmouth Road have relatively short gardens backing onto the countryside. There is some variation further south-west, such as at No 158 where there are paddocks to the rear, but this is not seen within the context of the site itself.

6. Policy DM2.8 of the South Norfolk Development Management Policies Document 2015 permits the change of use of agricultural land to land ancillary to residential dwellings subject to three criteria, including avoiding a significant adverse impact on the character and appearance of the countryside.
7. The appellant wishes to enhance the site with additional tree planting, provide appropriate boundary treatments, and improve the ecological quality of the land. All of these aims are environmentally positive. However, it is a large site relative to many of the gardens to the rear of this side of Yarmouth Road. Although the appellant has no intention of creating a more domestic garden, the change of use to residential curtilage would increase this possibility. Future owners of the land could choose to erect various items of garden furniture and equipment and could install hard landscaping and other physical features. Removing permitted development rights for outbuildings and boundary treatments would give the Council more control over these elements, but it would be difficult to resist any form of domestic garden structure.
8. Given the large size of the site, a domestic garden appearance would be obvious in views from Yarmouth Road and elsewhere such as the track. While not all of these views would be public, and there are no nearby public rights of way, there would likely be a significant adverse impact on the character and appearance of the countryside. The garden would extend much further into the countryside than most others and would be considerably larger too. Thus, it would appear disproportionate and out of keeping with its surroundings.
9. It is possible that owners of neighbouring properties may wish at some point to extend their gardens rearwards even if they do not wish to do so now. A small increase of each garden would not have as great an effect either individually or cumulatively as one large garden would. Agricultural land can change, but this should be appropriate to its surroundings in line with Policy DM2.8.
10. The bungalow has no rear garden and only a patio area to one side. Compared to its neighbours, the outdoor space is disproportionately small. However, the Council has indicated that the change of use of part of the site to a domestic garden might be possible for the bungalow. It is not evident that there are any rules on the size of gardens, but it is important to ensure that their size, location and use are appropriate. The Council has also indicated that a management plan could be agreed via condition to secure the management of the remainder of the site. The appellant has not pursued this option and neither a condition nor plan is before me. Nevertheless, it remains open for the appellant to discuss alternative options for the garden and land management.
11. The appellant has referred to land in Silfield Street receiving planning permission to change to a forest school. However, I have little information on this scheme and it is not apparent that it is directly applicable to this appeal.
12. In conclusion, the proposed development would have a negative effect on the character and appearance of the surrounding area. Therefore, it would conflict with Policy DM2.8 as set out above. For the above reasons, and having had regard to all other matters raised, the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR