
Appeal Decision

Site visit made on 21 July 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/C1625/W/20/3252596

Foxlea, The Street, Coaley GL11 5EG

- 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 Philip Spiers against the decision of Stroud District Council.
 - The application Ref S.19/2359/COU, dated 3 November 2019, was refused by notice dated 23 December 2019.
 - The development proposed is the change of use from agricultural land to domestic curtilage (Garden).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The decision notice issued by the Council contained no reasons however it is clear that its intent is to refuse planning permission. A reason is contained within the Council's officer's report and the appellant has had the opportunity to address this. I have therefore considered the stated reason and there has been no prejudice in me doing so.
3. The planning application form indicates that the development has been completed. At the time of my site visit, I observed that the appeal site appeared to be in use as garden. I have therefore dealt with the appeal on this basis.

Main Issue

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

Reasons

5. The appeal site lies to the rear of Foxlea, a semi-detached dwelling which faces onto The Street. The site borders an agricultural field to the east, through which a Public Right of Way (PROW) runs. It would appear that the dwelling previously benefitted from a shallow garden to the rear and this is also the case for dwellings further to the south. Despite the dwellings present, the surrounding area, when viewed from the PROW in particular, has a distinctly rural character and appearance. The rural situation is reflected in the location of the appeal site outside of the settlement limit and therefore in the countryside for planning purposes.

6. The appeal scheme results in an extension of the rear garden into the field. As I travelled along the PROW I found this to be a stark and conspicuous feature that significantly intruded into the countryside. It substantially protruded beyond the rear boundary of dwellings to the south. Whilst it was comparable in depth to a neighbouring area of garden, I note that this is currently unauthorised. Nonetheless, the extended garden would prominently be at odds with the established pattern of development in the area.
7. Furthermore, I observed that there was a degree of domestic paraphernalia present within the appeal site which exacerbated the level of intrusion. This would be worsened further by the level and nature of activity associated with the usage of the area as domestic garden, when compared to the use of the land as part of an agricultural field.
8. I note that the appellant refers to other developments in the area which have exceeded beyond the settlement limit. However, it is clear that the circumstances of each of these is different from that which is before me in terms of, but not limited to, the type of development proposed. In this regard, the policy context and merits of the proposals would likely be different. These examples do not therefore provide a reason for allowing the appeal.
9. There is reference to the existing boundary fencing remaining regardless of the outcome of the appeal and whilst I acknowledge this, the fencing alone would not result in the same degree of harm as that which I identify above. Furthermore, the lack of objection from interested parties does not diminish the harm that I identify. As such, these matters have little bearing on my decision.
10. Consequently, I find that the development results in harm to the character and appearance of the area and is therefore contrary to policies CP14, CP15 and ES7 of the Stroud District Local Plan (adopted November 2015). Together, and amongst other things, these policies seek to ensure that development enhances the natural environment, that the quality of the countryside is protected, as well as that the quality of landscape character is protected. Policy HC1 has been referred to, but as this relates to small-scale housing development, I do not consider it directly relevant to the appeal scheme.

Other Matters

11. I acknowledge that the extended garden area provides benefit to the occupiers in terms of their well-being and quality of life. There is also reference to the front of the existing property being overlooked by existing dwellings. However, there is nothing before me to suggest that the previous size of the garden was unacceptable. Thus, these matters do not outweigh my finding of harm.
12. In addition, there is reference to a lack of communication from the Council, as well as errors within the officer's report. Whilst these matters are noted, they are unrelated to the planning merits of the development and as such have little influence on my decision.
13. The appellant refers to a willingness to accept restrictions being imposed, including preventing building on the land in the future as well as in respect of the type of boundary treatment. Neither restriction, even if possible, would overcome the harm I identify.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR