
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/20/3252417

Alma House, The Street, Coaley, Dursley, Gloucestershire 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 Lee Barnett against the decision of Stroud District Council.
 - The application Ref S.19/2330/COU, dated 20 November 2019, was refused by notice dated 8 January 2020.
 - The development proposed is the change of use from agricultural land to domestic garden.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. 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

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

Reasons

4. The appeal site lies to the rear of Alma House, the northernmost of a pair of semi-detached dwellings that face onto The Street. To the rear of the dwelling is an agricultural field, with further fields beyond, which a Public Right of Way (PROW) traverses. From the information before me, it appears that the dwelling previously benefitted from a shallow rear garden. The appeal site lies outside of the settlement limit, within countryside for planning purposes. The area within which the site is located has a definite rural character and appearance, comprising agricultural enclosures defined by mature hedging. Residential development is confined to the western fringe of the field.
5. The extended garden has already been formed. I travelled along the PROW and observed the proposal to be a highly noticeable and visually intrusive feature. The protrusion into the field was striking and highlighted the garden as being distinctly at odds with the depth of gardens at other nearby properties. Whilst the immediately adjacent garden extended to a similar depth in the field, I am aware that this too is unauthorised. The established pattern of rear gardens in

the area therefore were those of relatively shallow depth, with limited intrusion into the countryside. By comparison, the appeal development would significantly and intrusively protrude into the field, diminishing the rural character and appearance of the area.

6. I observed there to be domestic paraphernalia present, including a shed and greenhouse. This imparted a distinctly domestic nature to the appeal site. I am also conscious that the level of activity and nature of use of the area as domestic garden would be markedly different from that of the use of the land as part of an agricultural field. This serves to reinforce my finding that there would be visual harm resulting from the scheme.
7. The appellant refers to other developments in the area which have extended beyond or outside of the settlement limit. However, it is clear from the information provided 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. As such, the planning merits of the proposals would likely be different from that which is before me. These examples do not therefore provide a reason for allowing the appeal.
8. It is stated the existing boundary fencing will remain regardless of the outcome of the appeal and whilst I note this, the fencing alone would not result in the harm that I identify above. Furthermore, the lack of objection from interested parties does not diminish the harm that I have found. As such, these matters have little influence on my decision.
9. Accordingly, I find that the development is harmful to the character and appearance of the area and 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

10. I acknowledge that the extended garden area provides benefit to the occupiers in terms of their well-being and quality of life. However, there is nothing before me to suggest that the previous size of the garden resulted in unacceptable living conditions for occupiers. There is also reference to the price paid for the land, however this is a private matter that does not influence my consideration of the planning merits of the development. I also note the contention that pre-application advice sought from the Council indicated that the likelihood of permission being refused was small. However, pre-application advice is non-binding and without prejudice to the determination of a planning application. Thus, these matters do not outweigh my finding of harm.
11. 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.
12. The appellant refers to a willingness to accept restrictions being imposed, including preventing dwellings 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

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

Martin Allen

INSPECTOR