The Planning Inspectorate

Appeal Decision

Site visit made on 5 August 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/F2415/D/20/3253235
The Penfold, Sutton Lodge Farm, Frolesworth Road, Broughton Astley LE9 6PG

- 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 Wagstaff against the decision of Harborough District Council.
- The application Ref 20/00353/FUL, dated 6 March 2020, was refused by notice dated 1 May 2020.
- The development proposed is erection of a single storey multipurpose ancillary garden building.

Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey multipurpose ancillary garden building, at The Penfold, Sutton Lodge Farm, Frolesworth Road, Broughton Astley LE9 6PG, in accordance with the terms of the application Ref 20/00353/FUL, dated 6 March 2020, and subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: 201437-PL01 Rev A (Location and Block Plan); 201437-PL02 (Plans & Elevations as existing); KL-450-001 Rev P1 (Landscaping Proposal).

    2) Unless the approved landscaping scheme shown in plan KL-450-001 Rev P1 is implemented by the end of the first planting season following the date of this decision, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of the use shall be removed until such time as the approved landscaping scheme has been implemented. Upon implementation of the approved landscaping scheme specified in this condition, that scheme shall thereafter be maintained. Any trees or plants which within a period of 5 years from the date of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Preliminary Matter

2. The application was described on the application form as 'part retrospective', which I have omitted from the description above as this does not describe an act of development. This tallies with correspondence between the parties at the application stage. I saw that the structure has been largely constructed on site

and appeared to be in use. However, for the avoidance of doubt, I have considered the appeal on the basis of the submitted plans.

3. The appellant has submitted a landscaping plan at the appeal stage. I am satisfied this does not materially alter the proposal and I have taken it into consideration.

Main Issue

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

Reasons

5. The appeal site is a dwelling, one of four created from former agricultural buildings adjacent to the farmhouse of Sutton Lodge Farm, reached by a long access lane within open countryside. The lane is also a public footpath which passes between the farmhouse and the dwellings. The farmhouse and dwellings exhibit a traditional, rural architecture with red brick walls and tiled roofs. The dwellings are orientated inwards towards a central courtyard, with the rear gardens to the outside of the development and visible from the public footpath. The wider development has been undertaken with consistency to the materials and an emphasis on maintaining a rural character, and I recognise that the Council removed permitted development rights to erect outbuildings through a condition of the planning permission to convert the buildings to dwellings.

6. I note that outbuildings to two of the other properties, Hawthorn Lodge and The Ostlers, are also constructed in red brick. However, I saw these to be substantial buildings in themselves and the matching design is understandable given their size. I also saw that a large, timber outbuilding has been granted retrospective planning permission to the rear of Longstone Barn. The Council seeks to distinguish this structure from that under appeal in terms of its location and appearance, and position relative to the curtilage of the dwelling. Although this is not positioned as close to the public footpath, it is still visible from it and is a substantial structure which adds to the number of outbuildings located around the dwellings.

7. The location of the garden building to the rear corner of the appeal site means it is in view as one approaches the complex of buildings along the public footpath, which the Council regards as an important public view. However, the evidence before me does not indicate that views at any point along the public footpath are recognised as important views within the development plan or any supporting documents. Moreover, there is nothing in evidence to suggest the surroundings form part of a valued landscape for the purposes of Paragraph 170 of the National Planning Policy Framework (the Framework). I saw that the lane follows a straight path from the road, but it undulates and is lined by hedgerows, factors which limit long distance views of the appeal site and the extent to which the whole of the development, and the openness of the gardens, can be appreciated. As such, the visual impact of the building is limited to localised views from the public footpath immediately to the east of the appeal site.

8. The garden building is demonstrably smaller in size than neighbouring examples, and would clearly be read as an ancillary garden structure rather than an integral part of the built form of the overall development. Indeed, the

Council accepts its design is 'low key and domestic'. I accept that the building screens views of the wider development as one approaches the development from the east, but the overall scale and rural setting of the dwellings can still be appreciated in these views. I understand that Council wishes to retain the agricultural character and openness of the curtilages. However, the conversion of the buildings means that a residential character has emerged alongside the retained agricultural aesthetic. The buildings now established residential use is evidenced by the manicured curtilages and domestic paraphernalia within gardens, which contrast with the more rustic appearance of Sutton Lodge Farm opposite.

9. Within this context, the low, timber building is not incongruous or uncharacteristic of its surroundings, but appears as a modest, domestic outbuilding common to urban and rural dwellings alike. Whilst its position is more prominent than may usually be the case for a structure in a rear garden, I saw that the side and rear garden boundaries have been planted, and the submitted landscaping plan indicates the hedgerow would be reinforced to further screen the building. Over time, views of the building from the public footpath would be filtered by boundary vegetation as it matures. I also saw the side and rear walls of the structure have been painted brown which is more compatible with the colour of the dwellings than the grey paint to the front elevations, and helps the building to assimilate into the development in longer views. Given these factors, the proposal would not appreciably detract from the overall quality and consistency of the conversion scheme or views of it from the public footpath. Nor, given its modest size, does it detract from the characteristic openness of the gardens within the wider development.

10. I therefore conclude that the appeal scheme does not harm the rural character and appearance of the area, and there is no conflict with Policy GD5 of the Harborough Local Plan 2011-2031 (April 2019) which requires that development should be located and designed in such a way that is sensitive to its landscape setting and landscape character area and will be permitted where it will respect and where possible enhance local landscapes and safeguards important public views; nor is there conflict with Policy GD8 which seeks a high standard of design in new development, or Policy SD1 of the Broughton Astley Neighbourhood Plan 2013-2028 (January 2014) which reflects the Framework's presumption in favour of sustainable development.

11. The Council did not find harm in respect of neighbours' living conditions or highway safety, and on the evidence before me, including my observations on site, I have no reasons to disagree with the Council in these respects.

Conditions

12. In terms of conditions, construction of the outbuilding has commenced on site, and therefore a condition specifying the time limit to commence works is not necessary. However, I note that the proposal for an enclosed stable, as shown on the 'proposed' plan was omitted from the application before being determined by the Council. Accordingly, I have included the 'existing' plan within the condition specifying the approved plans, to provide certainty.

13. I have also imposed a condition requiring implementation of the proposed landscaping scheme to safeguard the character and appearance of the area. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively-worded condition to

secure the approval and implementation of the landscaping scheme before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Conclusion

14. For the reasons set out, the appeal is allowed.

K Savage

INSPECTOR