



Appeal Decision

Site Visit made on 12 January 2021

by Rachel Walmsley MSc, MA, BSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/J3720/W/20/3261274

Rowan House, Spring Lane, Combroom, CV35 9HN

- 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 and Mrs S Pullee against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/00495/FUL, dated 19 February 2020, was refused by notice dated 5 May 2020.
 - The development proposed is change of use from paddock land to garden land.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. There is no suggestion within the evidence before me that both parties have agreed to the minor change in the wording of the description of development. Therefore, in the banner heading above I have included the description of development on the planning application form.

Main Issue

3. These is the effect of the proposal on the character and appearance of the area.

Reasons

4. The change of use from paddock to garden land is not covered by a specific policy in the Core Strategy (2016). It therefore falls under 'all other types of development or activity in the countryside' within Policy AS.10. This policy requires that other types of development or activity are fully justified, offer significant benefits to the local area and are not contrary to the overall development strategy for the district.
5. Reference is made in the evidence before me to the appeal proposal providing additional garden space for a dwelling that has permission for a two-storey extension. However, it is not clear what demands the extension places on the garden for the latter to be justified. Animal grazing on the land in question may be difficult because of the restricted site access but that is not to say that grazing could not take place on the site. Similarly, the appellant refers to the site as being unusable or unmanageable without further details to explain why this is so. The site is currently well-tended and planted with trees which does not purport to it being unfit for paddock use. The development, therefore, has

- not been adequately justified. And being a private garden, it would not be a significant benefit to the local area.
6. The overall development strategy for the district seeks to maintain and enhance its rural character. Rowan House is one of several dwellings set within an open and bucolic landscape. The site is within the Special Landscape Area of Feldon Parkland which is defined by, amongst other things, a large-scale rolling topography, large woodlands and hedgerows.
 7. It is clear from the planning application for the appeal dwelling that it was intended for the appeal property to be bound immediately by garden beyond which would be a paddock. Having seen the site it is evident that the paddock softens the edge of the settlement that Rowan House is part of and makes a visual transition between the urban character of the dwelling and the open countryside beyond.
 8. At an indeterminate time fencing and planting have created a greater distinction between the appeal site and the land to the neighbouring property. Nonetheless, the appeal site remains open and bucolic in character, owing to its verdancy and continues to soften the edge of the settlement and make an appropriate transition between built development and open countryside. Indeed, the character assessment before me highlights the positive role the soft landscaping at the appeal site plays in softening the urban edge.
 9. Allowing the paddock as a garden would invite paraphernalia into the appeal site which would appear as an obtrusive encroachment into the open landscape. Garden items such as washing lines, play equipment and lighting would domesticate the land. Combined with this are the domestic activities associated with a garden which altogether would harm the character and appearance of the area. This would be contrary to policies CS.5, CS.9 and CS.12 of the Core Strategy which seek, amongst other things, development that maintains or enhances landscape quality and particularly that of the Special Landscape Areas. Trees could reduce the visual impact of garden accoutrements and activities but they would not conceal them to mitigate the harm found.
 10. The appellant may not intend to add anything to the garden beyond tree planting and boundary treatments. However, if planning permission was granted, use of the land as garden would be unrestricted and therefore subject at any time and by any occupier to garden equipment and domestic activities. A paddock could accumulate paraphernalia. However, this would be more bucolic in character and therefore sympathetic to the rural landscape compared with garden equipment that I have identified as being urban in character.
 11. A condition limiting permitted development rights could mitigate the accumulation of domestic paraphernalia and reduce otherwise harmful domestic activity at the site. However, limiting permitted development rights would not protect against every instance of harm because not all domestic activity is controlled under permitted development rights. Consequently, such a condition is unlikely to fully protect the character and appearance of the site or be capable of making the proposal acceptable.
 12. I have had regard to the planning applications before me and the assertion that they set a precedent for character and appearance. Whilst they emphasize the

importance of protecting the landscape, none of these developments have a site context that is comparable with the appeal site.

13. The matters of consistency highlighted by the appellant in relation to policy AS.10 and the Council's decision-making cannot be read in isolation of the other matters that informed the Council's decision. For example, alongside the pragmatic approach identified was the lack of harm to character and appearance. I find, therefore, that there are no consistent terms that the appeal should be decided on, with the exception of character and appearance where I have found harm.
14. All in all, fair and reasonable comparisons cannot be made between the appeal proposal and the planning applications identified. As such I find no precedent in favour of the appeal. Notwithstanding this, each case must be decided on its own merits, according to the facts and circumstances pertaining to that case, and it is on this basis that I have decided the appeal.
15. In finding harm to the character and appearance of the area the development would be an encroachment of residential land into the open countryside. This is contrary to the overarching aim in the development strategy to maintain and enhance the rural character of the district. The proposal would, therefore, conflict with policies CS.5, CS.9 and CS.12 and AS.10.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

R Walmsley

INSPECTOR