



Appeal Decision

Site visit made on 2 February 2021

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2021

Appeal Ref: APP/C1760/C/20/3257706

Land adjacent to Walnut Bungalow, Wallop Road, Andover SP11 7EB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr J Schneider against an enforcement notice issued by Test Valley Borough Council.
- The enforcement notice was issued on 24 July 2020.
- The breach of planning control as alleged in the notice is the erection without planning permission of a residential garage.
- The requirements of the notice are: 5.1 Demolish the building. 5.2 Remove from the land all materials and waste in association with the demolition of the building. 5.3 Restore the land by evenly spreading topsoil over the area from which the building has been removed, levelling and re-seeding that area with grass seed.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Application for costs

1. An application for costs was made by Mr J Schneider against Test Valley Borough Council. This application is the subject of a separate Decision.

Ground (a) appeal

Main Issues

2. The main issues in the appeal are:
 - Whether the building is a suitable form of development in the countryside, having regard to the Development Plan and the National Planning Policy Framework (the Framework).
 - The effect on the character and appearance of the area.

Reasons

Whether a suitable form of development in the countryside

3. The appeal site comprises a relatively generous area of land, located between the B3084 Wallop Road and Old Stockbridge Road. A three-bay detached building has been erected in the north-west corner of the site, adjacent to Old Stockbridge Road. The building is timber framed on a brick plinth, with a shallow dual pitch roof covered with roofing felt. The building was not

substantially complete when I visited; the external walls were partly covered with sheeting and one of the door openings was boarded over. I am given to understand that the building is intended for use as a residential garage and as domestic storage in association with a detached dwelling located to the north-west, also in the appellant's ownership. That dwelling, 'The Stables' is a recent residential conversion. A plot formerly occupied by the demolished 'Walnut Bungalow' is alongside.

4. The site is located outside of the settlement boundary for the village of Grateley in the Test Valley Borough Revised Local Plan (LP) and is therefore countryside for the purposes of planning policy. The site is not within the red line area on the approved drawings for the residential conversion of 'The Stables'¹. There is no firm evidence before me that use of the site as residential garden is lawful in planning terms. As a result, I am not persuaded that the use of the site should reasonably be regarded other than as countryside in line with the LP.
5. LP Policy COM2 restricts development outside of settlement boundaries unless it is 'appropriate' in the countryside in accordance with other referenced LP policies, or it is 'essential' for the development to have a countryside location. The policy objective of supporting the social and economic elements of sustainable development whilst ensuring there is no conflict with policies that aim to respect the environment, is set out in paragraph 5.46 of the LP supporting text. Locating development where it will enhance or maintain the vitality of rural communities whilst recognising the intrinsic character and beauty of the countryside, is consistent with promoting the economic, social, and environmental objectives of sustainable development set out in the Framework. Therefore, there is no sound reason not to attach full weight to LP Policy COM2.
6. The structure in this appeal is a residential garage and is not intended for use as primary living accommodation. However, LP Policy COM2 does not distinguish between a residential outbuilding and other forms of residential development in the countryside. If permission were to be granted for a secondary or ancillary residential building outside of a settlement boundary other than in circumstances where there is accordance with LP Policy COM2, it would undermine the policy objective and would thus be inherently harmful to the countryside. Consequently, it is entirely relevant and not unreasonable to assess the building against that policy.
7. A residential garage is not identified as a form of development that would be 'appropriate' in the countryside in the policies referenced in LP Policy COM2. Additionally, a residential garage is not included in the examples of development where a countryside location is 'essential', in the LP supporting text at paragraph 5.49 and in Table 7. Although those examples are not exclusive, the appellant did not seek to argue that it was essential for the building to occupy a countryside location and I found no reason to reach a different conclusion.
8. For the above reasons, I find that the building is not a suitable form of development in the countryside, failing to accord with LP Policy COM2 as well as being inconsistent with the Framework.

¹ Council Ref: 16/01530/FULLN.

Character and appearance

9. The site is largely laid to grass, also containing several maturing trees. For the most part, the site is undeveloped and there are few obvious incidences of residential use. Maturing hedgerows form the site boundaries on three sides. Although there is no physical separation from the grounds of 'The Stables', the site does not have an especially manicured or ordered feel, such as might have been expected had it been in use as a residential garden. In any event, as noted above there is no firm evidence regarding the lawfulness of such a use. As a result, the site is imbued with a secluded, substantially rural character and appearance. Residential development forming part of the village lies to the north and west of the site. However, by and large land to the south and east is in agricultural use, forming part of an expansive area of undulating open countryside. Due to all of these factors, the site is well-related to and viewed as part of the countryside, contributing significantly to a gradual transition between the built-up part of the village and the wider agrarian landscape setting.
10. The building is of substantial scale and having regard to its overall appearance and materials, has obviously residential characteristics. The building's angular profile and solid external materials are entirely at odds with the site's generally softer and more naturalistic attributes. Erection of the building has resulted in a substantial part of the site being enclosed by, or adjacent to, residential built form. Moreover, being located a considerable distance from 'The Stables' and other residential structures of significant size, the building does not relate well to other development, being seen as a rather isolated and alien feature. Cladding the building in timber would do little to diminish its visual qualities. Due to the above factors, there is a considerable sense of the building intruding into a predominantly rural setting, giving the environs an appreciably more built-up and suburban feel and markedly eroding the previous largely undeveloped qualities of the site and its surroundings. As a result, the building has unacceptably harmed the rural character and appearance of the area.
11. I acknowledge that the existing site planting, including boundary hedges, breaks up the building's profile and limits views of it within the site as well as public views from the adjacent highways and in the wider surroundings, even during the winter months. Therefore, the visual impact of the building is somewhat localised. Nevertheless, the long-term retention of such planting at its current height and density cannot reasonably be assured. In particular, routine maintenance of the boundary hedges is highly likely to result in a significant reduction in their height. In this regard, I note that other country hedges in the vicinity have been maintained at a much lower height. In such an eventuality the building would be more readily apparent to vehicular passers-by. Accordingly, there is a significant likelihood that removal/maintenance of the site planting would accentuate the adverse visual consequences identified above. In any event, the fact that unacceptable development is open to limited views is not a good reason for granting permission as it could be repeated too often, causing further harm.
12. Therefore, the building does not accord with LP Policy E1, as a high quality design and local distinctiveness is not achieved and there is a failure to integrate, respect and complement the character of the area in terms of appearance, scale and materials. Also, by having a detrimental impact on the

appearance of the immediate area and its landscape character, the building does not accord with LP Policy E2.

Other Matters

13. To my mind, based on the evidence available what is shown in the Google Earth extract provided is more likely than not the building attacked by the notice, rather than any pre-existing structure. In any event, the scale and use of such a structure is unclear and it has been demolished. In addition, I am not persuaded that the loft space of 'The Stables' is unduly restrictive in terms of its use for domestic storage. Although I did not view the interior of the dwelling, the roof pitch is not especially shallow. The approved drawings showed a reasonably generous loft storage area, having regard to the overall size of the dwelling. Therefore, the above matters can only be afforded limited weight.

Conclusion

14. The building is not a suitable form of development in the countryside and it has caused unacceptable harm to the character and appearance of the area. This is in conflict with the Development Plan and is not consistent with the Framework. Therefore, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

15. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act as amended.

Stephen Hawkins

INSPECTOR