



Appeal Decision

Site Visit made on 29 June 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2021

Appeal Ref: APP/B3410/W/21/3272356

Foxes Hollow, Intakes Lane, Leigh, Stoke-On-Trent ST10 4PL

- 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 Robert Colclough against the decision of East Staffordshire Borough Council.
 - The application Ref P/2021/00155, dated 5 February 2021, was refused by notice dated 31 March 2021.
 - The development proposed is a change in use of a recently purchased piece of land from agricultural to residential use, enabling an extension of the garden.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address of the site on the application form references 'Upper Leigh' as the town/city, although the decision notice and appeal form instead refer to 'Leigh' and 'Stoke-on-Trent'. I have utilised the latter from the decision notice and appeal form as part of the appeal site's address.

Main Issue

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

Reasons

4. The appeal site is situated in a rural area, with individual buildings and farmsteads surrounded by agricultural fields and open land. The site is accessed by narrow country lanes which are bounded by hedges and trees. These features, as well as the dispersed pattern of development, contributes to the verdant, open qualities that are typical of the rural landscape.
5. The appeal proposal would extend the residential curtilage into the adjacent field on two sides of the existing garden. Although it involves a small parcel of land, I do not agree with the appellant that it would create a more reasonable boundary, as it would appear as an arbitrary encroachment into the adjoining field. There may well be an intention to re-establish grass in parts of the field that are uncultivated and to not erect any structures such as sheds. However, even if outbuildings were restricted, the additional curtilage area could still be used for domestic purposes. As such, even without built development, making a lawned area that was continuous with the existing garden would change the appearance and character of the agricultural land and lead to a harmful domestication of the area.

6. I therefore conclude that the appeal development would have an unacceptable impact on the character and appearance of the area. As such, there would be conflict with Strategic Policy 1, Strategic Policy 8, Strategic Policy 24 and Detailed Policy 3 of the East Staffordshire Local Plan (adopted 2015). These seek, amongst other matters, developments that contribute positively to the area in which they are proposed, and extensions of residential curtilages within the countryside only being permitted where they do not adversely affect landscape character by the intrusion of urban features. It would also conflict with the National Planning Policy Framework, which sets out at paragraph 127, amongst other matters, that development should be sympathetic to local character.

Other Matters

7. I have noted the appellant's desire to create a separation from the field, and also acknowledge that an extension to the garden could potentially provide greater benefits to wildlife than the appeal site remaining as grazing or arable land. However, I do not consider that these matters outweigh the harm that I have identified in relation to the main issue.
8. The appellant has made reference to recently erected farm buildings, metal gates and freight containers. Although I have been provided with limited information on these, I was able to see the area around the appeal site at the time of my visit, which generally consisted of groups of buildings set around open fields. These reflected the rural character of the area and do not justify the appeal proposal, which would result in a harmful encroachment into the adjoining field.
9. Although no objections were raised by the local community, this is a neutral consideration and not a matter which weighs in favour of the proposal.

Conclusion

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

F Rafiq

INSPECTOR