



Appeal Decision

Site visit made on 1 March 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/N1730/W/21/3282415

1 Crondall Heights, Farnham Road, Ewshot, Farnham, GU10 5AY

- 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 M O'Donnell against the decision of Hart District Council.
 - The application Ref 21/01166/FUL, dated 23 April 2021, was refused by notice dated 7 July 2021.
 - The development proposed is change of use of land to garden land, plus landscaping and associated works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs M O'Donnell against Hart District Council. This application is the subject of a separate decision.

Preliminary Matters

3. On 20 July 2021, after the Council made its decision, the Government published its revised National Planning Policy Framework (the Framework). I am satisfied that the changes are not significant in relation to the appeal proposal, and it is not therefore necessary for me to invite further comments from the parties on this matter.
4. The appeal site is in a rural location. The proposal seeks to change the use of an area of agricultural land to form an extension to the dwelling's existing garden. The submissions before me refer to whether there are any relevant development plan policies, with reference to paragraph 11 d) of the Framework. The Council's refusal reason refers to development plan policies that seek to restrict development within the countryside. Policy SS1 of the Hart Local Plan 2032 (2032 LP) sets out the Council's spatial strategy and distribution of growth. It relates solely to new homes, employment and retail and is thus not related to the appeal proposal.
5. Policy NBE1 of the 2032 LP provides a list of exceptions of development types that will be supported in the countryside. The appeal site is located within the countryside. The appeal proposal does not fall within the list of exceptions, however, rather than concluding that this Policy is not relevant, it is more reasonable to conclude that the proposed development is not of a type that the Council would look to support.

6. Saved Policy GEN1 of the Hart District Local Plan 1996-2006 (1996-2006 LP) is a general policy for development, which establishes that development proposals will be permitted where they are in keeping with local character and include provision for the conservation or enhancement of the District's landscape.
7. As a proposal that seeks to extend an existing garden into an area of agricultural land it is clear that its impact on the character and appearance of the area, including its landscape character is a relevant issue. Indeed, the Council is of the view that the proposal would erode the rural characteristics of the landscape, whilst the appellants suggest that the proposal would result in landscape benefits.
8. Copies of Policies NBE2 and NBE9 of the 2032 LP are before me, and are referred to in the appellant's planning statement. On the basis of my review of the submissions before me and my observations on site I am of the view that the main issue of the appeal should be its effect upon the character and appearance of the area. Accordingly, I find that Policies NBE2 and NBE9 of the 2032 LP and Saved Policy GEN1 of the 1996-2006 LP are relevant development plan policies, and therefore paragraph 11 d) of the Framework should not be engaged.
9. The parties refer to the way that the Council dealt with an application to change the use of land from agricultural to residential garden¹ with regard to paragraph 11 d) of the Framework. It is clear however that this was an unusual proposal to swap the uses of two areas of land that would result in an overall reduction in domestic garden. This is quite different to the appeal proposal. In any case, I have found that paragraph 11 d) of the Framework should not be engaged in my determination of this appeal, and the Council's approach in the context of this previous application does not cause me to come to a different view on this matter.

Main Issue

10. I consider the main issue to be the effect of the proposal upon the character and appearance of the area.

Reasons

11. The appeal property is a large dwelling in a rural location that is part of a small development that relates to a former farmstead. The buildings are grouped together with gardens at the rear that extend out towards areas of open countryside. The area of the appeal site is visible from the adjacent footpath to the west. From this perspective the rural character of the site can be appreciated, comprising a traditional field pattern of gently undulating agricultural land with limited isolated development.
12. The appeal dwelling can be seen easily from the adjacent footpath, although it is a considerable distance away. From this perspective it reads as part of a reasonably compact inward facing building group. The appeal building and other buildings in the group have adopted a simple agricultural style in response to their rural setting. They utilise traditional agricultural forms, with prominent long roof slopes, full height openings and a simple material palette. The domestic expression of the land associated with the appeal dwelling is

¹ Council Ref 19/01353/FUL

- close to the dwelling at the rear. It is distinct from the wider agricultural landscape and not prominent to view from the adjacent footpath.
13. The proposal would see the existing garden area at the rear extended significantly towards the footpath. This would result in the domestication of a large area of the field, extending a residential use into an area with a strong rural character. Although a condition could be used to restrict the construction of garden buildings, the use of the area for domestic planting, and the placement of moveable garden items such as children's play equipment and garden furniture across the area would be harmful. It would significantly encroach upon the visual amenity of the area and the scenic quality of the landscape enjoyed currently by users of the footpath.
 14. It is suggested that neighbouring gardens have been extended to a similar degree, however it is not clear that these extensions have received planning permission or are lawful. Furthermore, the large area to the rear of No. 2 Crondall Heights shown on the submitted plan is not expressed as domestic curtilage. When viewed from the footpath the domesticated area of land to the rear of this dwelling appears to be tightly drawn.
 15. The three earth berms would appear as contrived and engineered formations within a gently sloping agricultural field that is not characterised by such pronounced undulations. I accept that this would provide a growing environment that would allow trees to establish as the existing soil is poor quality. However, the existing dwelling and the private areas of the garden closest to the dwelling are a long way from the footpath. They do not currently harm the rural character of the area. Therefore, I do not agree that there is an overriding need to screen the existing development. Furthermore, given the substantial distance between the footpath and the dwelling I am not satisfied that it is necessary to improve the level of privacy for the occupiers of the dwelling.
 16. The existing garden area comprises a large lawn, areas for sitting out and areas for growing vegetables. It is orientated to receive good levels of sunlight, and is enclosed moderately to the sides by the existing dwelling to create an area that cannot be easily overlooked by the occupiers of the dwellings to either side. The current area provides the occupiers of the existing dwelling with a very pleasant area for recreation, play and leisure. It does not appear to be constrained by the original boundary and is commensurate with the generous size of the dwelling that it serves.
 17. The appellants advise that the land close to the footpath is often mistaken for public land, which can result in trespassing. It is not clear how this matter would be resolved by the proposal, or that there are no other measures that could be taken to address this that would not involve changing the use of the land.
 18. The appeal site is within the Thames Basin Heaths Landscape of the National Character Areas. I accept that the proposal would not cause harm to any of the key characteristics of this broad character area, and that the area is not covered by any specific landscape designations. However, it would still have a localised adverse impact on the character and appearance of the area readily appreciated from the footpath.

19. In summary, the proposal would harm the character and appearance of the area. It would be contrary to Policies NBE2 and NBE9 of the 2032 LP and Saved Policy GEN1 of the 1996-2006 LP, which together seek to ensure that development proposals respect the special characteristics, value or visual amenity of the District's landscapes, and promote, reflect and incorporate the distinctive qualities of its surroundings.

Conclusion

20. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR