



Appeal Decision

Site visit made on 8 February 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 10 March 2022

Appeal Ref: APP/J3720/W/21/3279352

Rainbow Farm, Bakers Farm Road, Barton-On-The-Heath GL56 0PN

- 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 Parkin and Ms Eisenberg against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/03246/FUL, dated 16 November 2020, was refused by notice dated 2 February 2021.
 - The development proposed is change of use of paddock to residential use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including the Cotswolds Area of Outstanding Natural Beauty and the setting of the Barton-on-the-Heath Conservation Area.

Reasons

3. The appeal site is situated to the rear of the main dwelling at Rainbow Farm and extends from the existing residential curtilage of the property into the surrounding countryside. The site is adjacent to paddocks and undeveloped open agricultural land.
4. The appeal site is located outside the physical boundaries of the village of Barton-on-the-Heath. Although the proposal does not represent a new-build dwelling, as it is intended to extend the residential curtilage of the existing dwelling, its location falling outside the physical confines of the village means that the site is located in open countryside where any form of residential development that conflicts with the development plan is inappropriate.
5. Policy AS.10 of the Stratford-on-Avon District Core Strategy (CS) (2016) states that all other types of development or activity in the open countryside needs to be fully justified and offer significant benefits to the local area. I have not been presented with any evidence that suggests the proposal is fully justified or would offer any significant benefits to the local area. Consequently, the proposal fails to accord with Policy AS.10 of the CS.
6. The proposal would alter the immediate setting of the rural area resulting in harm to the open countryside. Therefore, the proposal fails to accord with Policy CS.15 of the CS, which strictly controls development in open countryside.

7. The appeal site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) and is located outside but adjoining the Barton-on-the-Heath Conservation Area (CA), and is therefore within the setting of the CA. The CA and this part of the AONB is characterised by its traditional built form, its tranquil setting in a hillside location, and extensive views of the surrounding agricultural landscape, which accentuates its rural character.
8. The proposal would introduce a residential use into the countryside location. This would give rise to an urbanising effect on the site. The garden paraphernalia that would likely be associated with the proposed use (such as garden furniture, children's play equipment, manicured and ornamental planting, patio/paving etc) would result in a domestic appearance that would severely diminish the rural qualities of the site and its surroundings. Although this would be contained within the site boundaries, its visual effect would not complement the surrounding rural landscape.
9. This would result in a change to the setting of the historic settlement pattern by the nature of the domestic appearance, causing an urbanising effect. Consequently, this would cause harm to the AONB and the setting of the adjacent CA, which are characterised by paddocks and open agricultural land. The proposal would therefore harm the designated heritage asset. Overall, it would be harmful to the character and appearance of the AONB and the CA.
10. There is a concern that the proposal would lead to the development of outbuildings on the appeal site, although there is nothing before me to suggest that would be the case. In any event, the appellants have suggested implementing a condition to remove permitted development, which were planning permission to be granted, would restrict such development at this site. However, this would not address the domestic garden paraphernalia associated with the garden.
11. The appellants contend that the appeal site could be enclosed by fencing under permitted development rights. This may be so, but it would be less harmful than the domestication of the site whilst encroaching into open countryside.
12. The appellants claim that the appeal site is bordered on three sides by residential garden land. However, there is no evidence before me to show the defined lawful curtilage/garden land associated with the neighbouring dwellings. I also noticed that the land to the north-east is natural woodland and does not resemble residential garden land.
13. The harm to the CA would be less than substantial. Paragraph 202 of the Framework indicates that such harm should be weighed against the public benefits of the proposal. I note that the benefits of the proposal are private. Accordingly, I find that there would be no public benefit to offset the less than substantial harm I have identified.
14. Consequently, the proposal would not have any positive effects on the rural landscape and would result in harm to the character and appearance of the AONB and the setting of the CA. As such, the proposal fails to accord with Policies CS.5, CS.8, CS.9, CS.11 and AS.10 of the CS (2016), which seek to protect the rural character, local distinctiveness, landscape quality of the AONB and enhance the historic environment.

Other Matters

15. The appellants claim that the proposed extension to the residential curtilage would be proportionate for a dwelling the size of Rainbow Farm. However, the existing dwelling already has a satisfactory level of private amenity space for the occupiers of Rainbow Farm.
16. The appellants argue that the extant planning permission (21/01538/FUL) was approved in accordance with policies in the adopted development plan. However, the extant planning permission, which represents a fallback position for the appellants, was for proposed works to restore the land following its use as a temporary construction compound. This would therefore likely have a positive effect on the landscape and would not be as harmful as the proposal before me.

Conclusion

17. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
18. For the reasons given above I conclude that the appeal should be dismissed.

Helen Smith

INSPECTOR