



Appeal Decision

Site visit made on 29 April 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23RD May 2022

Appeal Ref: APP/C1760/W/21/3281226

Hatchetts Barn, Farley Street, Nether Wallop, Stockbridge SO20 8EL

- 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 & Mrs Scott against the decision of Test Valley Borough Council.
 - The application Ref 21/01102/FULLN, dated 14 April 2021, was refused by notice dated 15 June 2021.
 - The development proposed is the change of use of paddock to garden (retrospective) and construction of a terrace and steps (part retrospective).
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of paddock to garden (retrospective) and construction of a terrace and steps (part retrospective) at Hatchetts Barn, Farley Street, Nether Wallop, Stockbridge SO20 8EL in accordance with the terms of the application, Ref 21/01102/FULLN, dated 14 April 2021, subject to the following conditions: -
 - 1) The development hereby permitted shall be carried out in accordance with the following approved details: Site Location Plan D-1000, Sections T-130, Block Plan D-1001, Composite Plan T-120 and Landscape Sections aa T280a Rev D.
 - 2) Before the terrace is brought into use a scheme of soft landscaping shall have been submitted to and approved in writing by the local planning authority. The planting comprising the approved details shall be carried out in the first available planting and seeding seasons and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Procedural Matter

2. Further to the appeal being submitted a Certificate of Lawful Existing Use has been issued by the Council for *"the use of land for domestic purposes (including as garden) incidental to the use of the dwelling house, Hatchetts Barn¹"*. Thereby, the change of use of the land has been established and the Council has confirmed that their remaining concerns relate to the development of the terrace and steps. I have therefore restricted my considerations in this appeal to that element of the proposal.

¹ Council reference 21/02968/CLEN decision dated 3 December 2021

3. The decision notice refers to landscaping plans, reference T-280a C and T-140, however the appellant explains that these were both superseded by T-280 C submitted during the course of the planning application and also listed on the decision notice.
4. As part of the appeal the appellant has submitted an alternative plan (T-280a Rev D) showing a reduction to the height of the sleepers around the terrace. Where amendments are proposed, regard should be had to the 'Wheatcroft'² principles - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity. As the plan details minor amendments, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the amended plan into account.

Main Issues

5. The main issues are the effect of the development on: -
 - the character and appearance of the area;
 - the setting of the listed building; and
 - the living conditions of the occupiers of Hatchetts Farmhouse.

Reasons

Character and Appearance

6. Farley Street is relatively rural in character with spacious residential properties in a linear form to the east, and a brook to the other side. Overall, it has a verdant appearance with the properties generally set back, and vegetation to the road.
7. Hatchetts Barn is a grade II listed building set adjacent to the side boundary with Hatchett's Farmhouse, which is also grade II listed. To the other side and wrapping around the rear of the barn is a wide area of open grass. The land slopes up quite steeply to a ridge on which there is a public footpath, just beyond the rear boundary of the site.
8. The proposed steps and terrace, which have been partially constructed, are located to the rear of the property and its detached garage. The steps are designed to work with the contour of the land, curving around from the existing courtyard up to the terrace.
9. Due to the elevated position, there are some views of the terrace from Farley Street although these are limited, and visibility will vary depending on the season and the height of the vegetation to the road. I accept that the development currently appears a little stark. However, the works are incomplete, and overtime the materials would weather and planting would assist with the integration of the terrace and steps into the landscape. Furthermore, the Council's landscape officer did not raise any objection to the proposed development, and the revised design which tapers the height of the sleepers would further help to nestle the proposal into the bank.

² Wheatcroft Ltd V SSE [1982]

10. In my opinion, the glimpsed views of the development that passers-by may experience would be seen in the wider context. This includes the remaining wide expanse of open land to the side of the barn, which now has an established domestic use, and two new dwellings which are under construction adjacent to the appeal site. Thereby, the immediate context is changing and as identified on the Local Plan Inset Map the site is within the designated settlement boundary.
11. Consequently, I do not find that the proposal would have a detrimental impact on the character and appearance of the area as a whole. Additionally, due to the topography and existing hedgerow the development would not be visible from the public footpath. As such, I find that the proposal would accord with Local Plan³ policies E1 and E2 which seek development which integrates with and respects the character of the area, including the landscape character.

Listed building

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
13. The 18th century timber-framed and weatherboarded barn has been in residential use for some time. As acknowledged by the Council's Design and Conservation officer, even with some existing works which they do not consider to be sympathetic, it is still read as a barn, and has a relationship with the granary and Hatchetts Farmhouse.
14. Whilst the proposal would introduce a level of structure to part of the bank, it is of a limited scale and set above the high retaining wall to the existing courtyard. The appellant has amended the scheme to minimise the formal or 'cottage' garden appearance and the rest of the land would remain as open grassland. These measures, in my view, would provide a balance between using the bank for a domestic purpose whilst maintaining the setting of the barn. The development is primarily sited behind the existing buildings and, as set out above, I have found it would not have a harmful impact on the character of the area
15. Therefore, I find that the proposal would not be harmful to the visual and historic setting of the barn and the significance of the designated heritage asset would be preserved. It would thereby accord with Local Plan policy E9 which permits works affecting heritage assets where the significance is sustained or enhanced and has informed the proposal.

Living Conditions

16. Both the appeal property and Hatchett Farmhouse are set within relatively deep plots, and given the topography there is already a degree of intervisibility between the gardens. The steps would create a defined route, and while ascending and descending there would be a potential outlook towards the neighbour. However, this would be transient and towards the rear of the garden, with the terrace over 40m from Hatchetts Farmhouse. Additionally, tree planting along the shared boundary would overtime filter views and I

³ Test Valley Borough Revised Local Plan DPD – Adopted Local Plan 2011-2029

noted on my site visit that a blossom tree had been planted in line with the summer house.

17. Overall, I do not find the terrace would have an overbearing impact or would result in a material loss of privacy. Thus, it would accord with Local Plan policy LHW4 requiring development to provide for the privacy and amenity of occupants of development and those of neighbouring properties.

Other matters

18. The Council also cite Local Plan policy COM2 in all of their reasons for refusal. This is a general policy relating to development within settlement boundaries. Having found the proposal accords with the other identified policies of the Local Plan I do not find any fundamental conflict with this policy.

Conditions

19. The Council has recommended three conditions relating to, timescales, compliance with the submitted plans, and the removal of permitted development rights.
20. As the development has already commenced a timescale condition is not required. For certainty, I have identified the approved plans which includes the revised details for the height of the sleepers. Additionally, whilst tree planting is shown on the plans and there is reference to a wildflower meadow there is no planting schedule before me. There has been some planting on site, nevertheless, for clarity, and to ensure that the landscaping is maintained, I have also included a landscaping condition so that these details are agreed with the council and fully implemented.
21. Permitted development under class E of the General Permitted Development Order are restricted within the curtilage of a listed building and as such I do not find it is necessary to impose such a condition.

Conclusion

22. The change of use of the land has already been established via the lawful development certificate and I have found that the terrace and steps, together with the landscaping and revised design, would be appropriate for the setting and would not be unduly harmful to the living conditions of the occupiers of the neighbouring property.
23. I therefore allow the appeal.

G Ellis

INSPECTOR