



Appeal Decision

Site visit made on 3 August 2022

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12TH August 2022

Appeal Ref: APP/P0240/W/22/3295238
20 Braggs Lane , Wrestlingworth SG19 2ER.

- 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 B Searle against the decision of Central Bedfordshire Council.
 - The application CB/21/04683/FULL, dated 18 October 2021, was refused by notice dated 9 February 2022.
 - The development proposed is change of use of land to enlarge residential garden land (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development was altered with the agreement of the applicant to that shown above as the Council did not accept that the existing garden could be considered part of the residential curtilage. As this was done with the agreement of the applicant I have taken this description as the basis on which to determine the appeal.

Main Issue

3. The main issue is the effect of the change of use on the character and appearance of the landscape and countryside on the edge of Wrestlingworth.

Reasons

4. The appeal site is the last property on the south side of Braggs Lane accessed off an unmetalled extension to the lane that itself gives way immediately after the entrance to No 20 to a public footpath into open fields. At the time of my visit a timber post and rail boundary fence had been erected around the appeal site which had been laid to grass. The land to the south and east is in arable use and had just been harvested. The character of the surrounding land is very open with little tree and hedge cover in the immediate context of the site particularly to the south.
5. No 20 already benefits from an enlarged rear garden which runs along the rear of Nos 14, 16 and 18 Braggs Lane. A planted boundary of mature, semi-mature trees and shrubs and partial fencing marks the southern and eastern edges of this enlarged garden and play equipment and sheds are sited within it. There is no planting of any significance nor any structure within the appeal site extension at present.
6. I have been referred to a number of other cases where gardens have been extended. The appellant considers these mean that for consistency in decision

making the appeal proposal is justified and should be allowed. One case is relatively close to the appeal site at No 8 Braggs Lane. However, I am not persuaded it is comparable as there appears to be extensive woodland cover providing natural screening separating it from the open countryside which is not the case with the appeal site. I do not have the detailed information before me to reach a view in respect of the cases in the other villages referred to nor was it possible to visit them. I cannot therefore reach a view as to whether they are comparable or not and I will therefore consider this appeal proposal on its own merits.

7. The current garden to No 20 was incorporated into the proposed revised settlement boundary for Wrestlingworth in the *Wrestlingworth and Cockayne Hatley Neighbourhood Plan* (WCHNP). However, this was not included within the settlement boundary for Wrestlingworth identified in the recently adopted *Central Bedfordshire Local Plan* (CBLP). The identification of settlement boundaries is part of the spatial strategy of the CBLP and as such is a strategic policy with which the WCHNP must be in general conformity. The fact that the WCHNP has included the current garden area as an addition to the settlement boundary has therefore been superseded by the more recently adopted strategic policies of the CBLP. In terms of the appeal proposal, therefore, the proposed garden extension would not adjoin the settlement boundary for Wrestlingworth as the appellant suggests.
8. I acknowledge that CBLP Policy SP7 does allow that extensions to garden land outside of settlement boundaries may be acceptable but the Policy places two important caveats on this. The first requirement is that the extensions should be limited and the second that there should be no adverse impact on the character of the countryside.
9. The CBLP does not define what is meant by 'limited' but the appeal proposal, constituting an extension of well over double the size of an already large existing plot and extending in two directions into previously open farmland cannot be considered to be 'limited' and appears excessive and disproportionate when compared to the existing plot.
10. It has been put to me that the additional land, although extensive, represents a rounding off of the settlement in that the garden would project no further to the south than the gardens to Nos 10 and 12 Braggs Lane. However, there is no visual appreciation of this on the ground. The western end of the extended garden where it lies adjacent to the boundary of No 12, because of extensive mature tree screening, simply appears to join a copse of woodland. Moreover, even if I was to accept the argument that the realignment to the south made for a consistent boundary, the proposal is not simply restricted to a southern extension of garden land but also extends considerably eastwards into open countryside where there is no rationale for extension.
11. From the Braggs Lane public footpath east of the site and looking back to the village there is no natural demarcation of the new boundary. The effect of the appeal proposal, (the treatment of the ground and the post and rail boundary fence enclosing the open land) represents a material change in character of the countryside which is highly prominent from the footpath. Field boundaries in open countryside would more usually be marked by a post and wire fence or by hedging rather than a heavier timber structure as here and therefore I am not persuaded that the boundary fence is acceptable simply because a physical boundary is necessary to mark the change in ownership. Although there are currently no structures or landscaping of the proposed garden extension, which the appellant argues could remain the case by imposing a condition, the mown grass and

boundary fence appear as alien features in the open countryside. In any event smaller scale domestic paraphernalia and garden planting would be impossible to control by condition or to enforce against and this would further alter the character and appearance of the open countryside.

12. Representations from third parties support the use of the land as a garden and its enclosure. However, the openness of the area makes a significant contribution to the rural character of the village edge and a change in the use of land to a garden would result in an intrusion into the open countryside.
13. I have been invited to conclude that this would be sustainable development but in terms of the environmental element of sustainability this is questionable. The use of the land as garden and mown grass is, in biodiversity terms at least, little better than the land being in arable production.
14. The Framework at paragraph 174 requires policies and decisions to contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside amongst other things and in this respect the proposal fails. Although Policy SP7 of the CBLP dealing with windfall development and settlement boundaries does allow for garden extensions, for the reasons set out above, the proposal fails to meet the requirements of the Policy both in respect of extent and harm and therefore is in conflict with it. Moreover, the proposal fails to meet the requirement of Policy EE5 of the CBLP to respect, retain and enhance the character and distinctiveness of the local landscape. Finally, the proposal by introducing a domesticised appearance to the landscape would not be complementary to the existing natural environment, landscape setting and character and biodiversity. It would therefore be in conflict with Policy HQ1(6) of the CBLP and Policy BE2 of the WCHNP which seeks to protect, conserve and enhance landscape character.

Conclusion

15. In reaching my decision I have had regard to the matters before me and, notwithstanding the fact that the appellant is prepared to accept a condition removing permitted development rights on the land, the enclosure and incorporation as garden has materially changed the character and appearance of the open countryside to its detriment.

P. D. Biggers

INSPECTOR