
Appeal Decision

Site visit made on 14 February 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/W2845/W/22/3299776

North Farm, Little Preston, Preston Capes NN11 3TF

- 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 Timothy Coleridge against the decision of West Northamptonshire Council.
 - The application Ref WND/2021/0608, dated 15 September 2021, was refused by notice dated 16 December 2021.
 - The development proposed is fencing to existing tennis court.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council question whether the use of the land as a tennis court is authorised. However, it is not for me to make a finding upon this matter within the context of this appeal against the refusal of planning permission for proposed fencing, and I have confined my consideration to that accordingly. Even if I were to accept the appellant's claim that the tennis court is now lawful due to the passage of time, that would not affect my decision, which is based on the visual effect of the proposed fencing.

Main Issue

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

Reasons

4. The appeal site is a field located in an area of open countryside formed of open fields. A farm track runs to the north of the site and a public right of way crosses the fields to the northeast. The site contains a small outbuilding and is enclosed by vegetated bunds. These bunds contain sizeable gaps in the vegetation through which views of the site can be gained. The site is located at the end of a cluster of dwellings, from which it is separated by a paddock. This gives the site and its surroundings a largely pastoral character which contributes positively to the attractive, predominantly rural character of the area.
5. The proposal would comprise dark green fencing posts and netting to the perimeter of the tennis court. The colour would likely reduce the visual impact on the surrounding landscape, as would the lower fencing height along the northern and southern boundaries. The tennis court would not be artificially lit,

and additional landscaping is proposed to the east and south boundaries. Nonetheless, given the scale of the proposed fencing, which would measure 2.75 metres in height at the tallest point, the existing and proposed landscaping would fail to effectively screen it. Consequently, it would be clearly discernible in the wider rural landscape where it would appear as a prominent and intrusive structure, out of character with its rural surroundings.

6. The proposal would result in harm to the rural character and appearance of the area and therefore conflicts with those aims of policies S1 and S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (JCS) and policies SP1, RA4, RA6 and ENV10 of the Settlements and Countryside Local Plan (part 2) for Daventry District 2011-2029 (2020) (LP). Collectively these policies seek to ensure that development in rural areas is limited and responds to the wider landscape context and protects, conserves and enhances the natural environment, including the intrinsic character, beauty and tranquillity of the open countryside. I also find conflict with the aims of chapters 2 and 15 of the National Planning Policy Framework (the Framework) which seek to ensure that the planning system contributes to sustainable development by, amongst other matters, protecting and enhancing the natural environment.
7. I note that the Council referenced harm to the adjacent special landscape area (SLA) and thus state that the proposal is contrary to JCS policy ENV2. I have little information about the SLA and whether the proposal would conflict with the aims of this policy. Irrespective of this, I have found that the proposal would result in harm to the character and appearance of the surrounding rural area in any case.

Other Matters

8. The appellant states that the appeal site is a 'potentially Brownfield site'. No compelling evidence in support of this has been presented and even if I were to accept that this was the case, this would not outweigh the harmful effect on the character and appearance of the area.
9. I have given careful consideration to the various other matters raised by the appellant in support of the proposal including the improvements to the playing experience, separation from the public footpath, protection from intrusion of animals, the effect on the occupants of neighbouring properties, the viability of the site for agricultural use and crime levels. Nonetheless, these matters do not outweigh the harm to the character and appearance of the area.
10. The appellant has referred to another permission in the district¹, which, it is stated, is for a similar form of development. Nonetheless, the details of this application are not before me and thus I am unable to draw accurate comparisons with this proposal.

Conclusion

12. I find that the proposal conflicts with the development plan. No material considerations have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

¹ Ref DA/2021/0132

Nichola Robinson

INSPECTOR