



Appeal Decision

Site visit made on 31 May 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023.

Appeal Ref: APP/N1730/W/22/3312328

2 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 & Mrs R & M Wiles against the decision of Hart District Council.
 - The application Ref. 22/01545/FUL, dated 14 July 2022, was refused by notice dated 16 September 2022.
 - The development proposed is retrospective application for retention of existing shed/outbuilding and consequential change in use of land for residential use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both parties have referred to an appeal decision on No.1 Crondall Heights, located to the south of the appeal site, where an application to extend the garden into an area of agricultural land was dismissed on 10 March 2022 (Ref: APP/N1730/W/21/3282415) (2022 Appeal). In that appeal the Inspector found that the proposal would harm the character and appearance of the area and would be contrary to development plan policies which sought to ensure that development respected the special characteristics, value or visual amenity of the District's landscapes. I have had regard to that decision in determining this appeal. I have also had regard to an appeal for a similar change of use and retention of a play area at Linwood (No.3 Crondall Heights), located to the east of the current appeal site. That appeal is also before me and is the subject of a separate decision (Ref. APP/N1730/W/22/3307769).

Main Issue

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

Reasons

4. The appeal site comprises a large dwelling that forms part of a small modern development built on the site of a former farmstead. The appeal site has a good sized curtilage. Whilst the rear (western) curtilage of the site was approved in a position close to the host property this has been extended to provide a larger patio area. In September 2022 retrospective planning permission was granted to retain this larger patio and to change the use of the land to residential (Ref. 22/01518/FUL).

5. Beyond the approved patio area, the land slopes down as it extends into the countryside. At the time of my site visit, the land immediately to the west of the patio had been mowed but beyond this the majority of the field comprised grassland/wildflowers, all of which, I understand, is owned by the Appellant. Within the area of grassland/wildflowers is a Public Footpath that runs from north to south.
6. The appeal site, as with the whole of the Crondall Heights development, is located within the countryside and is not related to any existing settlement or defined built up area. The surrounding area has a strong rural character and attractive landscape setting, comprising a traditional form/layout of agricultural land with some individual fields defined by mature trees and hedging, the value of which can be appreciated by users of the Public Footpath.
7. The appeal proposal seeks planning permission for the change of use of part of the land to residential and the erection of a shed/outbuilding. The outbuilding already exists on site and the proposal therefore seeks retrospective consent to retain this building and for the corresponding change of use from agricultural land to residential use. The land that includes the outbuilding and its link to the existing residential curtilage is rectangular in shape and is located on the south western boundary of the site. The outbuilding is single storey, of largely timber construction with a hipped roof and is sited against the common boundary with No.1 Crondall Heights.
8. The Council's reason for refusal refers to policies NBE2 and NBE9 of the Hart Local Plan (Strategy & Sites) 2032 (April 2020) (Local Plan) and saved policy GEN1 of the Hart District Council Plan (Replacement) 1996-2006 (December 2002) (District Plan). These seek, amongst other requirements, to: prevent development that would have an adverse impact on the visual amenity or scenic beauty of the landscape; support development that would respect and where possible enhance the special character, value or visual amenity of the District's landscapes; and support development that positively contributes to the overall appearance of the area and is in keeping with local character.
9. That approach is consistent with some of the overreaching objectives in paragraph 8 of the National Planning Policy Framework (July 2021) (Framework) seeking to protect and enhance the natural environment. Also, paragraph 174 of the Framework which states that planning decisions should contribute to and enhance the natural and local environment by, amongst other considerations, recognising the intrinsic character and beauty of the countryside.
10. The proposal has extended the residential curtilage of the host property into an open area of agricultural land that is rural in character. As I observed on my site visit, this land forms part of the local landscape that contributes positively to the openness of the area and its scenic value. When walking along the Public Footpath, to the west, the outbuilding is very visible due to the fact that it is in an elevated position and sits separately and physically distant from the host property. Whilst some views from the Public Footpath are long range, as you pass by the appeal site the outbuilding is prominent, from where it appears out of keeping with the landscape it is located within.
11. Whilst I accept that the distance that separates the outbuilding from the residential curtilage to the host is not significant, the proposal represents an unjustified encroachment of the residential curtilage into the open countryside

that has a harmful impact on its rural character and local landscape value. The Appellant contends that the outbuilding was sited next to a similar outbuilding on No.1 Crondall Heights, and whilst I observed this on site the Council's Delegated Report (CDR) indicates that that building does not appear to benefit from planning permission and is not lawful. Even so, I can only consider the proposal that is before me and do so having regard to its individual merits.

12. The impact of the outbuilding is accentuated by the fact that it results in essentially a rectangular area of land extending into the countryside. It does not appear as an integral part of the rear garden or a logical extension of the curtilage (even as extended to include the larger patio). The outbuilding essentially sits on its own and detracts from the views that are available to users of the Public Footpath, thus harming their enjoyment of the attractive landscape that surrounds it.
13. I accept that there are no firm boundaries on site to distinguish between the curtilage of the host and agricultural land but understand this reflects the layout approved as part of the original farmstead development. It is apparent that the original development was supported as it secured a number of benefits and as the approved residential curtilages closely followed the outline of the former farmstead. As such, the individual curtilages were established and shown on the approved plans (red lines) and consequently it should, in my view, have been apparent that the outbuilding would involve an extension of the residential curtilage onto agricultural land and into the countryside.
14. Indeed, the absence of defined boundaries between the existing gardens and agricultural land, on most of the properties within the Crondall Heights, adds, in my view, to its overall quality, securing a positive transition between the informal agricultural style buildings and their gardens to the rural countryside and open landscape beyond. The fact that some of the latter is managed (mowed) by the Appellant is a matter within their control but that does not diminish its contribution to the wider landscape.
15. In reaching my findings on this issue I have had regard to the Council's Landscape Assessment (1997) and the fact that neither the appeal site nor the remainder of Crondall Heights is covered by any specific landscape designation. However, neither of these considerations affect my overall findings on the localised adverse impact that results from the proposal. Moreover, policy NBE2 relates to all landscapes whether designated or not.
16. The Appellant has also referred to a planning permission obtained in November 2022 to relocate the outbuilding to an area north of the host property (Ref. 22/02444/HOU), but contends that the impact of the current location on the landscape would be less than that of the relocated outbuilding. I do not agree. As the Council found in granting this consent (see their Delegated Report), the relocated site would be far more acceptable in that: the outbuilding would be sited within the approved residential curtilage; it would be sited close to the flank wall of the host property and would appear incidental and proportional to it; it would visually be less prominent from the Public Footpath and would be viewed against the background of the adjacent property and existing planting; and it would avoid the need for the residential curtilage to be extended into the countryside and the harmful domestication of the surrounding landscape.
17. My findings on this issue are supported by those reached by the Inspector in the 2022 Appeal on No.1 Crondall Heights. In that decision the Inspector

identified the harm that can result from changes of use and new outbuildings or structures that encroach into the landscape and increase the domestication of the surrounding countryside. Whilst that appeal related to a large extension of the garden, as I confirmed above the proposed outbuilding is large and has a similar relationship with the Public Footpath and surrounding landscape. As such, the retention of the outbuilding and change of use to residential would result in a similar level of harm to the character and appearance of the area. Moreover, the proposal does not secure any benefits and the harm that results could not be mitigated by further planting.

18. For the above reasons, I find that the appeal proposal would result in harm to the character and appearance of the area contrary to policies NBE2 and NBE9 of the Local Plan, saved policy GEN1 of the District Plan and the corresponding policies of the Framework.

Conclusions

19. For the reasons given above and having taken all other matters raised into account I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR