



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: 15 June 2023

Appeal Ref: APP/N1730/W/22/3307769

Linwood, Farnham Road, Ewshot, Farnham, Hampshire, 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 Simms against the decision of Hart District Council.
 - The application Ref. 22/01479/FUL, dated 7 July 2022, was refused by notice dated 18 August 2022.
 - The development proposed is retention of play equipment and change of use of land to residential use/garden.
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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, combined, 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.
3. I have also had regard to an appeal for a similar change of use with the retention of an outbuilding at No.2 Crondall Heights, located to the south west of the current appeal site. That appeal is also before me and will be the subject of a separate decision (Ref. APP/N1730/W/22/3312328).

Main Issue

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

Reasons

5. The appeal site comprises a large dwelling that forms part of a small modern development built on the site of a former farmstead. The whole development is grouped around a circular feature that provides access to the individual properties. The curtilage to the appeal site is large and includes a substantial rear garden that extends towards the countryside to the north. The latter comprises open fields of grassland and wildflowers, which is partly used to

- keep donkeys and owned by the Appellant. A Public Footpath is located to the west of the curtilage to the host property.
6. The whole of the development, including the appeal site, is located within the countryside and is not related to any existing settlement or built up area. The surrounding area has a strong rural character and attractive landscape setting, comprising a traditional form 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 retrospectively to retain an area of play equipment and at the same time change the use of that land to residential use (garden). The submitted plans show that the change of use would relate to a narrow corridor of land that would extend from the existing residential curtilage leading to a square area of land tightly drawn around the play equipment.
 8. The Council have referred 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). Combined, these policies 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. Within the above context, the proposal has extended the residential curtilage of the host property into an open area of agricultural land that is rural in character and forms part of a local landscape that contributes positively to the openness of the area and to the attractive setting of the Public Footpath. The play equipment is visible from various parts of the Public Footpath. Whilst I accept that in some instances those views are long range, there are prominent views from where the equipment and its enclosure appear out of keeping, contrasting markedly with the open landscape that surrounds it.
 11. As such, the proposal results in an unacceptable domestication of the land and 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. This impact is accentuated by the fact that the play area effectively sits on its own and would only be tied to the existing residential curtilage by a narrow corridor of land (as shown on plan). When viewed from the Public Footpath, the proposal appears as an alien feature that detracts from the value and enjoyment of the local landscape.
 12. The Appellant contends that the play area has been located on the site of a former lunging pen and does not therefore extend the residential curtilage

beyond the former farmstead. Whilst I have been provided with various approved plans for the original farmstead development I do not have the full planning background to that development. Even so, the Council's Delegated Report indicates that the original development was supported as it resulted in an overall reduction in built form compared to the former farmstead, secured other benefits for its countryside location and because the approved residential curtilages closely followed the outline of the former farmstead. Whilst there is currently no firm boundary on site to distinguish between the curtilage of the host and agricultural land, the extent of the individual curtilages were clearly established and shown on the approved plans (red lines). In view of this, the existence of this former lunging pen does not affect my findings on this issue.

13. Moreover, the proposed extension of the garden to include the play area creates an illogical and convoluted boundary that gives the appearance of a hand reaching into the surrounding open landscape. In this respect, I firmly disagree with the Appellants contention that this area of land is not isolated as it is certainly not integral to the existing garden and does not result in the squaring off of the existing plot or its curtilage.
14. As to the suggestion that the land to the north has a more managed appearance, that land is I understand under the Appellant's control, but, even so, as I observed it contains large areas of grassland/wildflowers that add to the scenic value of the local landscape and provides a positive setting for users of the Public Footpath. Whilst I have also noted the references to the area in the Council's Landscape Assessment (1997) and the fact that it is not covered by any specific landscape designation, those considerations do not affect my findings on the localised adverse impact that results from the proposal.
15. Reference has also been made to the planning permission obtained to convert the existing garage to habitable accommodation, erect a two storey outbuilding and construct a swimming pool (Ref. 19/02381/HOU). However, I don't see any relevant comparisons between the two and note from the Council's Delegated Report that that proposal was found not to impact on the character and appearance of the area as: it was sited within the residential curtilage; the outbuilding was close to and complimented the host property to which it was subservient; it was located in part of the garden enclosed by an existing embankment; and it was sited within a plot that was more than capable of accommodating the amount of new building proposed. Consequently, the existence of this planning permission does not affect my findings on this issue.
16. In relation to the absence of a defined boundary between the existing garden and agricultural land, in my view, that adds to the high quality of the original development and its traditional agricultural style and appearance. It also assists in providing an appropriate transition from the host property and neighbouring properties to the rural countryside that surrounds it. The play area and extension of the garden have the opposite effect as a consequence of the harm that results to the character and appearance of the area.
17. Furthermore, the Appellant states that the play area was originally sited within the residential curtilage but was relocated to its current position in June 2020. However, the reasoning for doing so is unclear and there is no evidence before me to suggest why the play area could not be suitably re-sited within the rear garden. As I observed on site, the latter is substantial and largely laid to lawn,

providing a number of options where the play area could be discretely located close to other play areas/equipment within the garden.

18. My findings on this issue are supported by those reached by the Inspector in the 2022 Appeal. I accept that that proposal related to a larger extension of the garden to No.1 Crondall Heights into the countryside. However, the issues raised are broadly similar, namely the harm that results from changes of use and new structures and outbuildings that increase the domestication of the surrounding countryside. Whilst the play area is on a smaller scale, as I have found above the proposal would harm the character and appearance of the area. The proposal does not secure any benefits to the wider landscape and the harm that results could not, in my view, be mitigated by further landscaping.
19. 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

20. 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