



Appeal Decision

Site visit made on 21 July 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2023

Appeal Ref: APP/U2370/D/22/3309646

Carr End Farm, Carr End Lane, Stalmine FY6 0LQ

- 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 Richard Fenton against the decision of Wyre Council.
 - The application Ref 21/01126/FUL, dated 17 October 2021, was refused by notice dated 17 August 2022.
 - The development proposed is alterations and extensions to farm house as dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions to farm house as dwelling at Carr End Farm, Carr End Lane, Stalmine FY6 0LQ in accordance with the terms of the application, 21/01126/FUL, dated 17 October 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2021-9-7-12A.
 - 3) The development shall be carried out strictly using those materials specified on drawing 2021-9-7-12A unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

Main Issues

2. The main issue in this case is whether the proposal would extend the domestic garden of the appeal property into open countryside and cause harm to its intrinsic open character and beauty.

Reasons

3. Carr End Farm is a detached vernacular farmhouse, sited to the west of Carr End Lane outside the settlement of Stalmine. The Council's only issue in respect of the appeal proposal is that it includes a change of use of land to the south of Carr End Farm from an area described as '*open countryside*' (referred to by the appellant as an orchard), to a domestic garden. I observed on my site visit that a close boarded fence has been erected relatively close to, and around, the farmhouse which physically separates it from this wider orchard land, which includes trees, hedges and grassland. From the evidence before

me, there is, however, disagreement between the parties as to whether the orchard land is within the curtilage of Carr End Farm, or whether it has historically been in domestic use as a garden.

4. I note that the proposed works were described in Section 3 of the planning application form as '*alterations and extensions to farm house as dwelling.*' The description does not refer to the extension of the domestic garden, nor does a changed of use form part of the proposal as described by the Council in its decision notice. The appellant's evidence is that there are no plans for the orchard, with no alterations. The status quo would remain the same. I have no reason to form a different view.
5. Part 3, Article 7(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires an application for planning permission to be accompanied by a plan (a Site Location Plan) which identifies the land to which the application relates. It is not uncommon to identify on a Site Location Plan all, or part, of a site within the control of the applicant. The Site Location Plan submitted with the planning application included the orchard to the south of Carr End Farm (edged red) as well as further land to the west that is also within the appellant's ownership (so edged blue). The inclusion of the orchard land does not, however, in itself propose a change of use and whether, or not, this land is within the curtilage of Carr End Farm falls beyond my scope of consideration of this appeal. This is limited to the appeal proposal before me, namely the proposed alterations and extension to the farmhouse.
6. The Council have raised no further issues with the proposed extensions and I have no reason to disagree with their assessment. I therefore conclude on the main issue that the proposed two-storey front extension and single storey rear extension would not encroach into the countryside, or result in loss of openness visually harmful to its character. Consequently, there would be no conflict with Policy SP4 and HP5 of the Wyre Local Plan (2011-2031) (2019) which together, amongst other things, seeks to protect the open and rural character of the countryside, including from extensions to residential curtilages.

Conditions

7. In addition to the standard implementation condition, in the interests of certainty, I have attached a condition specifying the approved drawing. The Council have proposed a condition that the development shall be carried out using those materials specified on the approved drawing, shown as a slate roof, rendered walls and oak framed windows, unless otherwise agreed with the local planning authority. I agree that this condition is necessary to ensure the extension is of a high quality.
8. A further condition has been proposed which would remove permitted development rights for Carr End Farm afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The suggested wording does not specify the Part to be removed, referring only to '*no building, structure or enclosure shall be erected within the application site.*' It is likely this relates to Schedule 2, Part 1 of the GPDO which is development within the curtilage of dwellinghouses.
9. The guidance at paragraph 54 of the National Planning Policy Framework is that planning conditions should not be used to restrict national permitted

development rights unless there is clear justification to do so. Mindful of this advice, and in the absence of any justification from the Council, I do not find it necessary to remove permitted development rights for development within the curtilage of the dwelling at Carr End Farm. Similarly, I have no justification for, nor do I find it necessary, to control the use of the garden associated with that dwelling. These conditions have not therefore been imposed.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR