



Appeal Decision

Site visit made on 9 January 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2024

Appeal Ref: APP/P3040/W/23/3324521

Foxholes Barn, Car Lane, Car Colston, Nottinghamshire, NG13 8QU

- 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 Daniel White against the decision of Rushcliffe Borough Council.
 - The application Ref 22/01752/FUL, dated 9 September 2022, was refused by notice dated 22 December 2022.
 - The development proposed is change of use of existing paddock area to form an extension to the residential garden associated with the dwelling known as Foxholes Barn.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of existing paddock area to form an extension to the residential garden at Foxholes Barn, Car Lane, Car Colston, Nottinghamshire, NG13 8QU, in accordance with the terms of the application, Ref 22/01752/FUL, dated 9 September 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg Nos (19) – 100 and (08) – 101.
 - 2) Any trees, hedges or plants within or adjoining the site boundary, which within a period of 5 years from the date of this decision die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or structures shall be erected within the residential garden extension hereby approved.

Preliminary Matters

2. As curtilage is not a use of land, I have amended the description of the proposed use in the banner heading and decision to residential garden.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issue

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

Reasons

5. The site is located in the open countryside, adjacent to an existing dwelling, which was created through the conversion of a former equestrian barn. There is an area of hardstanding for parking to the front of the existing dwelling, which is screened by high brick entrance walls and solid gates. To the rear of the dwelling there is a patio area.
6. The site comprises a private stable block, with hardstanding to the front of it, and a large mown grass area to the side and rear of the dwelling. It is subdivided from the adjacent paddocks, which are in the same ownership, by timber and steel post and rail fencing, with new native species hedge planting alongside it. On the boundary that separates the site from the adjacent nursery business, there is a high solid timber fence, set against the backdrop of a dense mature high hedgerow.
7. There are no public views into the site, other than from the Public Right of Way (PROW) that runs around the adjacent grass paddocks. The paddocks are bound by timber post and rail fencing and I note that some new hedge planting has been undertaken inside of this fencing, which over time will further restrict views into the site from the PROW. From further afield the site is screened by dense high hedging that runs adjacent to Car Lane, the adjacent nursery business and pastureland to the southwest. Despite containing deciduous species, at the time of my visit during the winter season, the hedges still provided a high degree of screening.
8. The scale of the extended garden area is commensurate with the scale of the existing dwelling and private stables on the site. It is also similar in scale to other gardens in the surrounding countryside, which tend to be much larger than gardens in built up areas. As the land immediately adjacent to the site is already divided up into smaller paddocks and grazing areas, the enclosure of the extended residential garden area does not harmfully detract from the surrounding field pattern, which varies quite significantly.
9. Although the use of the site has changed from grass paddock to domestic garden, it continues to comprise a large grassed area, enclosed primarily by post and rail fencing and native species hedge planting. The area of hardstanding reflects the scale of the stable block it is associated with, and is not visible in any long-distance views.
10. Whilst I acknowledge concerns regarding the effect of domestic paraphernalia on the appearance of the site and its rural surroundings, items such as garden furniture, plant pots and washing lines, which are commonly found in residential gardens, are not development and are generally small and unobtrusive. Given the new hedge planting that has been undertaken around the site and the existing mature landscape screening around the wider area surrounding the appeal site, I do not consider that such items would result in any unacceptable visual harm to the countryside. Other forms of development, such as garden buildings and structures, can be controlled in terms of their siting, scale and appearance by removing permitted development rights.

11. The site is not within an area that is subject to any national or local landscape designations. Having had regard to the Greater Nottingham Landscape Character Assessment and the site specific Landscape Assessment submitted with the appeal, I am satisfied that the change of use has not, and will not in the longer term, result in harm to the rural character and appearance of the site's surroundings.
12. Although the extension of residential gardens is not listed within the uses that will usually be permitted in the countryside under Policy 22 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP2), the proposal would comply with the aims of this policy to conserve the countryside for the sake of its intrinsic character and beauty.
13. I therefore conclude that the proposal would accord with Policy 16 of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policy 1 of the LPP2 and the purpose of Policy 22 of the LPP2, which require, amongst other things, that development is sympathetic to the character and appearance of the surrounding area and that the local landscape character is protected in line with the recommendations of the Greater Nottingham Landscape Character Assessment. The proposal would also accord with paragraph 180 a) and b) of the Framework, which seeks to protect valued landscapes (in a manner commensurate with their statutory status or identified quality) and to recognise the intrinsic character and beauty of the countryside.

Conditions

14. As the change of use, including the sub-division of the site from the surrounding paddocks, the fence construction, the laying of hardstanding and the boundary landscaping had already taken place at the time of my visit, a time limit for commencing the development is unnecessary. A condition listing the approved drawings is necessary to provide certainty as to what has been approved. The removal of permitted development rights for buildings and structures within the approved garden extension is necessary to enable the Local Planning Authority to exercise control over the size, siting and appearance of any such future additions, in the interests of protecting the rural character and appearance of the site and its surroundings. A condition to ensure that the existing new and mature boundary landscaping is retained and where necessary is replaced, is also required to protect the character of the countryside.

Conclusion

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

R Bartlett

INSPECTOR