



Appeal Decision

Site visit made on 29 May 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 June 2024

Appeal Ref: APP/G1630/W/24/3336604

**Brackenwood Lodge, Church End Lane, Twyning, Tewkesbury,
Gloucestershire GL20 6DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs P Hall against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/00148/FUL.
 - The development is erection of a field shelter and change of use of part of paddock land to residential curtilage.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a field shelter. The appeal is allowed insofar as it relates to change of use of part of paddock land to residential curtilage and planning permission is granted for change of use of part of paddock land to residential curtilage at Brackenwood Lodge, Church End Lane, Twyning, Tewkesbury, GL20 6DA in accordance with the terms of the application, Ref 23/00148/FUL, and approved Site Location Plan dated February 2023 and Block Plan PH/001/2023, so far as is relevant to that part of the development hereby permitted.

Background and Preliminary Matters

2. The application seeks approval for the erection of a field shelter and separately the change of use of land hatched yellow on the Block Plan, to residential curtilage. 'Curtilage' is not a land use, and so I have determined the appeal as being for residential use of this area. The field shelter has already been erected and the yellow hatched land is in domestic use. I shall therefore consider the appeal on this basis.
3. Unusually, the Council has issued two decision notices for the development subject to the appeal application – an approval for the change of use and a refusal for the field shelter. Section 79(1)(b) of the Town and Country Planning Act 1990 makes clear that, on appeal under section 78, the Secretary of State 'may deal with the application as if it had been made to him in the first instance'. Therefore, the whole development applied for is before me, not just the field shelter about which the Council has concerns.

Main Issues

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

Reasons

5. The site consists of land adjacent to Brackenwood Lodge¹, a dwelling. The area consists of countryside albeit with some houses, garaging and a caravan park nearby. As such, the area has a semi-rural appearance. The field shelter has been erected. It is a wooden structure of three bays. The appellants state that the paddock is not agricultural and does not form part of an agricultural trade or business. On this basis, the field shelter is not intended for agricultural use, and nor would it be used for domestic storage. Instead, it would be used for the storage of machinery and equipment used in the maintenance of the paddock.
6. However, there is no dispute that the paddock may well have historically been used for agricultural purposes. Despite the golfing paraphernalia that I observed within the paddock, I have little evidence to suggest that it has any lawful use other than for agriculture. Furthermore, the Block Plan before me restricts the change of use element of the application to the yellow hatched area. Consequently, no change of use is sought for the field shelter land.
7. Policy AGR1 of the Tewkesbury Borough Local Plan (TBLP), adopted June 2022, is entitled 'Agricultural development'. Although the appellants do not seek to use the field shelter or paddock for agricultural purposes, the application relates to development on land that appears to have agriculture as its established use. In these circumstances, I consider this policy to be directly relevant. Amongst other things, it requires such development to be designed for the purposes of agriculture, well-related to existing features, and to be sympathetic in height, mass, materials, and landscaping.
8. The field shelter is positioned close to the edge of the site and not far from existing built development. It also has a wooden construction and an open-bayed frontage. Nevertheless, its roof materials are very similar to those used on the house at Brackenwood Lodge, giving it a domestic appearance. The field shelter does not have the simple form of an agricultural building. Instead, its tall height, over-heavy roof form and roofing materials gives it the appearance of a large, domestic structure.
9. The large mass, scale and materials of the field shelter and its roof means that it is prominently and harmfully visible from Church End Lane and an adjacent public right of way. Given its siting close to the existing boundary with the right of way, there is little scope for landscaping with which to ameliorate its effects.
10. I do not doubt the need for the appellants to store machinery to maintain the land, such as a ride-on mower, toppler, tools and equipment. However, I am not convinced that these items require a building of the excessive height, bulk and scale of the field shelter as built, especially given the relatively small size of the parcel of land. A condition restricting the use of the field shelter would not therefore overcome my concerns. For the reasons given above, I conclude that the field shelter harms the semi-rural character and appearance of the area, contrary to TBLP Policy AGR1.
11. The development before me also includes incorporation of the yellow hatched area within the domestic land associated with Brackenwood Lodge. The division forms the continuation of an existing boundary line, effectively squaring-off its

¹ Shown on the plans as End House.

amenity area. Furthermore, the area is partially screened from public views by the frontage boundary treatments of Brackenwood Lodge. It does not therefore appear visually harmful and so does not harm the character and appearance of the area. Consequently, as this element is severable from the rest of the development applied for, I intend to issue a split decision, allowing the change of use of the yellow hatched area for residential use, whilst refusing permission for the field shelter.

Conditions

12. The Council has provided a list of conditions, which I have assessed having regard to the advice in the Planning Practice Guidance. As the development has already commenced, I see no need for a condition requiring its commencement within three years, as was imposed by the Council. I have clarified the approved plans in my decision above.
13. In the interests of the character and appearance of the area, a landscaping condition was imposed by the Council requiring the green hatched area on the approved plan to be soft landscaped and the yellow area to be hard landscaped within six months of the Council's decision. However, the green hatched area is outside of the application site and therefore does not form part of the development before me. Hard surfacing has already been installed within the yellow hatched area and has an acceptable appearance. On this basis, I see no need for a condition requiring the hard and soft landscaping to be completed.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to change of use of part of paddock land to residential curtilage (the yellow hatched area) but dismissed insofar as it relates to the field shelter.

O Marigold

INSPECTOR