



Appeal Decision

Site visit made on 29 September 2009

by **John Wilde** C.Eng M.I.C.E.

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
19 October 2009

Appeal Ref: APP/R3325/A/09/2107028

Oak Cottage, Seaborough Lane, Seaborough, Crewkerne, Somerset, TA18 8PJ

- 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 and Mrs Johnson against the decision of South Somerset District Council.
- The application Ref 09/01060/COU, dated 18 March 2009, was refused by notice dated 7 May 2009.
- The development proposed is change of use for agricultural land at the rear of Oak Cottage to residential use.

Decision

1. I dismiss the appeal.

Main issues

2. The main issue is the effect of the proposed change of use on the character and appearance of the area.

Reasons

3. Oak Cottage is a semi-detached house which lies to the north of a minor road in a very rural setting. At the time of my visit the appeal site was grassed and relatively closely mowed and looked similar in nature to the area to the north, also owned by the appellant. This latter area was separated from the agricultural land further to the north by a post and wire fence.
4. The Parish boundary, which passes close to the rear of the properties, was at one time delineated by a hedge, which also demarked the line between the domestic curtilage of Oak Cottage and the agricultural land to the north. Any historic lack of rear garden to the properties has been compensated for by garden areas to the sides of the dwellings.
5. At the time that the appellants bought the property they report that the hedge had been removed and replaced with a leylandii hedge somewhat further to the north which encroached onto the agricultural land. This extra strip of land was used for keeping chickens and for the placement of a septic tank; and although it may have been utilised as a domestic extension to the curtilage, it remained agricultural land.
6. I have been supplied with aerial photographs from 1946 and 2001 which clearly show that the agricultural land bordered the appeal dwelling in close proximity to the north. I have also been supplied with photographs from the estate

S.SOM.DC

20 OCT 2009

RESOLUTION CENTRE

agent's details from 1991 which show the close proximity of the agricultural land to the rear of Oak Cottage. The appellants have indicated that the 1900 Ordnance Survey sheet shows, by virtue of the positions of the hedge and Parish Boundary, that domestic use was established on the land to the rear of the appeal dwelling at that time. However, I have not been provided with a copy of this plan. Furthermore the photograph from the 1940s provided by the appellants does not, in my view, provide conclusive evidence for the non-existence of a hedge.

7. Notwithstanding that the historic boundary no longer exists in its entirety, and that views of the site are restricted, both main parties accept that allowing this appeal would extend the residential curtilage of the dwelling into agricultural land, beyond the development boundary. Policy ST3 of the South Somerset Local Plan (SSLP) and policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (SENPJSPR) both state that such development should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The proposed change of use would be very likely to result in the presence of domestic paraphernalia into this parcel of land. This cannot, in my view, be considered to be enhancing or maintaining the environment, particularly when the immediate environment to the appeal dwelling is very rural unspoilt agricultural land.
8. It is also clear from the supplied photographs that allowing the residential curtilage of the appeal dwelling to extend further north would disrupt the historic alignment of the southerly extent of the agricultural land. This would place the proposed change of use in conflict with policy 5 of the SENPJSPR, which states that, amongst other things, the distinctive character of the countryside should be safeguarded for its own sake, and that particular regard should be had to the distinctive features of the countryside in landscape and cultural heritage terms. The proposed change of use would also conflict with policy EC3 of the SSLP which seeks to ensure, amongst other things, that development respects or enhances the characteristic pattern and features of the surrounding landscape.
9. My attention has been drawn to the adjoining property which the appellants consider to have the benefit of an extended domestic curtilage, thereby giving some justification for the proposed change of use. However, I have not been supplied with any documentation to confirm the status of this adjoining land, and note that the Council's Enforcement Department have been in contact with its owners. I am also aware that the appellants own the appeal site and the rest of the grassed area to the north, and that consequently a return to actual agricultural use is unlikely. This is not, however, in my view, justification for a change of use of the appeal site.

Conclusion

10. Having had regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

Inspector

