



Appeal Decision

Site visit made on 17 January 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/J3720/W/22/3290168

Doe Bank Manor, Priors Hardwick Road, Lower End, Priors Hardwick CV47 7SP

- 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 Gibson against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/00925/FUL, dated 13 April 2021, was refused by notice dated 7 July 2021.
 - The development proposed is described as “the change of use of land to extend the residential curtilage, proposed erection of a detached oak framed car port and garden store and plant room, and the retention of the tree house.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission is sought for an extension to the garden associated with the main dwelling, and the erection of two outbuildings including a tree house and a detached carport (with store) and the installation of a ground source heat pump. The application is part retrospective, as the tree house has already been erected on the appeal site.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the Ironstone Hill Special Landscape Area.

Reasons

4. The appeal site forms part of Doe Bank Manor and is located in countryside within a rural setting to the west of Priors Hardwick settlement. Doe Bank Manor is a large, detached dwelling with spacious grounds located to the north of Lower End lane.
5. The site includes a parcel of agricultural land that sweeps around the western edge of the dwelling and extends beyond the rear garden down a sloped bank towards the tree house to the north. The surrounding area is open in character with scattered dwellings peppered within the wider locality.
6. The site lies within the Ironstone Hill Special Landscape Area. This area is characterised by large rolling uploads with occasional prominent hills with a large scale strong hedge field pattern.

7. The tree house is built around (but not physically attached to) a mature tree located within the northern area of the appeal site. Its siting is beyond the existing lawful garden area and is therefore located away from the main dwelling and within agricultural land. The structure consists of a raised playhouse with door, windows, and a pitched roof, with access to a play platform, ladder and scramble net. It also has a separate tower with play slide, which is connected to the playhouse by an elevated horizontal walkway. The structure is mainly constructed from timber and has a metal slide and pole. The resulting structure has a domestic appearance.
8. The elevated playhouse, large metal slide and the wooden tower give the overall structure a notably bulky appearance. As such, the tree house appears as an incongruous feature surrounding the tree, that interferes with the natural appearance of the appeal site and is visually inappropriate and harmful to the surrounding countryside.
9. Furthermore, the proposed change of use of agricultural land to domestic garden land would introduce a residential use into the countryside location. This would give rise to an urbanising effect on the appeal site. The garden paraphernalia that would be associated with the proposed use (such as children's play equipment, garden furniture, manicured and ornamental planting, patio/paving etc) would result in a domestic appearance that would severely diminish the rural qualities of the site and its surroundings. Although this would be contained within the site boundaries, its visual effect would not complement the surrounding rural landscape.
10. Whilst the existing tree planting does provide some degree of screening and additional landscaping could be secured by condition, the proposal would nevertheless be partially visible from the surrounding area. This is due to the site's elevated position and its proximity to the public footpath that runs across the field to the northeast of the site, and when trees and vegetation are not in leaf during the winter months. Such planting could not be guaranteed to survive or be maintained in the longer term.
11. The appellant indicates that the field within which the tree house is situated would remain un-changed as agricultural grassland and continue to be grazed by sheep. However, this does not alter the visual harm caused by the tree house and the area of agricultural land that would be changed to garden land.
12. I also note that the proposed footpath which would lead to the tree house is not intended to be a gravel or paved path. However, this could not be guaranteed long term, particularly during wet weather periods when the grassed path is likely to become wet and muddy.
13. Policy AS.10 of the Stratford-on-Avon District Core Strategy (CS) (2016) states that all other types of development or activity in the open countryside needs to be fully justified and offer significant benefits to the local area. I have not been presented with any evidence that suggested the proposal is fully justified or would offer any significant benefits to the local area. Consequently, the proposal fails to accord with Policy AS.10 of the CS.
14. The proposal would include a detached carport with enclosed store to be erected to the west of the dwelling. The car port would be finished in timber with a slate roof. Due to the size, design, and materials, the proposed carport would appear subservient to the host dwelling and sympathetic to its character.

It would also be sited close to the main dwelling and therefore read within the context of the existing built form. The proposal also includes a ground source heat pump to serve the dwelling. A condition could be imposed to secure the final details of the ground source heat pump to ensure a satisfactory finish to the development.

15. Consequently, the proposed carport and store, and the ground source heat pump elements of the proposal would not cause harm to the character and appearance of the area. However, this does not outweigh the harm that has been identified above.
16. For the reasons given, the proposal would have a harmful effect on the character and appearance of the area, including the Ironstone Hill Special Landscape Area. Therefore, the proposal would fail to accord with Policies CS.1, CS.9, CS.12 and AS.10 of the CS (2016), which, amongst other things, seek to protect the rural character and local distinctiveness of the area.
17. In reaching my decision, I have had regard to the landscape evidence submitted by the appellant including the Landscape and Visual Appraisal, dated: January 2022. However, I note the landscape evidence does not assess the visual impact resulting from the change of use of the area of agricultural land to domestic garden. Notwithstanding this evidence, I have found harm would result from the proposal for the reasons stated.

Other Matters

18. The appeal site is located near to Priors Hardwick Conservation Area (CA) and Holloway Farmhouse and outbuildings, which are Grade II listed buildings. I am required to have regard to the preservation of the setting of the CA and the listed buildings. However, given that I am dismissing the appeal, the proposed development would not result in a change to the way in which these heritage assets are experienced. Therefore, I do not need to give this matter further consideration.
19. I am mindful of the appellant's desire to provide an outdoor playhouse for their children and their children's friends, and the beneficial health aspects of outdoor play. Nevertheless, there is no substantial evidence to suggest this cannot be achieved within the existing garden area of Doe Bank Manor. I acknowledge that there isn't a mature tree within the existing garden, but the proposed tree house is not attached to the tree and therefore does not use the tree to support it. Furthermore, I consider that a children's outdoor playhouse structure sited within the garden area and positioned closer to the main dwelling would be less harmful than the proposal before me.
20. The proposed garden extension would provide the family with additional amenity space for outdoor activities. However, the existing dwelling already has a satisfactory level of private garden space for the occupiers of Doe Bank Manor.
21. The proposal would provide renewable energy technology and ecological benefits. However, these modest benefits would not outweigh the harm identified.
22. The appellant has submitted an Ecological Assessment. This assessment demonstrates that the proposal would cause no adverse impact on local ecology and protected species. The proposal would also provide some

biodiversity gain. Although a matter of note, it does not outweigh my findings in respect of the main issue.

23. The Parish Council has not raised objections to the proposal. However, this is a neutral effect and therefore does not weigh in favour of the proposal.
24. The proposal would not be detrimental to the living conditions of any neighbouring occupiers. Nevertheless, a lack of harm in this regard does not weigh in favour of the proposal.

Conclusion

25. The proposal conflicts with the development plan when considered as a whole and there are not material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
26. For the reasons given above, I conclude that the appeal should be dismissed.

Helen Smith

INSPECTOR