

42/10/0020

MRS P M HUGHES

CHANGE OF USE OF PART OF PADDOCK TO FORM EXTENSION OF DOMESTIC GARDEN FOR CHILDREN'S PLAY AREA INCLUDING PLAY EQUIPMENT AT LITTLE OAKS, STAPLEHAY, TRULL

Grid Reference: 321244.121846

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

The area of countryside to the west of Staplehay is rural in nature and the introduction of this garden land changes the rural ambience of the area to a domestic one, eroding the countryside character and resulting in harm to the visual amenity of the area. Furthermore it sets an undesirable precedent for future development. As such, the proposal is contrary to policy 5 of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S1 and EN12 of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

Little Oaks is a large brick and tile detached dwelling, set in a row of properties fronting Honiton Road. It backs on to open countryside and to the north, a public footpath passes the site.

This application seeks retrospective planning permission to change the use of part of the paddock to the rear of the site to domestic garden and for the siting of children's play equipment. Within the site, beech trees have been planted along a bank, and a climbing frame and two goal posts have been sited. The boundary fence to the rear of the existing residential curtilage of Little Oaks has been removed, opening up the existing garden to the site in question.

The applicant seeks only to change the use of an area 16.5 metres by 28.7 metres, which lies to the rear of Little Oaks and stretches behind the rear of The Beeches and Arden by 2.5 metres. They have stated that they do not intend to change the use of the remainder of the paddock.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No Observations

TRULL PARISH COUNCIL - The Parish Council were in full support of the application, which would give a safe place for children to play and feel that the fears of neighbours are unfounded.

HERITAGE AND LANDSCAPE OFFICER - In my opinion the proposals are contrary to EN12 and would have a detrimental impact on the rural character of the area and set a precedent for further garden extensions in the local area. The site is clearly visible from the footpath, which runs east-west to the north of the site.

Representations

4 letters of support on the grounds of:

- Ideal and safe area for children to exercise and play outdoors, which should be encouraged.
- Site is properly and regularly maintained.
- Relatively little space within the house for active, healthy play.
- Do not believe use of equipment causes any undue harm to local landscape or private amenities of neighbouring properties.
- Sweeping hedgebank is an established feature which will provide visual screening from the public right of way. Play equipment is difficult to see from footpath.
- Equipment cannot be seen by neighbouring properties, except Arden.
- Area forms natural extension to the garden and remainder of paddock has strategically positioned indigenous trees and hedges.

14 letters of objection on the grounds of:

- Planning regulations have already been breached and should not be condoned.
- Planning permission was granted for the original dwelling with sufficient garden space for play areas, a further change of use seems unnecessary.
- Proposal is contrary to local and national planning policies, within Landscape Character Area and alien to the character and appearance of the agricultural land
- Change of use, along with additional domestic paraphernalia, sheds, lighting and other eyesores, would be detrimental to character and appearance of visual amenity of area, particularly from public footpath
- Extension of garden land is inappropriate in this location and would set an unfortunate/dangerous precedent which would encourage similar proposals and make it difficult to resist them, resulting in further erosion of agricultural land, detracting from rural character of area.
- Despite landscaping and planting that has taken place, the play equipment is still clearly visible from the footpath
- Loss of prime agricultural land.
- Concerns over future use of the site.
- Change of use will adversely affect quiet enjoyment of garden at Bracondale.

- Suggests conditions to prevent any form of subsequent development or construction on the site if application is approved.

Other non-planning matters raised including:

- Concerns that change of use will lead to further changes of use, possibly relating to the whole paddock in future.

Letter received from applicant in response to objection letters:

- It is not intended to further change the use of the remaining paddock area and would accept a legal restriction to prevent an application for a further change of use and that the area of the paddock, the subject of this application, cannot be used for anything other than play equipment.
- Application is to allow a 7 year old child to use a climbing frame in a safe environment.
- A considerable amount has been spent maintaining and planting the paddock.

PLANNING POLICIES

S&ENPP5 - S&ENP - Landscape Character,
S1 - TDBCLP - General Requirements,
EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

It is important to note that whilst the paddock as a whole lies within the control of the applicants, this application relates only to an area largely to the rear of Little Oaks, measuring 28.7 by 16.5.

There is a well established line forming the rear boundaries of the row of dwellings, of which Little Oaks forms part. The garden area therefore 'juts out' significantly into the agricultural land to the rear. Although a bank with beech planting has been created, along with further tree planting, the site remains clearly visible from the footpath to the north.

This countryside is rural in nature and the garden land introduces a domestic and urban element into an otherwise rural environment, eroding the countryside character and resulting in harm to the visual amenity of the area.

Furthermore, the extended residential curtilage would set an undesirable precedent for other properties to do the same, resulting in an unacceptable level of harm to the surrounding landscape.

Whilst concerns have been raised regarding tree planting and fencing to the paddock, it should be acknowledged that planning permission is not required for those elements.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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