

PROPOSAL: Change of use from agricultural land to domestic gardens.

LOCATION: Waterbridge to Long Thatches, Arkesden

APPLICANT: Owners of properties Waterbridge to Long Thatches

AGENT: Cheffins.

GRID REFERENCE: TL 481-344

EXPIRY DATE: 13 February 2012.

CASE OFFICER: Nicholas Ford.

1.0 NOTATION

1.1 Outside Development Limits.

2.0 DESCRIPTION OF SITE

2.1 The application relates to agricultural land in arable crop rear of nine dwellings on the northern side of Main Road, Arkesden. All these dwellings and their rear gardens are located within the development limit and Conservation Area of Arkesden. Long Thatches is Grade II listed.

2.2 The field edge to the rear of these dwellings is at a higher level than the existing garden and agricultural land rises to the north.

3.0 PROPOSAL

3.1 The application proposes the change of use of agricultural land comprising about 2100 sqm to domestic gardens of varying size for each dwelling. This would form an arc from Waterbridge to Long Thatches. Post and rail fencing 1.05 metres high is proposed for boundary treatment except for Willow Bridge where 1.8 metre timber panel fencing is proposed to boundaries with Waterbridge and Wicken View tapering to 1 metre.

4.0 APPLICANTS CASE

4.1 See submitted Statement.

5.0 RELEVANT SITE HISTORY

5.1 None.

6.0 POLICIES

6.1 National Policies

- Planning Policy Statement 7 - Sustainable Development in Rural Areas

6.2 Uttlesford District Local Plan 2005

- Policy S7 - The Countryside
- Policy ENV 5 - Protection of Agricultural Land
- Policy ENV6 - Change of Use of Agricultural Land to Domestic Garden

7.0 PARISH COUNCIL COMMENTS

7.1 Support.

8.0 CONSULTATIONS

8.1 Landscape Officer: The proposed garden extensions would impact on the integrity of the existing field pattern. The change of use would likely result in pressure for the removal of existing boundary vegetation to allow full use of the extended gardens which would further erode the established field pattern.

The existing gardens are of comparatively good size and no overriding need has been demonstrated to outweigh the detrimental affect of the proposal on the pattern of the open countryside.

9.0 REPRESENTATIONS

9.1 None received. Notification period expired 2 February 2012.

10.0 APPRAISAL

The issues to consider in the determination of the application are:

- **Whether change of use from agricultural land to domestic garden is of a scale that does not result in a material change in the character and appearance of the surrounding countryside and protects the character and appearance of the countryside for its own sake (ULP Policies S7 and ENV6).**

10.1 The main issues to consider in relation to such a proposal are if change of use to domestic gardens, particularly the scale, does not result in a material change in the character and appearance of the surrounding countryside (ULP Policy ENV6). This is a rural restraint policy that in corroboration with ULP Policy S7 seeks to protect the character and appearance of the countryside.

10.2 Arkesden is a linear settlement and its boundary with the countryside is clearly defined where the field edge meets rear gardens which are in regular alignment with boundary treatment such as hedges and trees. Furthermore, the field is at a higher level than existing gardens meaning there is a clear distinction between village and countryside. This change in gradient means that the visual impact of dwellings and gardens on this countryside setting are lessened.

10.3 The supporting text for Policy ENV6 makes it clear that proposals for change of use from agricultural land to domestic garden which are not likely to materially change the character or appearance of the countryside are those which for instance are unworkable corners of fields and do not create wedges of domestic garden intruding into an agricultural landscape. Appropriate boundary treatment such as hedgerows of indigenous species or appropriate rural fencing such as post and rail that is not urbanising or compromise openness should form any proposal.

10.4 The boundary of these gardens with the field is a linear one and not an unworkable corner of a field. Furthermore, the land is currently cultivated for crops and it is therefore clear that it is being put to productive use.

10.5 The proposed change of use comprises about 2100 sqm of farmland extending upto around 15 metres from existing rear boundaries forming an arc some 135 metres in extent from Waterbridge to Long Thatches. This would comprise a wide and deep intrusion of domestic and urbanising feature into this sloping and currently discreet agricultural landscape, visually exacerbated by being at a higher level than existing gardens and in some instances the introduction of alien close boarded fencing. Landscape Officer advice received states that such garden extensions would impact on the integrity of the existing field pattern. Use of the land as

domestic garden would likely result in pressure for the removal of existing boundary vegetation to allow full use of extended gardens which would further erode the established field pattern.

10.6 The size of this change of use is considered excessive and would encompass a considerable intrusion of domestic appearance into agricultural land. This could not be considered to be modest extensions to small or irregular shaped gardens that would provide adequate amenity areas. The private gardens associated with these dwellings are predominantly generous and all meet minimum standards for family size dwellings that would normally be required, by example, the Essex Design Guide for new family size dwellings. In most cases the dwellings also have ample garden areas between houses and Wicken Water which from additional amenity space. This view is also true for more recent dwellings constructed including Wicken View, Merrydowns, Primrose Cottage and Honeybrook House which have ample front and rear gardens. Appropriate amenity space will have been a consideration when granting permission for these dwellings and occupiers will have been aware of plot size in purchasing these properties. Landscape advice received also notes that gardens are of comparatively good size and there is no overriding need demonstrated to outweigh the detrimental affect of the proposal on the pattern of the open countryside. These houses do not have small gardens where this can be taken into account as material consideration.

10.7 The suburbanising effect of domestic paraphernalia including such chattels as garden furniture associated with domestic garden is likely to be harmful. A condition removing such rights would be difficult to enforce. This would be obtrusive domestic material change in the appearance of the countryside in this location with the potential for further manicured appearance of domestic planting. The open rural character of this area would therefore be eroded.

- **Whether the change of use would result in the loss of best and most versatile agricultural land (PPS7 and ULP Policy ENV5).**

Whilst the change of use results in the loss of previously productive agricultural land (Grade 3) it is considered difficult to argue, in the context of ULP Policy ENV5, that this be in conflict with the policy since it could return to productive use and would not be lost in the same way as housing might. It is not Grade 1 or 2 best and most versatile land.

Protection of the countryside means not only doing so in relation to public views but also for its own sake.

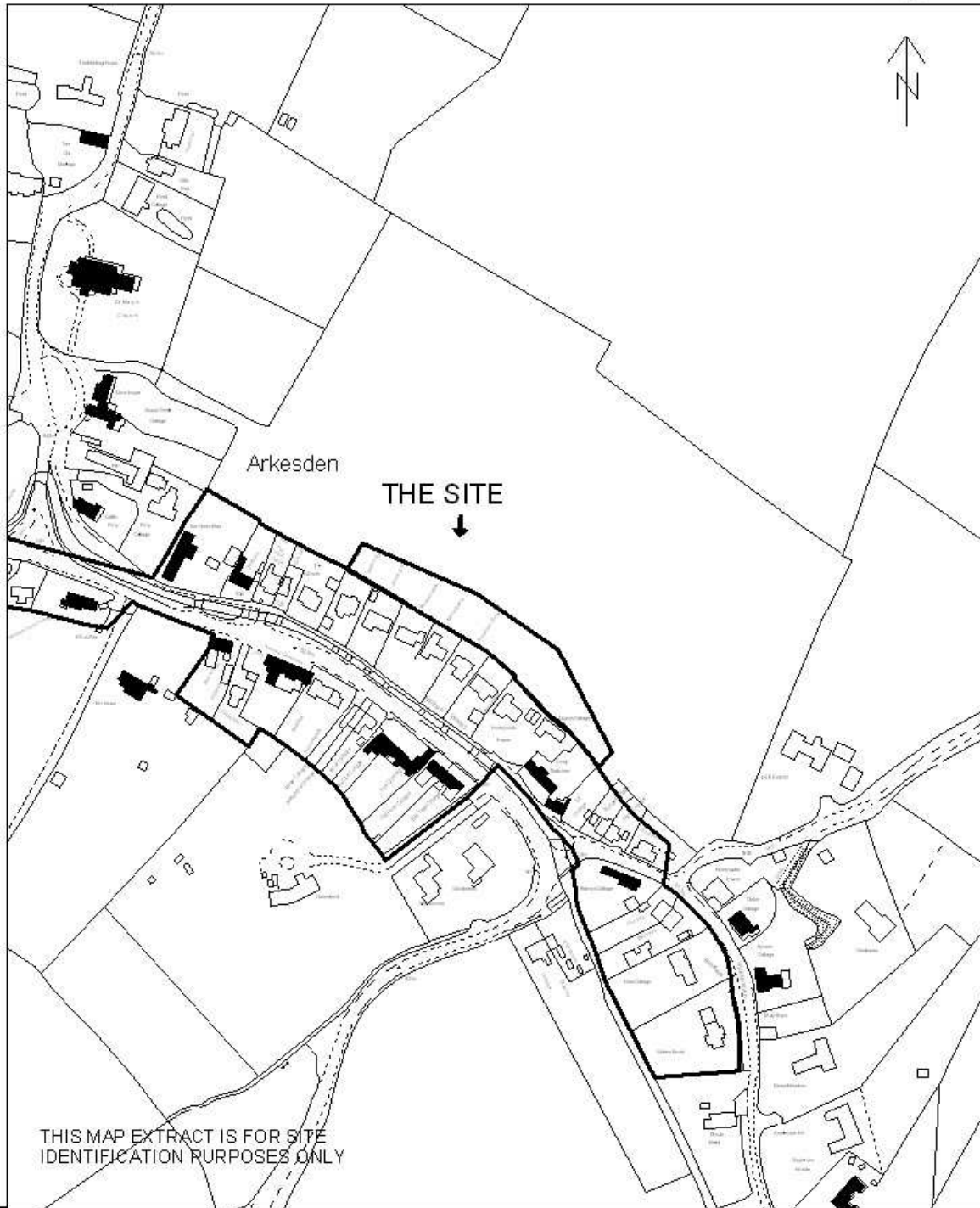
11.0 CONCLUSION

The following is a summary of the main reasons for the recommendation:

- Such a change of use would be contrary to the provisions of Policies S7 and ENV6 of the Uttlesford Local Plan adopted 2005, which requires that the countryside should be protected for its own sake and should not materially change its character and appearance.

RECOMMENDATION – REFUSAL

This proposal is unacceptable as the use of agricultural land as domestic garden, with its manicured appearance and possibility of the erection of sheds, greenhouses, and other outbuildings, or uncharacteristic planting, would have the effect of intruding urbanisation into the openness of the landscape. Such domestic paraphernalia, uncharacteristic fencing or the planting of vegetation to screen the garden land, results in the erosion of the existing open rural character and appearance of the countryside contrary to Policies S7 and ENV6 of the Uttlesford Local Plan adopted 2005.



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DATE: 23/02/2012

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