

**APPEAL BY MR T THREADGOLD AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR THE EXTENSION OF PREVIOUSLY APPROVED DOMESTIC CURTILAGE BY INCLUSION OF ANCILLARY LAND INVOLVING CHANGE OF USE, WITH CHANGES TO PREVIOUSLY APPROVED BOUNDARY TREATMENTS AT HAZELWOOD BARN, BALTERLEY GREEN ROAD**

**Application Number**                    16/00640/COU

**LPA's Decision**                        Refused by delegated powers on 26 September 2016

**Appeal Decision**                      Allowed

**Date of Appeal Decision**          1 February 2017

The Inspector found the main issues to be whether the development is inappropriate development in the Green Belt and if inappropriate, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

In dismissing the appeal, the Inspector made the following comments:

- Notwithstanding the description of the development used on the original application, there is a dispute between the parties as to whether a change of use has taken place. The area of land which is the subject of the appeal is being used partly as a courtyard garden area and partly as a parking area for vehicles. Aerial photographs show that a building previously occupied this part of the site and it is stated that the building was used as a domestic garage in connection with the neighbouring farm and that after it was demolished the land was used for parking.
- During the site visit, several cars and horse trailers were parked on the land adjacent to the shared boundary with the appeal site and next to the area of land that is the subject of this appeal. This area is within reasonable walking distance of the main farmhouse. Additionally the occupant of the farmhouse has confirmed in writing that the area of land was previously used to park vehicles prior to it being sold to the appellant and incorporated into his garden.
- Whilst it is appreciated that previous applications may have shown the land as outside the domestic curtilage of the farmhouse, those plans were submitted for different purposes and do not specifically identify what the actual use of the land was at that time.
- Based on the evidence, the Inspector was satisfied that the area of land had a functional relationship with the main farmhouse and was used for parking. As a consequence of the appeal scheme, the land will still be used for the parking of vehicles and will retain a functional domestic relationship with a dwelling. In practise, what has taken place is a change of ownership of the land and the appeal scheme has not resulted in a change of use in the modest area of land affected.
- Engineering operations have taken place in the form of a boundary wall, laying of gravel and several domestic features. The original planning approval for the barn conversion included a brick boundary wall. The wall that has been constructed has a different alignment and is slightly extended.
- The boundary wall therefore would have been constructed in any event and given that the materials used reflect those of the farmhouse, any effect on the openness of the Green Belt is minimal.
- The appeal development is not significantly harmful to the openness of the Green Belt nor does it conflict with one of the purposes of including land within it.
- The development is not inappropriate development in the Green Belt as a change of use has not taken place and the engineering operations are not harmful to the openness of the Green Belt nor do they conflict with one of the purposes of including land within it. Accordingly the appeal should be allowed.

**Recommendation**

**That the decision be noted.**