

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 September 2011

AUTHOR/S: Executive Director (Operational Services)/
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S/1142/11 - BASSINGBOURN
Change of Use from Agricultural Land to Garden Land (C3) and Creation of
Tennis Court including the Erection of Surround Fencing.
for Mrs Rosanna McCraith

Recommendation: Refuse

Date for Determination: 1 August 2011

The application has been referred to the Planning Committee as the applicant is the wife of District Councillor David McCraith.

Site and Proposal

1. The application site is a part of a large enclosed field to the rear of the garden area of No. 104 North End, Bassingbourn. The house itself is situated perpendicular to the road and has a rear garden behind. At the rear of the garden area there is a large open field which is approximately 1.8 hectares in area. A small vegetable garden takes up a small portion of the field immediately adjacent to the garden and behind that, to the East, the land opens out into a single large field. The field is largely enclosed by trees and hedges on the boundaries, although there are views into the site from adjoining land at the South West corner of the field where there is only a very low boundary and also through sparser planting from the public footpath the rear of the site. The field is not cropped and, at the time of the officer's site visit, was being grazed by sheep. The entire site, including the dwelling, is outside of the Development Framework in the countryside.
2. The proposed development is the change of use of part of the field in the South West corner to residential garden land and the installation of a tennis court and associated fencing on that land.

Planning Policies

3. **DP/2** Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
NE/6 Biodiversity

Consultations

4. Parish Council – has recommended approval, provided the area for the change of use is just the tennis court area and not the whole of the field.
5. Trees Officer - has confirmed that the court appears to be within the Root Protection Zone of the hedgerow trees along the Western boundary of the site. As the court will

require below ground works it is possible that these trees would be damaged by the installation of the court. She has recommended that prior to any approval, a Tree Survey be carried out to demonstrate whether the court can be accommodated in its current location while preserving the long term health of the trees.

Representations

6. One emailed representation has been received in respect of the proposed development, querying the whether change of use would be granted for the whole field and what impact that would have on the future used of the site.

Planning Comments

7. The main planning considerations in this case are the impact on the countryside, the impact on trees and the impact on residential amenity.
8. Impact on the countryside – At present, the site is a dwelling, garden with an area of agricultural land behind all of which are located outside the Development Framework of Bassingbourn in the countryside. The Western boundary of the site is a line of trees that provides a clear boundary between residential curtilages of the properties to the West and the agricultural land and wider countryside to the East. The land is clearly agricultural in character and allowing the change of use to garden land would result in an encroachment of the residential use into the countryside. Policy DP/7 - Development Frameworks states that land outside of village frameworks should only be used for those uses which need to be located in the countryside. Although the policy refers to outdoor recreation being an acceptable countryside use, it is not considered that this applies to a private tennis court, particularly as it does not need to be located on the currently undeveloped rural land outside of the existing residential curtilage. The net result of allowing the change of use of the land is that the land will form part of a single planning unit and become permanently residential in nature. The proposal is therefore contrary to policy DP/7, which seeks to protect the countryside from unnecessary encroachment.
9. In addition, the court and fencing would be an overly domestic and alien feature in the wider rural field and would compromise its character and appearance. This would be contrary to policies DP/2 and DP/3. The screening proposed in the form of the new Beech hedge is not considered to be sufficient to mitigate this harm as it would not fully screen the court and it would remain visible in wider public views of the site from the public footpath to the East.
10. Impact on trees - The application drawings show the tennis court located approximately 3 metres from the hedgerow trees on the Western boundary. The Trees Officer has expressed concern that the ground works may harm the roots of the trees and impact on their long-term health. The loss of the trees would be significant as they contribute to the character and amenity of the area and provide valuable wildlife habitat. In addition, the loss of the trees would also exacerbate the harm caused by the tennis court to the character of the area, as it would reduce the screening from views from the West. Although the court could be moved further away from the trees if necessary, at present it is considered that the application as it stands has failed to demonstrate that the court in the proposed location would not cause harm to the adjacent trees.
11. Even if the creation of the tennis court is supported in principle, it would not be appropriate to condition any approval regarding further information on tree protection.

This is simply because, without the necessary information, it is not possible to say that the trees can be protected and retained.

12. Impact on the residential amenity – The proposed tennis court has been set to the South of the vegetable garden, on the line of the rear gardens of neighbouring properties to the South of No. 104. However, given the length of gardens and the screening provided by the existing trees on boundary between the garden and the field, it is not considered that the court or fencing would cause any significant harm to the residential amenity of neighbouring properties.
13. Conclusion - The proposed change of use of the agricultural land to garden land is contrary to policy DP/7 as it will extend the residential use of the existing dwelling into an area which is currently open countryside. The Development Plan states that resisting such development is necessary to ensure that the countryside is protected from gradual encroachment on the edges of villages. In addition, the fencing court itself and the fencing would be visible from the public domain and would be out of character with the existing rural character of the immediate location.

Recommendation

14. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is recommended that the application be refused Planning Permission, for the following reason(s).
 1. The proposed change of use to garden land and installation of a tennis court and fencing would, by nature of its location on undeveloped agricultural land outside the village framework, result in the gradual encroachment of residential development into the open countryside and would cause harm to the rural character of the surrounding area. The proposal is therefore contrary to policies DP/2, DP/3 and DP/7 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.
 2. The application as submitted, has failed to demonstrate that the tennis court could be accommodate in the proposed location without causing harm to the adjacent trees close to the Western boundary of the site. The loss of those trees would have a detrimental impact on the character and appearance of the area as well as to wildlife habitat and would be contrary to policies DP/2, DP/3 and NE/6 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.

Background Papers: the following background papers were used in the preparation of this report:

- **Local Development Framework Development Control Policies 2007**
- **Planning File ref: S/1142/11**

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