

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 December 2011

AUTHOR/S: Executive Director (Operational Services)/
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S/2204/11 - BASSINGBOURN

Change of use from agricultural land to garden land (C3) and creation of a hard surfaced tennis court including erection of surround fencing at 104 North End, Bassingbourn Cum Kneesworth for Mrs Rosanna McCraith

Recommendation: Refuse

Date for Determination: 26 December 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.

Relevant Planning History

3. **S/1142/11** - Planning application for a tennis court in a similar location (2 metres to the South West) was referred to the Planning Committee in September 2011. It was refused by members because the proposed change of use and installation of a tennis court and fencing would result in the gradual encroachment of residential development into the open countryside and would cause harm to the rural character of the surrounding area and because the application had failed to demonstrate that it would not cause harm to the adjacent trees.

Planning Policies

4. **DP/2** Design of New Development

DP/3 Development Criteria
DP/7 Development Frameworks
NE/6 Biodiversity

Consultations

5. **Parish Council** – has recommended approval of provided that the area for the change of use is limited to that required for the court and not the entire field.
6. **Trees Officer** - has confirmed that the new location of the court would not lead to any damage to the adjacent trees.

Representations

7. At the time of writing (18 November 2011) no representations have been received. The consultation period does not expire until 29 November and any representations received will be reported to members as an update.

Planning Comments

8. The main planning considerations in this case are the impact on the countryside, the impact on trees and the impact on residential amenity.
9. **Impact on the countryside** – The wider site is a dwelling and garden with an area of agricultural land behind, all of which are located outside the Development Framework of Bassingbourn in the countryside. 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 of 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 proposal is therefore considered to be contrary to policy DP/7.
10. 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.
11. The previous application for a tennis court 2 metres further to the South West was refused on the grounds that the change of use and installation of a tennis court on agricultural land in the countryside would result in gradual encroachment of residential development into the open countryside and harm to the rural character of the area. It is not considered that resiting the tennis court two metres further into the field overcomes this reason and it cannot therefore be considered to have overcome the previous reason for refusal.
12. **Impact on trees** - The resiting of the court further away from the trees to the West means that there would not be any harm to those trees. The application has therefore overcome the second reason for refusal of the previous application.

13. **Impact on the residential amenity** – The proposed tennis court would not cause any significant harm to the residential amenity of neighbouring properties.
14. **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 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. This application is not significantly different from the previous refused application in terms of that harm and has not overcome the previous reason for refusal.

Recommendation

15. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, subject to no new material planning considerations being raised prior to the end of the consultation period, 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.

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