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# Planning Statement

## **Change of Use of Paddock to Residential Garden and Erection of Domestic Fencing**

Adams Cottage,  
Rodmarton,  
Gloucestershire,  
GL7 6PE

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**June 2021**

Document Reference: 2918/CMJD/  
Cotswold District Council

# Introduction

1. This planning statement has been prepared on behalf of Mr. Clayson and Ms. Lockyer (hereby referred to as “the applicants”) in support of a planning application seeking consent for the change of use of a paddock to a residential garden and erection of domestic fencing along the eastern boundary of the existing/proposed rear garden.
2. The property in question presently has the primary residential garden area located to the front of the property, with limited/no usable rear garden to the rear. However, the small adjoining paddock to the rear of the property (please see figure 1), falls within the ownership and planning unit of the property and would naturally align with neighbouring gardens to form a usable outdoor amenity space for the occupants of Adams Cottage.
3. Whilst the use of the paddock for some residential activity does not in itself require planning permission (as the land forms part of the same planning unit), this is a matter of fact and degree. For peace of mind and to ensure the occupants are lawfully using the land in question, planning permission is being sought for the extension of domestic curtilage to include the existing paddock land in question. The fallback position has been discussed under appendix A and has been included to offer planning officer’s a material consideration as part of the decision making process.
4. Similarly the proposed fencing would not normally require planning permission and the applicant’s could erect fencing under permitted development rights. However, for completeness, the applicant is seeking consent for the proposed works.

**Figure 1:** Host Property (outlined in Red) and Paddock (outlined in Blue)



# Proposal Site Overview

## Site Context

5. Adams cottage and the associated paddock are located within the core of the village of Rodmarton, a small primarily residential community just north of Cotswold Airport.
6. The property is a single storey bungalow adjoining a pair of post war development residential properties to the east and a large residential property and its wider estate to the west. At present, the property's rear boundary is set back from neighbouring residential gardens, which extend further into the wider open grassland to the north (please see Figure 2).
7. The paddock in question is managed grassland which extends to the rear curtilage boundary of neighbouring properties to the east. The boundaries adjoin residential gardens, a neighbouring larger paddock to the north and woodland to the west.
8. The land in question is cocooned by its neighbouring land uses and due to the topography and layout of the site, it is only briefly visible from an unnamed road located to the north (please see Figure 2). Photos of the paddock and property have also been provided under Appendix B.

## Planning Designations

9. The Cotswold District Council planning proposals map advises that the property and paddock are located in a designated conservation area and within the AONB. The property has no further environmental or heritage constraints. It is noted that the community of Rodmarton does not have a defined settlement boundary and therefore for the purposes of local planning policy, the property needs to be considered as "open countryside". Please see figure 3.
10. According to the Environment Agency, the property and paddock lie in flood zone 1 (low risk).

## Planning History

11. The Cotswold online planning database advises that the property has no historic planning applications.

**Figure 2:** Site Context and views towards the Paddock from the North (Source: Google Maps)



**Figure 3:** Planning Proposals Map Extract



## Planning Policy

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.
13. The relevant policies against which to assess this proposal are contained within the Cotswold District Local Plan (2018) and the National Planning Policy Framework (NPPF) (2019). The relevant local planning policies have been listed below for ease of reference:

### Cotswold District Local Plan (2018)

- DS1 Development Strategy
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB

# Planning Assessment

## **Principle, Layout and Design**

14. Local planning policy EN2 and chapter 12 of the NPPF place great importance on good design as a key role in achieving sustainable development. Developments should be designed to be attractive, safe places to live and function well with the wider context of the proposal site.
15. The paddock and property are also sited within the AONB. Local planning policy EN5 advises that development proposals within the AONB need to ensure the conservation and enhancement of the natural beauty of the landscape is given great weight.
16. Finally, the proposal site lies within the Rodmarton conservation area. Local planning policy EN1 advises that new development will, where appropriate, promote the protection and conservation of the historic environment. This includes ensuring the design complements the character of the area and is further iterated under local planning policy EN4.
17. The land in question is under the ownership of the applicant and is maintained through mowing to avoid overgrowing. The paddock is also fenced to clearly define the boundary of ownership. This gives the paddock an already domesticated appearance. Photos have been provided under Figure 4.
18. The proposed amended curtilage would result in an extension of residential land use which aligns with neighbouring residential gardens to the east. The proposal will offer better visual symmetry with neighbouring gardens, in addition to ensuring sufficient functional private outdoor space is offered to the occupants of Adams Cottage. The proposed fencing would also ensure the proposal replicates the domesticated boundary treatments from the neighbours, thereby preserving the established character of the village and conservation area.
19. The paddock is already visually cocooned from long distance views, not located in a prominent high topographical position and forms an integral part of the village "core" in Rodmarton. The proposed use of the paddock and domestic fencing along the eastern boundary will not result in a visual harm to the AONB, surrounding countryside and the conservation area of Rodmarton.

20. As rear gardens are commonplace in Rodmarton, it is also considered that the proposal will not result in a harm to local character or appearance and will organically blend in with the immediate context and surroundings of the host property.

21. Consequently, the proposal will maintain the natural and historic beauty of the Cotswolds and the village of Rodmarton.

**Figure 4:** Photos of the Paddock and Host Property.



### **Impact to Neighbouring Amenity**

22. Local planning policy EN2 and paragraph 127 of the NPPF seek to ensure that, when creating places, a high standard of amenity for existing and future users is provided and that due consideration is given to privacy, overlooking and overbearing on neighbouring amenities.
23. The boundary to the east adjoining another residential garden is currently visually open and residents can easily peer into each other's gardens. The proposed fencing will offer greater visual privacy to the neighbours and the applicant's, thereby improving an existing situation.
24. The fencing is not considered to result in an overbearing impact on neighbouring amenities. The proposed change of use to a residential garden is considered to be of a similar intensity of use as the existing paddock, given that the landowner can already access and recreationally enjoy the space. With improvements proposed to the boundaries, overlooking from the new proposed garden area would be minimal and comparable to other traditional garden layouts where two gardens are akin to one another. It should be noted that the neighbouring property already has domestic fencing erected and therefore the proposal will result in a modest replication of the existing context.
25. The proposal would not result in any overshadowing or harm outlook from neighbours rear elevation habitable windows. Consequently, it is considered that the proposal is wholly acceptable and in accordance with local planning policy EN2 and paragraph 127 of the NPPF.



# Conclusion

26. This planning statement has demonstrated that the proposed change of use of a paddock associated with Adams Cottage, Rodmarton and the erection of domestic fencing complies with the requirements of both local and national planning policies. In summary this conclusion can be reached because:

The proposal is wholly to the rear and does not impact the street scene. The proposal will follow the pattern of neighbouring gardens, thereby respecting and maintaining local character.	✓
The site is visually well cocooned and is not visible from long reaching views, thereby ensuring the countryside and AONB are visually protected.	✓
The proposal will not result in a harm to the Rodmarton Conservation Area	✓
The proposal will not result in harm to neighbouring amenities.	✓
The proposal will offer the existing occupants more functional outdoor amenity space, to the betterment of both existing and future occupiers.	✓
The applicant has a realistic fallback position to use the land in an incidental recreational function in a similar fashion to the proposed change of use.	✓

27. We trust you have all the information you need to make a prompt and positive determination. Should you require any additional details, please do not hesitate to contact us.

# Appendices

## **Appendix A: Fallback Position**

28. The below is a material consideration in support of the proposed change of use planning application. As the applicant would like to formally use and manage the current paddock as a residential garden, it is considered that the below is a minor material consideration in support of the proposed land use.
29. It is a common misconception that ancillary residential development/use can only take place within a residential curtilage. In fact, ancillary residential development can take place within a wider planning unit. As established in *Collins v Secretary of State for the Environment* [1989] E.G.C.S. 15, a planning unit may be bigger than the residential curtilage. In this Court of Appeal case the judge upheld an Inspector's findings that an area of rough grass beyond the well-cut lawns near a dwellinghouse did not form part of its curtilage, but did form part of the planning unit. Therefore, whilst the land may fall outside the curtilage it could be used for purposes ancillary to the primary residential use of the planning unit.
30. This is reinforced by the *Encyclopaedia of Planning Law and Practice* (p55.55): "The fact that a use which is ancillary to a dwellinghouse is undertaken on land not forming part of the same curtilage need not mean that it requires separate permission, since the planning unit and the curtilage need not be identical and the planning unit of occupation may be greater than the curtilage".
31. In this case the primary use of the land is C3 residential, with the paddock offering an incidental space for the general enjoyment of the host properties occupiers. Whilst the paddock would not benefit from permitted development rights or could not be used for domestic purposes as intensely as the curtilage of the property, the occupant can use the land in an incidental fashion as part of the wider planning unit.
32. The evidence above offers guidance on the already permitted "uses" and its comparability to the proposed change of use planning application. Consequently, the fallback position here for the applicant is that the paddock could at present be used as a minor incidental leisure space as part of the wider planning unit. The changes proposed as part of this application would not greatly alter the use of the space and would grant the occupier a slight level of additional flexibility as part of their home. It is considered that the changes proposed represent a minor change to the existing situation which are without planning harm.