

Appeal Decision

Site visit made on 17 October 2016

by M Brookes BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 October 2016

Appeal Ref: APP/Y3615/D/16/3157219

The North Barn, Chalk Lane, Shackleford, Godalming, Surrey, GU8 6AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Morgan against the decision of Guildford Borough Council.
 - The application, Ref. 15/P/01932, dated 30 September 2015, was refused by notice dated 10 June 2016.
 - The development proposed is the erection of a tennis court fence enclosure.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's notice of refusal of planning permission refers to the tennis court and its surfacing and to the appeal proposal constituting in a material change of use of the land. However, it is clear from the application form and the accompanying Design and Access Statement that the proposal relates solely to the erection of a fence enclosure (the fence) around a tennis court and not to any engineering works associated with the construction of the court itself. The application also does not and, as a householder application, cannot seek a change of use of the land. I have therefore determined the proposal solely on the basis of the proposed fence.

Main Issues

3. The main issues are:
 - whether the fence would be inappropriate development in the Green Belt;
 - the effect of the fence on the Shackleford Conservation Area and the Surrey Hills Area of Outstanding Natural Beauty (AONB).

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) sets out various forms of development that are not inappropriate in the Green Belt. These include the provision of appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
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5. Similar provisions are contained in saved Policy RE2 of the Guildford Borough Local Plan (2003) (Local Plan) although the policy refers to 'essential' rather than 'appropriate' facilities for outdoor sport and outdoor recreation.
6. A 2.75 metre high chain link fence is a very common means of enclosing tennis courts and I consider that such a fence can be regarded as both appropriate and essential for outdoor tennis to ensure that balls are kept within the playing area.
7. The fence would form a means of enclosure. However, having regard to its association with a use that is acceptable in principle in the Green Belt, to its limited extent for such a use and to its mesh construction that allows views through the fence, I conclude on balance that it would not be harmful to the openness of the Green Belt. It would not therefore, through loss of openness, represent an encroachment into the countryside in conflict with one of the purposes of including land within the Green Belt.
8. My conclusion on this first issue is that the fence would not be inappropriate development in the Green Belt in conflict with the Framework or Local Plan Policy RE2.

The effect on the conservation area and AONB

9. The appeal site lies within the Shackleford Conservation Area, which is characterised by clusters of buildings and undeveloped spaces informally arranged along roads through the village and in an open countryside setting. It also lies within the Surrey Hills Area of Outstanding Natural Beauty (AONB).
10. The eastern edge of the built-up area of the village in the vicinity of the appeal site is defined by the rear walls of historic and modern buildings at The North Barn and a high boundary wall extending southwards. To the east of these buildings and the boundary wall are two parcels of land with open farmland beyond. These parcels do not relate visually to buildings in the village but comprise part of their open countryside and landscape setting. They also make a significant contribution to the character and appearance of the conservation area.
11. The proposed 2.75 metre high green coated mesh-link fence would extend around a substantial part of the northern parcel of land. It would be sited some distance from the buildings of The North Barn and on higher land. It would also be substantially taller than the low adjacent boundary fences and hedging and would be clearly visible from land to the east and in public views from Grenville Road. I consider that because of its extent, location, elevated siting, height and form, the fence would be an unduly prominent and incongruous intrusion of development beyond the built-up area of the village that would be unacceptably harmful both to the character and appearance of the Shackleford Conservation Area and to the landscape of the Surrey Hills AONB. This harm would be materially greater than would be caused by a 2.0 metre high fence that the appellants submit could be erected as 'permitted development'.
12. The fence would therefore fail to preserve or enhance the character or appearance of the conservation area and to conserve the natural beauty of the landscape of the AONB in accordance with saved Local Plan Policies RE5 and HE7.

13. I have considered whether this harm could be overcome by new landscaping. However this could not materially mitigate the incongruity of the development. Tall planting in the small gaps between the proposed fence and the eastern and southern boundaries would also in itself be incongruous in the local landscape.
14. In reaching my conclusions on this issue I have taken into account the existence of other tennis courts with fencing in the village and one in Wood Street Village for which planning permission (ref. APP/Y3615/A/08/2075770) was granted on appeal. However, I am not satisfied that they are wholly comparable to the appeal proposal. The tennis court fence at Hall Place in particular is on lower, less prominent land and is closer to existing buildings. In any case, the existence of these other fenced courts does not materially mitigate and does not justify the harm that the appeal proposal would cause.
15. I have also noted the fact that the land to the south formerly contained greenhouses. However those buildings, which would have been of rural character, no longer exist and therefore form no part of the existing conservation area and landscape that it is desirable to preserve or enhance.

Other Matters

16. The proposed fence would be a useful facility for occupiers of The North Barn but I do not regard it to be a public benefit that outweighs the harm to the significance of the conservation area and to the local landscape, having regard to the provisions of the National Planning Policy Framework that great weight should be given to the conservation of designated heritage assets and to conserving landscape and scenic beauty in AONBs.

Conclusion

17. The fence would not be inappropriate development in the Green Belt. However, it would be unacceptably harmful to the character and appearance of the Shackleford Conservation Area and to the landscape of the Surrey Hills AONB and would conflict with the development plan as a whole. For that reason, and having regard to all other matters raised, the appeal is dismissed.

M Brookes

INSPECTOR