

Appeal Decision

Site visit made on 23 January, 2017

by C. Jack, BSc (Hons) MA MA(TP) MRTPI

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

Decision date: 7th February, 2017

Appeal Ref: APP/Z3825/W/16/3162827

Lyons Farm, Lyons Road, Slinfold, RH13 0TD

- 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 and Mrs T Osmaston against the decision of Horsham District Council.
 - The application Ref DC/16/1102, dated 13 May, 2016 was refused by notice dated 30 September, 2016.
 - The development is the retention of replacement hard standing and change of use of existing building to form office area, replacement workshop, new boundary fencing and planting to the front of the site.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of replacement hard standing and change of use of existing building to form office area, replacement workshop, new boundary fencing and planting to the front of the site at Lyons Farm, Lyons Road, Slinfold, RH13 0TD in accordance with the terms of the application Ref. DC/16/1102, dated 13 May, 2016 and the plans submitted with it, subject to the Schedule of Conditions to this Decision.

Preliminary Matters

2. The Council has granted a Lawful Development Certificate¹ in relation to the existing use of the site for the parking, storage, repair and maintenance of motor and construction vehicles.
3. I saw during my site visit that the office use has commenced and that the replacement hard standing is in place. No significant works have commenced on the replacement workshop, the new boundary fencing or planting. There is currently temporary metal fencing to either side of the vehicular access.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, having particular regard to the treatment of the southern boundary.

Reasons

5. The site lies in a countryside location and is currently in commercial use in connection with vehicle repair and maintenance, operating principally from a group of former farm buildings and the associated yard area. In the vicinity there are a number of residential properties, including adjacent to the site on

¹ Ref DC/15/0912

- one side, as well as further commercial units a short distance along the road and a car sales site on the corner of Lyons Road and the A264.
6. The principle of the development is accepted by the Council and its concerns with the proposal relate solely to the proposed metal palisade fencing, particularly in respect of the southern boundary of the site, fronting Lyons Road.
 7. The front boundary is currently treated with a deciduous hedge and a number of trees, set behind the narrow grass verge and a ditch. It is proposed that these would remain. In between the hedge and the re-surfaced area of hard standing there is an area of grass, planting beds and a few small trees, which is several metres deep. It is proposed that the front boundary fence would pass across this area, set back from the road. An indicative landscaping scheme (drawing LF/16/06) shows further trees and under planting to be provided. This is supplemented by a landscape consultant's planting scheme, which indicates a variety of proposed species.
 8. The security fencing, while consistent with the existing use of the site, would be visually harsh as an unmitigated boundary treatment. This would be harmful to the character and appearance of the area. However, there is adequate planting space available such that a belt of soft landscaping could be introduced to screen the fence. The submitted landscaping details are indicative and not sufficiently detailed in respect of the screening the front fence. However, there is no significant evidence to suggest that an appropriate planting scheme could not be achieved in the space available, and I therefore consider that a detailed landscaping scheme could reasonably be secured by condition.
 9. I note the Council's concerns that the landscaping could not be secured beyond a 'standard' five years. However, the appellant is willing to accept an extended, ten-year, condition period. I consider this to be appropriate in this instance, with the ten year period allowing ample time for the agreed landscaping to become well established. Moreover, as the additional landscaping would be set behind the existing hedge and trees it would be unlikely to have a significant effect on visibility splays at the exit onto Lyons Road.
 10. The appearance of the fence would be further mitigated by an appropriate colour finish to help assimilate it with the new and existing landscaping. This would not be so readily achieved if the fence had a plain galvanised metal appearance, which would be unduly industrial for the setting. This matter could also reasonably be dealt with by condition.
 11. I conclude that, subject to appropriate landscaping and finishing, the development would not be significantly detrimental to the character and appearance of the area, having particular regard to the treatment of the southern boundary. It would therefore not conflict with Policy 25 of the adopted Horsham District Planning Framework 2015 (HDPF), which among other things seeks to protect landscape and townscape character. It would also not conflict with Policy 32 of the HDPF, which seeks high quality design based on the local, physical, social, economic, environmental and policy context for development, or Policy 33 of the HDPF, which sets out development principles, including that development should relate sympathetically with the

built surroundings and landscape, and respect the character of the surrounding area.

Other Matters

12. I note the various concerns raised by interested parties, including in relation to the appearance of the hard standing, highway concerns, noise, and the sustainability of the location. These matters essentially relate to the principle of the development, which is not before me. Furthermore, there is no significant evidence before me that the development could not be adequately drained. I saw that concerns relating to overlooking of the adjacent property from the office have been generally addressed by means of a fence. The Planning Practice Guidance sets out that planning is concerned with land use in the public interest, whereas the effect on property values is a purely private interest. These matters therefore do not alter my findings in respect of the main issue.

Conditions

13. I have considered the conditions suggested by the Council and amended these, where appropriate, for clarity or specificity to this appeal. Conditions relating to landscaping and the fence finish details are necessary in the interests of the character and appearance of the area. A condition specifying the time limit for commencement is not necessary as the development has already started. No other conditions are necessary having regard to the existing lawful use of the site and other available mechanisms of control.

Conclusion

14. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Catherine Jack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The boundary fencing hereby permitted shall not be erected until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land identify those to be retained and set out measures for their protection throughout the course of development. Details of soft landscape works for the purpose of screening the boundary fence shall include planting plans; written specifications; and schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.
- 2) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the erection of the boundary fence; and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 3) The boundary fencing hereby permitted shall not be erected until details of the finish colour of the fence have been submitted to and approved in writing by the local planning authority. The fence shall then be carried out in accordance with the approved details and maintained as such thereafter.