

Appeal Decision

Site visit made on 18 January 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 8 February 2017

Appeal Ref: APP/W0530/D/16/3162082

3 Cheyney Close, Steeple Morden, Cambridgeshire, SG8 0LT

- 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 Ben Kellythorn against the decision of South Cambridgeshire District Council.
 - The application Ref S/1712/15/FL, dated 8 July 2015, was refused by notice dated 24 October 2016.
 - The development proposed is replace/repair/maintain existing 1.2m high boundary stock/rabbit fencing with 1.2m high concrete post and close boarded panel fencing. Works necessary as existing fencing has falling into disrepair and need to maintain security of boundary for pets and young children.
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Decision

1. The appeal is allowed and planning permission is granted for replace/repair/maintain existing 1.2m high boundary stock/rabbit fencing with 1.2m high concrete post and close boarded panel fencing. Works necessary as existing fencing has falling into disrepair and need to maintain security of boundary for pets and young children at 3 Cheyney Close, Steeple Morden, Cambridgeshire, SG8 0LT in accordance with the terms of the application, Ref S/1712/15/FL, dated 8 July 2015, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Boundary Plan; Plan of garden and boundary to be fenced.
 - 2) Unless within 3 months of the date of this decision a scheme for the finished colour treatment of the fence, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site for the siting of a 1.2m high fence shall cease and all equipment and materials brought onto the land for the purposes of such shall be removed.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the fence shall be removed.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matters

2. The fence has already been erected. However, as retention is not an act of development the appeal is considered as an application for planning permission for the erection of a 1.2m high boundary fence with 1.2m high concrete post and close boarded panel fencing.

Main Issue

3. The main issue is the effect of the fence on the character and appearance of the area.

Reasons

4. The appeal property is one of a group of dwellings that form Cheyney Close. The Council report identifies that a number of the dwellings in the close benefit from agricultural land that was incorporated into the residential gardens in 1995. At the time permitted development rights for enclosure were removed in order to 'safeguard the character of the area'.
5. The area is located in the countryside for the purposes of the application of planning policy. The ends of the extended garden areas are demarcated by fencing, planting or a combination of both, some with gates or access points. I appreciate that the majority of these fences are either post and rail or wire. Nevertheless there are solid fences evident within the locality, albeit not on the rear boundaries.
6. The fence is about 1.2m in height and solid in appearance. It also has a gate within it. It is not excessive in length or height. It is constructed from wooden close boarded panels and concrete posts. The gate sits within this and, being of similar materials, does not stand out within the length of the fence.
7. The use of timber material is not unusual in the area. I note that the fence is solid. The appellant has suggested that it could be painted. This would improve its appearance. Nevertheless, due to its low height and limited length I do not consider that its overall design and appearance would be harmful.
8. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area. It would not be in conflict with policies DP/2, DP/3 and NE/4 of the South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document and the SPD District Design Guide in so far as they require new development to preserve and enhance the character of the local area, be compatible and not have an unacceptable adverse impact on landscape character.

Conditions and conclusion

9. The Council have suggested that if the appeal is allowed it should be undertaken in accordance with the approved plans, I see no reason to disagree. A condition requiring submission of a scheme for painting the fence, including colour is also necessary. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board
INSPECTOR