



Appeal Decision

Site visit made on 15 February 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date: 8 March 2017

Appeal Ref: APP/J2210/D/16/3165792

Mill House, The Old Sawmill, Woodgate, Bishopsbourne, Canterbury, CT4 5JL

- 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 N Blanks against the decision of Canterbury City Council.
 - The application Ref 16/02455, dated 18 October 2016, was refused by notice dated 14 December 2016.
 - The development proposed is '*Modification and retention of gated entry and wing walls.*'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the proposal's effect on the character and appearance of the surrounding area, with particular regard to the site's location within the Kent Downs Area of Outstanding Natural Beauty (AONB) and also the designated North Downs Special Landscape Area (SLA).

Reasons

3. The entrance gate and associated walling, originally erected without the benefit of planning permission, was the subject of an enforcement notice which was subsequently upheld on appeal in August 2016. The proposal currently at appeal seeks the development's modification whereby some of its features would be subject to height reductions of varying degree. The roadside piers, abutting the boundary fencing, and currently some 2.35m high and the associated wing-walling would be reduced to a maximum height of 2m. These two sections of enclosure would then be clad with close, timber boarding. The two, taller piers on either side of the wooden gate would have their caps removed, with a resultant reduction in height from 2.78m to 2.7m.
 4. The vertically boarded, automated gate itself, hung 0.2m from the ground below and with a maximum height of some 2.3m, thereby standing approximately 2.5m above ground level, would remain unchanged.
 5. The appellant, making a case in support of the proposed modifications, refers to a Council representative giving a view that, under permitted development rights, boundary enclosures may be erected up to 2m in height without the
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benefit of planning permission. Although I have not been provided with a copy of the e-mail referred to in this respect such an entitlement would represent a fallback position which, irrespective of the site's location, would be a material consideration to which weight should be afforded.

6. Under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 the erection of a gate, fence, wall or other means of enclosure may be erected to a height not exceeding 2m above ground level. However, the permitted height of such that may be built without the benefit of planning permission is reduced to a maximum of 1m where the enclosure is erected adjacent to a highway. In this particular instance, a wider 2m high fence enclosure abuts the walling sections which angle in towards the central gate. Although this means that the actual entrance point is set in some distance from the edge of the highway, given that the gate and its surround walling comprise a single act of development, and as the wall and gate enclosure clearly serve to define the boundary of the property, I would consider that the development at issue could still be considered as sitting adjacent to the highway. In this context the existence of any fallback favourable to the appellant's case is less than certain and I therefore attach little weight to this claim.
7. Turning to the visual appropriateness of the development in such a setting the National Planning Policy Framework (the Framework) advises that great weight is to be given to conserving landscape and scenic beauty in AONBs. This guidance is reinforced by Policy LB1 of the Canterbury District Local Plan Publication Draft (emerging Local Plan) which comments that the overriding principle is to conserve and enhance the AONB. In a similar vein Policy R6 of the adopted Canterbury District Local Plan (Local Plan) indicates that, in considering applications for development in SLAs, priority will be given to the conservation of the landscape's natural beauty over other planning considerations. In these locations the importance of new development being visually compatible with its surroundings is therefore paramount.
8. Although the appeal site is somewhat isolated it does sit on high ground and does lie adjacent to the highway, albeit a country lane. In this context the development, as it stands, is unduly prominent and out of keeping with its rural surroundings. However, having weighed up the implications of the proposed modifications I do not consider that the resultant design would be of sufficient quality to meet the criteria required in locations such as this. The proposed cladding of the gate's wing walls with close board, suggests the appellant's reliance on the sections of timber boundary fencing either side of the walling and the prominent central gate as points of reference for means of mitigating the existing impact.
9. Whilst the wider fencing is not at issue in this appeal both these wooden features are visually unsympathetic; the fence, as it represents an untypical method of enclosure in such a setting, and the gate, due not only to its height but also its solid form and colour. In terms of visual impact I consider that cladding the walls as intended would compound to worsen the situation. Paradoxically, so would the proposed height changes to the walling, for this would be at the expense of any articulation. Despite modification the development would, therefore, remain out of keeping with its surroundings and detrimental to its wider setting.

10. I have had regard to the letters of representation received from interested parties supporting the development. However, these views do not outweigh the harm that I have identified would result from the proposal.
11. I conclude that the proposal would be harmful to the character and appearance of the surrounding area and the wider AONB and SLA. This would materially conflict with the aims and requirements of Local Plan Policies BE1 and R6, emerging Local Plan Policies DBE3, LB1 and LB2, and also relevant advice within the Framework.
12. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR