

Appeal Decision

Site visit made on 18 April 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 3rd May 2017

Appeal Ref: APP/C1435/D/17/3168824

Sussex Oak, Blackham, Tunbridge Wells, Kent TN3 9UA

- 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 Roger Mitchell against the decision of Wealden District Council.
 - The application Ref WD/2016/2474/FR, dated 6 October 2016, was refused by notice dated 5 January 2017.
 - The development proposed is erection of boundary fencing and gates (revised application).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The closeboard and post and rail fencing along the highway frontages and a set of access gates have been installed; I was therefore able to view them in place at the time of my site visit.

Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposed development on the open character and appearance of the area, the High Weald Area of Outstanding Natural Beauty (AONB), and the character and setting of the Grade II Listed Building.

Reasons

4. The appeal site falls within the High Weald AONB. Policy EN6 of the Wealden Local Plan (the Local Plan) ensures its protection. The former public house building, known as Sussex Oak, is a Grade II Listed Building. Policy SPO2 of the Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan (the Core Strategy) seeks to protect the intrinsic quality of the historic environment.
 5. Sussex Oak is a prominent building and prevalent in views when travelling along the highways in the vicinity of the appeal site, as is the large tree to the front of the building. Sussex Oak is an attractive period building set within open grounds. Unlike the adjoining highway verges which are characterised by trees and shrubs the character of the appeal site is one of openness which gives the building a presence within its setting and location.
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6. The appellant considers that retaining the former open frontage is neither practical nor safe for the current residential use of the property. I acknowledge the applicant seeks to reduce the impact of noise and improve privacy as the building is positioned on the main road, and that there may be a safety risk to living along this busy road. It is highlighted that a car has crashed into the site in the past. I acknowledge that habitable rooms are visible from the main road and the fence would provide a greater degree of privacy. The applicant explains that these are the reasons for erecting the closeboard fence rather than just screening the site with vegetation.
7. Rather than enclosing the entire building the applicant only seeks a closeboard fence along the section of main road which is considered to be the most dangerous and vulnerable side of the appeal site. I accept that this would primarily screen the side elevation and not the principal frontage elevation of the listed building.
8. The closeboarded fencing erected alongside the A264 is, however, of considerable height and has closed off the natural openness of the site and views into the appeal site, particularly when travelling in a south east direction along the A264. I accept that the existing post and rail fencing would maintain views of the building and the site when travelling in a north west direction. Nonetheless, the closeboard fencing is extremely prominent when travelling in either direction whatever the speed along the A264 and has a negative impact on the streetscene as it does not enhance or conserve the open character or the natural beauty of the site and the High Weald AONB.
9. Whilst the applicant contends that closeboard fences are common boundary treatments in countryside, I observed only a small number of examples when travelling along the A264. The Council has raised concern that the laurel bushes could grow to some height and that this planting has been put forward to screen the fence. As such, the vegetation would also have the same effect and would close off the natural openness of the site. However, the laurel hedge is not subject to planning control and I cannot take this into account.
10. The openness of the grounds around the building contributes to the presence of this listed building at the road junction. The unobstructed view of the building is an important part of its visual appearance and this makes a significant contribution to its setting. The erection of the fence has obscured views of the building and the open grounds in which it is set. Even if screened by planting, the closeboard fence has an enclosing effect upon the listed building and visually competes with it and distracts from it. I consider that the fence detracts from the setting of this heritage asset and I attach significant weight to the preserving of this asset and its setting and the requirement of Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to such considerations.
11. Given the size and scale of the proposal and its relationship to the grade II listed building, I consider there would be less than substantial harm to the character and appearance of the heritage asset. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefit of the proposal. I accept that the closeboard fence would improve the living conditions of the occupiers in terms of reducing traffic noise and improving privacy. It would, to some extent, reduce the risk of traffic accidents at the appeal site and reduce the risk to the

applicant's four grandchildren that visit regularly and a dog. I acknowledge that the applicants have been refurbishing the building and the grounds. However, these benefits do not outweigh the harm that I have identified above. Therefore, the public benefits of the proposal would also be limited and insufficient to outweigh the harm identified.

12. For these reasons I conclude that the proposal would be harmful to the open character and appearance of the area, the High Weald AONB, and the character and setting of the grade II listed building. The proposed development would be contrary to Policies EN6 and EN27 of the Local Plan and Policies SPO2, SPO13 and WCS14 of the Core Strategy which require development to conserve or enhance the natural beauty and character of the landscape of the AONB and to protect the intrinsic quality of the historic environment, amongst other matters.
13. The proposal would also be contrary to paragraphs 115 and 132 of the Framework that allocate great weight to the conserving of the landscape in AONBs which is afforded the highest status of protection and the conservation of a designated heritage asset.

Other Matters

14. My attention has been drawn to a two metre closeboard fence that has been granted planning permission at Hillside Cottage, High Street, Wadhurst (planning ref: WD/2009/2309/F). This property is a grade II listed building and located within a Conservation Area. Nonetheless, the appellant acknowledges that the Council's consideration took account of the existing frontage hedge in place and that the hedgerow and planting would substantially screen the fence to glimpsed views only. The circumstances are different to that being considered here as the frontage hedge was already established in that case.
15. I have been provided with some other examples, including that of closeboard fencing along the road frontage of a grade II listed building at St Martins, Ashurst Road, Ashurst. This example, however, is within Tunbridge Wells District where different development plan policies will apply. The appeal before me relates to a different site and therefore can and should be considered in its own right.

Conclusions

16. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR