
Appeal Decision

Site visit made on 29 January 2018

by Chris Preston BA(Hons) BPI MRTPI

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

Decision date: 07 February 2018

Appeal Ref: APP/K0425/C/17/3181253

**Land at Wilton Farm House, Marlow Road, Well End, Little Marlow,
Buckinghamshire SL7 3RR**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mandeep Takhar against an enforcement notice issued by Wycombe District Council.
 - The enforcement notice, numbered 15/00041/OP, was issued on 19 June 2017.
 - The breach of planning control as alleged in the notice is: Without planning permission the erection of a 2.1m high front boundary fence.
 - The requirements of the notice are:
 - 1) Either:
 - (a) Remove entirely from the Land the fencing as marked blue on the attached plan; or
 - (b) Reduce the height of the fence shown in blue on the attached plan so that it does not exceed 1 metre in height at any point when measured from natural ground level; and
 - 2) Remove all resultant material and debris from the Land.
 - The period for compliance with the requirements is within 3 months of the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (a)

2. The main issue in the determination of the appeal is the effect of the fence on the character and appearance of the area which is located within the Chilterns Area of Outstanding Natural Beauty (AONB).
3. The fencing to which the appeal relates has been erected along the front boundary of Wilton Farm House, a detached property set within generous grounds located just off Marlow Road, a busy A road which runs between Bourne End and Marlow. Notwithstanding the dominating effect of the traffic passing along the road the area retains a semi-rural feel and the property at the appeal site contributes to that prevailing character due to its landscaped grounds and mature trees which run alongside the carriageway.

4. A small copse of trees immediately to the west of the garden adds to the verdant character of the immediate surroundings. The sports field on the opposite side of the main road, with its traditional pavilion, and the vernacular farm buildings within the adjacent farm shop all contribute to the rural character of the surrounding area.
5. The appeal site is situated on the edge of the village and, thus, the fencing that has been erected is the first thing one notices when approaching from the east and the last thing one sees before leaving the built up part of the settlement for the countryside beyond. In other words, the site is in a sensitive location. In contrast to the mature planting within the garden, the adjacent copse and the hedgerows that line either side of the road to the east the close-boarded timber fencing represents a harsh and sterile addition. It is bereft of any visual interest and covers a large proportion of the frontage at a considerable height of over 2 metres. The result is a defensive outward appearance that causes harm to the established character of the area. I concur with the view of the Council that the fence has an overtly urban character which is at odds with the prevailing character of the village.
6. Whilst I did note close boarded fencing within the gardens of some other properties in the local area that fencing, for the most part, was lower than that at the appeal site and not directly comparable. There are occasional examples of fencing of a similar height, specifically to the front of the houses immediately to the west of the farm shop but it is not clear if planning permission was granted for those enclosures. In any event, those examples are not typical of the area and the presence of an unsympathetic development elsewhere does not amount to a justification for further harm to the character and appearance of the area.
7. I can appreciate that residents may desire a continuous front boundary both in the interests of security and to act as a buffer to the significant amount of traffic passing along Marlow Road. Nonetheless, it appears to me that those aims could be achieved without causing the level of harm generated by the development as built. The Council approved a scheme to relocate the fence behind a 500mm area of new native planting in 2015 and that proposal would have catered for the desire for security whilst providing a softer landscaped edge to the site, in keeping with the surrounding character.
8. The plans submitted with that application are less than clear but the hatched line denoting the area of proposed landscaping appears to be set within the existing garden and not on the highway verge to the front. I say that because none of the planting is shown to project forward of the brick entrance feature that surrounds the driveway. Thus, it would appear that the proposal was to site the fence further back within the garden. The appellant has provided little information in support of the appeal and it is not clear why that scheme has not been implemented.
9. I have considered whether it would be possible to grant planning permission subject to a condition to secure a scheme of landscaping to the front of the current fence. However, I am not satisfied that such a condition would overcome the harm caused for a number of reasons. Firstly, it is doubtful whether such a scheme could actually be implemented. The verge to the front appears to be part of the adopted highway, judging by the consistent way in which the grass is mown all the way along the edge of the carriageway and the

- presence of road signs and utility features such as telegraph poles and meter cabinets. It is not clear whether permission would be given for additional planting forward of the fence as it would encroach towards the highway and would engulf the telegraph pole to the front of the site.
10. Secondly, the appellant has not put forward the condition and it is not clear if he would be amenable to carrying out the work. Even if consent could be gained to carry out planting forward of the fence, the resulting front boundary would project forward of neighbouring boundaries, something that would disrupt the continuity of the presently open verges which form part of the spacious character at the entrance to the village.
 11. Therefore, the fence has caused harm to the character and appearance of the area and no conditions are suggested that would overcome that harm. The National Planning Policy Framework (the Framework) identifies that great weight should be given to conserving the landscape and scenic beauty of AONBs. The Chilterns AONB covers a wide area encompassing many different character areas and settlement types. Little information has been provided by either party to outline the specific characteristics of the local area. Nonetheless, as set out above, it has a prevailing semi-rural character and the landscaping within gardens and hedgerows aside the carriageway leading to the village enhances its setting. In harming the character of the village, at a prominent point along the highway, it seems to me that the development has caused consequential harm to the beauty of the AONB.
 12. Accordingly, the fence represents poor design, contrary to the aims of policies G3 and G8 of the Wycombe District Local Plan to 2011 (the LP), policy CS19 of the Wycombe Core Strategy Development Plan Document (2008) (the CS) and the aims of the Framework as set out at section 7. It has also caused harm to the scenic beauty of the AONB, contrary to the aims of policy L1 of the LP, CS17 of the CS and paragraph 115 of the Framework.
 13. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Chris Preston

INSPECTOR