
Appeal Decision

Site visit made on 19 June 2019

by R J Maile BSc FRICS

an Inspector appointed by the Secretary of State

Decision date: 8th July 2019

Appeal Ref: APP/R3650/W/19/3224718

Land between Hankley House and Abbots Lodge, East side of Tilford Road, Tilford, Farnham, Surrey, GU10 2EA

- 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 Major John Kelmanson against the decision of Waverley Borough Council.
 - The application ref: WA/2018/1939, dated 12 October 2018, was refused by notice dated 14 January 2019.
 - The development proposed is: "Erection of a close boarded timber fence to the front boundary facing Tilford Road."
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Decision

1. The appeal is allowed and planning permission is granted for erection of a close boarded timber fence to the front boundary facing Tilford Road on land between Hankley House and Abbots Lodge, East side of Tilford Road, Tilford, Farnham, Surrey, GU10 2EA, in accordance with the terms of the application ref: WA/2018/1939, dated 12 October 2018, and the plans submitted with it.

Procedural Matter

2. The Government has published an updated National Planning Policy Framework (February 2019). I shall proceed upon this basis.

Main Issue

3. The main issues in this case are:
 - a) Whether the proposal would be inappropriate development within the Green Belt for the purposes of national policy and the policies of the Development Plan.
 - b) The effect of the development upon the openness of the Green Belt and the purposes of including land in it.
 - c) The impact of the development upon the character and appearance of the surrounding area.
 - d) If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.
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Reasons

a) Whether inappropriate development.

4. Hankley House and Abbots Lodge comprise two substantial dwellings set within extensive plots fronting the east side of Tilford Road and lying to the south of the main village. They are within the Metropolitan Green Belt and the Surrey Hills Area of Outstanding Natural Beauty ('AONB').
5. The 1.7m/1.8m high close boarded fencing had been erected at the time of my site visit. I understand that it replaces a previous fence, details of which are uncertain. However, this had become dilapidated. The lack of any meaningful boundary has permitted trespassers to enter the site, which contains beehives. There have been constant problems of fly tipping and unauthorised access to Hankley House.
6. National policy at Chapter 13 (Protecting Green Belt land) of the Framework¹ states that inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances (paragraph 143). Paragraph 145 allows for certain exceptions. The erection of boundary fencing above the Permitted Development limit of 1.0m is not included within the extensive list of such exceptions.
7. Policy RE2 of the LP Part 1² states that the Metropolitan Green Belt as shown on the Adopted Policies Map will continue to be protected against inappropriate development in accordance with national policy.
8. Accordingly, I have found upon the first main issue that the fencing as erected is inappropriate development within the Green Belt for the purposes of national policy and the policies of the Development Plan.

b) Effect upon openness of Green Belt.

9. Permitted Development rights would allow for the erection of a close boarded fence to a height of 1.0m.
10. The erection of a fence to a height of between 0.7m-0.8m above that permitted by the GPDO³ does have an effect upon openness, albeit that I consider this to be modest only given the presence of close boarded fences of a similar or greater height immediately to either side of the appeal site and on the opposite side of Tilford Road. Furthermore, any alternative means of enclosure as suggested by Council Officers would also have some impact upon openness.
11. These factors, in combination, have led me to find upon the second main issue that the fence as erected is not harmful to the openness of the Green Belt or the purposes of including land in it, as required by national policy at Chapter 13 of the Framework.

c) Impact upon character and appearance.

12. The appeal site is located in an area of sporadic residential development to the south of the village. It is within the Surrey Hills AONB and an area designated as of Great Landscape Value ('AGLV').

¹ The National Planning Policy Framework (February 2019).

² The Waverley Borough Local Plan Part 1: Strategic Policies and Sites (February 2018).

³ The Town and Country Planning (General Permitted Development) (England) Order 2015.

13. Policy RE3 of the LP Part 1 states that new development must respect and, where appropriate, enhance the distinctive character of the landscape in which it is located.
14. There are already similar close boarded fences immediately abutting the new length of fencing to both the north and south and also on the opposite side of Tilford Road. The fencing to the north is some 240mm higher than the recently erected fence. I also noted the numerous other boundary treatments of stone, brick and 2m high close boarded fencing to the north of the Duke of Cambridge public house and alongside the Tilford Road within the village.
15. For these reasons, I agree with the comments in the Officer's Report that the fence as erected does not look out of keeping or out of character with the surrounding area, albeit that it does consolidate the urbanising effect of long-established boundaries nearby. Moreover, Natural England has raised no objection to the fence, commenting that the proposed development will not have any significant adverse impacts on statutorily protected sites.
16. Having regard to the extensive areas of tall boundary treatments within the locality, including a preponderance of similar close boarded fencing, I find upon the third main issue that the addition of this section of close boarded fencing respects and is not harmful to the established character and appearance of its surroundings, including the Surrey Hills AONB and AGLV, as required by Policy RE3 of the LP Part 1 and Chapter 15 (Conserving and enhancing the natural environment) of the Framework.

d) Other considerations.

17. I understand there are beehives within the curtilage of Hankley House that were being damaged by trespassers prior to the erection of the fence. There have also been constant problems with fly tipping. The site had become what was, in effect, a piece of waste ground with no effective means of preventing unauthorised access.
18. The provision of a post and rail fence and the planting of a hedge as suggested by the Council would not act as a total deterrent to unlawful entry. The fence that has been erected is only some 0700-0800mm above the height of a similar close boarded fence that could be erected by virtue of Permitted Development rights.
19. A large number of the boundary treatments along Tilford Road comprise similar close boarded fencing. Indeed, other examples have recently been erected nearby to the north. In time the new fence will mellow in appearance, as have others within the vicinity.
20. I have noted that the Parish Council did not object to the fencing, subject to the planting of a hedge along the grass verge. However, I consider this to be impractical due to the narrow width of the verge and the fact that, in time, the hedge would encroach onto the public carriageway.

Green Belt Balancing Exercise

21. I have found above that the fence as erected is inappropriate development within the Green Belt. This, by definition, is harmful to the Green Belt and should not be approved, except in very special circumstances.

22. Notwithstanding this finding, having regard to the nature of almost identical boundary treatments immediately abutting the appeal site to the north and south and to many of the other properties along Tilford Road, the fencing as erected does not appear inappropriate or at odds with the established character and appearance of its surroundings or have a harmful effect upon the openness of the Green Belt. It will also serve as an effective deterrent to trespassers and problems associated with fly tipping and other unsociable behaviour.
23. On balance, therefore, I find that the other considerations in this case clearly outweigh the harm that I have identified and that, looking at the case as a whole, very special circumstances exist which justify the development.

Conditions

24. The fence has already been erected, such that no conditions are appropriate in this case.

Conclusion

25. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR