



Appeal Decision

Site visit made on 9 September 2019

by Gareth Symons BSc(Hons) DipTP MRTPI

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

Decision date: 10 September 2019

Appeal Ref: APP/U1105/C/19/3220098

Land at 182 Exeter Road, Exmouth, Devon EX8 3DZ

- 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 Nicholas Lewis against an enforcement notice issued by East Devon District Council.
 - The enforcement notice was issued on 28 November 2018.
 - The breach of planning control as alleged in the notice is: Without the benefit of planning permission, the erection of a wooden fence adjacent to a highway used by vehicular traffic in excess of 1 metre in height above ground level shown in the approximate position marked in blue on the attached plan.
 - The requirements of the notice are: 1. Permanently reduce the height of the fence to a maximum height of 1 metre above ground level along the length of the boundary adjacent to the highway shown blue on the attached plan. 2. Permanently remove to an authorised place of disposal, all materials associated with compliance with step 1 above.
 - The period for compliance with the requirements is: Within THREE (3) months of the enforcement notice taking effect.
 - The appeal is proceeding on the ground 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 allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a wooden fence at 182 Exeter Road, Exmouth, Devon EX8 3DZ as shown on the plan attached to the notice.

Preliminary Matter and Main Issue

2. Section 3 of the enforcement notice describes the alleged breach of planning control which includes reasons why the Council considers that planning permission is needed for the development already carried out. However, the actual act of development is the erection of a wooden fence. I have considered the appeal accordingly.
3. The main issue is the effect of the wooden fence on the character and appearance of the area.

Reasons

4. The two properties closest to the petrol filling station on the opposite side of the road not far from the appeal site have fences sited above low boundary walls alongside the pavement. Just a few doors down across the road in the

other direction there is another such similar fence and low wall front boundary. Although the fence at 182 Exeter Road is slightly set back into the garden, the overall arrangement is similar. These other fences are not as tall as the appeal fence which is sited on higher ground due to the front wall retaining the ground behind. Nevertheless, the new fence is compatible with this general style of boundary enclosure and its height matches the level of nearby front hedges. The fence has a relatively short length and it does not block views to any greater extent than many of the planted roadside boundaries. The street scene is varied in terms of hedges, fences and metal railings anyway. I acknowledge that trees have been removed from the front of No 182. However, the Council has not advised that consent was needed for those works, and I am only considering the erection of the fence.

5. For the reasons given, the fence does not have an unacceptable effect on the character and appearance of the area. Therefore, it accords with the design aims of policy D1 from the adopted East Devon Local Plan.

Conclusion

6. Consequently, I conclude that the appeal should succeed. I shall grant planning permission for the development as described in the notice.

Gareth Symons

INSPECTOR