
Appeal Decision

Site visit made on 12 August 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/R3650/D/19/3228756

Abbotsmere, Tilford Road, Tilford, Farnham, Surrey GU10 2DD

- 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 Chappell against the decision of Waverley Borough Council.
 - The application Ref WA/2018/2182, dated 19 December 2018, was refused by notice dated 21 February 2019.
 - The development proposed is to replace rotten 5ft high fencing along the boundary with new kiln dried and weather treated 6ft high fencing.
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Decision

1. The appeal is allowed and planning permission is granted to replace rotten 5ft high fencing along the boundary with new kiln dried and weather treated 6ft high fencing at Abbotsmere, Tilford Road, Tilford, Farnham, Surrey GU10 2DD in accordance with the terms of the application, Ref WA/2018/2182, dated 19 December 2018, and the plans submitted with it (16009(pl)100rev a; 16009(pl)101rev b; 16009(pl)102rev a; 16009(pl)103rev b; Unnumbered Block Plan showing site of new fencing panelling).

Procedural Matter

2. The fence has already been erected, so I am considering this appeal retrospectively.
3. The Council's reason for refusal refers to the National Planning Policy Framework 2018. In February 2019, the latest version of the National Planning Policy Framework (the Framework) was introduced. However, the revisions are not directly relevant to the issues in this appeal. I have therefore used the latest version of the Framework in my assessment without prejudice to any party.

Main Issues

4. The main issues are:
 - a) whether the proposal is inappropriate development in the Green Belt;
 - b) the effect on the openness of the Green Belt and the purposes of including land within it;
 - c) the effect on the character and appearance of the area, having regard to its location within the Surrey Hills Area of Outstanding Natural Beauty (AONB); and,

- d) if the development is inappropriate, 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.

Reasons

Inappropriate development

- 5. The appeal site lies in the Metropolitan Green Belt. Paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt subject to specified exceptions. The Glossary in the Framework does not define "building", but section 336 of the Town and Country Planning Act 1990 defines a building as "*any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building*". Applying this definition, the fence constitutes a building. Fences do not appear in the list of specified exceptions at paragraph 145, and the proposal is not an extension or alteration of a building. The fence is materially larger than the one it has replaced, so it does not fall under the exception for replacement buildings at paragraph 145(d).
- 6. Therefore, when judged against the wording of national policy, the proposal would be inappropriate development. Policy RE2 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018) (the Local Plan) does not deal with fences in the Green Belt any differently. Consequently, the proposal constitutes inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 144 of the Framework, this is a matter to which I attach substantial weight.

Openness and Green Belt purposes

- 7. Paragraph 134 of the Framework identifies that Green Belt serves five purposes:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The fence replaces a previous one, along the front boundary of an existing dwelling in an established cluster of residential properties. Although it is a little higher than the original fence, it does not represent encroachment of development into the countryside. As it would not affect the other four purposes, I conclude that the proposal does not prejudice any of the purposes of including land in the Green Belt.

- 8. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl, by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In considering whether the development preserves openness, regard must be had to the circumstances that prevailed before the fence was erected. The evidence before me demonstrates that the previous fence was only about 30 centimetres lower than the replacement. It was also a little

closer to the road. Furthermore, the fence sits in front of high evergreen vegetation. Taking all these factors into account, the fence has a negligible impact on the openness of the Green Belt.

Character and Appearance

9. The appeal site lies on the eastern side of a tree-lined road, within a loose cluster of residential development to the southeast of Farnham, in the Surrey Hills AONB. Within AONBs, paragraph 172 of the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty.
10. Most of the houses along both sides of the road are set well back, so are viewed through boundary vegetation. There are grass verges to either side of the road, with no pavements, so the area has a verdant character. However, timber boundary fencing is very prevalent along this stretch of road. I saw that there was an almost continuous line of fencing along the eastern side of the road for a distance of about 200 metres to the north of the appeal site. There is also a very similar fence directly opposite the site. These fences do not detract significantly from the leafy character of the area, as they are set well back from the road and screened to various extents by established vegetation.
11. The appeal fence is backed by high evergreen vegetation and has a grass verge to the front. It is therefore in keeping with the surrounding boundary features although, as it has been recently constructed, it has not yet weathered into its surroundings in the same way that some of the other fences have. In any event, its visual impact is limited to views from the adjacent road, so it does not result in any harm to the landscape and scenic beauty of the wider AONB. Its effect on the immediate surroundings will reduce further as it ages. On the evidence before me, it appears that the new fence has a very similar impact on the landscape as the one that it replaced. I therefore conclude that the development does not harm the character and appearance of the area.

Other Considerations

12. It is stated that the erection of the replacement fence has allowed the gates to be set further back from the road, resulting in safer vehicular access to the site. There is no technical evidence before me to demonstrate that the previous arrangement resulted in highway danger, or that the new arrangement has provided safer conditions. However, I saw that the road carries fast-moving traffic, so the ability to pull a car off the road in order to open the gates is a benefit that attracts moderate weight.
13. It is reported that the previous fence, being 30 centimetres lower, resulted in a lack of privacy from people walking along the frontage and looking over the fence. The proposal would therefore contribute to providing a safer and more secure environment for the occupiers of the property. In view of the lack of a pavement in front of the property, it is unlikely that many pedestrians walk along this road. I therefore accord this benefit limited weight.

The Green Belt balance

14. I have concluded that the fence is inappropriate development in the Green Belt. However, I have found that it does not prejudice any of the purposes of including land in the Green Belt and it does not result in any harm to the character and appearance of the area. It replaces a previously existing fence

that was only marginally lower, and there are many similar fences in the immediate locality. The fence provides moderate highway benefits and limited privacy benefits for the occupants. Together with the lack of harm to the openness of the Green Belt, all of these factors combine to clearly outweigh the presumption against inappropriate development in the Green Belt, and the substantial weight that the Framework requires to be attached to such harm. Therefore, I conclude that the very special circumstances necessary to justify the proposal exist.

15. Policy RE2 of the Local Plan and paragraph 143 of the Framework both state that the Green Belt should be protected from inappropriate development unless very special circumstances exist. As I have concluded that such circumstances do exist in this case, there is no conflict with the aims of those policies. The Council's reason for refusal also refers to Saved Policy RD2 of the Waverley Borough Local Plan 2002 and the Residential Guidance 2010. However, as these relate to residential extensions, I have not found them to be relevant to this proposal.

Conclusion

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

Nick Davies

INSPECTOR