

---

## Appeal Decision

Site visit made on 14 June 2019

**by Elizabeth Jones BSc (Hons) MTCP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 September 2019**

---

**Appeal Ref: APP/C3240/C/18/3214824**

**Land at The Grove, Shrewsbury Road, High Ercall, Telford TF6 6BE**

- 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 Brett Earp against an enforcement notice issued by Telford and Wrekin Council.
  - The enforcement notice was issued on 3 October 2018.
  - The breach of planning control as alleged in the notice is without planning permission the unauthorised erection of close boarded timber fence and gates.
  - The requirements of the notice are:
    1. Demolish and remove from the land the close boarded timber fence and gates, shown marked blue on the attached plan.
    2. Remove any debris arising from the land.
  - The period for compliance with the requirements is one month.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- 

### Formal 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 close boarded timber fence and gates on land at The Grove, Shrewsbury Road, High Ercall, Telford TF6 6BE.

### Application for Costs

2. An application for costs was made by Mr Bret Earp against Telford and Wrekin Council. This application is the subject of a separate Decision.

### Appeal on ground (a)

#### Main Issue

3. The main issue is whether the development preserves or enhances the character or appearance of the High Ercall Conservation Area (HECA).

#### Reasons

4. The Grove is a semi-detached dwelling situated on a corner plot at the junction of Shrewsbury Road and Park Lane in a predominantly residential area within the HECA. The appeal site is bounded along these two roads by a low brick-built wall above which the fence subject of this appeal has been erected. Many

mature trees and shrubs are located behind the brick boundary wall. The gates give access to the Shrewsbury Road and are set back from the highway. The Shrewsbury Road runs through the HECA.

5. Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. I accept that sandstone boundary walls are an important feature of the HECA. However, I observed at my site visit that there exists a variety of boundary treatments in the surrounding area of the appeal site which include low brick walls, hedging, concrete post and fencing and close boarded fencing. Whilst I acknowledge the Council's concerns regarding its design and appearance, the fence is not dissimilar in appearance to others in the HECA and consequently does not appear at odds with the character or appearance of the area or fail to preserve the traditional frontages and street scene.
6. I accept that the fence is of some length and its appearance is not as soft when compared to the low wall and iron railings gate<sup>1</sup> that existed previously. Notwithstanding its length and corner plot location, the fence is viewed against the backdrop of the existing mature trees and vegetation which soften the visual impact of the fence and help integrate it with its surroundings. Moreover, the extent of mature landscaping in the immediate vicinity together with the vegetation directly opposite the appeal site gives a green setting for this stretch of Shrewsbury Road. Also, due to their set back nature the gates do not appear unduly prominent in the street scene. Despite the presence of the fence and gates, the trees and vegetation remain the dominant feature in this particular part of the HECA. Thus, whilst readily visible the fence does not appear harsh or overly dominant in the street scene. Given the way in which the development integrates with its surroundings and the wider visual context I consider no harm has resulted.
7. In light of the foregoing the effect of the development is neutral and thus the character and appearance of the HECA is preserved. Therefore, the development accords with Policies BE1 and BE5 of the Telford & Wrekin Local Plan 2011-2031(2018) which state that the Council will support development in conservation areas where it will preserve or enhance its character or appearance. The development also accords with the relevant advice in the National Planning Policy Framework in this regard.

### **Conditions**

8. Although the appellant has offered to paint the fence, no conditions have been suggested by the Council in the event of planning permission being granted. Since I have found that the development preserves the character and appearance of the HECA it is not necessary to impose a planning condition to secure the painting of the fence.

---

<sup>1</sup> Google images, Appendix 3 of the Council's Statement.

## **Conclusion**

9. For the reasons given above, I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (g) does not therefore need to be considered.

*Elizabeth Jones*

INSPECTOR