
Appeal Decision

Site visit made on 12 August 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/N4720/D/19/3224476

Oakfield House, Roundhay Park Lane, Shadwell, Leeds, LS17 8AR

- 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 Steve Fallon against the decision of Leeds City Council.
 - The application Ref 18/06895/FU, dated 1 November 2018, was refused by notice dated 6 March 2019.
 - The development proposed is a fence.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues for consideration in this appeal are as follows:
 - whether the proposed development would amount to inappropriate development in the Green Belt for the purposes of the Framework and the Development Plan;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character of the area, by reason of its design, scale and materials;
 - the effect of the proposal on pedestrian and highway safety; and
 - 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.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

4. The appeal site comprises a detached house set within generous grounds off Roundhay Park Lane within the Green Belt. The proposal is for the erection of a timber fence along the side boundary of the appeal site located parallel to the

road. The fence is already in place and therefore the appeal is considered on this basis.

5. Paragraph 145 of the National Planning Policy Framework (the Framework) states the construction of new buildings in the Green Belt is inappropriate unless it meets certain exceptions. The term building is defined at section 336 of the Town and Country Planning Act 1990 as including any structures or erections, so would include a fence.
6. As it is not one of the exceptions in the Framework, or in saved Policy N33 of the Leeds Unitary Development Plan (UDP) (Review 2006), the proposed fence therefore constitutes inappropriate development in the Green Belt.

Openness of the Green Belt

7. At paragraph 133, 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. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to have both a spatial aspect as well as a visual aspect and could be taken to be the absence of built development.
8. The fence begins approximately half-way down this side boundary of the site, and is set slightly below the height of the hedgerow with a small gap separating the two treatments. It would all but enclose the garden frontage of the site, appearing as a very solid structure when viewed against the softer hedgerow and trees lining the rest of the boundary. Furthermore, there are no gaps between the horizontal timber panels, meaning the fence provides no permeability or visibility through it. I therefore conclude the proposal would cause harm to the openness of the Green Belt, albeit, in the context of the Green Belt as a whole, to a limited degree.

Character of the area

9. The appeal site is set in a tranquil area forming the southern edge of the urban fringe, with open fields to the south. Roundhay Park Lane runs from the village of Shadwell north to the Leeds Ring Road to the south and is lined by mature trees and dry-stone walls which gives it a countryside character when viewed from the location of the fence.
10. The Householder Design Guide Supplementary Planning Document (the SPD) advises that alterations to properties, including boundary treatments, should respect the character of the locality. The fence is very prominent along the boundary when travelling along the road and its materials are incongruous to the area. The light-coloured timber does not sit comfortably with the low stone walls and trees lining the road and its design overall has an urbanising affect that is out of character with the surroundings.
11. Consequently, I conclude that the development significantly harms the character of the area. It therefore conflicts with the Framework, which advocates through paragraph 127 that development should add to the overall quality of the area and should be sympathetic to local character. It is also contrary to the SPD, Policy P10 of the Leeds Core Strategy (CS) and saved UDP Policy N25 which require development to respect the character of the locality and requires boundaries of sites to be designed using walls, hedges, or railings where appropriate to the character of the area.

Pedestrian and highway safety

12. The fence is parallel to Roundhay Park Lane and perpendicular to the access road south of Oakfield House. It is lower in height closer to this access before rising again as it moves north. Whilst I have noted third party comments that the fence encroaches over the footpath, there is no detailed information before me about the previous boundary treatment at this point or how it related to the footpath. I cannot determine therefore whether, or to what degree, there has been a change in the position of the boundary treatment.
13. I acknowledge concerns that the fence interferes with visibility at the junction. It seems to me that a section of hedgerow, if still in place, could be the same height or higher if not maintained. Moreover, there is no technical evidence, including any information relating to the required visibility splay at a junction of this type, to support the concern. I cannot therefore be sure that the proposal has significantly reduced visibility at the junction, or that the fence fails to meet technical guidance, such that it causes a danger to highway safety.
14. Consequently, on the basis of all I have seen and read, the proposal is not inconsistent with policy T2 of the CS, which seeks to ensure development does not create or add to problems of safety or efficiency on the highway network.

Conclusion

15. The proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework, substantial weight must be given to any harm to the Green Belt. In addition, there would be a loss of openness. I also find harm to the character of the area which carries significant additional weight.
16. No other considerations have been put forward. Consequently, the very special circumstances necessary to justify the development do not exist, in conflict with the Framework and with Policies N32 and N33 of the CS.

Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR