
Appeal Decision

Site visit made on 7 January 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2020

Appeal Ref: APP/N2535/D/19/3239404

Highcroft, Highthorpe, Southrey, Lincoln LN3 5TB

- 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 Andrew Ward against the decision of West Lindsey District Council.
 - The application Ref: 139528, dated 25 May 2019, was refused by notice dated 7 August 2019.
 - The development was originally described as "I have erected a six foot wooden fence with concrete slotted posts to the front of my property. This application is retrospective as I did not realise planning permission was required."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. The Council determined the application on the basis of a planning application to erect a six foot (1.8 metres) wooden fence with concrete posts to the front boundary and, accordingly, so have I.
3. The development has already been carried out and, hence, I have dealt with the appeal on a retrospective basis.

Main Issues

4. The main issues are the effect of the development on (i) the character and appearance of the area; and (ii) the setting of a listed building, Cuckoo Bush Cottage.

Reasons

Character and Appearance

5. The fence runs along the majority of the site frontage on Highthorpe. It is constructed of arched wooden panels that are set between concrete posts. The panels have a decorative appearance and are solid, apart from where the top of each panel contains a lattice-like element that allows views to permeate through this part of the fence. In the proximity of the site, the front boundary treatments along Highthorpe tend to be simple in form and defined by vegetation, low fences and walls, or are unenclosed.

6. Compared to its surroundings, the fence presents a more formal type of enclosure that appears incongruous to the discrete or softer forms of boundary treatment in its vicinity, even with their variety. The decorative design appears out of keeping within this context and the lattice elements do not appreciably lessen the adverse effects that also arise from its size, including its height and predominantly solid form.
7. In addition, the fence is also clearly visible with its siting and as it extends along much of the site frontage. Taking these factors together, the design and the size of the fence has an appreciable detrimental effect on the appearance of the area. This harm is not adequately overcome by the panels being set slightly above ground level, which is less noticeable when viewed from the streetscene.
8. The other boundary treatment around the site which is of a similar design extends away from the site frontage and so it does not have the same level of visual effect. As regards the previous boundary fence on the site frontage, I have limited evidence of its effects as it is no longer in place and so this has a limited bearing on my decision. With the concerns that I have set out, the fence does not constitute achieving well-designed places for the purposes of the National Planning Policy Framework (Framework).
9. I conclude that the development has an unacceptable effect on the character and appearance of the area. As such, it does not comply with Policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 (2017) (LP) which set out to protect and enhance the intrinsic value of the landscape and townscape, and state that all development proposals must take into consideration the character and local distinctiveness of the area, including that they relate well to the site and the surroundings, amongst other considerations.

Listed Building

10. Cuckoo Bush Cottage¹ is a grade II listed building. It is a thatched cottage that dates from the 17th century with later alterations. It near fronts directly onto Highthorpe and is prominent. Its attractive rural vernacular adds appreciably to its surroundings and this is where much of its significance is derived from.
11. The fence lies directly opposite and is clearly visible from the front of the cottage, separated by the short distance of the roadway, a footway and verge. When the fence's design, including its decorative appearance and the use of concrete posts, is considered with its visibility and the proximity to the listed building, it distracts from the more traditional appearance of this asset and has a harmful effect on the significance of its setting.
12. The appellant has stated that the owner of the listed building is in support of the development. I have to, though, give considerable weight and importance to the statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 concerning the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Having regard to the above, I conclude that the development fails to preserve the setting of the listed building.
13. For similar reasons, the development also does not comply with Policy LP25 of the LP because, amidst other matters that the policy is concerned with, the

¹ Named as 'Cookoo Bush Cottage' on the Historic England listing description.

development does not protect the significance of the designated heritage asset (including its setting) and nor can it be supported under the policy as it does not preserve or better reveal the significance of the listed building.

14. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this case, 'less than substantial harm' arises. The public benefits, including the privacy that the fence provides, does not outweigh this harm and so the development does not accord with the Framework in this regard.
15. As a result, the presumption in favour of sustainable development does not apply because the application of policies in the Framework that protect areas or assets of particular importance, related to the designated heritage asset, provides a clear reason for refusing the development.

Conclusion

16. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR