



Appeal Decision

Site visit made on 18 February 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 23 March 2020

Appeal Ref: APP/C3620/W/19/3241058

The Gallops, Ockley Fields, Stane Street, Ockley RH5 5LX

- 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 Bijan Tahanzadeh against the decision of Mole Valley District Council.
 - The application Ref MO/2019/0950/PLA, dated 23 May 2019, was refused by notice dated 19 June 2019.
 - The development proposed is erection of agricultural boundary fencing, wooden 75mm diameter stake posts fencing for grazing animals (sheep/pigs) 5 foot high with 4mm straining wire and 2 galvanised farm gates one at bottom one at top of field.
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Decision

1. The appeal is allowed and planning permission is granted for erection of agricultural boundary fencing, wooden 75mm diameter stake posts fencing for grazing animals (sheep/pigs) 5 foot high with 4mm straining wire and 2 galvanised farm gates one at bottom one at top of field at The Gallops, Ockley Fields, Stane Street, Ockley, RH5 5LX in accordance with the terms of the application, Ref MO/2019/0950/PLA, dated 23 May 2019, subject to the following condition :
 - 1) Planning permission hereby granted relates solely to the erection of fencing and 2 gates as shown on the plans and other details submitted on 29 May 2019, including the site layout plan reference 2019/01145/ENF.

Procedural Matter

2. The fence and gates shown on the submitted plans have been erected therefore the proposal seeks to retain these.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, including the Area of Great Landscape Value (AGLV).

Reasons

4. The appeal site is a field located in open countryside. It is surrounded by other fields and is on an incline that slopes away from Stane Street, which is the nearest main road. The site includes a small wooded area at the lower end before opening up into grassland towards the upper part of the field.

5. The fence comprises of wooden stake posts, spaced at regular intervals, with straining wire suspended between them. It mostly runs close to the inside perimeter of the field, with the exception of a section that subdivides an area in the upper part. Due to the location of the site, public views of the fence and the associated 2 metal gates would be mostly from distance.
6. The fence and gates, are not in themselves features that are inconsistent with the surroundings. I find these to be agricultural in appearance, rather than urban. As such, they do not look out of place in a field.
7. The fence mostly runs close to the inner perimeter of the field and leaves much of the central section open. I do not therefore regard the fence as having the effect of sub dividing the land into much smaller parcels. Furthermore, the fence is low and therefore visually subservient to the main hedged field boundary and is also of wire and timber materials that are seen against the backdrop of the existing field and are not therefore easily apparent, especially when seen at distance.
8. As such, I find that the fence and gates do not subdivide the field in a way that intrudes on the feeling of openness. While I do not regard the fence and gates to be an enhancement of the wider landscape, their overall impact is neutral.
9. I note that the site is included within an AGLV, a local landscape designation. My attention is drawn to Policy CS13 of the Mole Valley Core Strategy concerning development in the AGLV. As discussed above, I find that the fence and gates respect the open character of the surroundings and, given the nature of the development, I consider it to be small in scale.
10. The appellant has indicated that the fence is required for the grazing of animals, as the main field perimeter is broken in places. I find this purpose to be one that fits within the description in CS13 of meeting the reasonable needs of the rural economy, outdoor recreation as well as the local community. The appellant also suggests that the fence replaces one that was pre-existing but as I have no evidence relating to pre-existing fences I have given this limited weight in deciding this appeal.
11. I note that the site is subject to an Article 4 (1) Direction that removes permitted development rights for the erection of fences and gates. The effect of the Direction is to require a planning application for the development that it covers in order to ensure that it is acceptable. The presence of the Direction does not in itself mean that all development of the type covered by it is unacceptable. In this case I judge that the fence and gates are acceptable in terms of their overall impact on the surrounding area.
12. In light of the above, I conclude that the development would not have a harmful effect on the character and appearance of the area, including the wider landscape. Consequently, I do not find conflict with policies in the Mole Valley Local Plan, including Policy CS13 concerning development in the AGLV and saved Policies ENV3, ENV22, and ENV23 of the Local Plan regarding development in the countryside and achieving a high standard of design that is appropriate to the setting.

Other matters

13. Representations from other parties that relate to the reasons for refusal, including the presence of the Article 4 (1) Direction are noted and discussed above.
14. Concerns relating to precedent and other developments in the area, including risks arising from any subdivision of fields into plots and potential for development in the future, have been given limited weight as each application must be considered on its own merits. I can also give limited weight to matters relating to the use of land for agricultural purposes, including the rearing of pigs, and placing of containers on the land. These other matters fall outside the consideration of this appeal as permission is sought solely for operational development comprising the erection of a fence and gates as shown on the submitted drawings. Any further development, including change of use, that requires a planning application would need to be subject to separate consideration on its own merits.

Conditions

15. I have included a condition that indicates the details that form part of the planning permission in the interests of certainty.

Conclusion

16. For the above reasons the appeal is allowed subject to the condition set out above.

D.R. McCreery

INSPECTOR