
Appeal Decision

Site visit made on 7 January 2020 by Scott Britnell MSc FdA

Decision by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2020

Appeal Ref: APP/T0355/W/19/3240880

Glebe Cottage, Waltham Road, White Waltham, Maidenhead SL6 3JD

- 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 Lee Hall against the decision of the Royal Borough of Windsor and Maidenhead Council.
 - The application Ref 19/01550, dated 31 May 2019, was refused by notice dated 23 August 2019.
 - The development is described as fence to front boundary of property.
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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.

Procedural Matters

3. The fence which is the subject of this appeal has already been erected. Retrospective planning permission is therefore sought for the fence. I have determined the appeal on that basis.
4. The application was made by Mr Lee Hall of Glebe Cottage, while the appeal form was completed by Mrs Deborah Hall of the same address. However, Mr Lee Hall has confirmed by e-mail dated 12 November 2019 that the appeal is made on his behalf. I have therefore considered the appeal on this basis.
5. The application drawing shows that the appellant undertook planting of trees and bushes to the front of the fence upon the grass verge. However, these have now been removed and I have assessed the appeal on this basis.

Main Issues

6. The main issues in this matter are:
 - Whether the development is inappropriate development in the Green Belt, having regard to the Development Plan and the National Planning Policy Framework (the Framework);
 - The effect of the development on the openness of the Green Belt and the purposes of including land within it; and

- If the development 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 it.

Reasons for the Recommendation

7. The appeal site comprises a detached dwelling house set within substantial grounds on the south of Waltham Road. It is within the Green Belt and is bounded by open countryside to the east and the south. There are a number of dwellings on the opposite side of the road set behind a hedge, and dwellings to the west. Planning permission is sought for the retention of close boarded fencing along the front boundary of the site, at the back edge of a narrow grass verge. The drawings indicate that the fence is 1.8 metres high, which is not disputed.

Whether inappropriate development

8. Policies GB1 and GB2 of The Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) (LP), among other things, sets out those developments which are considered appropriate in the Green Belt. Permission will not be granted for new development or the redevelopment, change of use, or replacement of existing buildings within the Green Belt, if it would have a greater impact on the openness of the Green Belt or the purposes of including land in it than an existing development on the site. Although these policies pre-date the National Planning Policy Framework (the Framework), I consider that they are broadly consistent with it in seeking to protect the openness of the Green Belt and I afford them weight in my assessment of the development.
9. Paragraph 143 of the Framework states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 confirms that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
10. Paragraph 145 advises that the construction of new buildings in the Green Belt should be regarded as inappropriate with a number of exceptions. These include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
11. The appellant states that the fence is slightly materially larger than the previous one in this location. The Council suggest that the fence represents a significant increase in size and is materially larger than the previous one. Photographs of what is purported to be the previous fence is contained within the Council's Highways comments. These show post and rail and picket style fencing in place as at 2014 and 2017. I concur with the Council that this appears to be less than 1 metre in height and that the new fence, at 1.8 metres in height, is materially larger. Therefore, on the evidence before me, the fence is a replacement building that is in the same use as the previous building but is materially larger than the one it replaces. Consequently, the development does not qualify as one of the exceptions under Paragraph 145 of the Framework and is by virtue inappropriate development in the Green Belt.

12. For the reasons set out above, the development comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. There would be conflict with Policies GB1 and GB2 of the LP, which seek to preserve the openness of the Green Belt and the guidance set out within the Framework.

Openness and Green Belt purposes

13. Due to its height and close boarded nature, the new fencing has created a harsh and unrelenting physical barrier. It is materially larger than the previous fence and prevents views through the site to the surrounding countryside, which would previously have existed. It therefore has a greater effect on the openness of the Green Belt than the previous fence and is harmful to the openness of the Green Belt in this location.

Other Considerations

14. I am mindful of the similar fencing at nearby properties, including at the adjacent property and the Vicarage. However, I am not aware of the planning history or status of the fences referred to and so afford their presence limited weight. Moreover, each case must be considered on its own merits. The appellant has also referred to fencing at properties near to the White Waltham Primary School. However, these are some distance from the appeal site and are viewed in a different context, so are not directly comparable.
15. I concur with the Council that the fence does not affect highway safety, although the Council were concerned with the planting that the appellant had undertaken in front of the fencing upon the grass verge, which has now been removed. However, these are neutral rather than positive factors, which have limited weight, and do not outweigh the harm identified.
16. The appellant states that the fencing is required due to the volume and speed of traffic on Waltham Road, the safety of the residents at the appeal property and their pets, and for security. There is, however, no evidence before me to suggest that the safety of residents and pets could not be achieved through alternative development. Further, no evidence has been submitted to demonstrate that there is an issue with crime in the area and so I afford these arguments limited weight.
17. The appellant also refers to a planning application for 79 houses at Grove Park, and whether Waltham Road can now be classified as a rural road. However, no details have been provided of the planning application and so I afford this argument only limited weight.
18. In light of the above, I do not consider that the harm caused by the development, 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 it.

Conclusion and Recommendation

19. The development represents inappropriate development in the Green Belt and has a harmful effect on the openness of the Green Belt in this location. There would be conflict with Policies GB1 and GB2 of the LP and the guidance set out within paragraphs 143, 144 and 145 of the Framework. There are no very special circumstances demonstrated that clearly outweigh the harm caused by

the development's inappropriateness and its effect on the openness of the Green Belt.

20. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

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

V Lucas

INSPECTOR