
Appeal Decision

Site visit made on 8 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2020

Appeal Ref: APP/K3605/D/20/3246225

Ferndell, Seven Hills Road, Cobham KT11 1ER

- 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 William Boxall against the decision of Elmbridge Borough Council.
 - The application Ref 2019/2272, dated 13 August 2019, was refused by notice dated 15 November 2019.
 - The development is a front boundary fence and gates to a height of 2.2m.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the purposes of clarity and precision, the description of development given above is taken from the Council's decision notice.
3. I note that the application is retrospective and that the boundary fence and gates have already been erected. For the avoidance of doubt, I have determined this appeal on the plans, as submitted with this appeal.

Main Issues

4. The main issues are:
 - Whether the development is inappropriate development for the purposes of the National Planning Policy Framework (The Framework) and development plan policy;
 - The effect of the development on the openness of the Green Belt and the character and appearance of the area; and
 - If the development is inappropriate, 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 the development is inappropriate development

5. The Framework and Policy DM17 of the Elmbridge Local Plan Development Management Plan (DMP) (2015) identifies that new buildings within the Green Belt are inappropriate and, by definition, are harmful to the Green Belt and should not be approved except in very special circumstances.

6. Paragraphs 145 and 146 of The Framework provide some exceptions, where new buildings and certain forms of other development are not considered to be inappropriate, provided they preserve the openness and do not conflict with the purposes of including land within the Green Belt. For the purposes of the Act¹, the term 'building' includes any structure or erection and therefore includes fences. They are not in the list of exclusions at Paragraph 145 and the proposal is not an extension or alteration of a building. Therefore, when judged against the wording of national policy the proposal would be inappropriate development in the Green Belt.
7. Policies within the DMP do not deal with fences in the Green Belt any differently. Due to its scale, the proposal does not prejudice any of the purposes of including land within the Green Belt but, according to The Framework, inappropriate development is harmful by definition.
8. It has not been put to me that the appeal scheme would not be inappropriate development in the Green Belt for any other reason. Therefore, when assessed against relevant sections of The Framework and the adopted policies in the DMP, the appeal proposal would represent inappropriate development within the Green Belt.

Openness, and character and appearance

9. 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. The presence of a solid, man-made feature on the boundary of the site, has reduced the openness, but only by a very limited degree.
10. The appeal site comprises the frontage of an existing residential property, positioned within a ribbon of dwellings that extend along the eastern side of the road. The majority of the properties have some form of boundary treatment, although these vary in materials, designs and heights. The predominate pattern is for either low brick walls, low fencing or open railings, positioned adjacent to the footway, with established planting providing further screening.
11. Whilst there is development along this part of Seven Hills Road, buildings are only on one side. They are generally set well back, which gives the surroundings a semi-rural character. Due to the position and height of the fence, it is clearly visible within views along the road. It is a suburban feature that is of a different design and appearance to those around it. The development therefore contrasts with the greenery that generally fringes the footway. As such, it appears as an incongruous and discordant addition to the street scene.
12. I note that the proposal includes the provision of landscaping immediately to the rear, however given the siting and height of the fence, even when this landscaping matures, it will not soften the impact of the development.
13. During my visit, I noted a number of larger fences, although these were set back from the footway edge and separated by a grassed area. I also observed the alterations taking place to the front boundary of the adjoining property. I have not been provided with any details of these alterations, however in any event, these works do not justify the proposed development.

¹ s336 of the Town and Country Planning Act 1990

14. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and the openness of the Green Belt and, in this respect, is contrary to Policies CS4 and CS17 of the Core Strategy 2011, Policy DM2 of the DMP, the Design and Character SPD: Design and Character Supplementary Planning Document and The Framework. These policies, amongst other things, seek to ensure that all new development is of a high-quality design and is integrated with and enhances the local character.

Green Belt balance

15. When assessed against the Framework and the relevant development plan policies, the proposal is inappropriate development within the Green Belt and would require very special circumstances to justify the harm caused by inappropriateness.
16. A number of other considerations have been put forward. The road past the appeal site is extremely busy and traffic is said to travel at excessive speeds. The height of the fence is therefore required to protect the property from excessive road traffic noise and pollution from vehicle exhaust fumes, although the fence does not appear to have been constructed with specific sound attenuation qualities. The height of the fence also prevents children living or visiting the property from gaining access to the road. However, other steps could be taken to ensure that they are kept away from the road. The fence also provides privacy for the occupants of the appeal property and acts as a secure barrier to prevent possible intruders and provide security to the property, although other forms of boundary treatment would provide the same benefits. All of these factors are therefore of limited weight.
17. To sum up, the proposal is inappropriate development in the Green Belt. Substantial weight has to be attached to any harm to the Green Belt. The fence also results in a small reduction in openness and harms the character and appearance of the area. Even when taken together the other considerations reviewed above do not clearly outweigh these objections. Consequently, no very special circumstances exist, and the proposal is contrary to DMP Policy DM17 and those contained within Section 13 of The Framework.

Other Matters

18. It has been suggested that the fence could be relocated to an alternative position on the appeal site. However, I am duty bound to consider the appeal proposal as submitted, therefore this alternative suggestion has had no bearing on my consideration of this appeal.

Conclusion

19. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR