
Appeal Decisions

Site visit made on 4 August 2020

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 24 August 2020

Appeals Ref: APP/Y9507/C/20/3244657 & 3244658 Bramdean Cottage, Bramdean, Arlesford, SO24 0LW

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr S Jeffries & Ms C Jeffries against an enforcement notice issued by South Downs National Park Authority.
 - The enforcement notice was issued on 10 December 2019.
 - The breach of planning control as alleged in the notice is the erection of a close boarded wooden fence.
 - The requirements of the notice are 1. Remove the fence from the location shown as a blue line on the plan attached to the notice and 2. Remove all associated fence posts and other resulting materials from the land.
 - The period for compliance with the requirements is 28 days.
 - The appeals are proceeding on the grounds set out in section 174(2)a (appeal 3244657 only) and b of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeals are allowed on ground (b) and it is directed that the enforcement notice be varied by the substitution of the enforcement notice plan attached to this decision. Requirement 1 is to be removed and substituted with "1. Remove the fence from the location shown adjacent to dashed line on the plan attached to this decision." Subject to this amendment and plan substitution the planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended and the enforcement notice upheld.

Preliminary Matters

2. The appellant has provided a plan of the area noting that part of the site identified in the enforcement notice is not in their ownership. The area of land identified as not being in the appellants ownership is not pertinent to the area where the fence has been erected and has no effect on the appeal. However, as the appellants will know what land they own, I have amended the plan to show the land ownership hatched.

Ground b

3. This ground of appeal is that the breach of planning control had not occurred as a matter of fact.
4. The appellant notes that the fence is not for the full frontage as set out on the enforcement plan. That is the case, so I will amend the notice accordingly.

There is no effect on natural justice. The general fence position is indicated by the dashed line outside the site on the plan attached to this decision.

5. A fence in a similar location was the subject of a previous application and appeal (APP/Y9507/W/16/3148562). The situation is little changed, and that decision remains relevant.

Reasons

6. The development plan includes the South Downs Local Plan. Policy SD4 relates to landscape character where development proposals will only be permitted where they conserve and enhance the landscape character by, amongst other things being informed by the landscape and reflecting the context of the landscape. Policy SD5 relates to design and indicates that development proposals will only be permitted where they adopt a landscape led approach and adopt and respect the local character. Policy SD13 relates to historic buildings and development, and indicates that it will only be permitted where it preserves or enhances the significance of the listed building and its setting, or public benefits outweigh any harm.
7. I am also aware of the Village Design Statement which notes that the sense of openness is retained even at the heart of the village.
8. Bramdean Cottage is a grade II listed building, noted as dating from the C16th but to have been remodelled in the C20th. It is of timber frame construction, brick and some cement rendering, and plain clay tile roof. Historically it was the home of Field Marshall Gomm who fought at Waterloo and the service wing was head quarters of the Parliamentary forces at the battle of Cheriton.
9. The main issue is the effect on the character and appearance of the area and whether the proposal would preserve the setting of the listed building.
10. The appeal site is in Bramdean adjacent to the busy main road. Development generally is at a low density and there are few suburban features. The village has a rural character and verdant appearance and is within the South Downs National Park. Boundaries are predominantly constructed from brick, flint or vegetation. The cottage is set back from the road, but remains an important part of the streetscene with the front boundary forming an important part of its setting.
11. The fence that has been constructed, even though it is not for the full width of the frontage is, because of its material and height, a dominant urban feature at the front of the house in the streetscene. It does not screen the house from view, but it is still part of its setting when viewed from the road. It is at odds with the open character of the village and, because of its height and material, is an alien feature in the setting of the listed building.
12. I note that there are other fences along the road frontage. These may or may not have permission. However, they are not good justification for giving planning permission for this fence. The properties they are associated with may not be listed buildings, but in any case the fence to the southeast does not fit well within the streetscene and itself demonstrates an alien urbanising appearance and the tall wall to the north east is associated with a modern house. Other higher walls and hedges are in sympathetic materials and fit more readily into the village.

13. The development does not preserve the setting of the listed building, but is 'less than substantial' harm in terms of the National Planning Policy Framework where public benefits should be considered. I appreciate that the purpose of the fence is to protect the listed building and the occupiers from traffic using the road. I also understand the difficulty of growing the hedge under the tree, and the support for the fence from the parish council and others. However, that does not make the fence acceptable and when considered as a whole these are not sufficient benefits, public or otherwise, to justify permission being granted.

Graham Dudley

Planning Inspector



Plan

This is the plan referred to in my decision dated:

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Land at: Bramdean Cottage, Bramdean, Arlesford, SO24 0LW

Reference: APP/Y9507/C/20/3244657 & 3244658

Scale: NTS



