



Appeal Decision

Site visit made on 21 July 2020 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2020

Appeal Ref: APP/C3430/W/20/3252284

**North Barn, Land lying east of Westbeech Road, Pattingham,
Wolverhampton, Staffordshire WV6 7HF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Kelly Brookes against the decision of South Staffordshire Council.
 - The application Ref: 19/00796/FUL, dated 14 October 2019, was approved on 25 February 2020 and planning permission was granted subject to conditions.
 - The development permitted is retrospective planning application for the conversion of North Barn for residential use. Regularisation of changes to permission 18/01000/FUL.
 - The condition in dispute is No.7 which states that 'Notwithstanding any description or details in the application plans and documents, and within 3 months of the date of this permission, all existing close-boarded timber fencing including any supporting pillars to the application site perimeter in the locations edged RED on the attached plan shall be removed in their entirety and replaced with open "post and rail" type timber fencing measuring a maximum height of 1.3m above ground level in the same location (edged RED on the attached plan). The new post and rail fencing shall be erected concurrently with the implementation of the landscape scheme approved under Condition 5 of this permission, and shall be completed within 12 months of the date of this permission. The location edged blue boundary treatment shall remain as existing with close-boarded timber fencing. The approved boundary treatment shall thereafter be retained in the approved form and position throughout the life of the development.'
 - The reason given for the condition is: To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
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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. Planning permission was granted for the conversion of two barns to residential dwellings (Ref:17/00467/FUL). A number of further planning applications were approved to make various changes to the two converted barns. The condition in dispute required that the close boarded fencing that has been erected along a Public Right of Way (PRoW) to be partly replaced with post and rail fencing and the purpose of the condition was to safeguard the character and appearance of the area. The site is located within the Green Belt and there are

a number of trees covered by a Tree Preservation Order (TPO). The Officer's Report noted that the Council were satisfied that the conversion was not inappropriate development and was acceptable in Green Belt terms and in terms of protecting the trees covered by the TPO, having regard to local and national planning policies. From the information before me I see no reason to take a different view on this matter.

Main Issue

4. Whether the removal of the existing fencing required by condition 7 and the proposed fencing is necessary in the interests of the character and appearance of the area and whether the condition is reasonable, having regard to privacy and security at the appeal site.

Reasons for the Recommendation

5. Paragraph 55 of the National Planning Policy Framework (the Framework) states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The appellant considers that condition No.7 is not necessary.
6. The close boarded fencing is approximately 2 metres(m) tall and starts a short distance before the converted barn and terminates a short distance after it. If the development was carried out in accordance with Condition No.7 then the close boarded fencing would be retained where it is in line with the converted barn and the fencing that extends beyond the barn in both directions would be replaced by post and rail fencing that would be around 1.3m tall.
7. If the close boarded fencing had not been erected there would be clear views towards the open countryside behind the single storey converted barns. On the opposite side of the PRoW is a dense hedgerow and the PRoW itself is relatively narrow in this location. Consequently, the tall close boarded fencing has created a sense of enclosure along the PRoW that does not appear appropriate within a rural location. The fencing has an engineered appearance which detracts from the rural character along the PRoW. It creates an unattractive and somewhat intimidating environment for those walking on the PRoW on account of the harsh appearance and sense of enclosure.
8. By comparison the post and rail fencing would be approximately 1.3m tall and would not be close boarded so would not appear as overbearing or overly engineered. Whilst the central section of the close boarded fencing would be retained, the low-level post and rail fencing either side of this would create a more open and rural appearance along the PRoW.
9. The appellant has referred to the hedgerows that would be planted as part of the approved landscaping scheme that would enhance the appearance of the area. Nevertheless, from the PRoW these would not be visible behind the close boarded fencing, so they would have no effect upon the character and appearance of the area if the close boarded fencing was retained. Given the height and open appearance of the post and rail fencing it would allow the planting proposed as part of the landscaping scheme to be visible and to contribute positively to the character and appearance of both the PRoW and the converted barns.

10. I note that close boarded fencing has been erected along the perimeter of other properties as the footpath runs towards Westbeech Road. Whilst the fencing is similar in height and appearance as has been erected by the appellant, the PRoW in this location is much wider and so the fencing does not create a sense of enclosure or appear overbearing. In any event, close boarded fencing is unsuited to the rural character of the area for the reasons given above. The presence of other unsympathetic fencing does not amount to a reason to add further harmful development along a narrow stretch of footpath.
11. I recognise the appellant's concerns regarding privacy and security at the site but a close boarded fence is not the only means to achieve those ends. A well-maintained, dense, hedgerow with native planting would provide adequate privacy and security whilst maintaining an attractive route along the PRoW that is more suited to the rural location of the site. In any event, the central section of close boarded fencing would be retained under the condition and views to the property from the post and rail sections would be at oblique angles such that adequate privacy would be maintained, regardless of any landscaping that may be planted. Consequently, in my view, the condition is reasonable and strikes the right balance between the need for privacy at the site and the need to maintain the rural character of the area, when viewed from the footpath.
12. Therefore, in the interests of protecting the character and appearance of the area condition No.7 is necessary and reasonable and should be retained. The condition is in accordance with policy EQ11 of A Local Plan for South Staffordshire Core Strategy Development Plan Document (adopted 2012) that requires development to make provision, especially within proximity of homes, for safe and attractive walking and cycling conditions, including the provision of footpath links, cycleways and cycle parking facilities, and links to green infrastructure.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

Chris Preston

INSPECTOR