



Appeal Decision

Site visit made on 24 September 2020

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2020

Appeal Ref: APP/Q3630/W/20/3251229

Lyne Lake, Harrow Bottom Road, Lyne, Surrey, GU25 4EB

- 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. Kevin Compton, on behalf of Feltham & Twickenham Piscatorial Society, against the decision of the Runnymede Borough Council.
- The application Ref RU.19/1619, dated 1 October 2019, was refused by notice dated 14 February 2020.
- The proposed development is described as: to replace existing 1 metre fence (collapsed) with up to 2 metre fence. This is to be 'Pallisade' or 'Pro Mesh V' fence. This fence is on the property line on (sic) front of property on Harrow Bottom Road, Lyne.

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. In response to one of the questions in the appeal form the appellant indicates that the description of the development has not changed from that stated on the application form¹. However, this is not the case. The description of the development contained in the Council's decision notice is '*Replacement of existing 1m high boundary fence with up to 2m high 'V' mesh boundary fence inside north (and north-eastern) bounday of Lynn Lake off south side of Harrow Bottom Road*'. It appears from the Council's representations that the applicant agreed to remove the term 'pallisade fence' from the description.
3. The documentation submitted with the original was sparse. Indeed, an informative note on the Council's decision notice states:

The submitted drawings lack accuracy and precision regarding the siting and variation in height of the fence in relation to existing trees and shrubs which provide an established natural boundary to the site as seen by users Harrow Bottom Lane and Lyne Close and the trees protected by TPO 74.
4. I share that view. The plans accompanying the application were comprised of 1:1250 OS plans with a red line indicating the general route of the fence, which is said to follow the line of a partially 'collapsed' fence. No documentation or plans at what I would regard to be an appropriate scale have been produced

¹ Which is the description used in the banner heading above.

showing the precise route of the fence; the location of posts in relation to protected trees, or indeed the nature of the fence itself².

5. No meaningful indication is provided as to the extent of excavations that may be needed to fix the support posts in place; whether or not concrete bases would be needed, or the amount of clearance that may be required to put the fence in place, especially where it traverses part of the woodland separating Harrow Bottom Road from the public footpath. These are essential items of information required to properly assess the effect on protected trees.
6. The application thus appears to be based on the premise that the decision maker would know instinctively what the applicant has in mind.
7. Despite the content of the informative note and the reason for refusal, which conveys a similar message, and despite the environmental sensitivity³ of the site in planning terms, the appellant persevered with the appeal using the same limited documentation.
8. No additional information has been provided with the appeal, other than the contention in the very brief grounds of appeal that the proposed fence posts would go into the same positions as the existing posts' holes. Even if it were possible to find the positions of all the existing posts' holes, there is no indication that this aspect has been looked at in any detail to discover whether the holes would be capable of re-use without modification. I therefore find this statement to be overly optimistic and/or unrealistic especially bearing in mind the differences between the types and heights of the original and proposed fencing, including the supports.

Conclusions

9. I find that the appellant has submitted insufficient information to enable a proper assessment of the proposal to be made so as to enable me to arrive at an informed judgment. It is perhaps unfortunate that no use was made of the pre-application facility offered by the Council, which would have clarified the requirements, and I would encourage the appellant to follow this course if he intends to persevere.
10. Accordingly, for the reasons set out above, the appeal is dismissed.

G Powys Jones

INSPECTOR

² No drawing, technical information or manufacturer's brochure on the proposed fence was submitted.

³ Being included in the Green Belt; protected by a Tree Preservation Order; within a designated flood zone 2 & included within Natural England's Priority Habitat Inventory as deciduous woodland