

Appeal Decision

Site visit made on 30 September 2020

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 October 2020

Appeal Ref: APP/X0360/W/20/3249588

**Land adjacent to Ellis Hill Farm, The Coombes, Wokingham, Berkshire.
RG41 4SU**

- 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 Paul Bennett against the decision of Wokingham Borough Council.
 - The application Ref 193087, dated 20 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is the erection of a close boarded fence 2m in height and 1No gate.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural matters

2. In the interests of clarity the description of the proposed development has been taken from the Council's decision notice.
3. My site visit was arranged as an Access Required visit, and arrangements has been made for me to be met. However, no-one arrived at the beginning of the designated time slot. After waiting for a while, I conducted an unaccompanied site visit. I am satisfied that I was able to satisfactorily see all that I needed to see in order to assess all aspects of the proposal.
4. The appeal site falls within an area subject to an Article 4 Direction¹. One of the purposes of the Direction is to bring the erection of fencing, which would otherwise be permitted development, under planning control. The appellant is critical of the Direction, for several reasons. However, the question as to whether or not the Direction should have been made is not a matter before me. There is no dispute, however, that the appellant's proposal requires planning permission, and I shall therefore proceed on this basis.
5. The appellant has made an application for costs against the Council. This is the subject of a separate decision.

Main issue

6. The main issue is the effect of the proposed development on the character and appearance of its surroundings.

¹ Made under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015

Reasons

7. The appeal site, which is about 0.6ha in extent, is wooded and subject to a Tree Preservation Order. It is a roughly rectangular area of land, which forms part of the larger Coombes Woodland, an attractive landscape feature. Parts of the woodland have been sectioned off and sold as separate plots, and the appeal site is one of them.
8. The woodland is criss-crossed by a number of byways and public footpaths, thus making it accessible to the public at large. Indeed, during my visit, I saw a number of pedestrians, including dog walkers, cyclists and horse riders close to or passing the appeal site. I formed the distinct impression that the woodlands as a whole represent an attractive facility for informal recreation and exercise. The presence of the nearby tearooms augments this impression.
9. One of the appellant's justifications for erecting the fence is security so as to prevent trespass, damage and theft bearing in mind his future proposals for the management of the land involving tree planting, scrub clearance and maintenance. The appellant also says that he intends to introduce livestock onto the land, and thus requires enclosure. The proposed future use(s) of the land is not a matter before me for determination, but is provided as background information.
10. The appellant's photographs point to the existence of fences in other parts of the woodland, some in parts not covered by the Direction where landowners are still entitled to erect fences as permitted development. I saw some of the examples illustrated by the appellant, but none reflected the type of fencing proposed here.
11. The appellant also refers to another appeal² involving the erection of a fence and gates on a nearby plot where the Inspector, although dismissing the appeal for other reasons, found no objection to its appearance and took the view that the development would maintain the character and appearance of the area. However, that appeal was concerned with a significantly different type of fencing to that subject of the current appeal.
12. The appellant contends that '*..the fencing proposed here is simply typical timber cladding, of the type seen throughout the countryside*'. I note the appellant's contention but, to my mind, the type of fencing proposed is more typically seen enclosing rear gardens in suburban housing estates so to provide privacy. The visually impenetrable fencing, particularly having regard to the amount proposed, would appear bulky, unsightly and incongruous in this context, entirely at odds with its rural, verdant setting. Part of the fence would stand prominently alongside a byway, used by the public. It would also be seen from parts of the public footpath to the east of the site. The proposed fence would thus be clearly open to public view and, in my opinion, would harm people's enjoyment of the countryside because of its intrusive nature.
13. I therefore conclude that the proposal, if erected, would harm the character and appearance of the countryside. Accordingly, a clear conflict arises with some provisions of those development plan policies considered most relevant, namely policies CP1, CP3, and CP11 of the Wokingham Borough Core Strategy and policy TB21 of the Council's Wokingham Borough Adopted Managing

² APP/X0360/W/19/3238448 dated 1 April 2020.

Development Delivery Local Plan, directed to ensure that development maintains the high quality of the environment; contributes and/or promotes the enjoyment of the countryside, and has no detrimental impact upon important landscape.

Other matters

14. The appellant raises the issue as to whether the Council's decision, having regard to the Article 4 Direction, was an '*in principle*' objection to the erection of fencing. In so far as my decision is concerned, I regard the Direction for what it is - it brings, amongst other matters, the erection of fences under planning control. It cannot, in my view, represent a complete prohibition on fencing within the area, since each application made in consequence of the Direction should be considered on its merits, as I have done, having regard to possible cumulative effects. But as has been seen elsewhere³, an appropriately designed fence in similar circumstances has not drawn objection on the basis of its visual impact.
15. In that other appeal, as here, the Council raised issues relating to the insufficiency of information provided in respect of the protection of trees and biodiversity. Unlike the Inspector in the other appeal, I found that the fence itself was unacceptable in terms of its impact on local character and appearance. For that reason, I do not intend to dwell unduly on the quality or otherwise of the supporting information provided by the appellant.
16. However, with regard to biodiversity a Preliminary Ecological Assessment (PEA) was carried out in April 2019, and I note its findings and recommendations, particularly with regard to protected species. The Council did not elaborate on why it considered the PEA to be inadequate when considering the application, but has since fully clarified its stance in the appeal statement.
17. Should the appellant intend to pursue another application for a different type of fence, he would be well advised to take into consideration the comments made by the other Inspector⁴ on issues relating to protected trees and biodiversity, with which I fully concur. In that the appellant claims that the Council was uncommunicative during the process of determining his application, I understand that a pre-application service is also available.
18. All other matters raised in the representations have been considered and taken into account, including the comments made by the Arborfield and Newland & Barkham Parish Councils, and many local residents. I have also taken into account the various references to the *National Planning Policy Framework*. The Council's references to other appeals, including enforcement appeals in the locality have been noted, but I have dealt with this appeal, as required, on its merits. No other matter raised, including the appellant's reference to the Greenways project, is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

³ Paragraph 10 above refers

⁴ In the case referred to at paragraph 10