



---

# Appeal Decision

Site Visit made on 15 December 2020

**by Martin Small BA (Hons) BPI DipCM MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> December 2020**

---

**Appeal Ref: APP/L3815/D/20/3257939**

**Flintwalls, The Street, Boxgrove, Chichester, PO18 0EE**

- 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 Mrs Sally Haygarth against the decision of Chichester District Council.
  - The application Ref BX/20/00887/DOM, dated 31 March 2020, was refused by notice dated 3 June 2020.
  - The development is the retention of fence to rear of dwelling and facing Church Lane.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The fence has already been erected. I have taken this into account in reaching my decision.
3. Boxgrove Neighbourhood Development Plan has been examined and recommended to proceed, with modifications, to a referendum. However, the referendum has been postponed until 6 May 2021 in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020. Nevertheless, given its advanced stage, the Plan can be given significant weight in decision-making, so far as it is material to the application.

## Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the location of the appeal site within the Boxgrove Conservation Area.

## Reasons

5. Church Lane leads off The Street, the main route through Boxgrove, and is both a cul-de-sac and a public footpath leading to the Priory Church of St Mary and St Blaise and beyond. The appeal property lies within the Boxgrove Conservation Area (the Area), which encompasses the older properties along The Street, Church Lane, the Church and Boxgrove Priory.
6. The significance of the Area lies in its being an 'estate village' Area with strong historical associations with the Goodwood Estate, containing a number of historic buildings including the Church and Priory. Many of the older buildings

- are of flint and brick. Flint walls forming roadside boundaries of many properties within the Area are a particular characteristic and attractive feature of the Area, contributing positively to its character and its appearance.
7. The fence has replaced a section of flint wall which collapsed. It appears that the wall was of similar-sized flints in consistent coursing with rounded brick copings, similar to that forming the boundary of the property to the west of the appeal property. The fence matches an older fence along part of the appeal property boundary which does not form part of the appeal development.
  8. The churchyard to the east of the appeal property is also bounded by a flint wall. Flint walls are thus a particular feature of the north side of Church Lane. Whilst not listed or specifically identified in the Boxgrove Conservation Area Character Appraisal (the Appraisal) as being important flint walls, these walls nevertheless contribute positively to the character and appearance of Church Lane.
  9. Although the same height as the older fence, the new fence is higher than the previous wall and the walls to either side of the property, to which it has no visual similarity. It is therefore incongruous in the street scene due to its height and plain appearance.
  10. There are other examples of properties within the Area with similar fencing. I am not aware whether these replaced flint walls but, in any event, they are not so numerous or so distinctive as to form a positive characteristic of the Area. Indeed, the Appraisal identifies modern boundary treatments, including timber fencing, as a negative feature of the Area. Consequently, the insidious replacement of flint walls with modern fencing will result in the erosion of the character and appearance of the Area.
  11. I therefore conclude that the fence fails to preserve or enhance the character or the appearance of the Area. Accordingly, the development conflicts with Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 (the Local Plan). Whilst not specifically referring to the design and appearance of boundaries, the policy requires, amongst other things, proposals to meet the highest standards of design and to respect and where possible enhance the character of the surrounding area and site.
  12. Although not cited in the Council's reason for refusal, the development also conflicts with Policy 47 of the Local Plan, which seeks to conserve and enhance the historic environment, including conservation areas. It conflicts as well with Policy EH8 of the Boxgrove Submission Neighbourhood Development Plan which seeks to protect character and heritage assets.
  13. Furthermore, the development conflicts with paragraphs 184, 193 and, in the absence of clear and convincing justification for the fence, 194 of the National Planning Policy Framework (the Framework). I consider the harm to the Area to be less than substantial. Although initially erected partly in the interests of public safety as the wall was unsafe the benefits of the development are predominantly private in providing security for the occupiers of the appeal property. Therefore, with regard to paragraph 196 of the Framework, there are no public benefits to outweigh that harm.

## **Other Matters**

14. The Priory Church of St Mary and St Blaise is Grade I listed whilst 70 and 71, 72 and 73<sup>1</sup> and Thatch Cottage on the south side of Church Lane are Grade II listed. Furthermore, part of the site of Boxgrove Priory to the north and west of the Church is a Scheduled Ancient Monument (SAM). The fence can be seen in the context of these designated heritage assets and is therefore within their setting.
15. The significance of the listed buildings lies principally in their architectural and historic interest, with the Church dating from the 12<sup>th</sup> century and the others from the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries. The significance of the SAM lies in its archaeological interest. The previous flint wall did not contribute meaningfully to the significance of these individual designated assets. The fence does not detract from their significance nor does it diminish the ability to appreciate that significance. Accordingly, the development preserves the setting of the listed buildings.
16. Rebuilding the original flint wall is not a matter before me. Consequently, the cost of doing so is not relevant to my decision.

## **Conclusion**

17. For the reasons given above, and having had regard to the other matters raised, the appeal is dismissed. In reaching my decision I have had regard to my duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

*Martin Small*

INSPECTOR

---

<sup>1</sup> Numbers taken from the National Heritage List for England