The Planning Inspectorate

# Appeal Decision

Site visit made on 7 December 2020

**by K Ford MSc MRTPI**

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

**Decision date: 21 December 2020**

**Appeal Ref: APP/A2470/D/20/3260075**
**Buckland House, 13 Aldgate, Ketton, Rutland PE9 3TD**

- 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 and Mrs G Herdale against the decision of Rutland Council.
- The application Ref 2020/0528/FUL, dated 20 May 2020, was refused by notice dated 7 August 2020.
- The development proposed is hurdle fence to the boundary.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The planning application is retrospective as the development has already taken place. I have dealt with the appeal on this basis.

## Main Issue

3. The main issue is the effect on the character and appearance of the area, including the effect on the Ketton Conservation Area and the setting of Buckland House, a Grade II Listed Building.

## Reasons

4. The site sits in Ketton Conservation Area, the special interest and significance of which includes the historic age of the buildings and the use of locally derived stone. The site is located in a part of the Conservation Area that has an enclosed rural character with stone boundary walls that contribute towards a sense of enclosure along the narrow lanes. The site forms part of the setting for Buckland House, a farmhouse dating from the 18th Century and makes a positive contribution to the Conservation Area.

5. Hurdle style fencing has been erected in the south west corner of the garden of Buckland House, immediately adjacent to the narrow lane. Whilst the material used is natural, the fence is distinctive in form to the surrounding vegetation and alien to the stone walls which characterise the area. Despite the natural colour, I do not agree with the appellant that it blends into the wall. It is visually prominent in the street scene.

6. The appellant has referenced the use of split hazel hurdles by organisations associated with historic conservation. However, there is little before me on the context in which it has been used elsewhere to enable a meaningful

comparison with the case before me. In any event, each case is determined on its own merits and my assessment has been based on the information before me. I note the appellant's reasoning for erecting the fence. Nevertheless it causes harm, albeit less than substantial to the Conservation Area and the setting of the Listed Building. The fact that it is removable does not make it acceptable.

7. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

8. Paragraph 193 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

9. Whilst the appellant has cited privacy as a benefit of the scheme, this is a private rather than public benefit. I accept the appellant's contention that attempts to grow a hedge have failed. However, the hurdle fence does not provide the only option and has it has not been demonstrated conclusively that less intrusive options are not available I give this consideration limited weight that would not outweigh the harm I have identified.

10. The proposal would fail to preserve the character and appearance of the Ketton Conservation Area and would cause less than substantial harm to its significance as a heritage asset. There would be no public benefits to outweigh this harm and so it would conflict with the NPPF and the part of Policy CS19 of the Rutland Core Strategy (Core Strategy) where it is expected that new development contributes positively to local distinctiveness and sense of place, being appropriate and sympathetic to its setting. It would also conflict with Policy CS22 of the Core Strategy which requires the quality and character of the built and historic environment to be conserved and enhanced and that particular protection is given to amongst other things the character and special features of Listed Buildings and Conservation Areas.

11. The development would also conflict with Policies SP15 and SP20 of the Rutland Local Plan Site Allocations and Policies Development Plan Document. Policy SP15 identifies that the siting and layout of development must reflect the characteristics of the site, must complement the character and local area and reinforce the distinctiveness of the wider setting. Development should respond to surrounding buildings and the distinctive features or qualities that contribute to streetscape quality of the local area and materials must be of high quality, respect and contribute to enhancing the local vernacular and be appropriate to context. Policy SP20 identifies that development is expected to protect and where possible enhance historic assets and their settings and maintain local distinctiveness and the character of identified features. It identifies that development in Conservation Areas is only acceptable where it would preserve or enhance the character or appearance of the area. With regards Listed

Buildings, their setting should be protected where proposals could have an impact.

**Conclusion**

12. For the reasons identified, I conclude that the appeal should be dismissed.

*K Ford*

INSPECTOR