

Appeal Decisions

Site visit made on 10 February 2021

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021

Appeal Ref: APP/L3245/W/20/3261855

Land adjacent to 4 The Croft, Bellaport Road, Norton In Hales TF9 4AY

- 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 D Petrie against the decision of Shropshire Council.
 - The application Ref 20/01102/FUL, dated 10 March 2020, was refused by notice dated 28 April 2020.
 - The development proposed is the siting of a shipping container for storage of farm machinery/tools and the erection of a close-boarded fence.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the fence and container on the character and appearance of the area.

Reasons

3. The site is a roughly square piece of grassed land that sits in a small cluster of dwellings in the countryside away from any other settlement. Both the fencing and the container subject of this appeal are present now.
4. The solid tall timber fence is at the front of the site by the lane, and runs close to the back of the unadopted passing place. Its height, length and finish mean it is an unduly stark feature when seen from the lane, and it has a harshness and dominance that is appreciably at odds with the character and appearance of this rural area. I saw nothing similar in the locality. Although tall hedging on embankments is on the opposite side of the road, that is a softer feature that is more varied in its textures and colours and, as it comprises substantial planting of a sympathetic nature, it fully reflects the surrounding countryside. As such, its impact is not comparable to that of the fence before me. Therefore, I find the front fence, even accounting for the effect of future weathering, has an unacceptable effect on the character and appearance of the locality.
5. The appellant has offered to plant a hedge between the fence and the back of the passing place. That though would take a while to become established, and there is no certainty the fence would not be visible above or through that hedge. As such, it does not allay my concerns. I am also aware that a lower fence could be erected here as 'permitted development', but it is reasonable to assume the impact of that would be less pronounced.
6. I was told the fence was needed to provide security for the site. However, I have no evidence to show issues of security on this relatively small grassed

area warrant such measures, or, given the absence of fencing at one end of the site, that this would be effective.

7. Turning to the large container, this is near the back of the site (although aerial photographs show it being positioned elsewhere in the past). It has an urban, industrial appearance that again relates poorly to this cluster of houses in this remote countryside location and appears as a discordant and dominant element. While it is screened to some extent at the moment by the fence, as I have found that to be unacceptable its presence does not overcome the adverse impact I have identified. In any event, the container can still be seen from the neighbouring houses. As such, I find this too appreciably harms the character and appearance of the surroundings.
8. I understand there used to be a building on the site, but that has now gone and I have no details of its appearance, so the weight it can be given in my reasoning is limited. While the container was said to be to accommodate the small amount of equipment needed to manage the land, if that was deemed to be an adequate justification, I see no reason why such storage could occur only in something of this design. If the site was in a domestic garden the container may well be 'permitted development' but that is not the situation and so does not affect my findings.
9. The appellant referred to examples elsewhere where fencing and containers had been allowed, either by the local planning authority or on appeal. I have relatively few details of those schemes and so the weight they can be given is not great. In any event, the appellant fairly accepts the circumstances of the Bicton example were different while the Llanymynech fence was in a domestic setting in a settlement. It was found that the fences at Onibury and Walford Heath were not out of character with their locations but, as I am unaware as to what those locations were, I can give limited weight to this. I note though that the solid timber fence at Walford Heath differed to this fence on Bellaport Road as it was to the side of the site rather than the front, and was by a commercial property. At Leebotwood the containers were deemed to cause only limited harm in the context of the existing adjacent buildings and operations, but such a context does not apply to the appeal before me. Finally, in the Doncaster example the Inspector said the very limited harm caused by the containers was outweighed by their role. However, neither that level of harm nor the weight attached to the need for the container are conclusions I share in this appeal. There are undoubtedly some instances where containers and tall fencing would be acceptable or where adverse impacts could be mitigated by planting but, for the reasons stated, I consider this appeal is not such an example.
10. Accordingly, I conclude that the fence and the container detract unacceptably from the character and appearance of the area, thereby conflicting with Policies CS05, CS06 and CS17 in the *Shropshire Local Development Framework: Adopted Core Strategy*, and Policies MD2 and MD12 in the *Shropshire Council Site Allocations and Management of Development Plan*, which together among other things seek good design that respects the local distinctiveness of an area. I am aware of no material considerations to outweigh this harm or justify a decision other than in accordance with the development plan.

Other matters

11. The proposal is not for a change of use, and given the scale and nature of the land I see no reason why the use of this container should give rise to

unacceptable levels of noise. Moreover, although it is no doubt visible from the neighbouring, the height of the container and the presence of the intervening hedge mean it does not detract unacceptably from their outlook. As such, the scheme does not cause unacceptable harm to the living conditions of those residents.

Conclusions

12. For the reasons stated I conclude the appeal should be dismissed.

JP Sargent

INSPECTOR