



Appeal Decision

Site Visit made on 9 February 2021

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/J3720/D/20/3264322

The Fieldings, Langley Road, Claverdon, CV35 8PJ

- 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 Troy Deeney against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/02060/FUL, dated 24 July 2020, was refused by notice dated 28 September 2020.
 - The development proposed is a new timber boundary fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fence that is the subject of this appeal has already been erected. This appeal therefore seeks retrospective permission for the development and I have determined this appeal accordingly.

Main Issues

3. The appeal site is located within the West Midlands Green Belt. The main parties have agreed that the development represents inappropriate development in the Green Belt as defined in Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (Core Strategy) and the Framework. I concur with that position and accordingly, the main issues in this case are:
 - The effect on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the street scene and the Arden Special Landscape Area; and,
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so whether this would amount to the very special circumstances required to justify the development.

Reasons

Openness

4. Given the length and height of the woven fence along the front boundary of the appeal site, I find that it noticeably reduces the visual openness of the Green Belt within this area. Although I note that due to the size of the development before me, relative to the Green Belt, this impact would only be limited, a loss

of openness would result. Even a limited adverse impact on openness would contribute to the overall harm to the Green Belt and therefore this matter carries substantial weight.

Character and Appearance

5. The appeal site is within the Arden Special Landscape Area (ASLA). From my site visit, and the information before me, I find the character of this area to stem from its primarily rural and traditional nature, with country lanes predominantly bounded by hedgerows.
6. My site visit was carried out during the winter when a large portion of the nearby hedgerows had dropped their leaves, showing only branches. As such the woven sticks of the fence somewhat reflected these hedgerows. However, once the surrounding vegetation has returned to leaf the fence would remain a hard feature, incongruous with the soft and lush surroundings created by the deep verges and mature hedgerows. This would be exacerbated by the height of the fence and its visibility from the road where it is a prominent feature in public views from either direction. Although I find the design of the fence is not urbanising, I nevertheless consider its overall visual impact on the landscape area is unacceptable.
7. Examples of other boundary treatments, including fences and walls, were raised by the appellant. While it was not clear from the submitted evidence where these were, I did see some during my site visit including the other woven fence. Due to their siting the context of these examples is not directly relevant to the appeal site, which is further from the village and more readily legible in relation to the open countryside. Moreover, all proposals must be considered on their own merit.
8. In light of the above I conclude that the fence, by way of its prominent and intrusive design is incongruous with the landscape character of the ASLA and therefore harmful to its character and appearance, and that of the street scene. The proposal therefore conflicts with Core Strategy Policies CS.5, CS.9 and CS.12 which collectively require high quality design which protects Special Landscape Areas.

Other Considerations

9. No substantive evidence has been submitted to demonstrate that the safety of the appellant or his family are at significant risk, however, I am mindful of his employment and find it likely that this could result in some increased security requirements. Nevertheless, I am not convinced that the development before me is necessary in order to achieve a suitable level of safety. Furthermore, the development is likely to remain long after the needs of the appellant have ceased. As such I find this matter carries only moderate weight in my overall consideration.
10. No details of the proposed fallback position to erect a fence under permitted development have been put before me, and it has not been demonstrated that such development would be possible. Moreover, I note that the appellant considers that such a fence would not meet their security needs. I therefore find that there is no more than a theoretical possibility of the fallback position being either possible, or of it being carried out. Furthermore, the fallback position does not remove the harm by reason of inappropriate development in

the Green Belt, and the harm to its openness, that arises from the development before me. I therefore find the fallback position to carry only very limited weight in my overall consideration.

Green Belt Conclusion

11. The proposal would amount to inappropriate development in the Green Belt, and in addition, limited harm to the openness of the Green Belt would be caused as a result of the proposal. The Framework is clear that substantial weight should be given to any harm to the Green Belt. Further harm would also be caused to the character and appearance of the street scene and ASLA. For the reasons outlined above, I attach moderate weight to the considerations cited in support of the proposal, this would not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with Core Strategy Policy CS.10 as it does not meet the exceptions to inappropriate development outlined in the policy. The proposal would also conflict with the Framework in terms of protecting Green Belt land.

Other Matters

12. While I note the appellant's concerns regarding the lack of engagement prior to refusal by the Council this does not have any material bearing on my determination of this appeal.

Conclusion

13. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

Samuel Watson

INSPECTOR