
Appeal Decision

Site visit made on 26 January 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/N1025/W/20/3262900

Plot A West Way, Lows Lane, Stanton-By-Dale DE7 4QU

- 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 Major against the decision of Erewash Borough Council.
 - The application Ref ERE/0220/0009, dated 04 February 2020, was refused by notice dated 18 June 2020.
 - The development is described as: Erection of proposed 2.40 m high palisade fencing to existing boundary line.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of 2.4 m high palisade fencing to existing boundary line, at Plot A West Way, Lows Lane, Stanton-By-Dale DE7 4QU, subject to the following conditions:
 - 1) The development hereby approved relates to the following approved plans: Site location plan (dwg. no. DSA-20059-PL-OS-01-A), site plan showing position of fence and sample elevation showing panel of fence (dwg. no. DSA-20059-PL-ES-01-C).
 - 2) Within 3 months of the date of this decision the fence shall be painted using the colour RAL6005. Thereafter, the fence shall be maintained in the approved colour for the lifetime of the development.
 - 3) Within 3 months of the date of this decision details of landscaping shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented during the first planting season following approval. Should any of the planting become seriously damaged or diseased, die or be removed within 5 years of planting, it/they shall be replaced with others of similar species and size during the subsequent planting season.

Procedural Matters

2. I observed that the development has already been undertaken and I have made my decision on this basis. I have therefore removed the term 'proposed' from the description of development in the decision.

Main Issues

3. The main issue are the effect of the development on the character and appearance of the area and the Stanton Regeneration Site.

Reasons

4. The fence is installed around the perimeter of a distribution depot located on the north-eastern side of Lows Lane, close to the south-eastern end of the Lane over which the M1 motorway crosses. The north-western half of the site lies within the Stanton Regeneration Site, as designated in the Local Plan, and the Fulcrum Business Park is adjacent to the site.
5. As one approaches the site from the direction of Seven Oaks Road some of the commercial buildings on the site and adjacent to it are clearly visible. Additionally, these are viewed within the context of a grey steel palisade fence, around 1.8-2 m high, on the boundary of a light industrial unit located on the corner of Seven Oaks Road and Lows Lane. Opposite the north-western end of the site is a vehicle (trucks) hire company which also has a grey steel palisade fence, around 1.8 m high, around its boundary, a stretch of which runs parallel to Lows Lane, set in around 1 m from the carriageway edge. As one approaches the site from the M1 flyover the Golf Course is visible on one side of the road and several fairly-large commercial buildings, of utilitarian appearance, dominate the view on the other side of the road, including those adjacent to the appeal site. As one gets closer to the site the view is that of commercial buildings on either side of the road.
6. I acknowledge that there are trees, hedges, and grass verges along the stretch of Lows Lane leading to the site from the M1 flyover. I also note that a few of the sites close to the appeal site have installed boundary fencing which is of a more discreet appearance than the appeal fence, with some planting to provide a softened appearance. However, within the overall context of the site's location and the variety of boundary treatments present around neighbouring commercial sites, I consider that, subject to conditions requiring the fence to be painted green and for planting to be provided along the Lows Lane site boundary and a section adjacent to the access road into the site, the existing appearance of the fence would be softened to a degree that would ensure the fence does not harm the character and appearance of the area. I also consider that the development is highly unlikely to be a determinative factor as regards investment in the wider Stanton Regeneration Site, and that it does not undermine the objective of regenerating the regeneration site.
7. As such, the proposal accords with Policy 10 of the Erewash Core Strategy (2014), (CS), and design policies in the National Planning Policy Framework, which collectively, and among other things, require development to be sympathetic to local character and create a visually attractive environment, with the addition of appropriate and effective landscaping. Additionally, the proposal does not undermine the objectives of Policy 20 of the CS, which seeks to regenerate the area designated as the Stanton Regeneration Site.

Other Matters

8. I note that a hedge was apparently removed to facilitate the development, which I understand did not require planning permission. My decision is based on the development in the context of the site as it exists.
9. I note that the Council considers there to be a breach of planning control on the site. However, this is a matter for the Council and not one to be dealt with as part of this appeal.

Conditions

10. I have attached a condition specifying plans for the avoidance of doubt. I have not approved the proposed landscaping plans as I am not satisfied that they accurately depict the resultant appearance or that the scheme proposed is the most suitable, given the presence of the bund. I have attached conditions requiring the entire fence to be painted green and for landscaping details to be submitted to the Local Planning Authority, approved, implemented, and retained, to protect the character and appearance of the area. I have not attached a condition as suggested by the Council requiring the relocation of the bund as the bund does not form part of the development for which planning permission is sought.

Conclusion

11. For the reasons outlined, I conclude that the appeal is allowed.

J Williamson

INSPECTOR