



Appeal Decision

Site visit made on 13 July 2021

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2021

Appeal Ref: APP/X1545/W/21/3267041

Desch Plantpak Ltd, Burnham Road, Mundon, Maldon, CM9 6NT

- 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 Desch Plantpak Ltd against the decision of Maldon District Council.
 - The application Ref. 20/00642/FUL dated 26 June 2020, was refused by notice dated 21 August 2020.
 - The development proposed is the erection of fencing including replacement of 2 existing vehicular gates.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of fencing including replacement of 2 existing vehicular gates at Desch Plantpak Ltd, Burnham Road, Mundon, Maldon, CM9 6NT in accordance with the terms of the application, Ref 20/00642/FUL dated 26 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted, and the materials used in its construction, shall be carried out in accordance with the following approved plans: 19.6068/M001, 19.6068/M002, 19.6068/P201, 19.6068/E101, 19.6068/P202; and as set out within the application form and the details in the appeal statement.
 - 3) Full details of the provision and subsequent retention of planting to integrate with the fencing hereby permitted shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:
 - i) Details of proposed species to be planted, planting layouts with stock sizes and planting numbers/densities.
 - ii) Details of the planting scheme implementation programme, including as may be appropriate, ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
 - iii) Details of the aftercare and maintenance programme.The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the completion of any part of the development hereby approved unless

otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any plant, or any plant planted as its replacement, is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, another plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Main Issue

2. The main issue in this case is the effect on the character and appearance of the site and the rural area, having regard to the height, design and materials of the fencing and gates.

Reasons

3. The appeal site is home to a commercial operation within a rural area. There is a scattering of housing and other development in the vicinity. The site is set at the back of a wide grass verge that edges the road, behind which is a row of silver birch trees. The proposed fencing would be erected behind this line of trees. The development on the site consists of 2 storey buildings set behind concrete hardstanding and roadways, with single storey buildings further back. Car parking is a major feature at the front of the site, just behind the row of trees. There are 2 vehicular entrances to the site, and at the time of my visit, large commercial vehicles were evident.
4. The development plan policies referred to are D1, S8 and H4 of the Maldon District Local Development Plan. The basis of policy D1, as described in the officer's report, is to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of: a) architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate; b) height, size, scale, form, massing and proportion; c) landscape setting, townscape setting and skylines; and d) layout, orientation, and density. Policy S8 deals with settlement boundaries and the countryside. Since the appeal site is within the countryside, it sets out that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Policy H4 requires all development to be designed and to seek to optimise the use of land having regard to, among others, the location and the setting of the site, and the existing character and density of the surrounding area.
5. On behalf of the appellant company, it is explained that it is an industrial undertaking of long standing on the site, that operates on a 24-hour basis. The proposed fencing and gates are a response to concerns about security issues, since at present there is access to the site from the road without any physical barrier. An added concern is that many of the employees are women. The proposed fencing is in the form of a 1.5m high welded metal green mesh that is unclimbable and hence secure whilst being relatively unobtrusive, and can be seen through with relatively little visual obstruction.
6. As can be seen from my description in paragraph 3 above, this established industrial site is highly conspicuous and does not enhance the character and local context or make a positive contribution to its countryside setting. I have concluded that the proposed fencing could bring about a considerable

- improvement in the outward appearance of the undertaking, to the benefit of the character and appearance of the site and the rural area, as well as providing the desired increased level of security. However, as a 'visually permeable' fence, by itself it would do little to diminish the visual intrusion of the site on the rural character.
7. Whilst it is not the first preference of the appellant company, it is willing to improve this aspect of the proposal by planting vigorous climbing plants, such as ivy, on the face of the fence. This would have the effect of hiding, to a large extent, the concrete hardstandings, vehicles and buildings in the view from the road and from the countryside across the road to the west. With this addition to the fence, which could be required by a condition, I consider that, rather than bringing an urbanising effect on the character of the area, it would soften the appearance of the site to the benefit of the character and appearance of the countryside. Whilst such planting could obviously not be added to the gates, they would cover a relatively small amount of the frontage, and their 'see through' character would diminish their intrusion in the scene. Thus the totality of the effect on the character and appearance of the site and the rural area would not bring the development into conflict with the policies that have been highlighted.
 8. I appreciate the point that obscuring visibility from the road would allow intruders to hide behind the fence, but any such intruder would remain in view from within the site, and therefore I do not place importance on this factor. In view of the conclusions above, I will allow the appeal.
 9. The council has suggested a number of conditions that it would wish to see applied to any grant of planning permission. I will impose these, making changes as necessary to conform with guidance and to ensure that they are worded appropriately to the development permitted. Condition 2 is necessary for certainty and the avoidance of doubt; and condition 3 is to meet the requirement that I mentioned in paragraph 7 above.

Terrence Kemmann-Lane

INSPECTOR