



Appeal Decision

Site Visit made on 27 July 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2021

Appeal Ref: APP/Q1825/W/21/3269496

Saltways Cheshire Home, Church Road, Webheath, Redditch B97 5PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ben Morgan against Redditch Borough Council.
 - The application Ref: 20/00178/FUL, is dated 7 February 2020.
 - The development proposed is described as construction of 3 single-storey extensions, security fence and alterations for a proposed Tier 4, Low Security, Non Forensic, CAMHS (Children and Mental Health Services) Unit.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Mr Ben Morgan against Redditch Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The new Framework echoes and reinforces policy relevant to the main issues in this case. I shall determine the appeal on this basis.
4. Various opinions have been expressed by parties about whether a change of use is proposed. The description of proposed development in the banner heading above is taken from the appeal form, and the Planning Officer's Report to Planning Committee on 14 April 2021. This reflects the revision of the proposal's description. For the purposes of this decision, I assess the proposal as being so described, which does not include change of use.

Main Issues

5. The main issues in this case are the effect of the proposal on:
 - The character and appearance of the area;
 - Living conditions of neighbouring residents, with particular regard to whether the metal fence would be overbearing, and privacy; and
 - Community safety and fear of crime.

Reasons

Character and appearance

6. The appeal site comprises a former Cheshire Homes care home and its grounds. It is located within a mainly residential neighbourhood.
7. The grounds at the appeal site have a relatively verdant garden character, with established soft landscape including lawn, shrubs and trees. This has an assimilating influence within the residential neighbourhood context, where the proximity of dwellings to much of the appeal site's perimeter is a striking characteristic.
8. The set-back of the proposed metal security fencing from the site perimeter, together with level changes, timber perimeter fencing, shrubs and trees on and in the vicinity of the site would go some way to limit the visibility of the proposed metal fence. Also, the fence would not have the spiky look of the examples of 'aggressive' fencing mentioned in paragraph 4.2.47 of the Borough of Redditch High Quality Design Supplementary Planning Document.
9. Nonetheless, the proposed 3m height, expanse and metal mesh 'anti-climb' security type of fencing would amount to a substantial vertical hard landscape addition, that would contrast awkwardly with and diminish the softer verdant, garden look and feel of the grounds. It would also discordantly draw attention to the contrast between the intensified secure institutional character of the intended mental health facility and the residential character of the surrounding neighbourhood. The elevated position of the appeal site in proximity to dwellings on Shirehampton Close and Churchfield Court would further amplify the discordance that the proposed metal security fencing would articulate in the neighbourhood.
10. These impacts would be noticeable from various points in the neighbourhood, within the appeal site, from the publicly accessible path across the north-eastern corner of the site and from neighbouring residential properties on Shirehampton Close, Lordswood Close and Churchfield Court.
11. No detailed landscaping proposal and management plan are before me, and I have no certainty that existing or potential future planting would be retained. Also, seasonal leaf fall and pruning is likely to limit the screening effect of such vegetation. Therefore, planting would not be a demonstrably reliable remedy to the adverse impacts identified.
12. The above together would result in the proposed development sitting uncomfortably within the residential context of the neighbourhood. I therefore conclude that the proposal would harm the character and appearance of the area. As such, it would conflict with Policies 39 and 40 of the Borough of Redditch Local Plan No.4 (LP), which together seek to ensure that, among other things, development complements and contributes positively to locally distinctive character.

Living conditions of neighbouring residents

13. For the reasons described above, the high, hard and intensified institutional appearance of the proposed metal mesh fencing would contrast awkwardly with the soft landscape garden characteristics of the grounds at the appeal site and the domestic character of adjoining residential properties. As a result, the

proposal would appear overbearing to residents of neighbouring dwellings on Shirehampton Close. Furthermore, the corridor of space between the proposed security fence and adjacent building complex may well result in patients overlooking habitable first-floor rear rooms of these neighbouring properties.

14. I therefore conclude that the proposal would harm the living conditions of neighbouring residents in terms of overbearing appearance and privacy. As such, it would conflict with Policies 39 and 40 of the LP, which together seek to ensure that, among other things, development makes places better for communities to live in.

Community safety and fear of crime

15. Criterion vi) of Policy 40 of the LP expects development to encourage community safety, and design out vulnerability to crime. Also, paragraph 92 of the Framework sets out that development should aim to avoid quality of life or community cohesion being undermined by fear of crime.
16. Judging by the local concerns expressed, the location, extent, type and appearance of the proposed metal security fencing would amplify the community's fear of patients absconding from the proposed unit.
17. Even if the proposal did not, in actuality, result in patients absconding and harming community safety, and so did not conflict with Criterion vi) of Policy 40 of the LP, it appears that the proposed metal security fencing would amplify a real and pronounced fear of crime in the neighbourhood. Consequently, the proposal would conflict with paragraph 92 of the Framework.

Other Matters

18. That the Planning Officer's Report to Planning Committee recommended approval of the scheme does not alter the above specifics in relation to the main issues in this case, and my consequent findings.
19. The proposal would contribute to the provision of additional Children and Mental Health Services facilities in the area, with associated health and wellbeing benefits for patients and their families. The proposal would also provide some additional employment and economic benefit to the area during and after construction. That said, the analysis of health services' guidelines for fencing¹, and an alternative scheme submitted for the site² together indicate that the height of the proposed metal fence may be in excess of that necessary to support the operation of the unit. This consideration limits the benefit of the scheme. Furthermore, the benefits of the proposal do not outweigh the significant totality of harm identified.

Conclusion

20. The proposed development would be contrary to the development plan and Framework, and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR

¹ As set out in paragraphs 3.24 and 3.25 of the Council's Appeal Statement of Case.

² Planning Application Ref: 21/00851/FUL.