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# Appeal Decision

Site Visit made on 28 September 2021

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 October 2021**

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**Appeal Ref: APP/A2335/W/21/3277740**

**Sunningdale, Holme Lane, Brookhouse, Lancaster LA2 9JU**

- 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 Nick Whiley against the decision of Lancaster City Council.
  - The application Ref 20/01173/FUL, dated 26 October 2020, was refused by notice dated 21 May 2021.
  - The development proposed is described as 'Erection of a fence and change of use of verge to garden'.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.
3. Notwithstanding the description of the development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details before me that the development comprises the erection of a boundary fence including the creation of a living wall and the change of use of a grass verge to residential land in association with Sunningdale. In addition, and during my site visit, I noticed that some of the development forming this scheme has been carried out. Namely the erection of the fence. For the avoidance of doubt, I confirm that my determination is based on the drawings submitted.

## Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

## Reasons

5. The appeal site is situated on a prominent corner plot close to the junction of the A683 highway and Holme Lane, and within the Forest of Bowland AONB. Although there is housing on Holme Lane, the surrounding area is predominantly characterised by open fields and agricultural land. Visible strips of landscaping, that include grass highway verges, low dry stone walls, hedges

and mature trees also contribute towards the rural character of the immediate area.

6. The Council has not found the negligible encroachment of the proposed boundary treatment into the highway verge and the resultant change of use of this land to garden to be objectionable. I have no substantive reason to question this.
7. Nonetheless, it is uncontested that the appeal site boundary was previously a substantial mature mixed thorn hedge rising over two metres in height. Despite forming part of an enclosure to a dwelling, this would have been a natural continuation of the adjacent field boundary, in keeping with the rural characteristics of the area.
8. The substantial length, position and finish of the solid timber fencing now presents an unduly stark feature when seen from the A683 highway and has a harshness and dominance that is appreciably at odds with the character and appearance of this rural area. I note that as an alternative to screening the fence with hedgerow planting it is proposed to create a living wall. However, this would be planted with ivy which would not be characteristic of the other boundary planting and vegetation found within the area, which are predominately native hedgerows given the rural landscape.
9. It has been put to me that ivy is a self-clinging climber that grows rapidly, is hardy and doesn't require any fixing or much maintenance. However, this would clearly take a significant period of time to establish and would not be as varied in its form, texture and colour as natural vegetation planting which is much softer and fully reflective of the surrounding countryside. As a result, it would appear conspicuous and result in the erosion of the rural character of the surrounding area.
10. The loss of the boundary hedge typical of the immediate area and its replacement with a modern close boarded fence and ivy planted living wall would therefore not sympathetically integrate with its surroundings and would have a detrimental effect on the AONB. Therefore, whilst I note the appellant's willingness to accept a planning condition in respect of the planting and maintenance times this would not overcome the harm that I have identified above.
11. As such the proposed development would conflict with Policy DM28 of A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD (2020) and Policies EN2 and EN3 of A Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD (2020). These seek, amongst other things, to conserve and enhance the landscape character and visual amenity of AONBs, and to have regard to the wider character of the open and rural character of the countryside. It would also not accord with Paragraph 176 of the Framework, which requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.

### **Other Matters**

12. In reaching my findings I have had regard to the ecological benefits that the appellant associates with the proposed development. Nonetheless, there is little

conclusive evidence before me to substantiate that these would be greater than those associated with the native hedgerow planting that the proposal would replace. This factor would therefore not overcome or outweigh the harm that I have identified that the proposal would cause to the character and appearance of the area, and the AONB.

### **Conclusion**

13. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR