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## Appeal Decision

Site Visit made on 9 November 2021

**by Bhupinder Thandi BA (Hons) MA MRTPI**

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

**Decision date: 19 November 2021**

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**Appeal Ref: APP/Y3425/D/21/3278427**

**6 Mill Farm Barns, Mill Street, Stone ST15 8BA**

- 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 Dr Gwydion Rhys against the decision of Stafford Borough Council.
  - The application Ref 20/32679/FUL, dated 9 July 2020, was refused by notice dated 26 May 2021.
  - The development is described as the retention of existing fence and the erection of fence adjacent to Redhill Road.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. At the time of the site visit I noted that a section of fencing has been installed. The application has been submitted part retrospectively and I have dealt with the appeal on this basis.

### Main Issues

3. The main issues are:
  - The effect of the proposed development upon pedestrian safety; and
  - The effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Moddershall Valley Conservation Area (CA).

### Reasons

#### *Pedestrian safety*

4. The Council contend that the fence unduly affects pedestrian safety due to its height and position next to a dwelling known as "Brook View" which sits on Redhill Road and neighbours the appeal site. However, no credible evidence to substantiate this has been provided. I also note that the highways authority did not object to the application.
5. It is evident that adequate visibility in both directions can be achieved and taking into consideration the low number and low speed of vehicles that enter and exit the dwelling's driveway it is unlikely to result in a conflict with pedestrians.

6. Based on my observations at my site visit and taking into account the evidence before me including the advice of the highways authority, I am therefore satisfied that the development does not adversely affect pedestrian safety. It accords with Policy T2 of The Plan for Stafford Borough (2014) (PSB) which amongst other things, requires adequate parking for all new developments to have safe and adequate means of access and egress and to not materially impair highway safety or traffic movement.

*Character and appearance including impact on heritage assets*

7. The position of the fencing sits on top of an embankment on Redhill Road where the land slopes down to Mill Farm Barns. The embankment forms part of the CA which is defined by the valley and watercourse below and derives its significance from its distinct natural and verdant landscape and the remains of historic industrial build forms.
8. A section of timber fencing has been installed along the embankment with the remainder of the boundary largely comprising trees and planting. The appellant advises that a length of approximately 35m of fencing has been installed and in total the fence would extend for a total of around 85m along Redhill Road.
9. Redhill Road in contrast to the CA has the appearance of a suburban street made up of two storey dwellings. However, the set back of houses, long front gardens and low boundary treatments gives the road a pleasant appearance and contributes to the open character of the area.
10. I acknowledge that the fencing does not unduly affect key views in and out of the CA when taking into consideration the existing planting along the embankment and the dramatic change in land levels. However, the fence positioned on a curve and its tall close board appearance would run for a considerable length along the road. Given its height, length and prominence, it would form a large, obtrusive and incongruous feature in the street scene at odds with the prevailing open character creating an unduly hard and urban edge to the verdant CA.
11. In light of the above I conclude the proposal would lead to less than substantial harm to the significance of the heritage asset. This harm should be weighed against the public benefits of the proposal, which I now turn to.
12. Based on the evidence before me no public benefits have been presented and taking into consideration the points above the harm to the CA would clearly outweigh the public benefits of the proposal. The proposed development would fail to preserve or enhance the character and appearance of the CA. It would also adversely affect the appearance of the street scene.
13. Subsequently, the proposal would be contrary to PSB Policy N1(h) which, amongst other things, requires new development to have regard to local context including heritage assets and to preserve and enhance the character of the area.
14. I note the Council have referred to PSB Policies N8 and N9(v) in the reason for refusal, however, I find that with specific regard to this appeal I have given them negligible weight in coming to my decision.

## **Other Matters**

15. The appellant contends that the proposed development accords with parts (i), (j) and (k) of PSB Policy N1. Whilst the proposal would enclose space and define public and private spaces it would be detrimental to the character and appearance of the area. In addition, I have not been provided with any credible evidence that the appellant experiences overlooking from Redhill Road. As such, I have given these matters limited weight in coming to my decision.
16. Whilst the fencing materials may well be found in the area, this is not justification to allow inappropriate development and does not alter my conclusion.
17. I acknowledge that the proposal may reduce incidents of trespassing and anti-social behaviour. However, these factors do not outweigh the harm that I have identified in relation to character and appearance.
18. The support of local residents counts neither for nor against the proposal and does not lead me to reach a different conclusion on the matter.
19. The appellant contends it would be possible to construct a 1m fence along the embankment and a 2m fence set back from the highway utilising permitted development rights. I am not aware that a Certificate of Lawful Development has been approved for any such development. As such, based on the evidence before me I am not persuaded that there is a reasonable likelihood that the appellant would opt to construct the fences if planning permission for the appeal development was to be refused, or that this would have a similar or greater impact. I therefore afford this matter only limited weight in coming to my decision. Moreover, I have determined this appeal on its own individual planning merits.

## **Conclusion**

20. For the reasons set out above the appeal does not succeed.

*B Thandi*

INSPECTOR