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# Appeal Decision

Site visit made on 30 November 2021

**by Stewart Glassar BSc (Hons) MRTPI**

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

**Decision date: 15 December 2021**

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**Appeal Ref: APP/E2205/W/21/3278000**

**2 Wivenhoe, Kingsnorth, Ashford TN23 5YL**

- 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 Ryan Wood against the decision of Ashford Borough Council.
  - The application Ref 21/00143/AS, dated 23 January 2021, was refused by notice dated 23 March 2021.
  - The development proposed is a change of use of land to residential and erection of a fence.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal would incorporate land into the garden area of the appeal property. Accordingly, the decision notice and appeal form include a reference to a change of use of the land to residential. I have similarly used it in the heading to this decision.
3. A revised Framework<sup>1</sup> was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal. The substantive elements of it remain the same as the previous version with regard to the main issues of this appeal.

## Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

## Reasons

5. The site is located within a residential area. Properties are generally set in from their site boundaries and have open frontages, which contributes positively to a sense of space and the character of the area. Where means of enclosure are evident, they are not so prevalent as to be an overriding characteristic of the area.
6. The proposed fence would result in a high, visually impermeable feature. It would be a dominant and incongruous structure in a conspicuous position. It would erode, and thus be harmful to, the attractive open character of the area. I accept that a wooden fence would weather over time, and that it would be

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<sup>1</sup> National Planning Policy Framework (2021)

positioned to take account of sight lines at the junction of Wivenhoe and Washford Farm Road. However, these factors do not alter my findings with regard to the above.

7. As such, the development would be harmful to the character and appearance of the area. Accordingly, the proposal would be contrary to Policies SP1 and SP6 of the Local Plan<sup>2</sup>, which amongst other things, seek to ensure that developments respond positively to the prevailing character of the area. The proposal would also be contrary to Paragraph 130 of the Framework, which amongst other things, seeks to ensure developments are sympathetic to local character.

### **Other Matters**

8. Examples of other means of enclosure in the area have been pointed out to me. However, such examples are limited, and their existence does not alter the adverse effects the proposed development would have on the character and appearance of the area. I have therefore considered the appeal proposal on its individual merits.
9. I acknowledge that the fence is intended to give the appellant's family a larger garden area and reduce problems of dog fouling. However, these factors in themselves are not sufficiently strong enough reasons to persuade me to allow, what I have found to be, a development which is harmful to the character and appearance of the area.

### **Conclusion**

10. The proposal would harm the character and appearance of the area, in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Stewart Glassar*

INSPECTOR

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<sup>2</sup> Ashford Local Plan (2019)