



Appeal Decision

Site visit made on 7 December 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 31 December 2021

Appeal Ref: APP/Y0435/W/21/3277895

17 Church Lane, Loughton, Milton Keynes, MK5 8AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Andrew Gordge against Milton Keynes Council.
 - The application Ref 21/01122/FUL, is dated 27 April 2021.
 - The development proposed is described as, 'retrospective application for a panel fence with trellis over fronting on to Church Lane together with an attached tool shed including new planting'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The erection of the fence appeared to have been carried out at the time of my site visit. The fence differs from the submitted drawing primarily in the height of a number of the panels and proportion of trellis. I have therefore assessed the development as shown on the submitted drawing.

Main Issue

3. I note the two putative reasons for refusal. However, from the wider evidence, the main issue is whether the proposed development preserves or enhances the character or appearance of Loughton Conservation Area (CA) and its effect on the setting of the nearby Listed Building.

Reasons

4. The significance of the CA lies in the evidence of a historic farming village, the focus of which is the All Saints Church. Church Lane is identified in the Loughton Conservation Area Review October 2014 as one of three historic lanes that lead to the Church. The construction of a number of dwellings along the lane has led to the removal of some hedgerow, and the area is now residential in nature having largely lost its function as a farming village. Since the area opposite the site does not have an earth bank, the lane in this area does not appear to be a sunken lane. However, given the earth banks and overgrown hedges that remain, the lane generally retains a pleasant rural character that reflects the farming history of the CA.
5. The fence is set on an earth bank at higher ground level compared with the highway and is some 1.8m high. The upper part of the fence consists of trellis while the lower part is solid. Given the position of the fence at a curve in the road and at an elevated height, it is prominent in the street scene. Given their height, the concrete and timber posts and standardised panels appear incongruous compared with the hedges, low timber fences and brick walls that largely

characterise the historic lane. As such, the fence adversely affects the rural character of the CA, thereby diminishing the significance of the CA.

6. While there are other timber fences in the area, they are generally in less prominent positions at a lower ground level and are a lower height than the fence subject of the appeal. As such, they are not directly comparable with the appeal fence. The landscaping retained between the fence and the highway partially softens the impact of the fence on the character of the area. However, it does not fully mitigate the harm to the character of the CA and in any event, the level of screening provided by the landscaping cannot be guaranteed.
7. All Saints Church is a Grade II* Listed Building, the significance of which lies in the evidence of historic ecclesiastical architecture and its importance as the focal point of a historic farming village.
8. Given the proximity of the fence to the church, and that it is seen in the same views, the fence lies within its setting. Since the fence adversely affects the rural character of the area, it harmfully diminishes the rural setting of the church and therefore adversely affects its significance.
9. The shed is not prominent from street level and does not harm the character of the area. I acknowledge the evidence regarding bin storage and the previous fence. However, given the harm to the rural character of the area, these matters have not altered my findings on this main issue.
10. Consequently, the proposed development does not preserve or enhance the character or appearance of the CA and harms the setting of the Listed Building, thereby diminishing their significance. Therefore, it conflicts with Policy HE1 of Plan:MK 2016 – 2031 Adopted March 2019 (Plan:MK) which seeks development where they sustain and, where possible, enhance the significance of heritage assets. It would also conflict with Plan:MK Policies D1, D2 and NE5 which together seek development that respond appropriately to the site and surrounding context and landscape, and boundary treatments that exhibit positive character.
11. Since the harm would be localised, it would be less than substantial in the terms of paragraph 202 of the National Planning Policy Framework. There are no public benefits put forward by the Appellant that would outweigh the less than substantial harm to the heritage assets, which must be attributed great weight as set out in the Framework.

Other Matters

12. I note the evidence regarding permitted development. However, there is little substantial evidence before me to indicate that a fence up to 2m high would be likely to be erected in this location should this appeal fail. As such, this matter has not altered my overall decision.

Conclusion

13. For the reasons given above the proposed development would conflict with the development plan and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu INSPECTOR