
Appeal Decision

Site visit made on 25 January 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/C3105/D/21/3285622

Mayford, Brick Hill, Hook Norton, Banbury, Oxon, OX15 5QA.

- 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 Mrs S Wassell against the decision of Cherwell District Council.
 - The application Ref. 21/01056/F, dated 17 March 2021, was refused by notice dated 17 August 2021.
 - The development proposed is the erection of a 1m high fence adjacent to the highway.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Although the Council describes the (retrospective) proposal as per the fourth bullet point above, the application forms indicate that the fence is erected above an existing wall so the overall height of the structure would range from about 1.5m to 1.9m above ground level.

Main Issue

3. The main issue is the effect of the additional fence on the character and appearance of the area including the Hook Norton Conservation Area.

Reasons

Background

4. The appeal site comprises the frontage of the garden of Mayford which is set back from Brick Hill near the centre of the village and there is a public right of way to the side of the property. There is an existing stone wall along this frontage about 1 metre high. The appellant says the fence is needed to protect cars from tree branches and provide privacy and security to the dwelling.

Effect on character and appearance

5. The significance of the heritage asset of the Conservation Area is set out in the Hook Norton Conservation Area Appraisal (2007). The appraisal identifies that the common means of enclosure along the streets in the village is with low predominantly ironstone walls.
6. Along the appeal site frontage there is a stone wall (possibly of weathered reconstituted stone rather than ironstone) and the proposed fence sits above this. The additional timber fence results in a stark visual barrier to the edge of

the street and its overall length and light timber material harm the street scene and are at odds with the general character of traditional means of enclosure. Moreover, there is little opportunity for the impact of the fence to be mitigated by, for example, additional landscaping or by the introduction of other design features to reduce its unrelieved stark impact.

7. I find that the fence proposed does not preserve or enhance the character or the appearance of the Conservation Area but harms it, contrary to the requirements of Policy ESD 15 of the Cherwell Local Plan.
8. This harm amounts to 'less than substantial harm' as set out in paragraph 202 of the National Planning Policy Framework but it has not been demonstrated that there are public benefits arising from the fence which outweighs this. The national guidance also makes clear that great weight has to be applied to the preservation of the heritage asset of the Conservation Area.
9. I have taken account of the appellant's desire for privacy and security at the front of her property but there are likely to be other solutions that could achieve this, such as with landscaping, which would not have the same stark visual impact and would be more appropriate to the setting of the village. I have also taken note of the support she says that she has received from neighbours and local people about the fence, but I cannot afford this much weight in the planning balance.
10. Overall I find that the harm caused and the conflict with the development plan are not outweighed by other considerations and this indicates that the appeal should not be allowed.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR