



Appeal Decision

Site visit made on 9 March 2022

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

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2022

Appeal Ref: APP/Z1510/D/21/3287746

Manor Cottage, Beazley End, Wethersfield CM7 5JJ

- 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 Peter Short against the decision of Braintree District Council.
 - The application Ref 21/02086/HH, dated 28 June 2021, was refused by notice dated 20 September 2021.
 - The development proposed is described as, 'replace a small section of hedging with a fence to provide secure off-road parking and install a wooden gate'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note the Section 2 - Publication Draft Local Plan June 2017. However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

4. The site lies in an area characterised by detached and semi-detached dwellings with ample spacing and open countryside beyond such that the area has an attractive spacious rural feel. The dwellings in the surrounding area largely have either hedgerow or low-level brick walls fronting the highway such that they provide a soft boundary treatment which are integral to the pleasant rural character of the area.
5. Tall wooden fence panels on concrete gravel boards with concrete posts have been installed at the corner of the site fronting the highway and bridleway. Given its height, form and materials, the fence, particularly at the corner of the site where it is most visible, appears discordant and harsh against the rural feel of the area. I have considered a condition requiring the fence to be painted a colour to be agreed by the Council. However, since this would not alter the

height and form of the fence, such a condition would not mitigate the discordant effect the fence has on the character and appearance of the area.

6. Consequently, the development unacceptably harms the character and appearance of the area. Therefore, it conflicts with Policies CS5 and CS8 of the Core Strategy Adopted September 2011 (CS) which together seek development outside development boundaries that would protect and enhance the landscape character of the countryside. The development also conflicts with Policies RLP18 and RLP90 of the Braintree District Local Plan Review, Adopted July 2005 (LPR) which together seek development that is in harmony with the countryside setting and reflect or enhance local distinctiveness.

Highway Safety

7. The bridleway that leads to Holly Cottage is a narrow lane that leads from Beazley End. The fence is slightly angled away from Beazley End. I also note that large vehicles may have been entering and exiting the bridleway and the fence provides secure off-road parking. However, given the height and siting of the fence, vehicles exiting the bridleway have a restricted view of oncoming vehicles from the north along Beazley End and vice versa. Therefore, the fence increases the risk of collision between vehicles and pedestrians as well as with oncoming traffic from the north, particularly given that the bridleway can only occupy one lane of vehicles which limits manoeuvrability. While I note that the fence has replaced part of a hedge, since details of that part of the hedge are not before me, it has not altered my finding on this main issue.
8. Consequently, the development results in an unacceptable impact on highway safety. Therefore, it conflicts with Policy DM1 of the Development Management Policies February 2011 which seeks, among other things, that proposals will not create a significant potential risk or be detrimental to the safety of the highway network. It would also conflict with the National Planning Policy Framework in this particular respect.

Other Matters

9. I acknowledge that the Appellant did not realise that planning permission was necessary at the time the fence was erected. However, the scheme must be determined on its planning merits and this matter has not altered my overall decision.

Conclusion

10. For the reasons given above, the development conflicts with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR