

Appeal Decision

Site visit made on 3 May 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/N2535/D/22/3290915

Greystones Cottage, Main Road, North Willingham, Market Rasen LN8 3RA

- 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 Joanne Sealby against the decision of West Lindsey District Council.
 - The application Ref 143696, dated 11 September 2021, was refused by notice dated 2 November 2021.
 - The development proposed is planning application to erect fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision notice and appeal form, which accurately and simply describe the development. The fence is in situ and I am subsequently dealing with the appeal retrospectively. I have, nonetheless, considered the development on its own merits.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area, having particular regard to the site's location within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and the setting of Corner Cottage, a grade II listed building.

Reasons

4. The appeal property is a large dwelling located on a busy road. Despite the presence of close boarded and post and rail fencing along Main Road, it is the soft landscaping of varied hedgerows, plants and trees which are predominant boundary features along the road. The combination of the soft landscaping and views, in gaps between built form to the wider AONB landscape, results in an attractive part of the village, complementing its rural qualities, despite the busy road.
5. Corner Cottage is a grade II listed building and is located a short distance along the road and is positioned adjacent to the footway. It is a small cottage dating to the late C18, built from squared ironstone rubble and a pantile roof. The front door is off centre and there is a pleasing simplicity in the alignment and symmetry of the window openings, where two small sash windows are positioned above two larger windows. Its significance arises from its simple

typology and modest scale, its historic fabric and understated appearance which is entirely appropriate in this rural village location.

6. The development has resulted in a long hard edge to the boundary of the appeal property facing Main Road. It is on the same side of the road to Corner Cottage and clearly seen within the same views. At 1.5m high it is similar in height to other hedgerows. However, the combination of its length, height and its solid massing has resulted in a stark feature that does not harmonise with the predominantly soft landscaping or rural qualities of its surroundings.
7. In this regard, it draws the eye and undermines the rural setting of the listed building. There are other recent developments nearby to Corner Cottage, including a new build construction on the opposite side of the road. However, this is set back from the road and did not have a similarly hard edge to the boundary of the road as the development before me.
8. On the other side of the road is a tall close boarded fence. I have no firm details of the circumstances that led to its existence. However, it appears to border the rear garden of the dwelling, lies outside of the AONB landscape and is further from Corner Cottage. As such, the circumstances are not the same as the development before me. Moreover, the presence of this nearby close boarded fence and the development before me, on either side of the road, results in multiple hard edges. In such close proximity, this exacerbates the harm I have identified. It does not therefore justify a development that incrementally erodes the rural quality of the area.
9. Other examples of fencing within Main Road, including at Corner Cottage do not share the same combination of length and height as the development before me and do not, in this regard have similar effects. Moreover, whilst the timber will age, this will take time and does not overcome my concerns regarding its length and height. Moreover, whilst the laurel hedge will grow its position on the rear side of the fence will do little to soften the boundary treatment from the road.
10. The development therefore has a harmful effect on the character and appearance of the surrounding area, having particular regard to the site's location within the Lincolnshire Wolds AONB and the setting of Corner Cottage, a grade II listed building.
11. Although in the context of paragraph 202 of the National Planning Policy Framework (the Framework), the resulting harm to the setting of Corner Cottage is less than substantial. Any harm is a matter that attracts great weight, having regard to paragraph 199 of the Framework. In accordance with paragraph 202 of the Framework I must balance that less than substantial harm against the public benefits of the development.
12. The development improves security and privacy at the host property. Moreover, it provides a physical barrier to the busy road, preventing children and pets escaping and, although I have no substantive evidence, I'm told it reduces traffic noise and vibration. These are matters that are supported by the Framework and the Council's Local Plan. However, there is no evidence to suggest that other ways to achieve the appellant's aims were investigated and discounted that might not have a harmful effect on the character and appearance of the surrounding area. This limits the weight I can afford these matters, and, in this regard, I cannot accept that the Council's refusal implies a

violation of rights under Article 8 or Article 1 of the First Protocol of the Human Rights Act 1998.

13. Although the development benefits the appellant's living conditions and there has been some local support, the benefits to the public are limited. As such, I afford these benefits limited weight within the decision. Given the great weight afforded to conserving and enhancing landscape and scenic beauty in AONBs and the conservation of heritage assets, I am not persuaded that the benefits outweigh the harm in this instance.
14. As such, I find conflict with the requirements of Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan (2017) and the provisions of the Framework. These say, amongst other things, that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area.

Other Matters

15. Concerns regarding the processing of the application, are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the development before me.

Conclusion

16. For the reasons given above, the development conflicts with the development plan and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR