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# Appeal Decision

Site visit made on 2 August 2022

**by David Murray BA (Hons) DMS MRTPI**

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

**Decision date: 5 August 2022**

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**Appeal Ref: APP/K2420/W/22/3292353**

**8 Sketchley Meadows, Burbage, Hinckley, LE10 3EN.**

- 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 Amberon Ltd against Hinckley & Bosworth Borough Council.
  - The application Ref 21/01080/FUL, is dated 25 August 2021.
  - The development proposed is the erection of a 2m high triple point palisade fence with matching gates 3m high in an opening 6m wide and opening into the site.
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## Decision

1. The appeal is allowed and planning permission is granted for erection of a 2m high triple point palisade fence with matching gates 3m high in an opening 6m wide and opening into the site at 8 Sketchley Meadows, Burbage, Hinckley, LE10 3EN, in accordance with the terms of the application Ref 21/01080/FUL, dated 25 August 2021, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: • Site Location Plan, received on 19.10.2021 • Site Block Plan, received on 19.10.2021 • Existing elevations Dwg. No DG/13.10.21.8SM, received 19.10.2021 • Proposed elevations Dwg. No. DG/13.10.21.8SM, received on 19.10.2021.
  - 3) The materials to be used shall accord with the approved plan Proposed elevations Dwg. No. DG/13.10.21.8SM and gates should be hung to open away from the highway.

## Main Issue

2. The main issues are the effect of the gates on the character and appearance of the area and on highway safety.

## Reasons

3. The appeal is against the Council's failure to make a decision on the application in the appropriate period (said to be due to 'lockdown' required by Covid Regulations), however the Council, having assessed the case, now recommends that planning permission be granted with conditions.

4. The fence and gates are visually appropriate for this trading estate and would not harm the appearance of the area. The estate is designed with the main entrance to the units and parking area being at the front (north) while the land to the rear of each unit is generally used for storage. The proposed fence would be similar to other fences/gates that exist around other premises nearby. The open fence would allow visibility of vehicle movements through the access. I conclude that the proposal accords with the relevant policies in the development plan, as set out by the Council, and so the appeal should therefore be allowed.
5. The Council recommends 4 conditions: the first two are necessary to regulate the timing of the commencement of the development and accord with the approved plans, both of which are necessary for clarity and I will impose them. It is also essential for highway safety that the gates open inwards and I will impose condition (3). The Council also recommends a condition on sight lines but it is not clear that the visibility splays specified can be achieved within the site. Moreover, I noted from other fences at the visit that the form of fence proposed is mainly 'see-through' and this would provide reasonable visibility of traffic movements for road and footway users. Condition (4) is therefore not needed.

### **Conclusion**

6. For the reasons given above I conclude that the appeal should be allowed.

*David Murray*

INSPECTOR