
Appeal Decision

Site visit made on 15 August 2022

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/G4240/D/22/3300629

Hodge Manor, Hodge Lane, Broadbottom, Tameside SK14 6BW

- 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 Richard Gibson against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21/01131/FUL, dated 20 September 2021, was refused by notice dated 18 March 2022.
 - The development proposed is erection of 1.5 metre high timber boundary fence structure including proposed coverage with green landscape treatment planting.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 1. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
 2. The effect of the proposal on the openness of the Green Belt.
 3. The effect of the proposal on the character and appearance of the area.
 4. Whether the proposal would preserve the setting of the grade II listed building 1-19 Hodge Lane.
 5. Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. Hodge Manor is a detached house set in extensive wooded grounds in a secluded location to the south of Broadbottom. Those grounds are bordered on one side by Hodge Lane, a narrow, unmade single track which serves a limited number of detached residential properties and Nos 1-19 Hodge Lane, a listed building.
4. The existing timber boundary fence at the site, which does not have planning permission, is some 1.8m high and 150m in length. Permission is sought for a

- 1.5m high fence of the same length in the same position which would be stained green. The appeal documents indicate that landscape planting in the form of Ivy, Russian Vine and Cotoneaster would be undertaken adjacent to the fence on both sides.
5. As the National Planning Policy Framework (the Framework) makes clear, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belts are their openness and permanence. The construction of new buildings is considered to be inappropriate development in the Green Belt with defined exceptions set out in paragraphs 149 and 150 of the Framework. The adopted Tameside Unitary Development Plan 2004 (UDP), reflects the Framework in that it seeks to protect the Green Belt from inappropriate development.
 6. The definition of a building¹ includes 'any structure' which would thereby include the construction of a fence. I therefore regard the development as comprising a building within the Green Belt to which none of the exceptions within paragraphs 149 and 150 of the Framework apply. It is therefore inappropriate development.
 7. Inappropriate development within the Green Belts is harmful by definition and, the Framework states, should not be approved except in very special circumstances. I will turn to this matter later.

Effect on the Openness of the Green Belt

8. The site occupies a position on the wooded side of a river valley. Accordingly long-range views are limited. However, openness in Green Belt terms can be taken to mean the absence of development.
9. During my site visit, I noted the lane was well used by walkers and also by vehicles. The existing fence is highly conspicuous. Whilst the proposed fence would be some 30cm lower and would become partly obscured, in time, by planting, it would also be clearly visible to those using the lane. Moreover, given its solid nature, it would have an enclosing effect. Accordingly, the fence has both a visual and spatial dimension. As such, as a result of its height and length, the proposed fence would cause harm to openness. In the context of the Green Belt considered as a whole, that harm would be limited.

Effect of the Character and Appearance of the Area

10. As set out above, the area around the site is wooded and rural. The lane, being narrow, unlit and without footpaths, reflects and contributes to that rural character. Property boundaries around Hodge Lane tend to be marked by dry stone walls which are a typical feature of the rural scene and thereby contribute positively to the character and appearance of the area. In contrast to that, the fence has a suburban character which lacks the robust quality and appearance of the stone walling. Accordingly, given its long length and its position immediately at the lane's edge, it is a dominant and incongruous feature along the lane.
11. I acknowledge that a lower fence would have less of an impact on its surroundings than that which currently exists. I acknowledge that the planting

¹ Section 336 of the Town and Country Planning Act 1990

and staining the fence in a dark green colour would also help soften its appearance. However, I am unconvinced that, even with these measures, the fence would resemble a traditional rural feature but rather would still resemble a suburban structure.

12. I noted the presence of palisade fencing in close proximity to the site and agree that this is an urban feature which, whilst it offers some visual permeability, and thereby retains a degree of openness, is at odds with the rural character of the area. Nevertheless, this is not the predominant boundary treatment in the area and is not therefore the best example of development to follow. Accordingly, it does not justify the proposal before me. Similarly, whilst a length of timber fencing can be glimpsed within a neighbouring domestic garden it does not reflect the general character of boundary treatment along the lane.
13. For these reasons the proposal would be contrary to Policies H10 and C1 of the UDP which require, amongst other things, that development compliments or enhances the character and appearance of an area and that fencing is suitable, enhances the appearance of a development and minimises the visual impact on its surroundings.

The setting of the grade II listed buildings 1-19 Hodge Lane

14. Nos 1-19 Hodge Lane is a terrace of cottages dating from the late 18th century. The building, constructed in stone, is three storeys high with simple mullion windows and architectural detailing. I understand from the list description that the building originally had a full-length workshop on the upper floor. The significance, or special interest, of the building lies in its architectural and historic interest.
15. The Framework describes the setting of a heritage asset as the surroundings in which a heritage asset is experienced. In this case the location of the terrace in an elevated position back from Hodge Lane, allows the special interest of the building to be appreciated. In that way its immediate surroundings contribute positively to its significance as a heritage asset.
16. The fence lies around 100m from the listed building but, because of its position around a bend in the lane, it is not readily visible from it. There is no significant visual association between the terrace and the fence. Therefore, whilst the fence is highly visible in the wider context, the immediate setting of the listed building is not unduly affected by it. On that basis the setting of the listed building, and thereby its significance, would be preserved. Accordingly, the proposal would meet the requirements of s66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires that in considering whether to grant planning permission for development which affects a listed building, or its setting, special regard should be had to the desirability of preserving the building or its setting. For the same reasons the proposal would accord with Policy C6 of the UDP which also seeks to preserve the setting of listed buildings.

Other considerations

17. The appellant has set out that as a result of recent events and personal family circumstances, the fence is required to provide security at the property.

From the information before me I accept that there are substantial grounds for the occupants of the property to feel that steps of the kind taken by this development are necessary in the interests of their security. Given that the fence will provide a degree of security and privacy to the appellant's family this is a benefit of the scheme which attracts moderate weight.

18. A Lawful Development Certificate² has established that a 1m high fence could be erected in a similar location without the need for planning permission. At 0.5m lower than that now proposed, such a fence would have less of an impact on openness and on the character and appearance of the area than that before me. I understand from what I have read that were such a fence constructed, it would be untreated and not softened by planting although it seems to me that such measures are open to the appellant. Nevertheless, I am unconvinced that in visual terms such a proposition would be significantly more harmful than the proposal before me.
19. Moreover, it is not clear how a 1m high fence would provide the level of security and privacy the appellant is seeking. As such I am unconvinced that there is more than a theoretical possibility that such development might take place. Accordingly, the fallback position attracts only limited weight in my considerations.

Very Special Circumstances and Conclusion

20. I have found that the proposal would constitute inappropriate development in the Green Belt. Furthermore, the proposal would have a limited but nevertheless harmful effect on the openness of the Green Belt. The Framework is clear that substantial weight is given to any harm to the Green Belt. In addition to that the proposal would cause harm to the character and appearance of the area. This carries additional moderate weight.
21. On the other side of the balance, the considerations advanced in support of the proposal individually and cumulatively carry only moderate weight.
22. On that basis the very special circumstances needed to justify the proposal have not been demonstrated. As such the proposal is contrary to the requirements of the Framework and to Policy OL1 of the Trafford Core Strategy 2012 which seeks to preserve the Green Belt in accordance with national policy. In addition, the proposal is contrary to Policies H10 and C1 as set out above. There are no other considerations before me which would indicate that permission should be granted.
23. For these reasons and taking all other matters raised into account, including representations of both objection and support for the scheme by third parties, the appeal is dismissed.

S Ashworth

INSPECTOR

² Application ref: 20/00703/CPUD