
Appeal Decision

Site visit made on 5 September 2022

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 4 October 2022

Appeal Ref: APP/E2734/C/22/3299030

**Sandy Rocks, Church Hill, Hunsingore, Wetherby, North Yorkshire
LS22 5HY**

- The appeal is made by Charlotte Mills under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 21/00178/PR15) issued by the Council of the Borough of Harrogate on 4 April 2022.
 - The breach of planning control alleged in the notice is: -
"Without planning permission, the erection of a boundary wall, fence and gate over 1m in height adjacent to a highway".
 - The requirement of the notice is: -
"EITHER:-
 1. Remove the wall, fence and gate;
OR
 2. Reduce in height the wall, fence and gate to no greater than one metre".
 - The period for compliance with this requirement is three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) and an application for planning permission is deemed to be made by section 177(5) in respect of the matters stated in the notice as constituting the breach of planning control.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990.

Reasons for the decision

2. The main issue in the appeal concerns the effect of the wall, fence and gate on the character and appearance of the street scene and of this part of the village.
 3. The Council refer to Policy HP3 of the Harrogate District Local Plan, which deals with local distinctiveness. So far as this appeal is concerned, the policy indicates that the design of the wall, fence and gate should be of a high quality that protects, enhances or reinforces the characteristics, qualities and features that contribute to the distinctiveness of the locality; in particular, that they should respect visual relationships, views and vistas. The Council's residential design guide advises: "Boundary construction should reflect local tradition, this may be railings on a low wall, brick, cobble or coursed stone walls with vernacular details."
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4. There are many sorts of roadside boundary features in this locality, including walls, fences and hedges of various kinds and high stone walls further along Church Hill in the conservation area. There is no local distinctiveness or traditional construction in the boundary features in the immediate vicinity of Sandy Rocks and little call for the inclusion of any vernacular detailing or the use of particular materials in the construction of boundary features here. The neighbourhood has also taken on a more built-up appearance following the construction of new houses nearby.
5. I do not consider that the wall, fence and gate at Sandy Rocks have an impact beyond a short length of Church Hill near the property. In particular, they do not affect the conservation area, because it is too far away and only an oblique view of them is available from there. However, viewed from the nearest part of Church Hill they cause substantial damage to the street scene because of their height and bulk, giving the frontage an appearance that is significantly out of keeping with its surroundings.
6. It is unfortunate that the appellant did not realise that the wall, fence and gate did not have planning permission when she acquired the property and I understand her wish to protect her security and to keep her guard dog within the confines of the property. None of these matters is in my opinion sufficient to overcome the harm to the street scene caused by the wall, fence and gate. I have therefore concluded that planning permission for them should be withheld and have dismissed the appeal.

D.A.Hainsworth

INSPECTOR