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## Appeal Decisions

Site visit made on 22 October 2022

**by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP**

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

**Decision date: 16 November 2022**

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**Appeal A: Ref APP/K0425/C/21/3285779**

**Appeal B: Ref APP/K0425/C/21/3285788**

**Land at Gowanmead, Manor Road, Hazlemere, Buckinghamshire HP10 8JA shown edged red on the plan attached to the notice ("the Land")**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - Appeal A is made by Mr Jarek Pleszko and Appeal B is made by Anna Louise Pleszko against an enforcement notice issued by Buckinghamshire Council.
  - The enforcement notice, numbered 21/00195/OP, was issued on 21 September 2021.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of front boundary walls.
  - The requirements of the notice are to:
    1. Demolish the walls (outlined in blue on the plan attached to the notice);
    2. Remove from the Land (shown in red on the plan attached to the notice), all materials and debris resulting from carrying out step 1 of this Notice.
  - The period for compliance with the requirements is 4 months.
  - The appeals are proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended. Since appeals on ground (a) have been made, applications for planning permission deemed to have been made under section 177(5) of the Act as amended fall to be considered.
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### Decisions

1. Appeals A and B are allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of front boundary walls on land at Gowanmead, Manor Road, Hazlemere, Buckinghamshire HP10 8JA referred to in the notice.

### Ground (a) and the deemed planning applications (Appeals A and B)

#### *Main Issue*

2. The main issue in the appeals is the effect of the development on the character and appearance of the streetscene and local area.

#### *Reasons*

3. The development attacked by the notice comprises stone-filled gabions forming a front boundary treatment that ranges between 1.6 and 1.8 metres in height.
4. The Council is opposed to the development because it is of a view that the boundary walls (by reason of their design, materials, size and siting) appear as alien incongruous features that are out of character with a locality where no other such development exists.

5. It is certainly true that this development is unusual, and I am not aware of any other examples in the locality. However, Manor Road is characterised by a diversity of large properties with varied and interesting designs and this is reflected in a lack of uniformity in boundary treatments. Indeed, there is a property further along the road from the appeal site which strongly contributes to the eclectic mix through a building of prominent medieval castle design fronting the highway. It has an associated front boundary treatment incorporating a gateway served by stone pillars of correspondingly dominant and unusual design. Within this setting, the appeal development (which is moreover far less striking in appearance than the above development) is not alien or incongruous. The Council is concerned about the setting of a precedent, but as a matter of fact, the precedent for diversity already exists within the very varied character and appearance of the area noted in its own assessments<sup>1</sup>. In any case, although unusual in design and materials<sup>2</sup>, the appeal development is not visually unappealing or jarring. It is subdued in colour, and relatively modest in size (height and length). Accordingly, it is not striking in those or in any other respects – including as regards its siting, being situated where one would expect a front boundary treatment.
6. For these reasons, the development causes no harm to the character and appearance of the streetscene and local area. Consequently, it is not in conflict with Policies CP9, DM35 and DM36 of the Wycombe District Local Plan (2019) as supported by the Council's adopted Householder Planning and Design Guidance Supplementary Planning Document (2020) which together seek to ensure high quality design which protects the character and appearance of places.

#### *Other Matters*

7. While the appeals succeed on the main issue, I also place significant weight on the submitted appraisal<sup>3</sup> by an entomologist and ecologist which concludes that the boundary walls would be colonised and used by many animal and plant species that would enrich the ecology of the local area. That is a benefit of the appeal scheme, supported by the biodiversity principles of the National Planning Policy Framework.

#### **Conclusion**

8. The development complies with the development plan as a whole, and there are no other considerations which outweigh this finding.
9. For the reasons given above I conclude that Appeals A and B should succeed on ground (a) and planning permission will be granted. The appeals on ground (f) do not therefore need to be considered.

*Andrew Walker*

INSPECTOR

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<sup>1</sup> Report on 16/06500/FUL

<sup>2</sup> Or at least in the way they have been used in the design; Stone being a feature of other boundary treatments.

<sup>3</sup> *Ecological appraisal of the wall at Gowanmead, Manor Road, Penn, Hazlemere, HP10 8JA*; Dr Ross Piper, FRES; (19/10/2021)