



Appeal Decision

Site visit made on 26 September 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2022

Appeal Ref: APP/J1915/W/22/3291714

2 Bridgefoot Farm Barns, Church End, Walkern, Hertfordshire SG2 7PB

- 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 Dr Moira Doolan and Mr Philip Hewitt against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0691/FUL, dated 19 March 2021, was refused by notice dated 18 November 2021.
 - The development is the erection of a fence.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a fence at 2 Bridgefoot Farm Barns, Church End, Walkern, Hertfordshire SG2 7PB in accordance with the terms of the application, Ref 3/21/0691/FUL, dated 19 March 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 2 and PROP A200.

Main Issues

2. It is considered that the main issues are (a) the effect of the development on the character and appearance of the surrounding area (b) whether the development in a Local Green Space would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy and (c) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Character and Appearance

3. The development includes a wooden post and rail fence, approximately 1.2 metres in height, which has been erected separates an area of land, subject of a biodiversity enhancement scheme, located adjacent to the Rive Beane from a public footpath. The purpose of the fence is to preclude people using the public footpath from the land which is in private ownership.
4. Although landscape concerns have been raised, the Council has not , claimed that the erection of the fence has failed to preserve the character and appearance of the Walkern Conservation Area. Further, no harm is identified by the Council to the setting of a near-by Listed Building. There is no heritage

objection from the Council's Conservation Officer. There are no reasons to depart from the Council's assessment of the development not causing harm to the heritage assets and their settings and, as such, there would not be a conflict with the relevant statutory duties which apply.

5. The character and appearance of the surrounding area is influenced by the residential development which forms part of the settlement, the well treed river corridor with its associated meadow, the church with its associated car park on the opposite side of the river and the open field to the south. The ecological area makes a positive contribution to the river's open character and its verdant appearance.
6. Within the surrounding area there are a variety of means of enclosure, including other wooden post and rail fences which enclose gardens adjacent to the footpath. Instead of wooden railings, there is an extensive post and metal rail fence between the footway of the road and the carriageway. Other means of enclosure include hedgerows, stone and brick walls and post and wire fences.
7. When walking along the short length of public footpath, which is bounded on either side by post and rail fences, there is no unacceptable sense of enclosure by reason of the height and design of the appeal scheme. There remains a sense of openness with views both above and through the fence towards the river corridor's trees and other vegetation. This situation would not change when the metal mesh is erected to complete the development which is required preclude access for dogs. The experience and enjoyment of people walking along the public right of way is not significantly reduced or harmed by the fence to such a point which would justify this appeal being dismissed.
8. The appeal scheme is typical of other nearby means of enclosure and is not an incongruous form of development. There is no conflict with Policy VILL2 of the East Hertfordshire District Plan (DP) which requires development to be well designed and in keeping with the character of the village. There is also no material change to the landscape character and appearance of this part of the Conservation Area associated with the river corridor.
9. Viewpoints 2 and 3 identified in the Walkern Neighbourhood Plan (NP), and the subject of protection under Policy 2, would not be harmed. For the reasons already given, there would not be a conflict with DP Policy VILL1 which requires development not to unacceptably block important views or vistas and/or detract from the openness of the countryside.
10. Overall, the character of the landscape in the area surrounding the appeal site is conserved as required by DP Policy DES2 of the East Hertfordshire District Plan. Accordingly, it is concluded that the development does not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it does not conflict with DP Policies VILL2, and DES2 and NP Policy 2.

Local Green Space

11. The ecological area and the fence form part of a designated Local Green Space subject to the requirements of NP Policy 7. This policy refers to development only being allowed within designated Local Green Spaces where very special

circumstances can be demonstrated in accordance with Green Belt policy in the Framework.

12. The erection of a fence is not one of the forms of development which is not inappropriate in the Green Belt, or in this case a Local Green Space, provided the proposal preserves its openness and does not conflict with the purposes of including land within it. The Framework is clear that very special circumstances will not exist unless the potential harm to the Local Green Space by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
13. There are a number of considerations claimed by the appellants to support the erection of the fence. These circumstances include the ability to erect a fence of up-to 1 metre in height (rather than 1.2 metres) to enclose the ecological area without the need for planning permission to which significant weight is given. Similar weight is given to the lack of unacceptable harm to the openness of the surrounding area and the purpose of the fence to enclose the ecological to promote its biodiversity. This purpose accords with one of the purposes of a Local Green Space designation which is to promote the ecological area's richness of wildlife. Moderate weight is given to the absence of unacceptable harm to the character and appearance of the surrounding area and the preservation of the heritage assets. When taken together, the judgement is that these considerations are such they do amount to the very special circumstances required to outweigh the potential harm to the Local Green Space.
14. On this issue it is concluded that the development does not cause unacceptable harm to the Local Green Space and, as such, it does not conflict with NP Policy 7.

Conditions

15. The Council has not suggested conditions in the event this appeal succeeds. For reasons of clarity, a condition is necessary to secure the erection of the completed fence in accordance with the approved drawings. An implementation condition is unnecessary because the development has been substantially erected.
16. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR