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# Appeal Decision

Site visit made on 22 February 2023

**by J Hobbs MRTPI MCD BSc (hons)**

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

**Decision date: 31 March 2023**

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**Appeal Ref: APP/F2415/D/22/3308902**

**Illston Heights, Main Street, Illston On The Hill, Leicestershire LE7 9EG**

- 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 D Abey against the decision of Harborough District Council.
  - The application Ref 22/01198/FUL, dated 9 June 2022, was refused by notice dated 2 August 2022.
  - The development is a 2.1m high boundary fence.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. On the appeal form the appellant was named "Mr Darrell Abbey", it has since been confirmed in writing that the appellant is "Mr D Abey", as identified on the application form.
3. On the application form the appellant confirms that at the time of submitting the application construction had commenced and the works had been completed. The Council has also considered the scheme as a retrospective application. At my site visit I saw a fence in place, which matches the fence shown on the submitted plans and I have considered the appeal on that basis.

## Main Issue

4. The effect of the boundary fence on the character and appearance of the Illston On The Hill Conservation Area.

## Reasons

5. The appeal site is located within the Illston On The Hill Conservation Area (Conservation Area). From my observations, the significance of the Conservation Area includes the historic setting of the village which includes the verdant boundary treatments, which are often short, these features combine to create an open and verdant character for the village.
6. There are a variety of boundary treatments present in Illston on the Hill. The most prevalent are hedges, low walls and post and rail fences. Often vegetation is located behind and above the low walls and post and rail fences. There are some other examples of close boarded fencing in the Conservation Area. However, the number of examples is limited, and those fences are often short in length.

7. The boundary fence is taller and longer than other boundary features. The close boarded fence acts as a visual screen and is overly bulky in a prominent location on the approach into the village. The fence is at odds with the prevailing character and appearance of open and verdant boundaries and therefore it appears as an incongruous feature.
8. The neighbouring property, The Laurels, is a Grade II listed building. From my observations, its significance includes the historic setting of the building which includes a number of residential properties, including the appeal property, and how it fronts onto Main Street. There is some distance between the fence and the listed building, across two driveways, and it does not interrupt important views from Main Street. The Laurels is already viewed with differing residential features, the boundary fence is just a new feature within its setting. As such, the fence preserves the setting of the listed building.
9. Given the scale of the development, the boundary fence leads to less than substantial harm to the setting of the Conservation Area. However, the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. The boundary fence provides security benefits to the residents of the appeal proposal and could lead to a reduction in antisocial behaviour. It also provides privacy benefits to the residents of the appeal property and neighbouring residents. However, it has not been demonstrated that this is the only solution to provide privacy and security benefits. In light of the individual circumstances of this case, the public benefits are moderate and therefore do not outweigh the harm.
11. Therefore, the boundary fence has an unacceptably harmful effect on the character and appearance of the Conservation Area. The appeal scheme is therefore contrary to policies HC1 and GD8 of the Harborough Local Plan 2011 to 2031, April 2019. These policies indicate that development affecting heritage assets will be permitted where it protects, conserves or enhances the significance of a designated heritage asset and where it achieves a high standard of design. The appeal scheme is also contrary to sections 12 and 16 of the NPPF. These sections require planning decisions to ensure that developments are sympathetic to the local character and history and, when considering proposals to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.

## **Conclusion**

12. The fence has an unacceptably harmful effect on the character and appearance of the Conservation Area. I attach substantial weight to this finding against the appeal.
13. In this case the fence aims to address safety and health concerns for the occupiers where protected of characteristics of race and disability are relevant. I sympathise with these circumstances and the submission refers to previous incidents at the site have occurred. Nonetheless, while the use of CCTV at the site has been referred to, I have not been provided with evidence that the appeal scheme is the only feasible option to achieve the appellant's aims. therefore, while I acknowledge the benefits the fence brings, these attract moderate weight.

14. I have had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010, but the harm caused by the development outweighs its benefits, in terms of eliminating discrimination against people with protected characteristics, advancing equality of opportunity for those people and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.
15. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
16. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*J Hobbs*

INSPECTOR