

Appeal Decision

Site visit made on 25 April 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/E9505/D/22/3307318

4 Bureside Estate, Crabbetts Marsh, Horning, NR12 8JP

- 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 Peter Jackson against the decision of the Broads Authority.
 - The application Ref BA/2021/0193/HOUSEH, dated 24 May 2021, was refused by notice dated 29 July 2022.
 - The development proposed is a new fence to match the height of the existing fences at the boundary at 5 Crabbetts Marsh in order to hide the current unsightly and dilapidated appearance.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has expressed concerns in respect of the amount of time taken for the Local Planning Authority to determine the application relating to this appeal; and concerns in respect of the Local Planning Authority failing to take enforcement action in relation to fencing on neighbouring land.
3. These are matters between the appellant and the Local Planning Authority. However, in respect of the latter concern, I note that the Local Planning Authority's officer's report refers to the fencing in question as "frankly a mess" and I also note that the appellant refers to having been informed that an officer would seek permission to investigate enforcement proceedings.
4. There is nothing before me to suggest that enforcement proceedings have commenced in respect of the fence considered by the Local Planning Authority to appear as "a mess."

Main Issue

5. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal property is a single storey, recently constructed detached timber-clad dwelling. It is situated in a riverside location within a small private estate largely comprising detached riverside dwellings.
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7. The appeal property is located within the Norfolk Broads. The Norfolk Broads has the same status as National Parks. The National Planning Policy Framework (NPPF) affords great weight to conserving and enhancing landscape and scenic beauty in the Broads, which along with National Parks and Areas of Outstanding Natural Beauty, have the highest status of protection in relation to these issues. The NPPF is explicit in requiring the scale and extent of development within the Broads to be limited.
8. Like neighbouring properties, the appeal property is set between a vehicular access lane/parking area and a small garden area adjacent to the river/direct river access. Houses in this area are set on long comfortable plots, albeit relatively close to one another.
9. The generally low height of dwellings and presence of occasional gaps around them provides for a sense of openness, spaciousness and greenery. During my site visit, I observed boundaries between properties to be varied in appearance, but generally constructed in a manner that preserves this sense of openness and spaciousness, whilst providing for a degree of separation, privacy and/or security.
10. The proposed fence would be of varied height and solid appearance, such that it would effectively “block out” views of the existing boundary fencing to Number 5 Crabbetts Marsh. As noted above, the fencing to Crabbetts Marsh is regarded by the Local Planning Authority as appearing “messy.”
11. Whilst unattractive in places, the fencing to No 5 alongside its boundary with the appeal property does not detract significantly from the area’s open and spacious qualities. The use of trellis-style fencing at higher levels provides for a relatively airy effect, allowing for the penetration of light and combines with the occasional presence of greenery to afford a softening effect, in keeping with surroundings.
12. By way of contrast, whilst I do have sympathy with an approach that seeks to hide messy areas of fencing, the proposed development would itself result in a fence that would appear unduly tall, due to its solid form. This would result in an increased sense of enclosure out of keeping with the area’s qualities. The harmful impact of this would appear most stark towards the river, where there is a general sense of “opening up” to the water views.
13. Taking the above into account, I find that the proposed development would serve to harm the area’s identified attributes. This would be contrary to the NPPF and to Local Plan¹ Policies DM16, DM43 and HOR3, which together amongst other things, seek to protect local character.

Other Matters

14. The Local Planning Authority’s decision notice states that the proposed development would harm highway safety. However, the property is located along a woodchip-surfaced private lane in an area where vehicle movements are restricted to 5 miles per hour and where there is plentiful space for cars to park and manoeuvre within an area of wide visibility and where there are

¹ Broads Authority, Local Plan for the Broads 2015-2036 (2019).

negligible vehicular or pedestrian movements. Consequently, the proposed fence in this location would not result in any harm to highway safety.

Conclusion

15. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR