



Appeal Decision

Site visit made on 3 October 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/N1730/W/23/3319605

Nuthatch, Church Lane, Heckfield, HOOK, Hampshire, RG27 0LG

- 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 Bruce Wheeler against the decision of Hart District Council.
 - The application Ref 22/01250/FUL, dated 10 June 2022, was refused by notice dated 4 January 2023.
 - The development proposed is the change of use of amenity land to garden and erection of a 1.85m fence (Retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of amenity land to garden and erection of a 1.85m fence (Retrospective) at Nuthatch, Church Lane, HOOK, RG27 0LG in accordance with the terms of the application, Ref 22/01250/FUL, dated 10 June 2022, and the plans submitted with it, subject to the following condition:
 - 1) The laurel and conifer trees planted on the outside of the fence, as shown on Image 1 page 4 of the appellant's statement of case, shall be retained. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Main Issue

2. The main issue is the effect of the change of use and fence on the character and appearance of the area, part of the Heckfield Conservation Area.

Reasons

3. The appeal site comprises a detached property which lies near the junction of Church Lane and the B3349 within the hamlet of Heckfield. The site lies in the Heckfield Conservation Area.
4. It is apparent from the appellant's submissions that the land was previously part of the highway but highway rights have been formally extinguished by Hampshire County Council and the land transferred to the appellant. The change of use has taken place and the land incorporated into the garden of Nuthatch. Further, a wooden overlap fence has been erected around the boundary which is about 1.8m high topped by an open trellis element.
5. I noticed at the site visit that laurel shrubs have been planted on the public side of the fence along Church Lane and conifer trees along the B3349 side. These reflect the established hedges that generally exist locally and contribute to the verdant nature of the properties along Church Lane.

6. When seen on a map the open aspect of the southern side of the junction appears slightly less than that on the northern side around the access to Highfield Park, however, this is not material on the ground. I am satisfied that the change of use does not result in a harmful effect on the significance of the heritage asset of the conservation area or the wider landscape. With the landscaping scheme already carried out I find that the proposal preserves both the character and appearance of the conservation area. There is no conflict with the requirements of Policies NBE2, NBE 8 or NBE9 of the Local Plan as the proposal would enhance the landscape character of the area and contribute positively to the historic environment. This position is not outweighed by any other factor which indicates that the appeal should be allowed.
7. The Council requests that two conditions be imposed. These relate to the commencement of development and accord with the approved plans but as the development has already been completed these are not necessary. It is necessary however to have a condition on the retention of the landscaping that has been carried out as this helps mellow the visual impact of the wooden fence.

Conclusion

8. For the reasons given I conclude that the appeal should succeed.

David Murray

INSPECTOR