



Appeal Decision

Site visit made on 3 January 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/U2750/D/23/3332146

The Old Chapel, Park Road, Barlow, Selby, North Yorkshire YO8 8ES

- 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 Raymond Richardson against the decision of North Yorkshire Council.
 - The application Ref 2022/0285/HPA, dated 7 March 2022, was refused by notice dated 9 October 2023.
 - The development proposed is erection of timber fence and pillars to existing front boundary wall to a maximum height of 1.9 metres, including pedestrian gate (retrospective) and erection of a garden shed.
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Decision

1. The appeal is dismissed insofar as it relates to erection of timber fence and pillars to existing front boundary wall to a maximum height of 1.9 metres, including pedestrian gate (retrospective). The appeal is allowed insofar as it relates to erection of a garden shed and planning permission is granted for erection of a garden shed at The Old Chapel, Park Road, Barlow, Selby, North Yorkshire YO8 8ES in accordance with the terms of the application, Ref 2022/0285/HPA, dated 7 March 2022, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Layout Plan - LAY01, 1 - Front Elevation, 2 - Rear Elevation, 3 - Side Elevation (Right Hand), and 4 - Side Elevation (Left Hand).

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
3. It is indicated that the planning application was submitted retrospectively, and I saw that development had commenced at the time of my visit.
4. The government published a revised National Planning Policy Framework (the Framework) in December 2023. This does not materially change the planning policy context in respect of the main issues and I have determined the appeal on the basis of the new Framework.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is a chapel converted to a residential use. The site is located in a prominent position within the streetscape, and as a relatively unique feature within the village it makes a positive contribution to the character and appearance of the area. Based on the evidence before me, permitted development rights were removed from the dwelling as part of the permission for the conversion of the building.
7. The site is located adjacent to a school playing area. Although the school is bounded by a high fence along the highway, this is of an open mesh design which enables a high degree of visibility through it, and it does not therefore appear as an obtrusive feature. On the other side, the appeal site is bounded by bungalows set back behind open plan front gardens. Although there are other forms of means of enclosure in the wider area, in the vicinity of the site these consist of primarily low walls, or higher hedges which are of a softer landscaped character.
8. Based on photographs provided by the appellant, the appeal site originally had a low wall to the front and sides which gave the setting of the building a relatively open appearance and which enabled the appreciation of the character of the building and its original function within the village. The site did contain a higher driveway gate, but this was a relatively minor feature and did not extend around the site in the same manner as the appeal proposal.
9. In contrast to the original means of enclosure of the site and the wider context, the appeal proposal appears as a hard angular feature projecting into the streetscape which jars with the relatively open character of low means of enclosure and the softer appearance of hedging. The higher gates and supporting structures projecting to the front of the building add to this incongruous appearance. Although the proposed fence is of a decorative design and there is a degree of planting within the site, this does not mitigate for the hard enclosing effect of the fence on this prominent and attractive building within the streetscape.
10. The appellant refers to a site elsewhere in the village with a fence adjacent to the highway. However, I have not been provided with details as to the circumstances that led to the erection of this fence to demonstrate that it is a direct parallel to the appeal proposal. Also, this served to confirm the harm that can arise from this form of enclosure located directly adjacent to the highway. In any event I have determined this appeal on its own merits.
11. I note the comments made in support of the proposal, but they do not lead me to a different conclusion based on my own observations.
12. I am mindful of the appellants concerns in respect of privacy and security. I also recognise that the appellant erected the fence in good faith. However, these personal considerations do not outweigh the harm I have identified in respect of character and appearance.

13. The proposal also includes a shed located to the side of the building. This is a minor structure set back within the site and is not unduly prominent. The Council has raised no objections to the shed, and I see no reason to disagree.
14. I therefore conclude that the timber fence and pillars to existing front boundary wall to a maximum height of 1.9 metres, including pedestrian gate, will lead to significant harm to the character and appearance of the area. This element of the proposal would therefore conflict with the design requirements of Policy ENV1 of the Selby District Local Plan 2005 and Policy SP19 of the Selby District Core Strategy 2013. The proposal would also be contrary to the Framework in respect of achieving well-designed and beautiful places.
15. However, I have also concluded that the shed will not lead to material harm. The two elements of the proposal are clearly severable, and I shall therefore issue a split decision to dismiss the appeal in respect of the fence and associated features, but allow it in relation to the shed.
16. The Council has indicated a condition it considers necessary, and I agree that a condition specifying the approved plans is required in the interests of certainty.
17. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

David Cross

INSPECTOR