



Appeal Decision

Site visit made on 11 January 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/P4415/D/23/3325581

1 Princes Plantation, New Road, Firbeck, Rotherham S81 8LB

- 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 Andrew Gill against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2023/0249, dated 24 February 2023, was refused by notice dated 21 April 2023.
 - The development proposed is described as a timber fence to the front boundary.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Since the fence has already been erected, I have proceeded with reference to retrospective planning permission being sought for the appeal scheme.

Main Issues

4. The main issues are a) whether the fence is inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; c) its effect on the character and appearance of the area; and d) if it is inappropriate development, 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 it.

Reasons for the Recommendation

Inappropriate Development

5. The National Planning Policy Framework 2023 (the Framework) establishes that new buildings and certain other forms of development in the Green Belt are inappropriate except in certain circumstances. These are listed in paragraphs 154 and 155. The term 'building' includes any structure or erection. It is therefore reasonable to refer to a fence, in Green Belt terms, as a building for the purposes of the Framework. Since a fence does not fall within any of the
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closed list of exceptions in paragraphs 154 or 155, it is therefore inappropriate development which is, by definition, harmful to the Green Belt.

Openness

6. Openness is an essential characteristic of the Green Belt. Planning Practice Guidance states that openness is capable of having both spatial and visible aspects.¹ The fence, as a presence and means of enclosure, has had an unavoidably reducing effect on the spatial aspect of the Green Belt's openness. Its height and run have also reduced views of the wider Green Belt from Penny Hill and New Road to the front of the site. Whilst perhaps limited in the grand scheme since this is a fence to the boundary of a residential property, the reduction to the openness of the Green Belt causes further harm thereto since one of the fundamental aims of Green Belt policy is to keep land permanently open. This harm is as well as that caused by the inappropriateness of the development.

Character and Appearance

7. The appeal site is one of a group of four residential properties at the junction of Penny Hill and New Road. They are surrounded by fields and separated from the village of Firbeck. The fields are bounded by hedgerows, while the boundaries of the properties that front onto New Road are a mix of low brick walls, railings, picket fencing and landscaping. There is a pleasantness to the rurality of the street scene that contributes positively to the character and appearance of the area.
8. The fence has replaced a large section of hedgerow. Even if the hedge was overgrown with brambles, it would have contributed positively to the rural feel of the area. The previous chain-link fence appears to have been of a lightweight appearance that blended in with the hedgerow. In this case the height, close boarded design and extent of the fence is a discordant feature which does not sit appropriately with the rurality of the area and, as a result, is an obtrusive feature in the street scene. Whilst painting it could reduce the starkness of its appearance, it would not go far enough to make it acceptable.
9. Firbeck Hall and opposite St Martins Close, Firbeck are a considerable distance away and, as such, have no bearing on the street scene at the appeal site. No substantive details of any planning permissions for fences associated therewith have been provided. Moreover, the fence at Firbeck Hall appears to be set back from the road and greenery is growing against it. The fence opposite St Martin's Close is within a built-up area where such development is more common and befitting of its context. These examples do not therefore change my findings on harm to the character and appearance of the area.
10. The fence is therefore contrary to Policy CS28 of the Rotherham Local Plan Core Strategy 2014 and Policy SP55 of the Rotherham Local Plan Sites and Policies 2018 (SP). These require, amongst other things, development to be responsive to its context and positively contribute to the local character and distinctiveness of an area. The fence also conflicts with Design Guidance 2.10 in the Rotherham Local Plan Householder Design Guide Supplementary Planning Document, which alludes to high front boundaries creating a poor street scene.

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

Other Considerations

11. Although the fence provides security for the appellant and partially obscures the view of the detached garage, it has not been demonstrated that these could be achieved in a way that does not cause the harm identified above. As such I ascribe this matter limited weight.

Conclusion and Recommendation

12. The fence causes harm to the Green Belt by way of inappropriateness and through reducing openness, to which substantial weight should be afforded. There would also be harm to the character and appearance of the area. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations, as I have explored them above, are patently incapable of clearly outweighing the totality of the harm I have found. Consequently, the very special circumstances necessary to justify the fence do not exist.
13. Accordingly, and as well as the aforementioned policies, the fence conflicts with SP Policy SP2. This requires that inappropriate development should not be approved except in very special circumstances. There are no material considerations, including the approach of the Framework, which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

John Morrison

INSPECTOR