



Appeal Decision

Site visit made on 30 July 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2024

Appeal Ref: APP/P1560/W/24/3340670

Tendring Meadow Care Home, The Heath, Clacton-on-Sea CO16 0BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Neelesh Kumar against the decision of Tendring District Council.
 - The application Ref is 23/01020/FUL.
 - The development is a new 2m high metal fence to perimeter of boundary that fronts the highway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted retrospectively, and I saw during my site visit that the boundary fence had been fully constructed. I have therefore considered the appeal on a retrospective basis.
3. In their statement, the appellant makes reference to the description of the development being incorrect. However, no alternative has been provided and therefore the description above has been taken from the submitted application form. The appellant has also put forward that the submitted plans are incorrect in relation to the height of the development. However, no amended plans have been provided as part of the original application or this appeal and therefore I have considered the appeal development in accordance with the submitted plans and as I viewed it during my site visit.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is occupied by a large building, in use as a nursing home, on a corner plot located between Heath Road and Tendring Road. The surrounding area has some sporadic development with a mix of residential, agricultural and commercial uses. However, this built form is limited and the area is largely rural in nature with large open fields surrounding and a leafy appearance. The development subject of this appeal is a metal fence on the front and side boundary of the appeal site adjacent to the highway.
6. Whilst the fence is green in colour, intended to blend in with the surrounding environment, the use of sheet steel gives it a stark and industrial appearance

at odds with the verdant and rural surrounds. The current scale of the fencing, both in height and width, along with its proximity to the roadside make it an overly prominent and incongruous addition to the streetscene, to the detriment of the character and appearance of the surrounding area.

7. The fencing on the side boundary, along Tendring Road, is set further back from the road with some vegetation located on the verge between this part of the fence and the roadside. However, its scale and industrial appearance is still highly visible from the public realm and therefore this existing foliage does not sufficiently mitigate its harmful impact upon the streetscene.
8. Climber plants have been attached to the fencing along the front boundary but they are not well established and provide little in the way of screening at this present time. The appellant indicates that the front fence is set back 0.5 metres from the boundary of the site which could be filled with soft landscaping to further screen the fencing. However, during my site visit I noted that the fence largely abuts the pavement, which may well be owned by the appellant, but could not be reasonably removed to make way for additional planting. Therefore, the screening already implemented and the screening proposed as part of this appeal is not sufficient to minimise the harmful impact of the fence on the character and appearance of the area.
9. Therefore, for the reasons above, the development significantly harms the character and appearance of the surrounding area and would conflict with Policy SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan (2021) and Policies SPL3 and PPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (2022). These policies collectively seek to ensure that new development protects the rural landscape and responds positively to local character and context to preserve the quality of existing places and their environs, relating well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials. It would also be contrary to the general design objectives of the National Planning Policy Framework.

Other Matters

10. In reaching my decision I have had full regard to the circumstances that have led to the need for the development. However, whilst I am sympathetic to these circumstances, I see no reason as to why an alternative solution could not be found which would be more suitable to the surrounding environment and also provide the level of security necessary for the occupants of the care home and the local community. I note that a timber fence could be more easily damaged than a metal fence. Nevertheless, no evidence has been provided to suggest that all other solutions have been fully explored. Therefore, as the harm to the character and appearance of the area is significant, it is not outweighed by these factors.
11. The appellant's claims in relation to the conduct of the Council, regarding the description of the development, submitted plans and communication, are noted. However, I have reached my own conclusions from the evidence provided and my findings during the site visit and, as such, this has no bearing on my overall consideration of the appeal.

Conclusion

12. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR