



Appeal Decisions

Site visit made on 6 January 2025

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal A: APP/A3655/C/23/3328499

Appeal B: APP/A3655/C/23/3328500

Land known as 1 Randolph Close, Knaphill, Woking, Surrey GU21 2NF

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr C Sherred (Appeal A) & Ms C Walton (Appeal B) against an enforcement notice issued by Woking Borough Council.
 - The enforcement notice was issued on 20 July 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission: (a) the material change of use of part of the Land from amenity land to residential garden; (b) the erection of a close boarded timber fence and concrete posts along the boundary of the amenity land measuring approximately 1.8 metres in height.
 - The requirements of the notice are: i) Permanently cease the use of the amenity land as residential garden; (ii) Permanently remove from the Land the close boarded timber fence and concrete posts; (iii) Re-instate the boundary of the residential garden with a wall or fence no greater than 2 metres in height to its previous alignment before the breach set out in this notice took place; (iv) Restore the amenity land to its previous condition before the planning breach set out in this notice took place (the previous condition of the land as shown in the photographs submitted by the applicant as part of planning application PLAN/2023/0404, untitled and undated); (v) Remove from the Land all materials, rubble and debris including all associated paraphernalia arising from compliance with requirements (i), (ii) (iii) and (iv).
 - The period for compliance with the requirements is 3 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Summary of Decisions

1. The appeals are allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matter

2. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. It however does not raise new material planning considerations for the purposes of my assessment and therefore injustice to the parties does not arise.

Appeals A and B - The ground (a) appeal

Main Issue

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

Reasons

4. The appeal site relates to an area of land adjoining an end-of-terrace property situated on a corner plot, located in Goldsworth Park. The development relates to the enclosure of the land into the garden of the property and the erection of a 1.8m timber fence with concrete posts.
5. Goldsworth Park is a large housing estate largely constructed in the 1970's and 80's. It contains a significant number of small parcels of land or verges between the boundaries of properties and footways.
6. I am in no doubt that these formed part of the planned layout of the estate and during my site visit it was clear that many of these make an important contribution to the character of the area. The appeal site is however not an open space area of public value because it did not offer an important opportunity for sport and recreation. It is merely a sliver of land between a rear garden and footway and there is then a further area of verge and bus stop.
7. The enclosure of the land, when viewed in context from the entrance to the estate from Robin Hood Road and within Creston Avenue itself, has however had very little effect on the openness of the area or street-scene. This is because of the otherwise spacious and mature character of the area. Furthermore, the bus stop and further area of verge acts as a visual foil and so the fencing does not appear unduly imposing given it is then set back some distance from the highway. The enclosure of the land therefore does not undermine the spacious or attractive landscape setting of the area. The fencing has mellowed in colour since it was first erected and accordingly respects and makes a positive contribution to the street-scene.
8. I appreciate the Council is concerned to ensure that areas of land such as this remain devoid of built development and wish to avoid piecemeal enclosure. However, each case must be assessed on its individual merits and the enclosure of the appeal site has had a very limited effect on the visual amenities of the area. It therefore did not make an important contribution to the areas more spacious character and has not resulted in the loss of an important landscape feature. It is certainly not oppressive to pedestrians.
9. I conclude the development is not harmful to the character and appearance of the area and accords with Policies CS21 and CS24 of the adopted Woking Core Strategy, October 2012, and Policy DM2 of the adopted Development Management Policies Development Plan Document, October 2016. These Policies, amongst other things, require development to respect and make a positive contribution to the street-scene and the character of the area in which they are situated, provide positive benefit in terms of landscape and townscape character, and retain other important landscape features where practicable. For the same reasons, the development accords with the adopted Woking Design SPD, February 2015, and the achieving well-designed places objectives the Framework.

Other Matters

10. Policy CS17 of the CS and the definition of open space in the Framework have also been brought to my attention. However, as already noted, the appeal site did not offer an important opportunity for sport and recreation, and I also have very limited evidence that the appeal site was otherwise defined and then

protected as an area of public open space, or similar. The refusal of planning permission for a similar development in 1987 has also been highlighted, but this was a considerable time ago and with different planning policies. I consequently afford this very limited weight.

Planning Conditions

11. Given the fence has mellowed in colour since it was first erected and is otherwise acceptable, I find no need for a condition for painting or staining. There is not then space between the fencing and edge of the footway to allow for planting. In light of my findings and that the development is substantially complete, no other planning conditions are necessary.

Conclusion

12. For the reasons given above I conclude that the appeals should succeed on ground (a) and planning permission will be granted.

Appeals A and B - Formal Decisions

13. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely: (a) the material change of use of part of the Land from amenity land to residential garden; (b) the erection of a close boarded timber fence and concrete posts along the boundary of the land measuring approximately 1.8 metres in height on land known as 1 Randolph Close, Knaphill, Woking, Surrey GU21 2NF referred to in the notice.

Paul T Hocking

INSPECTOR