



Appeal Decision

Site visit made on 13 January 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/P0240/D/24/3346551

Dalziel, Chalk Hill, Dunstable, Central Bedfordshire LU6 1RS

- 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 P Hannington against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/00940/FULL.
 - The development is described as 'erection of average an (sic) 2.1m high boundary fence on part of the southern boundary as a continuation of the existing fence'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fence has already been erected and therefore I am considering the appeal retrospectively. There is also a pre-existing fence and access gates along the rest of the boundary, which is not included in the planning application.
3. A new National Planning Policy Framework (the Framework) came into effect in December 2024 and is applicable to this appeal. Neither the changes to the Green Belt section nor any other aspects of the revised Framework materially affect the issues under consideration in this case, so it has not been necessary to seek further views from the parties.

Main Issues

4. The appellant does not contradict the Council's assessment that the fence is inappropriate development in the Green Belt, but argues that very special circumstances exist to outweigh any harm. Policy SP4 of the Central Bedfordshire Local Plan adopted 2021 defers to the Framework for the definition of inappropriate development in the Green Belt. Having considered the development against the Framework, I agree that the fence is inappropriate development as defined therein, since it does not benefit from any of the exceptions set out in paragraph 154 or other relevant paragraphs. Therefore, the main issues are:
 - the effect on the openness of the Green Belt,
 - the effect on the character and appearance of the rural landscape,
 - the effect on highway safety, and
 - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Openness of Green Belt

5. The appeal site is long, narrow parcel of land with open fields to either side. It includes a detached dwelling and garden at Chalk Hill, with a stable building and a strip of woodland at the rear, running up to the boundary with Sewell Lane. There are vehicular access gates from Sewell Lane and a track from those gates extends through the length of the site with steep cuttings and wooded embankments to either side.
6. The fence which is the subject of this appeal is along approximately half the boundary with Sewell Lane. Along the rest of the boundary is a pre-existing fence and gates of vertical metal railings, to which similar close boarded fence panels have been applied. These modifications were not included in the application, on the basis that the appellant had been advised by the Council that they constituted permitted development as they were deemed to be maintenance work.
7. The new fence has a solid, timber boarded form and introduces a new structure along a significant section of the lane, extending to almost 37m in length. Apart from the pre-existing fence, there is little built development in the vicinity of this part of the site, with most of the dwellings along Sewell Lane being beyond the adjacent open fields. Consequently, the introduction of additional built form has an adverse effect on openness in spatial terms. Since the fence is conspicuous from the lane and the continuous timber boarding obstructs any view through it, it also reduces openness in visual terms.
8. As modified, the pre-existing fence also affects openness, for similar reasons. To some extent, that mitigates the effect of the additional fence, since it elongates a similar feature rather than introducing something entirely new. Nevertheless, the development considerably increases the length of the fence and consequently increases its effect on openness, in both spatial and visual terms, to a significant and harmful degree.
9. I therefore conclude that as well as being inappropriate development as defined in the Framework and development plan, the development harms the openness of the Green Belt. It conflicts with Policy SP4 of the Central Bedfordshire Local Plan, which includes a general presumption against inappropriate development in the Green Belt, and with relevant paragraphs in the Framework, which specifies that the essential characteristics of Green Belts include their openness.

Character and Appearance

10. Sewell Lane is a narrow, rural road, largely between open fields with hedgerows and grass verges to either side. The land falls away to the north, which opens up some expansive views across the landscape, particularly to the west of the appeal site. Otherwise, there are a variety of paddocks and smaller fields near the appeal site, with the hamlet of Sewell being somewhat further along the lane. Opposite the appeal site is a public footpath running to the south, perpendicular to the lane, enclosed between hedgerows.
11. The fence introduces a built feature into this otherwise open and leafy rural environment. It has a solid, visually impenetrable form which sits in front of and partly obscures the woodland and other vegetation within the site. Only a very

narrow verge has been retained along the highway edge, so the fence is highly prominent and its appearance is starkly at odds with the softer, leafy hedgerows which otherwise line the highway verges.

12. While the modified, pre-existing fence is also now a feature within the landscape, the new section is more visible from the west, where the introduction of a solid boundary feature is an abrupt change in character compared to the open outlook into the wider landscape. It is also a particularly prominent feature at the end of the public footpath since, from the perspective of anyone approaching from the south, it introduces a solid barrier in front of the woodland within the site. In contrast, the pre-existing fence is largely screened from the footpath by vegetation.
13. For the reasons given above, I conclude that the fence has a harmful effect on the character and appearance of the rural landscape. It is contrary to relevant requirements in Policies HQ1 and EE5 of the Central Bedfordshire Local Plan which, amongst other things, require that all development respects, retains and enhances the distinctiveness of the local landscape and is complementary to the existing natural environment, taking account of landscape character. It also conflicts with relevant paragraphs in the Framework, notably paragraph 135 which includes that development should be sympathetic to local character, including the surrounding landscape setting.

Highway Safety

14. Sewell Lane is a narrow road and forward visibility is somewhat limited to the east of the site, where there is a bend in the road. However, since the application does not include the section of fence at the access or close to the bend, any effect of that fencing on visibility falls outside the scope of this appeal. The fence which is under consideration is on a straighter section of the lane, where it does not obstruct forward visibility and it does not obstruct visibility for drivers leaving the site, taking account of its relationship with the pre-existing fence.
15. Since the fence introduces a solid barrier, it may have slightly reduced views from the lane of vehicles about to emerge from the site. However, given the amount of vegetation within the site, it is likely that there would already have been limited views of any emerging vehicles prior to the development.
16. That being the case, I conclude that the fence in question does not have an unacceptable effect on highway safety. There is no conflict with relevant requirements in Policy T2 of the Local Plan, including the overall requirement that new development must not have a detrimental effect on highway safety. Nor is there any conflict with relevant requirements in the Framework, including paragraph 116 which makes clear that development should only be prevented on highways grounds if there would, amongst other things, be an unacceptable impact on highway safety.

Other Considerations

17. This part of the appeal site is in a relatively isolated, rural location with no streetlights. I have had close regard to the appellant's concerns about its vulnerability to environmental crime and antisocial behaviour, including the specific and ongoing problems described. A desire to reinforce security is understandable, to prevent theft, fly tipping and other risks to the safety and security of the occupants, their possessions and the wildlife habitats within the site.

18. The fence also increases privacy within the southern part of the site, to the benefit of the occupants when maintaining the land and enjoying its recreational value. However, its benefits to the security or privacy of the garden closer to the house, where wildlife is fed and the occupants' dogs are kept overnight, are less clearly evidenced, given the distance of these areas from Sewell Lane, the opportunity for natural surveillance from the dwelling and the scope to introduce means of enclosure more directly around those areas, if required.
19. A lower fence would not provide such effective security or screening. However, there are a variety of ways to provide both visual screening and a physical barrier without disrupting the rural characteristics of the landscape to the same extent. As such, it has not been clearly established that the close boarded design, in very close proximity to the highway, is the only effective solution. Since the harm arising from the development derives largely from the specific design and position of the fence, the scope for security and privacy to be maintained by alternative and more suitable means weighs against these benefits.
20. Depending on the circumstances, the fence may be less unsightly than items dumped on the site. However, since fly tipping is regulated by other means and is generally transitory in nature, in contrast to the permanent presence of the fence, this is not a significant point in favour of the development.

Green Belt Balance

21. The fence is inappropriate development in the Green Belt as defined in the Framework and development plan. It is harmful to the openness of the Green Belt and to the character and appearance of the rural landscape. The Framework states that substantial weight should be given to any harm to the Green Belt including harm to its openness. Very special circumstances will not exist unless that harm, and any other harm resulting from the development, is clearly outweighed by other considerations.
22. The lack of harm to highway safety is a neutral consideration, weighing neither for nor against the development. While recognising the benefits for security, privacy and the prevention of crime and antisocial behaviour, those factors carry no more than moderate weight, for the reasons given. Consequently, the harm to the Green Belt, and the other harm is not clearly outweighed by other considerations and the very special circumstances necessary to justify the development do not exist.

Other Matters

23. While I have noted concerns raised in representations about whether the fence encroaches onto highway land, that is a matter for Highways Authority and other relevant parties to resolve as appropriate and is not a consideration for this appeal.

Conclusion

24. For the reasons given above, the appeal should be dismissed.

Jane Smith

INSPECTOR