



Appeal Decision

Site visit made on 15 January 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 06 February 2025

Appeal Ref: APP/J1860/W/24/3348486

The Sports Pavilion, Greenhill Drive, Malvern, Worcestershire WR14 2BW

- 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 Nicholas Hayes-Wilson of Newtown Sports Junior FC against the decision of Malvern Hills District Council.
 - The application Ref is M/23/01284/FUL.
 - The development proposed is the installation of 2.4 metre high mesh security fencing and gates around the Clubhouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development contained on the application form included a significant amount of detail which included justification for the proposed development. I have amended the description to that included on the decision notice as it provides an appropriate description of the proposal, but I have taken account of the additional information in the determination of the appeal.

Main Issue

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

Reasons

4. The existing Clubhouse is located on slightly higher ground overlooking the existing football pitches and is an area designated as Green Space within the South Worcestershire Development Plan adopted February 2016 (SWDP). It is a low rise building that sits comfortably on its plot and overall, the Clubhouse and playing fields create a sense of verdant openness which makes a significant contribution to the character and appearance of the area.
5. The proposed security fence would be located very close to the external walls of the Clubhouse and would be higher than a standard domestic fence in an effort to protect the Clubhouse from vandalism.
6. I fully understand the appellant's aspiration to protect the Clubhouse from anti-social behaviour and vandalism. Although local residents indicate that this has been overstated, I accept the appellant's evidence that this has been an on-going problem. However, the proposed siting of the fence so close to the footprint of the

Clubhouse and its height would introduce an unacceptably discordant feature within this largely open setting.

7. In this regard I agree with the Officer's Committee report where it was found that the proposal would introduce a feature which would be to the detriment of the openness of the area. However, I do not agree with the report that also found that the design of the proposed fence would be appropriate for its use and would reflect its function and the fact that it is not solid would mean that it can be seen through, which helps to mitigate its impact. Rather, to my mind the proposal would harmfully enclose the Clubhouse behind mesh fencing that would appear as a hard utilitarian barrier at odds with the existing sense of openness that currently makes such an important contribution to the character and appearance of the area.
8. I have considered the other fencing in the area. However, they are not comparable to the proposed development as they are not sited so close to the footprint of an existing building and do not unacceptably diminish the openness of the area. Consequently, the existence of these other examples of fencing does not justify harmful development at the appeal site.
9. As outlined above I understand the appellant's aspiration to protect the Clubhouse from vandalism and anti-social behaviour. I also note that the fencing was suggested by the local police community support officers (PCSO) to prevent such behaviour. However, that objective nor the fact that the proposal is supported by the PCSOs outweighs the significant harm the proposal would have on the character and appearance of the area. Similarly, I accept that the football club plays an important role in the community and is well used and managed. However, again the important role played by the football club does not justify harmful development at the appeal site.
10. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. Consequently, the proposed development conflicts with Policies SWDP 21 and SWDP 38 of the SWDP and Policy MC1 of the Malvern Town Neighbourhood Plan 2015-2030 which among other things seek to ensure development integrates effectively with its surroundings, complements the character of the area, does not compromise the essential quality and character of a Green Space and that the enhancement of existing community facilities respects the character of the surrounding area.

Conclusion

11. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

S Rawle

INSPECTOR