
Appeal Decision

Site visit made on 17 December 2024 by T Morris BA (Hons) MSc

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2025

Appeal Ref: APP/C3430/D/24/3351498

1 The Meadlands, Wombourne, Staffordshire WV5 8HU

- 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 Connor Fitzgerald against the decision of South Staffordshire District Council.
 - The application Ref is 24/00539/FULHH.
 - The development proposed is described as 'new fence'.
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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.

Preliminary Matter

3. The development description on the application form is extensive and includes wording that is not a description of development. Therefore, in the interests of conciseness and clarity, the description of the development within the banner heading above is taken from the appeal form and the Council's decision notice, rather than from the application form.

Main Issue

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

Reasons for the Recommendation

5. 1 The Meadlands (No 1) is a detached dwelling situated at the corner plot where The Meadlands meets Champion Close. It is within an open-plan residential estate where the dwellings are generally setback from the street behind landscaped front gardens and driveways. The side garden of the site is open and the fence-line alongside Champion Close is recessed to align with the front elevations of houses along Champion Close. The planting in the gardens alongside the grass verges, roadside hedges and trees in the wider area contributes towards a verdant semi-urban character. Accordingly, the open landscaped area to the side of the appeal dwelling contributes towards the spacious green characteristics of the surroundings which makes a positive contribution to the character and appearance of the estate.

6. The proposed fence would be a stark feature in the street scene due to its close proximity to the footpath on Champion Close, together with its notable height and its solid design. The proposed fence would be sited well forward of the dwellings of Champion Close and would be a conspicuous addition. The visual impact of the fence would not be materially reduced despite the proposal to set back the fence by 1m from the footpath, and the addition of new planting that would supplement existing planting. The proposal would therefore appear inappropriate in the street scene and would contrast with the more open and verdant characteristics of the appeal site and its wider surroundings.
7. Whilst the appellant has provided some photographs of properties with fences to the boundary within the estate, the addresses of these properties, and the circumstances in which they were erected have not been provided. Similarly, reference is made to application 21/00761/FUL, but no details of this application have been provided. Therefore, I do not know whether these contribute to the local character of the site. Even if the circumstances were similar, from my own observations of the area, the majority of the gardens visible in the street scene are generally open and are free of such tall and solid boundaries close to the footpath. Consequently, the examples provided do not persuade me that the proposal would have an acceptable effect on the character and appearance of the area.
8. I conclude, the proposed development would have a detrimental effect on the character and appearance of the area. In that regard, it would conflict with Core Policy 4 (Promoting High Quality Design) and Policies EQ11 (Wider Design Considerations) and EQ12 (Landscaping) of the South Staffordshire Council Core Strategy (2012), which together require that development proposals achieve a high quality of design, respect local character and distinctiveness including the surrounding development and landscape and protect and enhance key landscape features.

Other Matters

9. There is insufficient detailed evidence before me to confirm whether permitted development rights exist for the plot and therefore whether a fall-back position exists. Whilst the appellant disagrees that planning permission is required; this matter is not relevant as I am dealing with an appeal that seeks to secure planning permission. Furthermore, a proposal for a 1m fence on the boundary alongside a 1.8m hedge inside is not before me as I do not have amended plans that propose this as an alternative scheme.
10. With regards to the numerous objections to plans for 200 homes on green belt land 30m from the appeal site, no further information regarding this has been provided. Based on the evidence before me and given that this seems to relate to an entirely different style of proposal, it is unlikely to be directly relevant to the appeal proposal and therefore does not justify the harm I have found.
11. The absence of objections, the apparent support from neighbours though these are not substantiated by evidence, the way in which the council worked with the appellant and the benefits of the proposal to the appellant does not overcome the harm of the proposed development on the character and appearance of the area and the resulting conflict with the development plan.

Conclusion and Recommendation

12. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

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

Ben Plenty

INSPECTOR