



Appeal Decision

Site visit made on 14 January 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 MARCH 2025

Appeal Ref: APP/R3650/D/24/3347876

1 Glenwood Villas, Fifield Lane, Frensham, Farnham GU10 3AR

- 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 David Rapley against the decision of Waverley Borough Council.
 - The application Ref is WA/2024/00706.
 - The development proposed is described as 'the installation of a 1.8m total height, 1.5m Close Boarded Fence on top of 0.3m Concrete Gravel Boards on the Fifield Lane side of the property boundary'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states the development was completed in June 2023. During my visit, I noted that the fence was complete and that it accords with the application plans before me. I have therefore considered the appeal on the basis that the development has already taken place.
3. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issues

4. The appeal site is within the Green Belt, so the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness and purposes of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The site is located within the Green Belt. Paragraph 153 of the Framework sets out that substantial weight should be given to any harm to the Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework states development in the Green Belt is inappropriate unless exceptions apply. One of these exceptions is the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building.
6. Policy RE2 of the Waverley Borough Local Plan Part One: Strategic Policies and Sites¹ (WBLPPO) and policy DM14 of the Waverley Borough Local Plan Part Two: Site Allocations and Development Management Policies² (WBLPPT) align with the Framework, insofar as an exception is made for extensions and alterations to buildings within the Green Belt, which are in the same use and not materially larger than the existing building.
7. The parties disagree as to whether the fence can be considered as an extension or alteration of the main property, and I have considered the relevant case law³. In this case the fence demarcates a boundary it does not extend or alter the dwelling, rather it delineates the border. Whilst the erection of a fence is a building operation, it is not part of the dwelling in the sense of it being a normal domestic adjunct and therefore it is not an extension or alteration to it. I note that the fence has a functional role associated with the use of the property and it is permanent in nature, but this does not result in it extending or altering the dwelling house.
8. For the reasons above, the fence does not fall within the exceptions to inappropriate development listed in the Framework, and it is inappropriate development in the Green Belt. It is therefore contrary to policy RE2 of the WBLPPO and policy DM14 of the WBLPPT and the Framework.

Openness

9. The fence is a solid close boarded fence positioned in front of a retained hedge that spans 27m in length. Whilst the hedge exceeds the height of the fence, the solid nature of the fence compared to the hedge, combined with its visibility from the street, has a limited visual impact on openness.
10. Despite not negatively effecting the primary purpose of the Green Belt to prevent urban sprawl, for the above reasons, the fence has affected the openness of the Green Belt, albeit to a limited degree. As a result, it is contrary to policy DM14 of the WBLPPT and the Framework.

Character and Appearance

11. Fifield Lane is rural in appearance, with dwellings limited to the appeal site and the properties that lead up to the junction with the A287. The appeal site occupies a

¹ Adopted in February 2018

² Adopted in March 2023

³ Warwick District Council v Secretary of State for Levelling Up, Housing and Communities [2022] EWHC 2145 (Admin)

triangular plot with its western corner bordering open countryside. Opposite the dwellings a steep sided bank covered in vegetation lines the road. Boundary treatments along Fifield Lane and the immediate area are a mix of hedgerows and close boarded fencing. This results in a verdant and consistent appearance which positively contributes to the character and appearance of the area.

12. Given the existence of the close boarded fencing at the adjoining property and other examples in the vicinity, the fence would be in keeping with the prevailing character and appearance of the area. Whilst the Council consider that the former hedge provided a smooth transition between the semi- residential character and the open countryside to the north, the closest section of the site to open countryside has an existing garage and 1.8m tall gates to the vehicular access. Accordingly, the edge of the plot was already characterised by built form as opposed to a hedge.
13. Whilst the fence is taller and longer than the one at the neighbouring property, it is comparable to the section of fencing that leads down to the A287 and there are other examples in the local area. As such the fence reflects the local character of the area.
14. For the reasons above, the proposal would not unacceptably affect the character and appearance of the area. It would therefore be compliant with policy TD1 of the WBLPPO, policy DM4 of the WBLPPT and policy FNP1 of the Farnham Neighbourhood Plan (2020). These policies amongst other things require development to be of a high quality and inclusive design that responds to the distinctive local character of the area.
15. Reference is made to policy RE3 of the WBLPPO in the decision notice which refers to various landscape character areas. However, the relevance of this policy is unclear, as it is not cited in the officer's report and the appeal site does not appear to be located in any of the areas that it refers to. Additionally, policy FNP16 of the Farnham Neighbourhood Plan (2020) detailed in the decision notice refers to extensions, therefore it would not apply to the erection of a fence.

Other Considerations

16. Reference is made to the fallback position of a one metre boundary fence that could be erected within permitted development tolerances. There is a real prospect that this could be erected and as such it is a material consideration in my assessment. Whilst a one metre fence would also have a visual impact on openness, this impact would be significantly less than the existing fence due to it being 0.8m lower. Accordingly, the fallback position is a less harmful alternative and therefore carries little weight as a consideration in the scheme's favour in this respect.
17. The appellant has detailed that due to increasing traffic levels using the road, the hedge has been killed due to surface water being sprayed onto it. Reference is made to spray from passing vehicles leaving a watermark of dirt above a height of one metre. However, it has not been demonstrated with sufficient evidence that the hedge is dead, that any decline is a result of surface water spray or that modifications to the hedge, or alternative solutions, could not achieve the same aim of protecting the property from the noise, runoff and spray from the road.

18. Reference is made to other properties on the road having the same issue. I do not know the planning circumstances nor precise locations of the examples given and, in any event, each scheme must be considered and determined on its individual merits.
19. Whilst there is a height difference between the road and property, this would not prevent modifications to the hedge, or alternative solutions nor would it justify the retention of the fence. The appellant refers to the placement of the fence enabling the hedge to be replanted. However, the erected fence is clearly not temporary.
20. The appellant considers that the fence provides a better sight line for passing traffic and for egressing the property. Given that the fence is positioned in front of the hedge, this seems unlikely and it has not been demonstrated how this would be the case.

Planning Balance

21. The fence constitutes inappropriate development in the Green Belt resulting in limited harm to its openness. Inappropriate development is by definition harmful to the Green Belt. In accordance with the Framework, I give substantial weight to the harm to the Green Belt and its openness.
22. Whilst the fence may have an acceptable effect on the character and appearance of the area, the lack of harm in this regard would not justify the retention of the fence. Whilst the appellant considers that the fence is required to protect the property from the noise, runoff and spray from the road, it has not been demonstrated with sufficient evidence that this is the most appropriate option to achieve the desired aim. As a result, these factors do not outweigh the harm to the Green Belt. I therefore find that the other considerations in this case do not clearly outweigh the harm arising from the appeal scheme that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

23. The development conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

V Goldberg

INSPECTOR