



Appeal Decisions

Site visit made on 1 April 2025

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal A Ref: APP/C1760/C/23/3333806

Riverfalls, 10 Little Meads, Romsey, Hampshire SO51 8HD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Ms Lois Drayson against an enforcement notice issued by Test Valley Borough Council.
 - The notice was issued on 25 October 2023.
 - The breach of planning control as alleged in the notice is the erection of a fence greater than 1m high adjacent to the highway.
 - The requirements of the notice are: (i) Demolish the timber fence and concrete gravel boards as marked (in the approximate positions) with orange lines on the plan attached to the notice. (ii) Remove the concrete posts by cutting them off at ground level. (iii) Remove from the land all materials and waste resulting from compliance of (sic) step (i) and (ii) of the above requirements.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/C1760/W/23/3330820

Riverfalls, 10 Little Meads, Romsey, Hampshire SO51 8HD

- 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 Ms Lois Drayson against the decision of Test Valley Borough Council.
 - The application Ref is 23/01005/FULLS.
 - The development proposed is erection of a fence.
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Decisions

1. Appeal A-It is directed that the enforcement notice is varied by in paragraph 6 substituting 'two (2) months' with 'three months' as the period for compliance. Subject to this variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
2. Appeal B-The appeal is dismissed.

Preliminary Matters

3. The description of the proposed development in Appeal B in the banner heading above differs from the application form, as I have adopted a similar wording to that used by the Council on their decision notice. This is in the interests of clarity and conciseness.
4. These decisions take into account the revised National Planning Policy Framework, which came into force during the course of the appeals.

Appeal A, Ground (a) appeal and Appeal B

Main Issues

5. The main issues in these appeals are:

- The effect of the fence on the character and appearance of the area.
- The effect on the significance of designated heritage assets.

Reasons

Character and appearance

6. The residential property in these appeals is located on the banks of the River Test. The property has an elongated frontage onto Little Meads, a residential cul-de-sac. The enforcement notice attacks a close board timber fence, with supporting concrete posts and gravel boards, having an overall height around 1.95m, erected adjacent to the highway edge along most of the frontage. The fence has replaced a previous hedge.
7. The property is located just beyond the town centre, in an established residential area. The dwellings in Little Meads are mostly fronted by low brick walls, with some front gardens also containing significant areas of maturing shrub and hedge planting. Around the corner in The Meads, the neighbouring street, the dwellings are for the most part fronted by substantial maturing hedges. More substantial maturing trees and vegetation fringe the opposite side of The Meads. The extensive planting at the streetside, together with that lining the river and a general lack of tall built features on the property frontages, contribute positively to the pleasant and verdant, suburban character and appearance of the locality.
8. The fence is significantly and appreciably taller than the built elements of most frontage boundary treatments in the immediate locality. The solid surfaces and hard, angular profiles give the fence an obviously manufactured appearance which differs markedly from the softer shapes and more naturalistic visual qualities associated with the streetside planting in the vicinity. The fence is also of substantial length, extending along almost the whole of the cul-de-sac.
9. These factors all lead to the fence having a considerable visual presence in the environs. This is given further emphasis by the 'raw' timber finish and the light grey colouring of the posts and gravel boards, neither of which reflect the deeper and more subtle green shades of the streetside planting and other soft landscaping in the vicinity. Consequently, the fence does not integrate well visually with its surroundings and is viewed as a stark, discordant feature in the street scene, entirely at odds with the visual characteristics of most other frontage boundary treatments in the vicinity. This does not compare favourably with the understated and verdant qualities of the hedge previously at the property and contributes to the frontage having a markedly more built-up and 'defensive' appearance in the street scene.
10. The appellant drew attention to the lengthy close board timber fence along another boundary at the property, adjacent to a nearby street, as well as a fence in the grounds of the Grade II listed Rivermead House. However, the existence of outwardly similar development would not, in itself, be a sound reason to grant planning permission for the fence. As far as I was made aware, neither fence

referred to benefits from planning permission. Moreover, in both instances the context is notably different, the fences in question being on the opposite side of the river in proximity to a number of well-established, tall built frontage boundary treatments. As a result, these other fences do not weigh in favour of granting permission for the fence.

11. The appellant proposed that, as an alternative, the height of the fence could be reduced to 1.8m. This was advanced under the ground (f) heading but is more appropriately dealt with in the ground (a) appeal, as it raises planning merits considerations. Such a modest reduction in height would nevertheless make little difference to the harmful visual consequences of the fence, set out above. As modified, the visual attributes of the fence would remain markedly different from those of the previous front boundary treatment. Similar considerations would apply to painting or staining the fence.
12. For the above reasons, the fence causes unacceptable harm to the character and appearance of the area. This is in conflict with Policy E1 of the Test Valley Borough Revised Local Plan (LP), which requires development to be of high quality in terms of design and local distinctiveness, including by integrating, respecting and complementing the character of the area. There is also conflict with LP Policy E2, which requires development to protect, conserve and enhance the landscape of the Borough, including by not having a detrimental impact on the appearance of the immediate area.

Heritage assets

13. The Romsey Conservation Area (CA) includes land and buildings on both sides of the river in the vicinity of the property. The Meads is a popular vehicular and pedestrian route between parts of the CA including the historic Abbey and town centre, the river and the War Memorial Park. The contribution to the significance of the CA made by such approaches to the historic core of the town and the river environs is recognised in the Council's Conservation Area Appraisal and Management Plan. The listed Rivermead House is an elegantly proportioned villa which originated in the early 19th Century, the significance of which is derived in part from its position at the riverside overlooking a historic route to the town centre.
14. The property is not in the CA. Being set back from the junction with The Meads, the fence is not immediately open to extensive views from parts of the CA. A part of the fence is seen in conjunction with buildings and land in the CA on the far side of the river, in particular Rivermead House. However, such views are framed and narrowed by the extensive streetside and riverside planting. The primary focus is on land and buildings in the CA. The short portion of fence is appreciated as a modest, subsidiary built feature towards the edge of the field of vision. There are likely to be similarly limited partial views of the fence in relation to the CA and the listed building from other land in the vicinity. Accordingly, land, buildings and the river largely separate the fence, physically as well as visually, from both the CA and Rivermead House.
15. Therefore, whilst the property is part of the setting of the CA and the listed building, the fence does not harm the significance of heritage assets. There is no conflict with LP Policy E9, which requires development to make a positive contribution to sustaining or enhancing the significance of heritage assets, taking account of matters including their setting.

Other matters

16. I am given to understand that the fence assists in maintaining security at the property, from which parts of the river including sluice gates, a salmon pass and ladder are accessible. This is in order to minimise the risk of incidences including trespass, poaching and vandalism, as well as to safeguard species and features of ecological value. However, as it is highly likely that an alternative frontage boundary treatment could achieve similar objectives without having the same or similar adverse consequences as the fence, these factors carry limited weight. There is little firm evidence of the previous frontage boundary treatment presenting a significant safety risk. I have taken local support for the fence into account. Even so, on its own this would not justify the granting of permission.

Conclusion- Appeal A Ground (a) appeal and Appeal B

17. The fence causes harm to the character and appearance of the area in conflict with the Development Plan, taken as a whole. There are no material considerations that indicate the decisions should be taken other than in accordance with the Development Plan. Therefore, I conclude that neither the ground (a) appeal in Appeal A nor Appeal B should succeed.

Appeal A

Ground (f) appeal

18. The ground of appeal is that the notice requirements are excessive.
19. An enforcement notice can have the purpose of remedying the breach, including by restoring land to its condition before the breach took place, or it can have the purpose of remedying any injury to amenity caused by the breach. Although the notice does not state as such, its purpose must be to remedy the breach. Removing the fence, posts and resulting materials would restore the property to its condition before the breach took place.
20. The proposed reduction in the height of the fence is largely dealt with above. In the context of the ground (f) appeal, slightly reducing the height of the fence would sustain the breach, as the majority of the unauthorised structure would remain in situ. Therefore, this does not represent an obvious alternative to the notice requirements. The appellant did not advance any other alternative to those requirements. In my view, anything which stopped short of removing the fence, posts and the resulting materials would not remedy the breach and so would not achieve the purpose of the notice.
21. Therefore, removing the fence, posts and resulting materials is a proportionate remedy, being the minimum action required to restore the property to its condition before the breach took place. The ground (f) appeal fails.

Ground (g) appeal

22. The ground of appeal is that the time specified in the notice for complying with the requirements falls short of what should reasonably be allowed.
23. The notice specifies a two-month compliance period. In advance of having the remedial works undertaken the appellant will have to arrange any necessary finance as well as search for and secure the services of a suitably experienced

fencing contractor and wait for them to become available. The fence is of considerable length, meaning that the works are likely to take some time to complete, even if they are relatively straightforward. Additionally, it will be necessary for the appellant to arrange for provision of a suitable secure replacement boundary treatment.

24. What the appellant could have done during the appeal, for example having a contractor ready to carry out the works, is of limited relevance to the reasonableness of the length of the compliance period. The appellant is entitled to assume that their ground (a) appeal will succeed.
25. Taking these matters into consideration, in my view the compliance period should be extended to three months. This would afford a slightly longer and arguably more practical timescale for completion of the works, whilst also providing some scope for absorbing any unforeseen delays. As so extended, the compliance period would then strike an appropriate balance between remedying the breach as soon as practicable whilst not imposing a disproportionate burden on the appellant.
26. Therefore, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The ground (g) appeal succeeds to that extent.

Conclusion

27. For the reasons given above, I conclude that Appeal A should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended). For similar reasons, I conclude that Appeal B should be dismissed.

Stephen Hawkins

INSPECTOR