



Appeal Decision

Site visit made on 9 May 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/K1128/D/25/3363246

Porthaven, Vineyard Hill, Dartington, Totnes, Devon TQ9 6NR

- 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 Jenny Chanter against the decision of South Hams District Council.
 - The application Ref is 3176/24/HHO.
 - The development proposed is the erection of a timber fence to front of existing tarmac parking area.
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Decision

1. The appeal is dismissed

Description and Preliminary Matters

2. A fence has been largely completed at the frontage to the appeal site, save for proposed vehicle gates, and is already colonised by vegetation from the rear. The fence is in two sections, either side of the dwelling, a former public house at the junction of Vineyard Hill with Ashburton Road. The fence is around 1.8m in height and constructed in horizontal hit-and-miss timber boarding. This appeal is therefore retrospective but this does not affect the consideration of the planning issues arising.
3. It is explained on the application form that construction ceased on realisation that planning permission was required and an enforcement case was raised but the latter is not a matter for this appeal.
4. It is also explained on the application form that changes are proposed to the design, such the finished fence would be different from the current partially erected one. However, the application was refused by the Council with reference to the existing part-complete fence, whilst the submitted drawings show plans and elevations of the fence but fail to include any detailed dimensions or construction details to demonstrate how the finished fence would differ, as suggested on the application form.
5. In any event, the appeal can only proceed, and I can only decide the case, on the basis of the application as considered by the Council. In the circumstances, any different design would need to be the subject of a fresh, detailed application to the planning authority.

Main Issue

6. The sole main issue in the appeal is the effect the disputed fence has on the appearance and character of the appeal property in its local context.

Reasons

7. It appears to me entirely reasonable that, in principle, the former public house car park and the rest of the exposed frontage to Porthaven should be enclosed by suitable fencing for security and privacy. The fence has been appropriately set back to provide for the passage of pedestrians along the site frontage.
8. However, despite the softening effect of colonising vegetation and the hit-and-miss profile, I consider that the fencing appears unduly utilitarian and overly dominates the front of the appeal property. Neither section is visually in keeping with the lighter and attractive metal railings immediately forward of the main elevation of the house and the shorter section jars uncomfortably with an adjacent taller section of older fencing.
9. The visual harm this causes to the property is accentuated by the prominent location of Porthaven at the road junction. The neighbouring property along Vineyard Hill has a solid timber fence of comparable height but it is set back behind a low hedgerow and in this location appears much less obtrusive than the appeal fence.
10. I recognise that the Appellants have taken the trouble to consider the design of a number of timber fences in the wider area and regard this proposal as consistent with these and appropriate in context. However, I take a different view and find that, due to its prominence and obtrusiveness, out of keeping with the property as a whole, the fence as erected is unduly harmful to the appearance and character of Porthaven in its local context.
11. Accordingly, I consider the disputed fence to be in unacceptable conflict with Policy DEV20.2 of the adopted Plymouth and South West Devon Joint Local Plan (JLP). This requires development to be of a good standard of design, contributing positively to the townscape, having regard to its surroundings in style, visual impact and materials. This objection alone warrants dismissal of the appeal.
12. Given the age and history of the former public house, it is reasonable to be regarded as non-designated heritage asset according to accepted criteria of adopted supplementary planning guidance, such that the fence is also contrary to Policy DEV21.3 of the JLP, which protects the historic environment. This consideration adds to the case against the appeal.
13. For these reasons, I therefore conclude that the retention of the fence in its present form would be contrary to the development plan as whole and that the appeal should be dismissed.

B J Sims

INSPECTOR