

Appeal Decision

Site visit made on 29 May 2025

by **S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/A2525/D/25/3361868

Cilcarn House, 2 Holyrood Close, Donington, Spalding, PE11 4SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Beverley Adeyeye against the decision of South Holland District Council.
 - The application reference is H04-1071-24.
 - The development proposed is the erection of boundary fencing around the curtilage and the erection of a boundary gate.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is made retrospectively for development already constructed.
3. The National Planning Policy Framework was revised in December 2024 and amended on 7 February 2025 to correct cross references from footnotes 7 and 8, and to amend the end of the first sentence of paragraph 155 to make its intent clear. The 2025 Framework (the Framework) has not materially changed in terms of the identified main issue below and therefore it has not been necessary for me to seek comments from the main parties.

Main Issue

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

Reasons

5. The property forms part of a cul-de-sac development of detached houses and where, while there are some instances of side hedging, and some front enclosures by low walls and open fencing, amenity spaces to the adjoining access road are mainly open plan with a general absence of gates across private drives, and this creates a feeling of spaciousness and openness.
6. The appeal proposal is for the retention of fencing across the front and side amenity space of the dwelling, The fencing to the front is approximately 1.9 metres high and consists of concrete posts and a small concrete base with horizontal,

close wooden panel infills. The side fencing is of a comparable height, extending down to the footpath in front of the dwelling where they meet the fencing in front of the property. The front access is currently open and where the proposal is to erect a sliding, solid gate.

7. The local planning authority (LPA), while it concedes that it validated the application, states in its decision notice that the drawings submitted with the application fail *'to adequately demonstrate the design or relationship of the proposed development and its setting within the application site or surrounding area'*.
8. However, the appeal relates to fencing already carried out, and on my site visit, I was able to assess its impact. In this regard, while the proposed access gate had not been erected, I was similarly able to assess its impact from the design details submitted with the application.
9. The fencing, by its solidity, height and appearance, forms an incongruous and intrusive feature into the street scene which significantly and adversely affects the open character and appearance of the area as described above. The addition of the gate, for similar reasons, would have an equally adverse effect. Overall, the development would appear dominant and out of place in the street-scene and would fail to reflect the otherwise generally more open front amenity spaces in the locality.
10. Moreover, the fencing, by its height and materials, has a utilitarian quality which also detracts from the character and appearance of the area.
11. On my site visit, I was able to observe that similar fencing has been constructed to an adjoining dwelling, though not to the same height along the frontage. While this looks to be a recent addition, I have no knowledge as to its planning history, if any, though I do not consider that it sets an acceptable precedent. In any event, I have determined the appeal based upon its individual merits.
12. The appellant considers that the fencing is hidden, or at least softened by, existing landscaping when seen on entering the access road. I do not consider that any such mitigation is particularly pronounced, but in any event, the fencing is in full view when passing the dwelling itself.
13. The appellant refers to other instances where fencing has been erected including along Northorpe Road. Of the ones quoted, most are some distance away and, with their enclosed front gardens, have a very different character and appearance to the appeal site and its environs. Similarly, those opposite the junction with Holyrood Close have enclosed front spaces, unlike the appeal site and its neighbouring properties, while the quoted house at the very corner of the two roads and with an enclosed side garden has its front elevation facing Northorpe Road and, by its single storey appearance, assimilates with properties on that road and not with those on Holyrood Close.
14. The quoted examples do not constitute a significant precedent to support the retention of the appeal development.

15. The appellant considers that the fencing is required to provide a safe, inclusive space for his family and as such, that this accords with paragraph 135 (f) of the Framework. However, the paragraph also requires that decisions should ensure that developments add to the overall quality of an area, are visually attractive and are sympathetic to local character. I have no evidence before me to suggest that the layout prior to the erection of the fencing was significantly unsafe.
16. Therefore, I conclude that the development does not accord with the design, character and appearance requirements of policies 2 and 3 of the South East Lincolnshire Local Plan 2019, or with chapter 12 of the Framework which also stresses the importance of, and need for, good design which reflects the character and appearance of the area.

Other Considerations

17. The appellant has referred to his rights to privacy and family life under the Human Rights Act.
18. Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998, states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. I find that my decision to dismiss the appeal is a necessary and proportionate approach to the legitimate aim of ensuring good design in the public interest. This outweighs the personal circumstances outlined above.

Conclusion

19. There are no material planning considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR