



Appeal Decision

Site visit made on 28 April 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 JUNE 2025

Appeal Ref: APP/P4415/D/25/3362037

2 Rolands Close, Kimberworth, Rotherham S61 2HR

- 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 Thomas Ibbotson against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2025/0076.
 - The development is described as "2.4m palisade fence to rear".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The palisade fence has been erected, which was confirmed by my site visit observations. The development has largely been completed in-line with the submitted plans.
3. The description of development in the banner heading above has been taken from the Council's decision notice. The description is more succinct than that on the application form, which includes unnecessary detail. I have removed the word 'erection' because it has already been erected.

Main Issue

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

Reasons

5. No 2 Rolands Close (No 2) is located at the end of a cul-de-sac, in a predominantly residential suburban area of Rotherham. Winter Hill Lane (WHL) sits beyond the property's rear garden boundary, which is a narrow lane providing access off the main road to several residential properties. WHL also functions as a public footpath that continues through an area of public open space that sits beyond the side boundary of No 2. The fields associated with Winterhill Comprehensive School are situated adjacent to No 2 WHL, which is on the opposite side of the lane to the appeal site.
6. WHL is an attractive thoroughfare and verdant in character. The predominant residential boundary treatments along the lane are stone and brick walls of varying heights, complemented by elements of soft landscaping.

7. The development comprises a dark green palisade fence, backed by an opaque material, which has been erected along the rear boundary of No 2.
8. The prominent palisade fencing is tall, industrial and stark in appearance, which is at odds with the other hard and soft boundary treatments that are present along WHL. The prevailing boundary treatments in this location are more domestic in character and contribute positively to the character and appearance of the lane. Due to its design, bleak form and prominent position alongside the public footpath, the fencing is incongruous within its setting, to the detriment of the character and appearance of the area.
9. In reaching these conclusions, I have considered the numerous other examples of boundary treatments put before me. I have afforded particular consideration to the fencing surrounding Winterhill Comprehensive School fields due to it being partially opposite the appeal site and therefore relevant contextually. Whilst it is acknowledged that the fencing itself is similar in design and height, the school fencing benefits from gaps that provide open views across the school fields from the public footpath, thereby reducing its dominance. Furthermore, despite the school fencing stretching for a considerable distance, it is set back from the public footpath and is only visible intermittently due to the presence of substantial vegetation in the form of trees, hedgerow and shrubs that provide a screening benefit. It is therefore markedly less prominent than the rear palisade fencing at No 2.
10. Most of the other examples provided by the appellant are in different locational and circumstantial contexts to the appeal proposal. Some are associated with non-residential uses such as schools, where such fencing is more prevalent, or are in more commercial settings. Other examples are of shorter stretches of lower palisade fencing associated with gates and entrance ways such as that providing access to the old garages off Winterhill Road.
11. My reasoning above considers the specific characteristics and qualities of WHL and how the erected palisade fencing has a harmful effect on the character and appearance of its immediate setting. Thus, none of the examples of palisade fencing in the wider geographical area are directly comparable to the appeal development and I afford them limited weight.
12. Thus, for the above reasons, the development harms the character and appearance of the area, contrary to Policy CS28 of the Rotherham Local Plan Core Strategy (2014) and Policy SP55 of the Rotherham Local Plan Sites and Policies document (2018). These policies ensure that, amongst other things, all forms of development are of high quality and positively contribute to the local character and distinctiveness of an area. For the same reasons, the development also conflicts with the Rotherham Householder Design Guide Supplementary Planning Document (2020) and the National Planning Policy Framework, which, insofar as is relevant, have the same aims.

Other Matters

13. I have had regard to the appellant's personal circumstances. Whilst it is understandable that the appellant wishes to ensure their property is secure and that any fencing is robust enough to deter anti-social behaviour, there is no substantive evidence before me to demonstrate that any alternative measures have been

considered or that this material consideration outweighs the significant harm found to the character and appearance of the area.

14. I note that support for the palisade fence has been received from a neighbour. However, I have based my decision on the planning merits of the proposal, finding harm to the character and appearance of the area, and this nor any other consideration raised is sufficient to outweigh my findings.

Conclusion

15. The development conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. Thus, I conclude that the appeal should be dismissed.

L Fern

INSPECTOR