



Appeal Decision

Site visit made on 28 May 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/Y3615/W/25/3363668

Tudor Lodge, Clandon Road, West Clandon, Guildford GU4 7UU

- 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 and Mrs Scott Pluthero against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00856.
 - The development proposed is the installation of a fence
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The fence is already in situ and therefore, this is a retrospective proposal, which I have considered on that basis. I have also deleted the reference to 'retrospective' from the description above as it is not development and is superfluous.

Main Issues

3. The main issues are: -
 - i) whether the development would be inappropriate development in the Green Belt;
 - ii) the effect of the development on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area and highway safety; and
 - iv) if inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

4. Tudor Lodge is a detached house set back from the road and forms part of a linear run of properties to the western side of Clandon Road.
5. Planning permission has previously been granted for a gate to the driveway, together with fencing panels to each side set at a splayed angle extending up to the back edge of the pavement. The additional close-boarded fencing at a height of approximately 2.1m, the subject of this appeal, has been erected along the full length of the frontage.

Inappropriate Development

6. As the National Planning Policy Framework (the Framework) makes clear, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belts are their openness and permanence. Policy P2 of the Guildford Borough Local Plan (GBLP): Strategy and Sites (2015 – 2034) reflects the Framework in that it seeks to protect the Green Belt from inappropriate development. The Framework establishes that new buildings and certain other forms of development in the Green Belt are inappropriate except in certain circumstances as listed in paragraph 154.
7. In line with the Council, I regard the development as comprising a building. The definition of a building includes ‘any structure or erection’¹, which would thereby include the construction of a fence. The boundary was previously formed of a hedge, and while there is reference to a chain link fence, the extent and form of the current fencing is materially larger. As such, it would not be an exception under d) as a replacement building.
8. The appellant suggests that the development would align with exception (g). However, whilst the area of the fencing is part of the residential curtilage and therefore may constitute previously developed land, the proposal is not for the infilling of a gap within built development, nor in itself would the fence be a redevelopment of the land.
9. Therefore, I do not find that any of the exceptions within paragraph 154 of the Framework apply. It is therefore inappropriate development.

Openness

10. Openness is an essential characteristic of the Green Belt and has a spatial as well as a visual aspect. The fencing along the entire frontage creates an increased sense of enclosure, which in turn reduces the openness of the Green Belt in both spatial and visual terms, given its height and length.
11. There are some other fences within the vicinity and having regard to the residential nature of the site and this section of Clandon Road, the harm would be limited. Nonetheless, there would be some localised harm to openness. Accordingly, it adds to the harm to the Green Belt.

Character and Appearance

12. Clandon Road is a busy road connecting to the A3. To the other side, opposite the appeal site, are open fields. The area generally has a verdant character, with properties set back and trees and landscaping along the road. There are, however, existing high fences along the front boundary of some nearby properties, which with relatively large plots extend for extensive lengths.
13. In contrast to the new and stark appearance of the appeal fencing, the examples referenced by the appellant have a more weathered form and are likely to have been in situ for a while. The Council indicates that there are no records of planning approval for these fences.

¹ Section 336(1) Town and Country Planning Act 1990 (as amended)

14. While acknowledging their presence as part of the setting to this section of Clandon Road, there are some differences in height and setback. They also demonstrate the change to the area in terms of the diminishment of the verdant form and the urbanising effect of substantial lengths of fencing.
15. Policy 3 (vii) of the West Clandon Neighbourhood Plan 2020-2034 (WCNP) specifically seeks attractive and open, active frontages, indicating that close boarded fencing over one metre in height should be avoided abutting the highway. The policy does recognise that where fencing is required for noise mitigation, which is one of the reasons for the height of the fence promoted by the appellant, softening with hedging or other green planting is encouraged.
16. Some planting has been introduced, although the depth of the setback is extremely limited for any substantial planting to establish without interfering with the footpath. I understand the appellant's desire for the fencing to mitigate against noise and pollution from the busy road, as well as for privacy and security reasons. However, there is nothing before me to indicate that this is the only arrangement in which it can be achieved.
17. The fence has a dominating presence with a loss of greenery to the street scene, which is to the detriment of both the appearance of the site and the character of the area. As such, the development is therefore contrary to policy D1 of the GBLP: Strategy and Sites, and policy D4 of the GBLP: Development Management Policies, which together aim to ensure that development is well-designed and responds positively to its context, contributing to local distinctiveness. There would also be a direct conflict with WCNP policy 3.

Highway Safety

18. While an existing point of access, the proposal introduces new structures immediately adjacent to the drive and the highway, and there is no information to demonstrate that the erected fencing does not interfere with visibility. The Council advises that the access granted permission in 2020 (Council reference 20/P/00988) was for vehicle ingress only as part of an in/out arrangement. I have not been provided with full details of that approval, including the plan referenced in condition 3, in accordance with which the access was to be constructed and permanently maintained. Nor are the access visibility splays indicated on the current plans.
19. Therefore, and notwithstanding that the application plans indicate that the fence is located within the site ownership and the presence of the previously approved fencing, it has not been sufficiently substantiated that the new boundary fence does not affect highway safety. As such, there is conflict with policy ID3 of the GBLP and Framework with regard to contributing to a safe and accessible transport system, creating places that are safe, secure and attractive, and minimising conflict with pedestrians, cyclists and vehicles.

Other Matters

20. A comparison is made to the approach taken by the Council in relation to the approved gate and fencing in terms of it not being inappropriate development. While there is a need for consistency in decision making, this is a matter for the Council, and in any event, that scheme was not of the same scale and was found to preserve the openness of the Green Belt.

Very special circumstances and conclusion

21. I have found that the development constitutes inappropriate development in the Green Belt. Furthermore, the proposal would have a limited but nevertheless harmful effect on the openness of the Green Belt. The Framework is clear that substantial weight is given to any harm to the Green Belt. Additionally, the development is harmful to the character and appearance of the area, and there is insufficient information to confirm that it would not compromise highway safety. This carries additional moderate weight.
22. On the other side of the balance, the considerations advanced in support of the proposal individually and cumulatively in relation to the requirements for the fence and the existing arrangements carry only limited weight. The very special circumstances needed to justify the proposal have not been demonstrated. As such, the development is contrary to the requirements of the Framework, and there is conflict with policies of the Development Plan as set out above.
23. There are no other considerations before me which would indicate that permission should be granted. Therefore, for these reasons and taking all other matters raised into account the appeal is dismissed.

G Ellis

INSPECTOR