



Appeal Decision

Site visit made on 29 May 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/A2470/D/25/3362799

1 Fairfield Close, Langham, Oakham LE15 7JQ

- 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 Mrs Karen Hollick against the decision of Rutland County Council.
 - The application Ref is 2024/1316/FUL.
 - The development proposed is Retrospective removal of 3 metre high dead hedge to the front of the property and replace with 1.5 metre high fence.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Main Issue is the effect of the development upon designated heritage assets; the Langham Conservation Area (LCA) and the setting of Grade II listed cottages, 22-30 Well Street.

Reasons

3. Fairfield Close is a small development of single and two-storey twentieth century housing varying in design and appearance with frontages that are variously open or nominally enclosed by low picket fencing and discontinuous planting. The appeal site, 1 Fairfield Close (No.1) is a detached two-storey house on a corner plot at the junction of Fairfield Close with Well Street. No.1 is opposite, and within the setting of, the Grade II listed stone-built cottages¹ (the listed buildings) that sit in a continuous frontage open to the street with low walling and small foregardens.
4. Well Street has, in this part of the LCA, a verdant feel and, notwithstanding limited and recent insertions of low fencing panels², retains a predominantly rural character. I find this to be the case because where frontages in the locality are enclosed at eye level this is achieved by hedging or grouped planting and not by solid fencing structures.
5. The appellant says that "While the fence is visible at the junction, it is lower than the previous 3m hedge". Although the height of the fencing for which permission is now sought is suggested as 1.5m, which approximates to adult standing eye

¹ 22-24 Well Street

² where low height picket fencing had marked the perimeter of No.2 Fairfield Close

height, what is currently on the site appears to extend above that. I further note that whilst the description of development refers to the 'removal of a 3m high dead hedge' and the retained parts may be 3m in height and in poor condition, images within the appellant's statement appear to show the former hedge in 2022 to be both green and at a lower height³ than the fence which has since been erected in the location of that section of hedging.

6. Images of tall timber fencing have been included in the appellant's submission. However the location of these "in the surroundings" is not given and from my observation they do not appear to fall within the setting of the listed buildings or the immediate vicinity of the site. Overall, the unbroken combination of concrete fence posts and machined panels which are the subject of this appeal introduces, regardless of colour, a hard suburban element in a prominent position undermining the otherwise semi-rural setting of the listed buildings as they are experienced by users of Well Street and its junction with Fairfield Close. Although sections of panel fencing may be found intermittently within foregarden areas of the locality, these are generally of a height below standing eye height and softened by the presence of planting. Even if the fencing at No.1 were of a height similar to that of nearby fencing⁴, the absence of visible planting along this prominent corner frontage is obtrusive and detrimental.
7. I therefore consider the development sought to be approved, by its height and materials used, and the related loss of hedging, is harmful to the setting of 22-24 Well Street and also fails to conserve or enhance the character and appearance of the BCA.
8. Sections 66 and 72⁵ of the Planning (Listed Buildings and Conservation Areas) Act 1990 require, respectively, that in exercising planning functions special regard be paid to the desirability of preserving the setting of a listed building and that special attention be paid to the desirability of preserving or enhancing a Conservation Area. I conclude that the development conflicts with Policy CH1 of the Langham Neighbourhood Plan 2022 which seeks that the scale, form, siting, design and materials of any development in the conservation area should preserve or enhance its character and appearance, and with Policy SP20 of the Rutland Site Allocations and Policies Development Plan Document 2014 (SAP DPD) which seeks the protection or enhancement of designated heritage assets. Whilst the appellant has referred to issues of security, safety and noise reduction, it has not been demonstrated that these benefits cannot be achieved in other ways or that the harms I have identified would thereby be outweighed. Consequently, taking into account all matters raised and for the reasons given, the appeal cannot succeed.

Andrew Boughton

INSPECTOR

³ At Page 4 and by reference to the telephone post at the end of the fencing row,

⁴ Such as those inserted in the frontage at No.2 Fairfield Close

⁵ Quoted as relevant to the case,