



Appeal Decision

Site visit made on 24 June 2025

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

an Inspector appointed by the Secretary of State

Decision date: 18th July 2025

Appeal Ref: APP/P1560/W/25/3363766

Tendring Meadows Nursing and Residential Home, Heath Road, Tendring, Essex CO16 0BZ

- 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 Neelesh Kumar of De Vere Care Partnership against the decision of Tendring District Council.
 - The application Ref is 24/01246/FUL.
 - The development is described as “timber fence of 1.7 m to be bolted to an existing metal 1.7 m fence”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the application form. The Council requested a change to the description during the planning application process. However, there is conflicting evidence whether the appellant accepted the proposed change or not. The original description is accurate, and there is no substantiated reason to deviate from it. Accordingly, I have determined the appeal on the above description and the submitted plans, which are broadly consistent with one another.
3. The phrase “part retrospective” has been removed from the description of development as it does not constitute an act of development.
4. I noted from the evidence that the fence has been partly erected, which was confirmed by my site visit observations. The metal element of the fencing is in situ and completed largely in-line with the submitted plans.

Main Issue

5. The main issue is the effect of the fence upon the character and appearance of the surrounding area.

Reasons

6. The appeal property comprises a large nursing and residential home set within substantial grounds. The surrounding area is characterised by a mix of uses, with other care facilities, rural commercial properties and residential dwellings present. Despite this mix, within the visual context of the appeal site, the boundary treatments are characterised as including significant lengths of established mixed hedgerows of varying height and maturity. Where there is fencing nearby this is

generally low level and often supplemented, or screened, by hedge planting. This creates a perceptibly verdant appearance commensurate with the area's wider rural setting.

7. A metal fence has been erected for a considerable length along the site's boundary with Heath Road and Tendring Road. A substantial grass verge and ditch exist between Tendring Road and the fence. However, despite the photographic and plan evidence provided by the appellant, it was observed on my site visit that the fence sits close to the footway along Heath Road.
8. The metal fence is proposed to be supplemented with a close boarded wooden fence along its exterior, masking the metal structure from view from the public domain. Soft landscaping is proposed within the verge between the wooden fence and the footway along Heath Road.
9. Wooden fencing of the height proposed would still appear tall, particularly in the context of those lower fences nearby. Although concealing the metal fencing, the wooden close board design would be a solid and dense form of development that would appear stark and strident in its context. This would be amplified by its location close to the highway and moreover by its considerable length in a prominent and visible position within the street scene, such that it would be a dominant and intrusive feature along this verdant and rural highway corridor.
10. Therefore, the proposed fencing would constitute an incongruous feature within its context, in an area that is largely devoid of similar visually intrusive front boundary treatments, which would be at significant odds with and harmful to the character and appearance of the surrounding area.
11. Even if part of what appears to be the footway is within the appellant's ownership and therefore capable of being used for soft landscaping to attempt to obscure the extensive fencing, the approximate 0.5m strip would be narrow. I am not convinced that this limited space would give sufficient scope for significant high-quality landscaping reflective of that within the surrounds, and allow for its future healthy and sustainable growth, to provide relief from and to adequately mitigate against the adverse effects of the proposed fencing.
12. For the above reasons, I find significant harm to the character and appearance of the surrounding area, contrary to Policy SP7 of the Tendring District Local Plan North Essex Authorities' Shared Strategic Section 1 Plan (2021) and Policies SPL3 and PPL3 of the Tendring District Local Plan Section 2 (2022), which, amongst other things, require all new development to meet high standards of design and respond positively to local character and context to preserve and enhance the quality of existing places and their environs.

Other Matters

13. The statutory duty set out at Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any special architectural or historic interest which it possesses.
14. The site is located adjacent to Heath Hospital, now known as Oaktree Manor, which is Grade II listed. Its special architectural and historic interest and

significance is in its design, its association with William Bonython Moffat and the eminent architect Sir George Gilbert Scott, and its existence as a historic record of a response to the provisions of the Poor Law Amendment Act of 1834, which instituted a national system of workhouses.

15. The listed building is set within substantial grounds and its principal elevation is framed by an extensive tree-lined driveway from Heath Road, which contributes positively to its significance. Some other minor views of the listed building can be afforded from surrounding land and the public realm. However, these views are largely degraded by paraphernalia and ancillary structures, located within the grounds of the listed building and the adjacent appeal property, which are associated with the current uses.
16. The proposed fencing would be located a considerable distance from the listed building and separated from it by built form including the appeal property itself and other fencing and paraphernalia that are within its setting.
17. Although I have noted the Council's heritage advisor's views on the appeal scheme, in the context of what I observed, such features form part of the current setting of the listed building. At my site visit I could see only some minor glimpsed intervisibility between the listed building and the fencing from vantage points I was able to access, and there are no specific viewpoints set out by the heritage advisor for me to consider. There is also no substantiated evidence to convince me that the appeal site formed part of the wider estate of the workhouse.
18. Therefore, I am led to conclude that the proposed development would not be likely to detract from the significance of the heritage asset, or the way in which it is experienced. This is therefore a neutral matter.
19. It is understandable that the appeal property needs to be secure for the wellbeing and safety of both residents of the nursing and care home and the public, particularly considering the specialised nature of the facility in providing care for patients with severe mental illnesses. However, there is no substantiated evidence before me to demonstrate that consideration has been afforded to any alternative schemes with differing designs and setbacks that could be acceptable from a character and appearance perspective, whilst also maintaining a secure site. Therefore, the matters advanced in favour of the scheme do not outweigh the harm that would occur to the character and appearance of the surrounding area.

Conclusion

20. 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 is dismissed.

L Fern

INSPECTOR