
Appeal Decision

Site visit made on 21 July 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th August 2025

Appeal Ref: APP/W3330/W/24/3353593

Chapel Cleeve Manor, Cleeve Park, Old Cleeve, Somerset TA24 6JL

- 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 Marten Street against the decision of Somerset Council.
 - The application Ref is 3/26/24/004.
 - The development is for the erection of woven hazel fences to the north of the access drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit the development had already commenced. The appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly. However, I have removed the phrase “retrospective” from the description in the header above as this is not a description of development.

Main Issue

3. The main issue is the effect of the development on the living conditions of the neighbouring occupiers at Dancing Gate.

Reasons

4. The appeal site comprises part of Cleeve Park and a portion of the driveway serving Chapel Cleeve Manor. The driveway extends off from Cleeve Park and travels towards Dancing Gate, a neighbouring dwelling, before turning sharply towards the side of Chapel Cleeve Manor. The area surrounding this portion of the driveway is heavily planted and includes a number of mature trees.
5. Dancing Gate is a detached dwelling set close to the shared boundary with Chapel Cleeve Manor. A shallow garden separates the dwelling from its immediate boundaries while a large gravel driveway and parking area sit to the front of the property. I was able to visit Dancing Gate and view the location of the fence from those rooms facing the appeal site, these include a living room, dining room and breakfast room on the ground floor and three bedrooms on the first floor. I also viewed the proposal from a number of locations in the garden.
6. As noted above, at the time of my visit a number of sections of the fence had been installed. This was not the complete fence proposed and it appeared that some sections had fallen away.

7. As only a small portion of the fencing was in place at the time of my visit the outlook from, and light to, those rooms facing the appeal site and the section of garden between it and Dancing Gate was largely unaffected. The ground floor rooms were generally well lit by natural daylight and served by a somewhat open outlook. Although reduced by the mature trees within the appeal site, given the distance from them and their green and natural appearance, they do not adversely restrict outlook or light. I am also mindful that the breakfast room is served by side windows and is connected to the kitchen which is served by further windows. Although there is a covered terrace adjoining breakfast room, it does not significantly restrict the outlook or natural light and ultimately the room was bright with a good, open outlook.
8. The rooms on the upper floor followed a similar layout and are also served by a good standard of outlook and natural light. The narrow rear garden was somewhat shaded but, felt fairly open given its relationship with the neighbouring trees.
9. The present fencing is of a significant height and is tall and imposing when viewed from the abovementioned ground floor rooms. Should the fencing be continued, as proposed, it would create a hard feature enclosing the outlook from Dancing Gate and, especially to the living and dining rooms, reduce the levels of natural light received. The breakfast room would be affected only to a more modest degree given the level of fenestration elsewhere within this room and the kitchen. Nevertheless, the quality of the living accommodation in the living room and dining room would be eroded and occupiers would be more reliant upon artificial lighting.
10. Dancing Gate's garden is a sprawling space that wraps around the house and extends off around, what appears to be, a former walled garden. However, the area of garden between the dwelling and appeal site is likely to be the primarily used space as it can be directly accessed from the ground floor rooms and provides a covered terrace. As this is already a narrow space, the height of the fencing results in an overbearing feature and, when complete would result in a sense of enclosure for the neighbouring occupiers when using this space. The fencing therefore adversely affects the living conditions of the neighbouring occupiers at Dancing Gate when using their garden.
11. The complete fencing would be prominently visible from the first floor bedrooms. However, given their elevated position, it would not adversely affect the level of light to, or outlook from, these rooms. The living conditions of the occupiers at Dancing Gate would not, therefore, be adversely affected when using these rooms.
12. Nevertheless, the development, when complete, would adversely affect the neighbouring occupiers enjoyment of Dancing Gate to the detriment of their living conditions. The appeal scheme therefore conflicts with Policy NH13 of the West Somerset Local Plan to 2032 (the LP) which, amongst other things, requires that developments are of a high standard of design. The scheme also conflicts with Paragraph 135 of the National Planning Policy Framework which seeks to ensure that developments promote well-being and a high standard of amenity. Although the Council have also referred to Chapter 5.15 of the District Wide Design Guide this paragraph does not appear within the Design Guide.

Other Matters

13. The host building is a Grade II* listed building (Chapel Cleeve Hotel, Balustrade Flanking Entrance Steps and East Wall Terminating Terrace Marked by 2 Steps Fronting Façade). Having regard to my statutory duty I am satisfied that the relationship of the appeal proposal to this heritage asset would have a neutral effect upon its setting. Harm to the significance of the heritage asset would therefore not occur. It is noteworthy that the Council did not raise the impact on the heritage asset as a concern when it refused the application.
14. The erection of the fencing would screen views of Dancing Gate from the appeal site and, therefore, would provide some improvement to the listed building's setting to the enhancement of its historic interest. However, and mindful of LP Policy NH2, this improvement would be very modest, and the existing planting scheme already provides a significant level of screening.

Conclusion

15. The proposal would harm the living conditions of the neighbouring occupiers at Dancing Gate and would conflict with the development plan taken as a whole. There are no other material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

Samuel Watson

INSPECTOR