



Appeal Decision

Site visit made on 9 September 2025

by A Robinson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2025

Appeal Ref: APP/G2435/W/25/3367234

4 Hornbeam Close, Ravenstone, Leicestershire LE67 3RH

- 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 Judi Peatfield against the decision of North West Leicestershire District Council.
 - The application Ref is 25/00182/FUL.
 - The development proposed is a feather board fence and continuation of the knee rail.
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Decision

- 1) The appeal is dismissed.

Applications for costs

- 2) An application for costs has been made by Mrs Judi Peatfield against North West Leicestershire District Council. This is the subject of a separate decision.

Preliminary Matters

- 3) The description of development appearing on the application form contains wording that is not a description of development. The Council changed the description as part of its determination. In the interests of clarity, I have condensed the wording used on the application form to refer only to the operative parts of the development.
- 4) The appellant claims planning permission is not required. However, it is not within my remit within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (the Act) to formally determine whether the development requires planning permission. If the appellant wishes to ascertain whether the development is lawful, they may make an application under sections 191 (for existing aspects) or 192 (for proposed aspects) of the Act. Any such application would be unaffected by my determination of this appeal. I have decided the appeal on its merits.

Main Issues

- 5) The main issues are the effect of (i) the feather board fence on the character and appearance of the surrounding area and (ii) the knee rail on connectivity for pedestrians and cyclists.

Reasons

Effect of the feather board fence on character and appearance

- 6) The appeal site relates to a two-storey semi-detached dwelling with attic accommodation located in a modern residential development. The front boundary

with the adjoining Number 3 Hornbeam Close contains open low-rise horizontal metal railing fronting a shared vehicular access with this property. Boundaries to the front of neighbouring dwellings comprise similar metal railing, low-rise timber fencing or hedge planting. The side boundary of the appeal site with the rear boundary of Number 48 Buckthorn Road is a higher timber fence. Where higher boundaries enclose the rear of properties in the surrounding area which front onto streets or the public realm, they are typically in the form of brick walls with soft landscaping dividing the space with adjoining footpaths. Directly opposite the site beyond the shared vehicular access is a grassed area and public playpark.

- 7) The feather board fence has been erected alongside the driveway of the appeal site and protrudes into and partially fronts the shared vehicular access. It is sited in front of and is slightly lower in height than a brick wall which encloses the rear garden of Number 48 Buckthorn Road. Fences of the height and type of the appeal proposal which exist in the surrounding area, including the appeal site, are characteristically situated to the rear or side boundaries rather than fronting or protruding onto streets or the public realm. Whilst on the face of it the fence may seem an innocuous feature which extends similar fencing along the side boundary, its height and position in front of an existing brick wall protruding into a prominent location visible from the public realm results in a visually harmful addition that is uncharacteristic with boundary treatments fronting public realm in this locality.
- 8) I am mindful of the appellant's intention for the fence to obscure refuse and other domestic storage associated with an adjoining property. However, the fence only marginally achieves this. The visual effect of such paraphernalia is a matter for consideration outside of the appeal process. I have therefore given very limited weight in support of the fence for these matters which are not sufficient to outweigh the visual harm of the fence I have identified above.
- 9) Therefore, I conclude the feather board fence harms the character and appearance of the surrounding area. Consequently, it would conflict with Policy D1 of the North West Leicestershire Local Plan (NWLLP) (March 2021) which supports well designed developments and paragraph 11.47 of the Good design for North West Leicestershire Supplementary Planning Document for new developments (the SPD) which stipulates boundaries fronting public realm must be formed by 1.8m high brick walls where timber close boarded fencing will not be permitted. In addition, paragraph 11.48 of the SPD requires the dividing space between walls set back from the edge of a pavement to be hard or soft landscaped. Paragraph 139 of the National Planning Policy Framework (the Framework) states development which is not well designed and fails to reflect local design policies should be refused.

Effect of knee rail on pedestrian and cyclist connectivity

- 10) The shared vehicular access with Number 3 Hornbeam Close leads off a hammerhead and serves individual driveways situated to the side of each property. A knee rail, similar to that proposed, is positioned along one side of this access bounding a grassed area. The shared vehicular access turns into a path between the appeal site and the adjoining 48 Buckthorn Road where a number of plant pots have been sited at the transition. This path provides direct access onto Buckthorn Road. On the opposite side of the hammerhead is a similar arrangement where a shared vehicular access, also bounded by a knee rail on one side, serves residential properties and private individual driveways before transitioning into a path which connects onto Hemlock Road.

- 11) The proposed knee rail would be situated at the transition between the shared access and the path connecting onto Buckthorn Road. Having regard to the extracts of plans and planning history of the original planning permission for the residential development supplied by the Council as well as observing the direction of the path on my site visit, it is clear to me that the original design intention was to provide direct connectivity for pedestrians and cyclists linking Buckthorn Road to the hammerhead on Hornbeam Close. My opinion on this is also underlined by the similar situation that exists without any obstacles linking the opposite side of the hammerhead on Hornbeam Close to Hemlock Road.
- 12) Irrespective of any land ownership or access rights which I turn to below, the knee rail would dissect the existing access route, forming a barrier to pedestrian and cyclist movement; particularly users with restricted mobility that require hard surfacing. The knee rail would disconnect the existing street pattern contrary to the objectives of sections 09 and 10 of the SPD which aim to create well connected places through direct and convenient routes. Whilst other connections to similar routes may exist, the knee rail would nevertheless dissect an access which forms part of the pedestrian and cycling network of routes throughout the surrounding area. Section 09 of the SPD states places should offer as many connections as possible to areas around them and the knee rail would undermine this objective.
- 13) Overall, I find that the knee rail would significantly harm connectivity for pedestrians and cyclists. This would be contrary to Policy D1 of the NWLLP, the SPD and paragraph 117 of the Framework which taken together seek good design by prioritising pedestrians and cyclists and creating well connected places.
- 14) I am aware of comments regarding the need for the knee rail to stop trespassing and unauthorised access. However, the legal ownership or rights of access relating to the shared vehicular access are civil matters which are separate to and do not override planning considerations, including policies in the development plan or conditions attached to the original planning permission. My remit is to assess the merits of the appeal in accordance with the development plan unless other material considerations indicate otherwise. I have found conflict with the development plan and as land ownership is a civil matter, it is not a material consideration of sufficient weight to indicate that a decision should be taken other than in accordance with the development plan.

Conclusion

- 15) For the reasons given above the appeal should be dismissed.

A Robinson

INSPECTOR