
Appeal Decision

Site visit made on 14 October 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2025

Appeal Ref: APP/X1355/W/25/3368753

The Old Post Office, Fallowfield Terrace, South Hetton, Durham DH6 2SG

- 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 E Broomfield against the decision of Durham County Council.
 - The application Ref is DM/24/02835/FPA.
 - The development proposed is described as the erection of a wooden fence 1.9 metres high by 15 metres wide.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form but I have excluded superfluous information that is not an act of development.
3. The appeal submission includes additional evidence which was not before the Council at the time of its decision. This includes a photograph and supporting information in relation to a toad, which was found at the appeal site. The Appeals Procedural Guide states that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. However, the submitted information does not alter the proposed development, and the Council has had the opportunity to comment. For these reasons, I consider that there would be no prejudice to any party, and I have therefore determined the appeal on the basis of this additional information.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site comprises a section of grassed verge located to the side of the dwelling known as The Old Post Office. The existing property is located on the corner of Front Street and Abbeydale Gardens, with a bus stop located to the side of the property, facing onto Front Street. The surrounding area is primarily residential with a small number of commercial uses on Front Street. There is a larger area of open space opposite the appeal site, between Abbeydale Gardens

and Rose Cottages. This part of the village has a distinctly green and verdant character.

6. The appeal seeks approval retrospectively for the erection of a 1.9-metre-high fence which is located on the grass verge. The fence is approximately 15 metres in length and includes an access gate the end furthest away from the bus stop. There is an existing tall hedge which forms the boundary to the garden of The Old Post Office, which is located behind the fence, but visible above it.
7. I acknowledge that the land in question is unlikely to have been used as an area of open space. However, it does contribute positively to the character and appearance of the area. The introduction of a tall fence in this visually prominent location appears out of character with the more open character of the immediate surrounding area. Furthermore, its height and proximity to the pavement, increases its dominating presence within the street scene.
8. This small area of open space provided a green buffer between the appeal property and the footpath; these spaces I observed are commonly found within the surrounding area. Although the boundary hedge remains visible above the fence, there is a notable reduction in the green and verdant character of the area.
9. Whilst the Appellant states that the fence was erected to address a problem with littering which was occurring on the verge. I have little substantive evidence to demonstrate that this was a problem. Furthermore, it has not been demonstrated that a less harmful solution could not have been found.
10. The appellant has referred to a potential fallback position, which would involve a 1-metre-high fence in the same position. However, even if I were to accept that there is a greater than theoretical possibility of this being implemented, it would be of significantly lower height than the appeal proposal. In this respect, a lower boundary treatment would have a less harmful impact on the character and appearance of the area. Therefore, while a material consideration, I afford it little weight. The appellant has also referred to the possibility of erecting a fence of a similar height but positioned further from the footpath, adjacent to the boundary hedge. However, by locating the fence further away from the footpath, this would reduce the visual prominence of the fence within the street scene. Accordingly, these fall-back arguments do not justify the harm I have identified.
11. I understand from the evidence before me that the land was previously maintained by the Council. Nonetheless, the development does not change the use of the land or serve as an extension the neighbouring garden. Although it is now enclosed, a gate has been installed to retain public access and to provide access for maintenance and upkeep, which the appellant has indicated that they would be willing to provide. However, whilst the land would remain accessible to the public, this does not alter my above findings in respect of the harm to the character and appearance of the area.
12. During my site visit, I observed that the neighbouring property Abbeydale Lodge currently has a tall fence which abuts the footpath. However, the Council has confirmed that this is also the subject of an enforcement investigation and that the approved plans for this dwelling indicate an alternative form and design of boundary treatment. Furthermore, I do not know the circumstances under which other boundary treatments in the area were constructed or their status regarding planning permission, including the examples that the appellant specifically refers

to. I therefore cannot draw any direct comparison with the development that would weigh in its favour. In any case, the presence of these do not justify the harm that I have otherwise found.

13. My attention has been drawn to two appeal decisions, one for an access track at Spring Bank Farm, Northwich¹, and another for a dwelling in Hayle². Both of these appeals were allowed. However, whilst I do not have full details of each of the schemes, these cases are not directly comparable to the current proposal, as they involve different types of development in different contexts. In respect of the Northwich appeal, the access track was found not to harm Green Belt openness, but the potential effects of an access track and a fence are not comparable. The Hayle appeal concerned a dwelling on an infill site within a continuous built-up frontage, which differs significantly from the current circumstances of the appeal site. I therefore afford these decisions very limited weight.
14. Consequently, I therefore conclude that the development causes unacceptable harm to the character and appearance of the area. Thus, it conflicts with Policy 29 of the County Durham Plan, adopted 2020 which amongst other things seeks to achieve well designed places and development that contributes positively to an area's character.

Other Matters

15. I have had regard to the additional evidence provided in respect of whether the appeal site forms a suitable habitat for amphibians, in this case what appears to be the Common Toad. However, whilst they are afforded some protection under the Wildlife and Countryside Act 1991, I have very little substantive evidence to demonstrate that the appeal site would be a suitable location for this type of habitat. Furthermore, the Common Toad is typically a transient amphibian and requires access to water for at least part of the time, which is not present at the appeal site. Consequently, this does not alter my above findings.

Conclusion

16. For the above reasons, the development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal is dismissed.

K Lancaster

INSPECTOR

¹ APP/A0665/W/25/3360144

² APP/D0840/W/24/3351290