



Appeal Decision

Site visit made on 20 October 2025

by E Fawcett BA (Jt Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/P2365/D/25/3372471

84 Noel Gate, Aughton, Lancashire L39 5EQ

- 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 Michael Campbell against the decision of West Lancashire Borough Council.
- The application Ref is 2025/0528/FUL.
- The development proposed is to construct a 2m high boundary fence within 2m of a public highway.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal documents, including the council's decision notice, refer to the proposed development as retrospective. During my site visit I observed that the fence at the appeal property differed in height from that shown on the plans. No reference has been made to this in the appeal submissions. As such, I have determined the appeal based on the description in the heading above and the plans before me.

Main Issue

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

Reasons

4. The appeal property is located within a residential area. Dwellings on Noel Gate and the surrounding streets are generally set back from the highway, with either low or no formal boundary treatments to the front. Although some properties have higher boundary treatments next to the road, these are limited, and the prevailing character is one of openness.
5. The appeal property occupies a corner plot, and the dwelling is set in from both boundaries with the highway. The appeal scheme replaces a fence which was set back almost in line with the side elevation of the original house. The property has been previously extended to the side.
6. Due to the height and the location of the fence close to the pavement, it would appear overly prominent and incongruous within the street scene. It would create a sense of enclosure and would remove a landscaped area which contributes positively to the open character.

7. The appellant has drawn my attention to other examples of fences in the local area, which I was able to view during my site visit. I have been provided with limited information with regards to the planning history related to these. As such, I attribute limited weight to any comparison with them, and they do not lead me to an alternative conclusion on the main issues set out above. I am not persuaded that their presence justifies the harm I have identified and demonstrates the harmful effect that such boundary treatments can have, especially in an area where openness is a strong characteristic.
8. I conclude that the proposal would cause harm to the character and appearance of the area. It would therefore conflict with Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document which states that development should, amongst other things, have regard to visual amenity and complement or enhance any attractive attributes and/ or local distinctiveness within its surroundings through sensitive design including appropriate siting, materials and boundary treatment.

Other Matters

9. The appellant has highlighted that the fence would afford additional security and safety for their family which a lower fence would not provide. From the evidence before me, the original line of the fence enclosed a substantial proportion of the rear garden. Whilst I have given significant weight to the appellant's personal circumstances, it has not been sufficiently demonstrated that the proposal is the only viable means of addressing those circumstances within the context of the site or otherwise. As such, the potential benefits of the proposal do not outweigh the harm identified above and I am satisfied that the dismissal of the appeal would not interfere with the appellant's right to a private and family life and home. There would be no harm to the living conditions of neighbouring properties. This is a neutral effect rather than a benefit which does not weigh in favour of the development.

Conclusion

10. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh this conflict. Therefore, the appeal is dismissed.

E Fawcett

INSPECTOR