



Appeal Decision

Site visit made on 18 November 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2025

Appeal Ref: APP/P1560/D/25/3371742

White Chalk House, Clacton Road, Weeley Heath, Clacton-on-Sea, CO16 9EF

- 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 Ms M Wiggins against the decision of Tendring District Council.
 - The application Ref is 25/00639/FULHH.
 - The development proposed is retrospective application for a fence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the effect of the fence on the overall character of the local area; and ii) its effect on highway safety in respect of pedestrians and agricultural access.

Reasons

3. The appeal site is the curtilage of a two-storey detached house having a vehicular access from Clacton Road, the B1441, which is a relatively busy highway. The application site lies between the villages of Weeley and Little Clacton with large spaces between development, generally filled with roadside trees and hedging. There is some fencing at the back edge of the highway, but apart from the fencing the subject of the appeal and that on the adjoining property 'Barnfields' to the south-east, this generally has a limited effect on the semi-rural character of this stretch of road. The subject boundary fencing, which has been erected, has a length of some 83m, and is 2m high, with close boarded panels and concrete posts. The shared access from which the fence begins, also gives access to Barnfields.
4. I have observed the various fences and walls that have been drawn to my attention in the appeal statement. Some of these are at locations that are not as sensitive as the appeal site, such as that on the far side of Connaught Road, and others do not have the scale, both in height and length, of the appeal fence. I note that this fence replaced an original fence, photographs of which have been supplied. In my view the former fence was more appropriate to the area, and less conspicuous with vegetation immediately behind it providing a softening effect. The simple fact that the present fence replaced the earlier one provides no justification in for its retention.

5. My conclusion is that the fence, because of its height and length, is a prominent and inappropriate form of development within the street scene, more appropriate to an urban area and significantly detrimental visually to the overall semi-rural character of the surroundings.
6. The motivation for the erection of the fence is said to provide privacy and preserve the amenity of the residents of White Chalk House, and to prevent direct overlooking of the garden by passing traffic. However the documentation put before me includes a topographical survey undertaken in 2020 in support of a reserved matters application following an outline planning permission. That survey records that there were trees and 'dense vegetation' all along the boundary with the road. It therefore appears to me that the fence has been a replacement for landscaping that would have been typical of the area, that served the purpose that the fence is now serving. That does not help to justify the erection of the fence.
7. Turning to the highway matter, I can deal with this briefly. It is said that the fence has been erected upon the existing pathway serving Clacton Road encroaching upon the public highway. From the information before me, that is not a matter that I can determine, but is more appropriately a matter for the highway authority. As for the existing access to farmland, south of the site and beyond 4 Barnfields Retreat, this may be affected by the fence to Barnfields, which has its end concrete post at the back edge of the highway immediately next to the agricultural access track. It is not a matter than stands against the fence subject of this appeal.
8. My conclusion, as set out in paragraph 5 above, is that the appeal fence is inappropriate within the street scene, and has a high impact visually, significantly detrimental to the character of the local area. It is therefore contrary to Policies SP7 and PPL3 of the Tendring District Local Plan 2013-2033 and Beyond, and paragraph 135 of the National planning Policy Framework. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR