
Appeal Decision

Site visit made on 20 January 2026

by **K Mee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 February 2026

Appeal Ref: APP/A0665/D/25/3376458

Tanglewood, 9 Spinney Drive, Great Sutton, Ellesmere Port, Cheshire CH66 4TY

- 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 Andrew Ravenscroft against the decision of Cheshire West and Chester Council.
 - The application Ref is 25/02138/FUL.
 - The development proposed is the erection of a 2m high fence along the front of the garden and alongside the driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development differs from the application form compared with the decision notice. The above description has been taken from the application form, which adequately describes the proposal.
3. The application form confirms that the development has been completed, and I was able to see this during my site visit. I have therefore determined the appeal on that basis.

Main Issue

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

Reasons

5. 9 Spinney Drive (No 9) is situated within an established residential estate with properties set back from the highway behind front gardens and driveways. The front boundary treatments are predominantly formed of low walls, some supplemented by landscaping, with others remaining open. Although there is clear definition between the public and private domains, visual permeability into garden frontages is a key part of the area's prevailing and locally distinctive sense of openness.
6. The majority of the appeal property's originally open frontage has now been enclosed by an approximate 2m high fence sited directly adjacent to the highway and returning inwards to meet the principal elevation of the dwelling. As such, only the driveway, garage and front door are visible from the highway.

7. The appeal property lies opposite the junction with Ascot Drive and is therefore highly visible within the street scene from a range of vantage points. No 9 forms quite a wide plot and therefore has a reasonably long frontage with the road. The fence that has been erected with its length and height, and with it fronting directly onto the footway, is highly visible within this part of the road. The appearance of the fence may soften in time, nevertheless, it would still appear as an overly dominant and incongruous form of enclosure to the majority of the frontage which does not reflect the height, form or details of the prevailing front boundary treatments within the surrounding area and therefore detracts from the locally distinctive open character.
8. My attention has been drawn to several other boundary treatments in the locality and I saw these at my site visit, although I do not know the circumstances under which they were erected or their status with regard to planning permission. The front boundary treatment at 7 Spinney Drive comprises a stone wall with timber gates, however this is set back from the footway behind a grassed area and incorporates high trees directly behind, reducing its prominence. At 23 Spinney Drive, the lower timber fence still allows views across the frontage and is not visually overbearing. The properties on Manor Lane sit in a different context to the wider estate and their boundary walls are therefore perceived in a distinctly different manner. While the frontage of the property at 94 Ascot Drive remains visually open, I find that the presence and impact of the high fences at 83 and 94 Ascot Drive, rather than providing justification for the development in question, are not examples that should be replicated as best practice.
9. The case is made that trees protected by a Tree Preservation Order limit light to the garden, resulting in the front section of the wrap-around garden being used as the main outdoor space. It is explained that the fencing is required to ensure appropriate levels of privacy, safety and security in these areas. However, while I can understand the need to provide for these matters, I am not satisfied by the evidence that the present scheme is the only option to meet these requirements nor that the situation justifies the erection of this height and form of fence directly alongside the footway with its lack of landscaping and overly harsh appearance within the road.
10. Consequently, I find that the development results in harm to the character and appearance of the surrounding area. This is contrary to Policy ENV 6 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (January 2015) and Policies DM 3 and DM 21 of the Cheshire West and Chester Council (Part Two) Land Allocations and Detailed Policies (July 2019). Together, and amongst other things, these policies expect new development to deliver high quality design that is sympathetic to its surroundings, reinforces local character and distinctiveness, protects visual amenity and sits comfortably within the wider setting.

Other Matter

11. I have noted the appellant's concerns with how the Council has processed and determined the application. However, at this appeal stage, I am required to consider the proposal based on its planning merits and I have examined these in the section above.

Conclusion

12. For the reasons given above, I conclude that the harm resulting from the fence means that the development conflicts with the development plan when considered as a whole and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

K Mee

INSPECTOR