



Appeal Decision

Site visit made on 25 February 2026

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 March 2026

Appeal Ref: APP/H1705/C/24/3343111

4 Basingstoke Road, Kingsclere, Hampshire RG20 5NN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Brandon Rawlings against an enforcement notice issued by Basingstoke and Deane Borough Council.
- The notice was issued on 25 March 2024.
- The breach of planning control as alleged in the notice is without planning permission,
 - (i) the erection of a boundary wall, brick piers, gates and fence panels (between brick piers) and horse statues above 1m in height adjacent to the highway (for indicative purposes only shown between points B and C on the attached plan); and
 - (ii) the erection of fencing and concrete post above 1m in height adjacent to a highway (for indicative purposes only shown between points A and B and C and D on the attached plan);
 - (iii) the erection of an outbuilding forward of the principal elevation of the dwellinghouse (for indicative purposes only shown edged green on the attached plan).
- The requirements of the notice are to:
 - (i) Remove the boundary wall, brick piers, gates, fence panels (Between brick piers) and horse statues that exceed 1 metre in height (shown for indicative purposes only between points B and C on the attached plan);
 - (ii) Remove the first timber fence panel and concrete post that exceed 1 metre in height adjacent to the highway (shown for indicative purposes only between points A and B and C and D on the attached plan);
 - (iii) Removed the outbuilding shown for indicative purposes only shown edged green on the attached plan; and
 - (iv) Remove all building materials and rubble arising from compliance with requirements (i), (ii) and (iii) above.
- The period for compliance with the requirements are: 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld

Main Issue

1. The appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. Given the reasons for issuing the notice the main issues are:
 - the effect of the development on the character and appearance of the area, including the Kingsclere Conservation Area (CA); and
 - the effect of the development on highway safety.

Reasons

Character and appearance

2. The appeal site is in a residential area which has a pleasant open verdant character due to significant areas of hedge boundaries and mature planting to both sides of the highway, and lack of significant built form in front of the established building line of residential properties. The appeal site boundary where the boundary treatment partially subject of the Enforcement Notice is located, also forms the boundary of 'Area 4 - East' of the CA.
3. The Kingsclere Conservation Area Appraisal and Management Plan Supplementary Planning Document 2017 (SPD) states that trees and vegetation on Basingstoke Road and Ashford Hill Road contribute to the low-density residential and recreational character of this area. Indeed, the SPD continues that open verdant features give this part of the CA a semi-rural character and a sense of how the built-up area expanded onto rural land. The sense of openness makes an important contribution to the character and appearance of this area as a green buffer between the surrounding denser development.
4. The SPD also outlines that the CA derives its significance from, amongst other contributors, predominantly low height traditionally designed front boundary treatments which include hedges, simple picket fences and low brick / railing features. Views of open dwelling frontages, green open spaces and generous verdant landscaping also contribute to the significance of this part of the CA.
5. Even if a hedge boundary of similar height may have previously existed at this site, I observed that the development, due to its height and materials appears as an obvious, jarring urban feature, being uncharacteristic and conspicuous in clear contrast to the verdant and open surrounding area. Moreover, outbuildings in front of the established building line are also uncharacteristic and harmful to the established pattern of development. As such, the development fails to integrate into its local context, eroding the sense of openness, whilst also reducing verdancy and detracting from the established character and appearance of the area, contrary to guidance provided within the Design and Sustainability Supplementary Planning Document (July 2018).
6. Furthermore, although I observed examples of picket fenced boundaries along Basingstoke Road, these low simple fences offer a less dominant and enclosed appearance within the street scene, appearing as a soft form of development not deterring from the overall verdant character of the area. Moreover, other examples of taller hard boundary treatments I observed close to Basingstoke Road, are some distance away from the appeal site and outside the CA. They therefore are not experienced in the same context as the appeal site.
7. the National Planning Policy Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given the limited scale of the development, I find the harm to be less than substantial. No public benefits are advanced, and I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the CA.
8. Consequently, I conclude that the development has a harmful effect on the character and appearance of the area, including the CA. The development

conflicts with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029 (2016) (LP) and Policy K4 of the Kingsclere Neighbourhood Development Plan 2011-2029 (2018). These policies amongst other things, seek to preserve or enhance the significance of the character or appearance of the area including heritage assets.

Highway safety

9. The appeal site is adjacent a Class C highway which I observed at my site visit to be well used. The development includes double gates which facilitate a vehicular access to the appeal site. Due to a lack of set back of the gates from the highway pavement, height of adjacent brick piers and adjacent fencing, extremely limited visibility is available for drivers of vehicles exiting the appeal site. Although it has been pointed out to me that the upper parts of the side boundary fence include areas of trellis work, they would nevertheless still hinder visibility of oncoming pedestrians and vehicles of drivers of cars leaving the site.
10. Moreover, due to the lack of a setback, vehicles wishing to enter the appeal site would be forced to stop on or across the highway thereby causing an obstruction whilst waiting for gates to be opened or closed. Due to a combination of lack of visibility, and likelihood of vehicles obstructing the highway whilst entering the site, the development is likely at times to compromise the safe and efficient flow of traffic on the highway network and potential conflict with both pedestrians utilising the pavement and occupants of vehicles.
11. Therefore, to conclude, the development results in a potential harmful effect on highway safety. This would conflict with LP Policy CN9 which seeks, amongst other things, to ensure that developments do not result in danger and inconvenience to users of the highway.

Other Matters

12. The appellant wishes to secure his home for his children's safety and pets and has raised concerns in relation to discrimination. I have had due regard to the Human Rights Act 1998 which establishes a right to respect for private and family life. The best interests of the child must be a primary consideration. These interests are at the forefront of my mind. However, these are qualified rights, and interference may be justified where in the public interest. The concept of proportionality is key.
13. I have also had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. The Act sets out the relevant protected characteristics which includes age and race. Since there is the potential for my decision to affect persons with the protected characteristics, I have had due regard to the three equality principles set out in Section 149 of the Act.
14. Nevertheless, whilst I do not doubt that the development provides some benefit to the appellant, it is not uncommon for houses to have low front boundary treatments or indeed open frontages. It has not been robustly shown that the development would be the only option to ensure a reasonably private and safe environment. I have not been presented with any compelling evidence of other features that have been considered and I am not persuaded from the evidence

before me that it is essential for the boundary treatment to be of such a height to provide the necessary prevention of children or pets straying into the highway.

Conclusion

15. For the reasons given above, the unauthorised development has a harmful effect on the character and appearance of the area including the CA and highway safety to which I give great weight. These harms demonstrably outweigh any benefits and as such it is proportionate and necessary to dismiss the appeal for the reasons that I have set out. Therefore, I conclude that the appeal on ground (a) should not succeed.

Formal Decision

16. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Town and Country Planning 1990 Act (as amended).

S Harrington

INSPECTOR