



Appeal Decision

Site visit made on 31 March 2026

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2026

Appeal Ref: APP/W1525/25/3375077

11 The Lindens, Stock, Ingatestone, Essex CM4 9NH

- 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 Louise Otter against the decision of Chelmsford City Council.
 - The application Ref is 25/00963/FUL.
 - The development proposed is the installation of a green powdered coat mesh panel fence and supporting green powdered coated metal stakes.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner above is taken from the application form but has been shortened in the interests of precision.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises a residential property on the corner of The Lindens and Well Lane within the defined settlement of Stock. Its rear garden lies alongside Well Lane, with a well-established boundary hedge alongside the road verge and part of the neighbouring frontage, and a sizeable oak tree located nearby. This section of Well Lane has grass verges, parts of which contain large street trees. There are some gates and low fences and walls, but modest hedgerows and open frontages predominate beside the verges and trees, giving this part of the lane a verdant and open character.
5. The Stock Village Design Statement 2011 outlines the qualities and characteristics of the village and sets out guidance on how development can be designed to respect the village and its setting. It encourages the retention of natural hedges and trees, and states that where new fences are necessary, they should complement the appropriate rural style.
6. The proposal is for a 1.8m high mesh metal fence located on the outside face of the hedge around part of the rear garden. This would extend for around 25m along Well Lane and around 9m alongside the neighbouring property at 17 Well Lane. There would be no change to the frontage on The Lindens.

7. The low maintenance fence would be powder coated green with the hedge visible through the mesh. However, due to its metal finish, height and length, the proposed fence would be a sizeable man-made structure whose design and position alongside the grassed verge would appear harmfully at odds with the largely natural and open character of the lane.
8. There is reference to various other high fences erected adjacent to highways and public spaces in the village, including timber fences on properties at Mill Road and similar fences to the one proposed at Common Road and Smallgains Lane. Nevertheless, some are in other parts of the village with a different character and context, including adjacent to public open space, and others do not have planning permission. Thus, they are not comparable to the scheme currently before me.
9. As well as ensuring that developments are visually attractive and sympathetic to local character, the National Planning Policy Framework aims to create safe places where crime and the fear of crime do not undermine the quality of life. The appellant indicates that the fence is required to provide security and safety following recent incidents and advice from the police, and to prevent pets from escaping from the rear garden onto the road. However, it has not been demonstrated that the site could not be secured by a less harmful scheme.
10. The proposed fence would be close to the oak tree, a significant, well established landscape feature which positively contributes to the character of Well Lane and justifies its protection via the Tree Preservation Order. The appellant's Tree Survey outlines that this 15m high tree with sizeable crown spread is in good physical condition and has a good structural form.
11. The appellant's arboricultural evidence indicates that the fence would be located within the root protection area of the oak tree, but that encroachment on the roots would be minimal. Nonetheless, the reports recommend mitigation, including fence post holes being dug with hand tools under arboricultural supervision and ground protection. I am satisfied that with a condition requiring construction in accordance with the mitigation measures in the arboricultural reports, the proposal would not harm the protected oak tree and its contribution to the street scene.
12. Overall, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policy DM23 of the Chelmsford Local Plan 2020 where it requires development to respect the character and appearance of the area, including being compatible with its surroundings having regard to materials, boundary treatments and landscape.

Other Matters

13. The Council did not find harm or development plan conflict in relation to several other matters, including living conditions, and impacts on ecological sites and heritage assets. However, even if I were to agree with the Council on these points, the absence of harm is a neutral matter which does not carry weight in favour of the proposal.
14. There was correspondence with the Council on the proposed scheme prior to the application and the Council's letter in June 2025 indicated that there may be concerns relating to character and appearance arising in relation to the attributes of the fence.

15. The appellant raises the issue of works previously carried out to boundary vegetation and the protected tree, but this is a matter between the relevant parties and does not in this instance have any bearing on my determination of this appeal.

Conclusion

16. For the reasons given above, the proposal 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, the appeal should be dismissed.

A Wright

INSPECTOR