The Planning Inspectorate

# Appeal Decision

Site visit made on 10 January 2012

**by Gary Deane BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 31 January 2012**

**Appeal Ref: APP/H1033/A/11/2162602**
**Land at Moult Farm, Eccles Fold, Whitehough, High Peak SK23 6BY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Robert McDermott against the decision of High Peak Borough Council.
- The application Ref HPK/2011/0074, dated 16 February 2011, was refused by notice dated 12 April 2011.
- The development proposed is the erection of an open boarded timber fence on land at Moult Farm.

## Decision

1. The appeal is dismissed.

## Procedural matters

2. The Council has made an application for costs against the appellant. This application is the subject of a separate decision.

3. At the site visit, I viewed the site from Garden Cottage with the consent of the occupiers of that property, and did so unaccompanied. I saw that scaffolding had been erected adjacent to the existing concrete fence that runs close to the northern boundary of Garden Cottage.

## Main Issues

4. The main issues are the effect of the proposed development, firstly, on the character and appearance of the local area with reference to the Special Landscape Area; and secondly, on the living conditions of the occupiers of Garden Cottage, primarily with regard to outlook.

## Reasons

*Character and appearance*

5. The site is located in the countryside, which is to be protected for its own sake. It also falls within a Special Landscape Area (SLA) where the primary objective is the protection, conservation and enhancement of the quality and character of the landscape. The Council's Supplementary Planning Document, *Landscape Character*, (SPD) describes the area to which the site belongs as open and elevated landscape with expansive views and limited development.

6. The proposal would include the erection of a timber fence that would be fixed to the lower section of the existing concrete fence. It would project at angle away from this boundary feature and then rise vertically to terminate at a height notably above that of the existing concrete fence. The proposed fence would also project above the adjacent hedgerow even at its maximum height, which is restricted to 2.5 metres under a Remedial Notice[1]. Consequently, the new timber fence would be evident in views from Garden Cottage. To my mind, the characteristics and qualities of the local area, as experienced and appreciated from nearby houses and their curtilages, are important considerations that should be taken into account. Although existing vegetation and the built form of Garden Cottage would largely screen the proposed timber fence from public vantage points, its upper part would also be seen in glimpse views from Back Eccles Lane.

7. The proposal would create a sizeable boundary feature. Its considerable height and length and the awkward juxtaposition of concrete and timber, would combine to establish a rather formal and stark barrier notwithstanding the partial screening provided by existing vegetation. It would sharply contrast with the more low-key means of enclosure such as low-level gritstone walls and simple open boarded timber fences that I saw generally mark nearby field and property boundaries. In my opinion, these existing features positively contribute to the special qualities of the landscape, including its open, rural feel.

8. In reaching this view, I acknowledge that the new fence would include vertical boards that would be spaced apart and angled at 90 degrees to Garden Cottage. While this design seeks to visually 'break up' the mass of the new fence, the gaps between the individual vertical boards would be relatively modest in width. When seen at some distance or at an oblique angle, these gaps would be perceived as somewhat narrower than those shown on the plan. Consequently, in views from the adjacent highway and Garden Cottage, the new fence would be likely to be perceived as almost a solid structure.

9. The height and width of the existing timber fence, situated adjacent to the western boundary of Garden Cottage, would also be increased. This element of the proposal would be largely shielded by existing vegetation when viewed from Back Eccles Lane. Nevertheless, it would be clearly seen from Garden Cottage and appear incongruous primarily due to its considerable height.

10. Taking these points together, I consider that the proposal would be a discordant element in the landscape, an obtrusive form of development and an unwelcome addition to the SLA. For these reasons, it fails to satisfactorily resolve the objections raised by the Council in refusing a similar proposal in 2010 and the concerns of an Inspector in dismissing the subsequent appeal[2].

11. I conclude that the proposed development would significantly harm the character and appearance of the local area in conflict with Policies OC1, OC3, GD4 and BC1 of the High Peak Saved Local Plan Policies (LP) and the Council's SPD. These policies and guidance seek to safeguard the countryside generally and the designated landscapes in particular.

[1] Ref APP/HH/10/878, dated 7 April 2010
[2] Ref APP/H1033/A/10/2135092 dated 22 December 2010

*Living Conditions*

12. The proposed timber fence would be positioned about 1.6 metres away from most of the north-facing window of Garden Cottage, which currently serves a dining room. It would also span a considerable length of this large window. Consequently, views from this habitable room window would be severely restricted to a small part of its upper section. Having observed the site from this window, I have little doubt that the proposed fence would be overbearing and oppressive to the occupiers of this property primarily due to its considerable height and length.

13. In reaching this opinion, I have taken into account the screening effect of the existing concrete fence and the hedgerow. Views would also be shielded by the scaffolding if wooden boards were held horizontally along its upper part in front of the north-facing window. In my opinion, the open boarded design of the proposal would offer limited relief to the occupiers of Garden Cottage since, for the reasons given, the new fence would predominantly be seen as a solid structure.

14. Therefore, I conclude that the proposal would cause material harm to the living conditions of the occupiers of Garden Cottage, in conflict with LP Policy GD5. An underlying aim of this policy is to protect residential amenity. In reaching this conclusion, I acknowledge that the proposed timber fence would be lower in height, different in design, and positioned further away from the north-facing window of Garden Cottage than the previous appeal scheme.

*Other matters*

15. The proposal would cause no undue additional loss of light to the occupiers of Garden Cottage given the existing vegetation and fencing and the open boarded design of the new timber fence. The proposal would also safeguard the amenity of the appellant's landholding by providing additional privacy and security. While I have given careful consideration to these matters, they do not outweigh the harm that I have identified with regard to the main issues.

**Conclusion**

16. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR