
Appeal Decision

Site visit made on 6 July 2015

by J Flack BA Solicitor

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

Decision date: 23 July 2015

Appeal Ref: APP/A2525/W/14/3004232

Barling Deer Farm, Barlings Drove, Sutton St James, Spalding, Lincolnshire PE12 0JN

- 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 Ms Helen MacDonald against the decision of South Holland District Council.
 - The application Ref H20-0690-14, dated 18 August 2014, was refused by notice dated 3 November 2014.
 - The development proposed is double electric security gates and fence to front of property.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made by Ms Helena Ruane. She has explained that she has since changed her name to Helen MacDonald, and the appeal proceeds accordingly.

Main Issue

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

Reasons

4. The appeal site lies in a remote rural location and is set within a context of spacious open countryside. The nearest dwelling lies some distance to the south west, the intervening road boundary consisting of a high hedge. To the north east of the site, and opposite it on the other side on the road, are extensive open arable fields. This setting defines the character and appearance of the area, which reads as a countryside landscape with only sporadic built development.
5. I saw on my visit that the proposed gates and fence have already been erected. The fence consists of panels of very high close boarded fencing which extend for a substantial distance along the road boundary. There appear to be two sets of gates: one consist of fence panels of equal height to the remainder of the fence; the other comprises a set of electronically controlled wooden gates which are somewhat lower than the fence and have curved tops.

6. There is no planting between the fence and the road, this area consisting instead of a strip of rough grass of varying width, the gates and the fence panels immediately adjoining them being set back slightly from the remaining lengths of panel. The fencing and gates have a stark and somewhat forbidding appearance, which together with their height means that their appearance is strongly and prominently at odds with the rural hedging on either side of them and the open arable fields opposite.
7. The appellant asserts that there are several fences of a similar height within a five mile radius, but no examples or supporting evidence are provided. My observations during my visit were that fences and gates read as an alien and intrusive feature in the surrounding countryside landscape, which can be seen from a considerable distance along the road, and also across fields from a road to the west of the site.
8. For the above reasons, I conclude that the proposal would be unacceptably harmful to the character and appearance of the area.
9. The appellant states that the fencing is necessary to prevent deer from escaping. I acknowledge that some means of achieving this is necessary. However, I saw that other boundaries of the property are protected by the high rural hedging I have mentioned, and there is no evidence before me which demonstrates that the appeal development is the only effective means of preventing the escape of deer. The appellant also cites the need to secure personal protection, but whilst I have some sympathy for her circumstances I am not convinced that that the appeal development is the only effective means of providing protection.
10. The Appellant also draws attention to the grant of permission for a solar farm on land opposite. There is no indication that such a permission has yet been implemented. I have no details of the planning issues raised by this development or the reasons why permission was granted, save that the Council states screening was to be provided to mitigate against any visual impacts. That is not the case here. In any case, every development proposal must be assessed on its own merits, and I accord little weight to this permission.
11. At appeal the appellant has indicated willingness to provide landscaping at the front of the fence. However, I saw that the land between the road and the hedging on either side of the appeal fencing consists of a wide grass verge and a ditch. Its appearance suggests that it may be part of the highway, and so too may be at least some of the equivalent land between the appeal fencing and the road. I cannot thus be confident that there is sufficient land to the front of the fencing within the appellant's control to enable a landscaping scheme. In any case, no proposals are before me, and I have some concern that the deciduous rural hedging appropriate to this countryside location would not be sufficiently effective to act as a screen during the winter months.
12. Taking all the above matters into account, I conclude that the matters raised by the appellant are insufficient to outweigh or overcome the unacceptable harm to the character and appearance of the area which I have identified. The appeal is therefore dismissed.

J Flack

INSPECTOR