



Appeal Decision

Site Visit made on 2 September 2021

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/H0738/D/21/3279055

9 Bridgewater, Leven Bank, Yarm TS15 9BF

- 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 David Whaite against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 21/0336/FUL, dated 5 February 2021, was refused by notice dated 26 May 2021.
 - The development proposed is the erection of a 2-metre high boundary wire mesh fence to side.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2 metre high boundary wire mesh fence to side at 9 Bridgewater, Leven Bank, Yarm TS15 9BF in accordance with the terms of the application, Ref 21/0336/FUL, dated 5 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P100 Proposed Fence Drawing (Location Plan; Site Plan; Fence Elevation and Fence Plan).

Applications for costs

2. An application for an award of costs was made by Mr David Whaite against the Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the Council determined the planning application and the appeal was submitted, the revised National Planning Policy Framework (the Framework) has been published¹, upon which further comments have been sought. I have made my decision in the context of the revised Framework which I am satisfied is not materially different to its predecessor in relation to the main issue in this appeal.
4. The appeal proposal's description was changed during the course of the Council's determination of the application. The development description adopted in the Council decision, and in the subsequent documents of both main parties is usefully more concise than that originally given and I have

¹ 20 July 2021

determined the appeal accordingly, albeit with the omission of appeal site address.

Main Issue

5. The main issue is the effect of the proposed fence upon the character and appearance of the surrounding area.

Reasons

6. The proposed fence would replace an existing post-and-rail timber fence which, to varying degrees along its length, has been wholly or partly subsumed by vegetation and foliage. As a consequence, the existing fence is unobtrusive, the boundary to the appellant's land notable not for the presence of a fence but by the verdant nature of the foliage and undergrowth along its length.
7. The fence's alignment runs parallel to a paved access lane which serves two large detached residential properties and, further to the north, the Leven View Residential Park. In addition to this access, the lane also doubles as a bridleway, providing a publicly accessible route towards the banks of the River Leven beyond the appeal site.
8. I have no reason to believe that the proposed fence's composition would not, over time, be conducive to the growth of foliage and undergrowth though it in a manner not dissimilar to the current arrangement. Set against that foliage and undergrowth as an immediate backdrop, I am not persuaded that the proposed fence would be particularly obtrusive, whether in the shorter-term following its installation or, longer term, as the vegetation behind reinstates itself and grows towards and through the mesh fence.
9. I accept that the fence would be immediately adjacent to the line of the bridleway, and thus reasonably widely visible to users of the right of way, and to those accessing the neighbouring properties and the residential lodge park. However, to be visible is not necessarily to be detrimental to the character or appearance of the surrounding area.
10. The parties are in agreement as to the site's 'semi-rural' character and setting. This, to me, seems to be an appropriate conclusion to reach. Whilst the Leven river valley and its valley sites are pleasant, the presence of a busy road and housing development to the north are never far away. Furthermore, the large detached houses immediately to the north and east of the proposed fence, and the terraced plateau of the residential lodge park, are as significant in defining the immediate setting of the fence as the vegetation and undergrowth does behind it.
11. Notwithstanding the greater height of the proposed weldmesh fence, I am satisfied that it would not be particularly visually obtrusive given the circumstances observed during my visit to the site and described above. I have had regard to the nature of the nearby walls / fences and have noted the Council's comment that the planning status of these are uncertain. However, whilst they provide context to the setting of the appeal site, their presence and appearance is just one factor which contributes to the area's character. The presence nearby of large, detached dwellings and the terraced setting of the residential lodge park are also contributors to the site's context, character and surroundings. However, for the reasons I have set out above the proposed

fence would not harmfully erode the surrounding area's accepted semi-rural character or appearance, or otherwise appear intrusive or incongruous.

12. Policy SD8 of the Local Plan seeks to ensure that new development is designed to the highest possible standard, setting out a range of factors against which proposals will be expected to take into consideration and respond positively to. The proposed fence's open mesh nature together with the dense undergrowth and foliage behind it would assist its visual assimilation into the surrounding area and would, overall, take appropriate consideration of, and respond positively to, the character of the surrounding area. there would be no conflict with Local Plan policy SD8 or with the aims of the Framework in seeking to encourage high quality design.

Other Matters

13. I can understand the appellant's wish to secure land within his ownership, particularly given the proximity of the adjoining land to the River Leven and the attenuation swale within the wooded area and the concerns expressed regarding access to this area, particularly when river levels are high. However, whilst noting the photographs included within the appellant's Grounds of Appeal, I have no evidence before me as to the extent of access issues or incidents at times of flooding. This is not a matter that I give any significant weight to and it has not therefore been determinative in my consideration of this matter.

Conditions

14. I have considered the Council's suggested conditions in light of the guidance and advice set out in the Framework and Planning Practice Guidance. The Council have suggested the imposition of time limit and plans conditions which, given the nature of the proposal, I consider to be sufficient to provide certainty and in the interests of character and appearance. No other conditions have been suggested, nor do I consider it necessary or reasonable to impose any additional conditions to those already suggested.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie

INSPECTOR