



Appeal Decisions

Site visit made on 7 August 2023

by B.S.Rogers BA(Hons), Dip TP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal A Ref: APP/U2370/C/22/3308206

Appeal B Ref: APP/U2370/C/22/3308205

Land at 462 North Drive, THORNTON-CLEVELEYS, Lancashire, FY5 2HX

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. Appeal A is made by Mr Sam Robinson and Appeal B by Mrs Lucy Robinson against an enforcement notice issued by Wyre Borough Council.
 - The notice was issued on 29 September 2022.
 - The breach of planning control as alleged in the notice is (i) Without planning permission the erection on the Land of a close boarded wooden fence exceeding one metre in height from ground level adjacent to highway used by vehicular traffic incorporating two wooden gates ("the Fence") in the approximate location shown by a blue line on the attached plan; (ii) Without planning permission the erection on the Land of the Fence in that the Fence exceeds two metres in height from ground level; and (iii) Without planning permission the erection on the Land of the Fence in that the Fence erected forward of the principal elevation of the dwellinghouse that forms part of the Land.
 - The requirement of the notice is to remove the fence from the land in its entirety including (but not by way of limitation) all timber, all gates, all supporting posts, and all supporting gate posts.
 - The period for compliance with the requirement is two months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) & (g) of the Town and Country Planning Act 1990 as amended. Appeal B is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. Both Appeal A and Appeal B are dismissed and the enforcement notice is upheld.

Appeal A ground (a) and the deemed application

2. Policy CDMP3 of the Wyre Local Plan (2011-2031) requires new development to be of a high standard of design and appropriate to the end use. Development should respect or enhance the character of the area and make a positive contribution to an attractive and coherent townscape. It should also create safe and secure environments that minimise the opportunities for crime and promote community safety.
3. The main issue in this case is the impact of the fence on the character and appearance of the area.
4. The appeal property is an attractive semi-detached house, sited in a prominent position at the junction of North Drive and Cedar Avenue in a mature residential part of Thornton Cleveleys. It has an original brick-built boundary wall, approximately 85 cm in height, of a type which complements the house itself and is characteristic of the wider area. It is common for such boundaries to be augmented with hedges or other vegetation.

5. A close-boarded timber fence, around 2m high, has been erected around much of the front and side garden of the appeal property. To my mind, it has an unduly stark and incongruous appearance, at odds with the character of the host dwelling and its wider setting. Its visual intrusion is amplified by its prominence.
6. I note that there are a few examples of close boarded fencing in the wider surrounding area, albeit seldom as high as at the appeal site. However, to my mind they are not representative of the general character of the area.
7. The appellant has offered to augment the fence with planting but this would not sufficiently mitigate the adverse impact of the fence. He has also offered to modify the fence but no details of any such modifications have been submitted, such that I could be confident of an acceptable outcome.
8. It is submitted that the fence is needed for the safety of the appellant's young children and for security purposes. These are both matters of relevance to Policy CDMP3. However, there appear to be other methods of achieving security, such as alarms or CCTV which are less obtrusive. And the height of the fence appears far in excess of what might normally be needed to prevent young children from straying onto the highway.
9. In conclusion, I find that the fence unduly harms the character and appearance of the area, contrary to the aims of the development plan. The appeal on ground (a) fails.

The appeals on ground (g)

10. The period for compliance stipulated in the notice is two months. The appellants indicate that they would like an additional period in order to submit a retrospective planning application for the fence. However, the appeal on ground (a) has allowed the planning merits of the fence to be considered as part of this appeal.
11. It is now more than 10 months since the notice was issued and this appears to me to be a more than adequate period to allow the appellants to communicate with the Council to seek alternative ways of resolving this issue. I have not been made aware of any such approaches. The two month period stipulated in the enforcement notice appears an ample period of time for the removal of the fence.

Conclusion

12. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

B.S. Rogers

INSPECTOR