

PLANNING APPLICATION REPORT**REF NO:** **WA/36/10/****LOCATION:** Ashurst
 Binsted Lane
 Binsted**PROPOSAL:** Retention of boundary fence and proposed replacement of the main gate.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Retrospective Application for retention of boundary fence and proposed replacement gate.
SITE AREA	
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Sloping land rising from Heders Hill up to Binsted Lane.
TREES	None affected.
BOUNDARY TREATMENT	Hedging by separate dwelling and wall constructed 2m along footpath. Fencing along road, on a dwarf wall.
SITE CHARACTERISTICS	Large detached house rendered and painted beige. Detached garage, portion of walling abutting road at side already constructed. Tree house and decking in garden shed.
CHARACTER OF LOCALITY	Rural leafy lane.

RELEVANT SITE HISTORY

WA/3/03/	Extensions, comprising of 1no. 2 storey extension and 2 no. 1st floor extensions together with new 1.8m boundary wall.	Approve Cond 04-04-2003
WA/81/03/	Boundary wall	Refused 03-12-2003
WA/15/04/	Extension of existing garden wall (Resubmission of WA/81/03)	Refused 27-04-2004
WA/20/04/	Construction of balcony	Approve Cond 04-05-2004
WA/41/04/	Boundary Wall	Refused 14-07-2004

WA/14/05/	Retention of boundary wall along public footpath. Retention and modification of boundary wall along public highway. Erection of gates and wall along public highway. (Re-submission following planning application WA/41/04/)	Refused 24-03-2005
WA/104/05/CLE	Application of a certificate of lawfulness for an existing use of land as residential curtilage	Refused 01-02-2006

REPRESENTATIONS**Representations received:**

Walberton Parish Council

No objection

None

None

Comments on Representations received:

Comment of Parish Council comments: Noted.

CONSULTATIONS

WSCC Local Development Divis.

Parks and Landscapes

Engineers (structural)

Consultations responses received:

County Highways - No objection - is not affecting the publicly maintained highway and does not affect footpath 337. Visibility is not compromised. Would prefer the gate is sited 5m back from the edge of the carriageway.

District Engineers - Structural calculations are required to justify stability and strength of piers for lateral wind forces.

District Parks and Greenspace - Due to the proximity of the fence line to the road there is not sufficient space to facilitate any significant planting which could soften the visual impact.

Comments on Consultation responses:

Comments noted. The original application allowed for sight lines. The reinstatement of some form of hedge screening is essential to break up the urban form of this structure.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area Boundary

Within Site of Archaeological Interest

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan: [GEN3](#) Protection of the Countryside

[GEN7](#)
[GEN12](#)

The Form of New Development
Parking in New Development

PLANNING POLICY GUIDANCE

PPS1
PPS7
PPG13

Delivering Sustainable Development
Sustainable development in rural areas
Transport

POLICY COMMENTARY

The above policies combine to describe the Development Control criteria against which all proposals will be determined by the authority particularly with regard to the effect on the countryside.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that the design, height and extent of the existing fence is out-of-keeping with the rural street scene which is predominantly hedging or flint walling. The existing fencing has been constructed without Planning Approval as it is not in accordance with the Approval WA/3/03 and appears very urban in this countryside location as it is out-of-character.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site lies outside the built-up area boundary where development is not acceptable in principle unless it is necessary for the purposes of agriculture. Any alterations or extensions to existing dwellings must be sensitive to the countryside. In this case the application is the sixth application for boundary walling on this site. There has also been an enforcement appeal which was dismissed for the retention of the wall. This application has been amended to include fencing and trellis, however, this has not over come the or addressed the Inspector's comments or objections.

VISUAL APPEARANCES AND EFFECT ON THE COUNTRYSIDE

The site is on a corner location of Binsted Lane and is highly visible from three perspectives. Binsted Lane is characterised by mature hedging and flint walling. This site was originally bounded by mature hedging which was taken out and replaced with a wall in 2003 when Application WA/3/03 approved a wall 1.8m with wooden gates which enclosed only the access from the boundary alongside the footpath through to the boundary wall of the houses, allowing visibility splays. This retained the majority of the hedge screen around the site. Since that time

applications have been submitted and refused for an extension of the wall around the site of varying height up to 2.8m.

This application follows an appeal on an enforcement to remove the walling which was built without Planning Approval (CON/WA/11/05). The Inspector commented that "the constructed wall is tall, with particular large piers adjacent to the gate and extends for a significant distance along the highway boundary. The design because of its height, length, piers, panels and iron gates is not sympathetic to a rural area but has a substantial and unacceptable urbanising impact". He went on to explain that whilst a fence panel would mellow over time the overall design and length would not overcome the harm. It is considered that the sections of walling have now been replaced with fencing does not enhance the situation or soften it in any way. Therefore this does not overcome the Inspector's objections.

The existing wall, fencing and trellis, along with the brick pillars with decorative pinnacle on top are totally out-of-character with the rural countryside and as the Inspector concluded it has an unacceptable urbanising effect. The applicant has been advised on several occasions that traditional flint walling would be acceptable, but brick wall and fencing is not. Alternatively, hedgerow could be re-instated. Therefore, the proposal is a visual intrusion and unacceptable.

HIGHWAY ISSUES

The original wall and gates approved WA/3/03 allowed for visibility splays of 2m x 45m in each direction as required by the Highway Authority. County Highways have commented that the gates should be sited 5m back from the edge of the carriageway of Binsted Lane.

SUMMARY

The combined wall, fence and trellis provides a significantly detrimental impact on the street scene and has not overcome the previous Inspector's objection. Therefore, it is recommended that the application is refused for the following reasons:

RECOMMENDATION

REFUSE

- 1 The boundary wall, fencing and trellis, by reason of its siting, length, height and design, would represent an unacceptable form of urbanisation and would adversely affect the visual amenities of the rural locality in that it would be obtrusive in the landscape and prominent from surrounding viewpoints. The proposal would therefore be contrary to policies GEN3, GEN7 of the Arun District Local Plan.