

LOCATION: BUCKSTONE FARM, WINDLESHAM ROAD, CHOBHAM, WOKING, GU24 8SW
PROPOSAL: Retention of front boundary fence with a reduction in height. (Amended plan rec'd 10/03/16), (Additional plans rec'd 14/04/16)
TYPE: Full Planning Application
APPLICANT: Mrs Alice Wood
OFFICER: Emma Pearman

RECOMMENDATION: GRANT subject to conditions

This application would normally be determined under the Council's Scheme of Delegation, however, at the request of Cllr Pat Tedder it has been called in for determination by the Planning Applications Committee.

1.0 SUMMARY

- 1.1 The application site is Buckstone Farm, which comprises a Grade II listed building and its curtilage, located to the south of Windlesham Road in Chobham. The property lies outside the settlement area of Chobham and within the Green Belt. The proposal is for a reduction in height of the front boundary fence from 2.1m to an average of 1.5m approx., to match that of the old fence that is still in situ behind the newer fence. Retrospective planning permission was refused in 2014 for the retention of the 2.1m fence and an appeal for the same was subsequently dismissed. An Enforcement Notice requiring the removal of the fence was issued in December 2015 but this is currently being held in abeyance pending the outcome of this application.
- 1.2 It is considered that a reduction in the height of the fence would considerably reduce the harm to the Green Belt, character and the setting of the Listed Building from that of the fence as it stands currently, and which is the subject of the Enforcement Notice and dismissed appeal. It is also considered that very special circumstances now exist that outweigh this limited harm, notably that the old fence which is the same height could be retained in any case if this application is refused. As such the application is recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises the 16th century Grade II listed building Buckstone Farm on a curtilage of approximately 350m², which is located to the south side of Windlesham Road, in Chobham. The site lies outside the settlement area of Chobham as identified on the Surrey Heath Core Strategy Proposals Map, and within the Green Belt. The fence which is the subject of this application lies along the northern boundary of the site adjacent to Windlesham Road and is a close-boarded wooden fence. There are a few residential buildings within the vicinity which are detached properties on large plots, interspersed with open space.

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU14/0935 – Retrospective application for the retention of a maximum 2.1 metre high timber fence to the front boundary.

Refused 18/12/2014 for the following reason:

1. *The proposal constitutes inappropriate development that is, by definition, harmful to the Green Belt. In addition, the fence by reason of its height, design and length, causes further harm to the openness of the Green Belt; and, results in adverse visual impact within the streetscene and the surrounding area; and, detrimentally affects the setting of the Grade II Listed Farmhouse. There are no very special circumstances to outweigh this identified harm. As such, the proposal is contrary to Policies CP2, DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework 2012.*
- 3.2 An Appeal (ref APP/D3640/D/15/3010120) was dismissed on 17/06/2015 in respect of the above application and an Enforcement Notice issued for the removal of the fence on 14th December 2015. The Enforcement Notice is being held in abeyance pending the outcome of this application.

4.0 THE PROPOSAL

- 4.1 This proposal is for the retention of and reduction in height of the unauthorised fence, which is currently a maximum of 2.1m, to between 1.45m and 1.6m (average of 1.5m) as it would vary slightly due to the variation of the ground level. The top of the fence would be removed to reduce the height. The proposed height would be the same as the old fence (referred to as ‘existing fence’ by the applicant in the documentation but hereafter referred to as the ‘old fence’) which is still mostly in place behind the fence though cannot be seen from the road. The top of the fence would also be approximately level with the top of the fence at Laris Farm which adjoins it to the east.
- 4.2 The brick piers and gates which are in situ at the property would also have required planning permission, however the applicant states that these were installed in summer 2011 and the Council has no evidence to the contrary. As such it is likely that they are exempt from enforcement action and as such were not included in the Enforcement Notice issued by the Council.

5.0 CONSULTATION RESPONSES

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| 5.1 | Council’s Historic Buildings Officer | No objection. |
| 5.2 | Chobham Parish Council | Objection – fence should not be on highway land. Proposed height of between 1.45m and 1.6m is contrary to statutory requirement. The fence should match the height of the existing fence on the right hand side of the house. |

[Officer comment: the fence is on the boundary and does not appear to encroach onto highway land, it is not sure what is meant by ‘statutory requirement’ as this property has no permitted development rights in any case]

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 7 letters of objection/comment have been received from 5 different people which raise the following issues:

Support

- If application proposes a fence the same height as the previous fence it has my support

Character issues [see section 7.4]

- Fence should not be as high as Laris Farm as this is on elevated ground
- Fence should be no more than 1m high

Other matters

- Plans are not drawn to scale/there is no scale and application submission appears contradictory and confusing. For example, unclear whether brick pillars are being replaced or not
- Council has acted submissively in respect of enforcement

[Officer comment: The submitted plans were originally not high quality, however, the applicant has confirmed the nature of the proposal and full elevation plans have now been received.]

7.0 PLANNING CONSIDERATION

- 7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are Policy DM9 (Design Principles) and Policy DM17 (Heritage). The National Planning Policy Framework (NPPF) is also a relevant consideration.

- 7.2 The issues to be considered are:

- Impact on the Green Belt;
- Any other harm including character and visual amenities, and the impact on the setting of the Grade II listed building; and
- Whether any very special circumstances exist.

7.3 Impact on the Green Belt

- 7.3.1 Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Paragraphs 89 and 90 list the forms of development which are not inappropriate in the Green Belt, though is silent on the matter of fences. As such it is reasonable to conclude, as was previously concluded under application 14/0935 and by the Inspector at Appeal, that the fence constitutes inappropriate development.

- 7.3.2 The locality of the application site has a rural character, with fields and sporadically placed buildings in large plots and as such is essentially open in character. While there are fences

in the vicinity of the application site, there are none which are both as high and as long as the one at Buckstone Farm. Under application 14/0935 it was concluded that the increase in height from the old fence, of between 0.47m and 0.57m, resulted in a hard barrier and urbanising effects in this rural setting, harmful to the openness of the Green Belt. The Inspector, in dismissing the above Appeal, agreed with this conclusion but in his decision also stated that the old fence would have affected openness to a much lesser extent because it would have allowed a certain degree of visibility across the frontage of the property. As such it is now considered that by reducing the height of the fence to the same as the old fence, the effect upon openness will be considerably reduced and will only affect the Green Belt to a limited degree.

7.3.3 It is therefore considered that while any fence would be considered inappropriate development in the Green Belt, in line with the Inspector's conclusions the reduction in height of the fence to that of the old fence would now affect openness to only a limited degree and not to any significant extent in context of the existing arrangement.

7.4 Any other harm including character, appearance and the setting of the Listed Building

7.4.1 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 58 goes on to say that planning decisions should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture.

7.4.2 Policy DM9 states that development should respect and enhance the local, natural and historic character of the environment, paying particular regard to scale, materials, massing, bulk and density. Policy DM17 states that development which affects any Heritage Asset should first establish and take into account its individual significance and seek to promote the conservation and enhancement of the Asset and its setting.

7.4.3 Within the vicinity of the application site, Laris Farm has a 1m high fence on raised ground, so is overall 60cm lower approx. than the 2.1m high fence at Buckstone Farm. On the western side of the application site, there is also another fence which is in a dilapidated state, of approximately 0.9m-1m in height. The majority of boundary treatments in the vicinity comprise low fences or brick walls with hedges which gives a softer effect and it was previously concluded that the 2.1m high fence was not suitable for this rural setting. In reducing the height of the fence to that of the old fence, it would be more in keeping with the height of other boundaries in the vicinity and it is not considered that this would cause significant harm to the visual amenities of the locality. The planting directly in front of the fence has also grown and as such when this has matured further the effect of a hedge and a lower fence will not be dissimilar to others in the vicinity. It is noted that the fence at Laris Farm is not as high as is proposed to be retained by this application however given its elevated siting the visual impact would not be dissimilar.

7.4.4 The Council's Historic Buildings Officer has not objected to this application, stating that a fence the same height as the old fence would not harm the setting of the Listed Building. This is in contrast to his objection to the previous application for the 2.1m high fence and the Inspector's conclusion that the 2.1m high fence would obstruct views of the building. Photos of the old fence, which is the same height as proposed, show that the building can clearly be seen from the road and the view is partially obstructed by trees rather than the fence. As such it is considered that this proposal would not result in harm to the setting of the Listed Building.

7.4.5 It is therefore considered that this proposal overcomes the harm to the Listed Building and given the other boundary treatments in the vicinity, and the effect of the planting which will mature, only causes very limited harm to character.

7.5 Whether any very special circumstances exist

7.5.1 Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.5.2 In his decision, the Inspector concluded that weight can be given in respect of added security to the house, but this would be limited given the absence of specific evidence in this regard. The applicant has also stated that they have young children and a dog who play on the large garden area to the front of the property and as such it is essential that there is some boundary fencing to stop the children/dog from running into the road, and a hedge would take too long to grow to provide a sufficient boundary. It is considered that weight can also be given to this consideration.

7.5.3 The Inspector also gave some weight to the fact that permitted development rights apply to most properties which allow fences of up to 1m in height adjacent to a road, though such rights do not apply to this property as it is Listed. Therefore in line with the Inspector, limited weight is attached to this consideration.

7.5.4 The Inspector also notes that given the existence of the old fence, the effect of the proposal and the harm is limited to the increase in height. This application, by reducing the height to that of the old fence, overcomes this harm identified by the Inspector. It should also be noted that the old fence has been in place for in excess of four years and as such it can be considered to be exempt from enforcement action (it can clearly be seen on Google Streetview in 2008). Therefore if permission is refused for this application, the applicant would not have to remove the old fence which is of the same height as that applied for here, but is in a more dilapidated state so could adversely affect the appearance of the road. It is also a close-boarded fence so would not allow any more views of the property than is proposed here. It is still in place along the 50m stretch from the west of the gate to the neighbouring boundary, but has been removed for the 16m section between the gate and Laris Farm. It is considered therefore that significant weight should be given to this fallback position, given that it would result in an outcome which would be at best, a fence 16m shorter in length than proposed, and at worst, more harmful to the appearance of the area.

7.5.5 It is therefore considered that, given the above, very special circumstances now exist which justify the limited harm to the openness of the Green Belt and character which the fence would give rise to.

8.0 CONCLUSION

8.1 It is considered that this proposal, by reducing the height of the fence to the same as the old fence, would considerably reduce the harm to the Green Belt, character and the setting of the Listed Building from that of the current 2.1m fence. It is also considered that very special circumstances now exist that outweigh the limited harm identified. As such the application is recommended for approval.

**9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT)
ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

10.0 RECOMMENDATION

GRANT subject to the following conditions:-

- 1. Within three months of the date of this permission, the height of the fence shall be reduced in accordance with Drawing 1, Drawing 2 and Drawing 3 all received 14.04.16 and for the avoidance of doubt shall be no more than 1.6m in height at any point.

Reason: To accord with the terms of the application, in order to prevent harm to the openness of the Green Belt, the character of the locality and the setting of the Listed Building in accordance with Policies DM9 and DM17 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and the National Planning Policy Framework.

Informative(s)

- 1. Decision Notice to be kept DS1