

**4.1 – SE/15/01031/HOUSE** Date expired 2 June 2015

**PROPOSAL:** Erection of a boundary fence (retrospective).

**LOCATION:** The Sheiling, Coopers Lane, Penshurst TN11 8AT

**WARD(S):** Penshurst, Fordcombe and Chiddingstone

**ITEM FOR DECISION**

The application has been referred to the Development Control Committee at the discretion of the Chief Planning Officer on the ground of the controversial nature of this retrospective planning application.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:-

1) Within one month of the date of this decision, the applicant shall submit a landscaping scheme for the planting a native hedgerow adjacent to the northwest face approved fencing. The planting scheme shall provide a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities). The soft landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

2) The approved landscape works shall be carried out before the end of the forthcoming planting season. The landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

3) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: CL-770-PD-F-01

For the avoidance of doubt and in the interests of proper planning.

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line  
([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided the opportunity to submit amendments which led to improvements to the acceptability of the proposal.

#### Description of Proposal

- 1 This is a respective application for the retention of a 1.875 metre high boundary fence that has been erected along the south-eastern boundary of the application site with the neighbouring property Hamsell, Coopers Lane, Penshurst, with a length of 18.5 metres. This fence boards a listed building, Hamsell, Coopers Lane, Penshurst, thus requiring an application for planning permission. The fence has been stained dark green.
- 2 The applicant has stated that they would plant a hedge in front of the fence.
- 3 The applicant has stated that the *“fence is for privacy, security and safety. Fence appears smaller on neighbours side due to garden rising upwards. Whilst open fencing has place in countryside, this fence separates two residential gardens. Surrounding properties have close boarded fencing. Believe fence has no adverse impact or causes harm to AONB. Does not harm setting of listed building with this having elevation position. Hedging could be used to screen the hedge”*.

#### Description of Site

- 4 The application site comprises a detached property located on the north-western side of Coopers Lane, Penshurst. The site is situated within the ward of Penshurst, Fordcombe and Chiddingstone. There is a mixture of hedging, close

boarded fencing and post and rail boundary treatments in the vicinity of the application site.

### Constraints

- 5 Area of Outstanding Natural Beauty – High Weald
- 6 Metropolitan Green Belt
- 7 Public Rights of Way (along north-eastern boundary of site)

### Policies

#### *Sevenoaks District Core Strategy*

- 8 Policies – LO1, SP1

#### *Sevenoaks District Allocations and Development Management Plan (ADMP)*

- 9 Policies– SC1, EN1, EN2, EN4 and EN5

#### *Other*

- 10 The National Planning Policy Framework (NPPF)
- 11 Planning (Listed Buildings and Conservation Areas) Act 1990
- 12 Residential Extensions Supplementary Planning Document (SPD)

### Recent Planning History

- 13 14/03418/HOUSE - Erection of a single storey extension with chimney to south-east elevation (side) and erection of a single storey conservatory to north-west elevation (side). Alterations to fenestration – Granted
- 14 15/01476/NMA - Non Material Amendment to SE/14/03418/HOUSE – Non-material

### Consultations

#### *Penshurst Parish Council*

- 15 Support this application.

#### *SDC Conservation Officer*

- 16 The Sheiling is a modern detached house set within generous grounds adjacent to open countryside and a pair of semi-detached Grade II listed houses dating from the 16<sup>th</sup> century with later additions; Hamsell and Hamsell Farm. They are timber framed with a tile hung elevation to the front and timber-framing to the rear. Historic mapping suggests that the application site was formerly the gardens of Hamsell. These houses are part of a small rural hamlet on Coopers Lane within the High Weald AONB. The AONB Statement of Significance states that, “The essential character of the High Weald was established by the 14<sup>th</sup> century and has survived major historical events, and social and technological

changes. It is considered to be one of the best surviving coherent medieval landscapes in Northern Europe.”

- 17 The applicant’s garden extends across the bottom of the Grade II listed Hamsell’s garden, separating this garden from the open fields. The boundary of The Sheiling’s garden that is adjacent to the fields has a cleft and post fence as has Hamsell Farm’s boundary. The boundaries that separate each dwelling are high hedges and fences. The bottom boundary between the gardens of the Sheiling and Hamell was previously open with a low level retaining wall marking the approximate boundary. It is unlikely that this is an historic feature, and the applicant has submitted supporting documentation to this effect, dating it post 1948 and therefore not considered a curtilage listed structure.
- 18 The main conservation consideration is the impact on the setting of the listed building. The setting is defined by the openness of the wide river valley and the surrounding historic farmland in this part of the AONB and the softness of the boundary treatments which enhance the relationship between the built form and the natural environment. The land slopes away from the settlement towards the river. There are long views of the attractive timber-framed rear elevation from the wider surrounding area. In particular there is a relationship between Hamsell and Hamsell Farm and the fields to the north and their open strut and post boundaries. This treatment can be seen throughout the hamlet. The latest Historic England Good Practice Advice - Planning Note 3 on views and setting states, “setting does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it” and Hamsell is clearly visible in short and long views from the surrounding farmland. The standardised close boarded fence introduces a modern and incongruous urban form into this historic rural landscape and the solidity of the form disconnects Hamsell from the wider landscape. The close-boarded fence is uniform and regular creating a jarring urban form which is uncharacteristic of this rural setting and detracts from this bucolic setting.
- 19 This harm is less than substantial harm but the public benefits required by the NPPF have not been demonstrated to justify the development. Although the setting is characterised by openness and the former farmhouse is still experienced within its rural context, the site is no longer Hamsell’s garden. “Protection of the setting of heritage assets need not prevent change” (Historic Environment Good Practice Advice in Planning Note 3, Historic England) and the now sub-divided garden plot mean boundaries must be considered. There is no objection to the principle of a boundary but it should be in a form that respects the established setting of this historic building and landscape.

*Conservation Officer (additional comments)*

- 20 The applicant has proposed to plant a hedge to screen the fence. This would go some way to mitigating the impact on long views.

*High Weald AONB Unit (initial comments)*

- 21 ‘Unfortunately we no longer have a planning adviser and due to limits on my time I have not visited the site. However, I’d like to draw your attention to the following points:

- In general, I do not consider fencing per se to be a major issue yet in the High Weald but it is widely accepted that sympathetic design and efforts to contribute to the maintenance and improvement of the special characteristics of nationally important landscapes such as the High Weald should be encouraged. And although much of the High Weald still retains its local distinctiveness, the creeping 'suburbanisation' so often associated with residential access and boundaries and the use of standardized materials and/or products (such as close board fencing) not reflecting the local character can undermine the High Weald's distinctiveness;
- The Kent Downs AONB Unit have produced a very useful and informative landscape design guidebook, which provides readily accessible and practical design information and guidance and, given my views above, I would urge both the applicant and Sevenoaks District Council to consult and follow this guidance. Although the guidelines have been written with the Kent Downs in mind, the range of fencing options and appropriate materials and designs are also suitable for the High Weald. Pages 8 and 64 – 70 are most relevant in this case and a link to the guidance can be found here:

<http://www.kentdowns.org.uk/guidance-management-and-advice/landscape-design-handbook>

- 22 These comments are advisory and are intended to provide Sevenoaks District Council with my professional views on the potential impacts to the High Weald landscape and these comments are not necessarily the views of the High Weald AONB Joint Advisory Committee. It remains the responsibility of Sevenoaks District Council to decide whether the proposed application's benefits outweigh its potential adverse impacts or harm to the AONB.'

#### *High Weald AONB Unit*

- 23 Further comments from the High Weald AONB unit were received as follows:
- 'It's my opinion that the planting and establishment of a hedge comprised of appropriate native plant species is an appropriate option and I welcome Mrs Waggot's efforts to consider and address the points outlined in my comments on the planning application RR/2015/704/P15/01031/HOUSE. Not only are native hedges an important and characteristic feature of the High Weald but they also contribute to the area's distinctiveness and their benefits for wildlife are well known. In the shorter-term the hedge will screen the fence, which could be removed at a later date once the hedge is established.'

#### Representations

- 24 Letters from two sources have been received objecting to the planning application. The concerns raised in these letters can be summarised as follows:
- Style of fencing not in keeping with the rural location, giving a suburban feel. Open post and rail with wire netting would be more suited.
  - 1.8 metre close boarded fence constitutes inappropriate development in the MGB and AONB due to height and construction. Contrary to EN5 (materials do not conserve or enhance the character of the landscape), LO8 of Sevenoaks D.C. Countryside Assessment SPD (regards should be given to ensure all development conserves and enhances local landscape

character), EN5 (development which harms or detracts from landscape character of the AONB will not be permitted), Residential Extensions SPD (boundary treatment which is not characteristic of countryside such as close boarded fences should be avoided as urban in character and detract from openness of countryside), adversely affecting setting of the listed building Hamsell.

- Fence visible from two PROWs.
- Believe that part of the fence is built on/attached to land falling within the ownership of Hamsell.
  - The dispute over boundary ownership is not a planning matter and as such cannot be considered within this application. This is a private matter.

25 Letters have been received from the previous owners of the application site. These outlines that the Haw was erected in 1981 within the curtilage of The Sheiling, and the wall was erected 18 years ago in the curtilage of the Sheiling.

### **Chief Planning Officer's Appraisal**

#### Principal issues

##### *Impact on character and appearance of the area*

- 26 The NPPF states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para. 56).
- 27 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
- 28 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 of the ADMP states that the form of proposed development should respond to the scale, height, materials and site coverage of the area. This policy also states that the layout of proposed development should respect the topography and character of the site and the surrounding area.
- 29 The Residential Extensions SPD outlines that the boundaries to properties have a significant impact on the character of an area and its visual amenity. Local context should influence the design of any new or replacement boundary and unsympathetic boundary treatment (such as close boarded fences) should be

avoided on front or side boundaries facing a street. The closed boarded fence is not a front or side boundary fence, but an internal boundary fence. It is sited to the rear and matches the use of existing close boarded fencing in the immediate locality. Whilst it may not be most ideal fencing in this rural location, given its siting in between gardens and to the rear and through its use of matching style of fencing to existing fencing in the immediate vicinity, the close boarded fencing does not detract from the visual amenity of the locality under policy EN1 of the ADMP and SP1 of the Core Strategy.

- 30 Members should note that the fence erected is 1.875 metres in height and as such would be permitted development were it not for the fact it borders and encloses the neighbouring listed building Hamsell, Coopers Lane.
- 31 As such the impact of the fence on the setting of the listed building must be considered under policy EN4 of the ADMP and Section 66 of the Town Planning (Listed Buildings and Conservation Areas) Act 1990. Development should preserve or enhance the setting of a Listed Building.
- 32 The site of The Sheiling runs along the north-eastern and north-western sides of the listed building Hamsell. The fence has been erected where the site borders the north-western (rear) side of Hamsell. The fence stands at a lower level than Hamsell, as the Listed Building stands in an elevated position compared to the fencing erected. Hamsell is also joined onto Hamsell Farm, which is also a Listed Building.
- 33 The fence erected has a length of 18.5 metres and runs along the south-eastern boundary of the application site with the neighbouring property Hamsell, Coopers Lane, Peshurst. This fence is located around 20 metres away from the rear most (north-western most) elevation of the listed building Hamsell. From visiting the site it is clear that there are examples of other properties using close boarded fencing in this location, including those that side boundaries for the listed buildings Hamsell and Hamsell Farm. Whilst the recently erected fencing will be more visible from the rear and public footpaths, from other view points it will be no more visible than the existing close boarded fencing that exists at Hamsell and Hamsell Farm and the local area. In addition the fencing has been painted dark green to lessen its prominence in the locality. There is some also landscaping features which help to soften its impact, the applicant has also indicated a willingness to plant a hedge in front of the fence (within their ownership) to further reduce the visual presence of the fence in this locality.
- 34 The Conservation Officer has raised no objection in principle to the erection of a boundary fence in this location, but had concerns as to whether the close boarded fencing was an appropriate boundary treatment surrounding these Listed Buildings in this rural location and its wider landscape. As I have discussed above, the fencing has been erected at a lower ground level than Hamsell and Hamsell Farm, appropriately 20m away and constructed from a boundary treatment that matches that already used as a boundary treatment at these Listed properties. Therefore in terms of the impact on the immediate setting of these Listed Buildings, I am satisfied that the fencing has not resulted in any harm and would preserve the setting of these Listed Buildings. In terms of the wider setting of these Listed Buildings, the fence would be visible from a public footpath to the west, however this is over 150m away and the fence is stained dark green and whilst visible, is not a prominent feature and does not prohibit views or harm the setting of these Listed Buildings, particularly given it is also sited at a lower

ground level. The applicant is also proposing to plant a hedging in front of the fencing to further reduce its impact. Members will also note that the Conservation Officer has further commented that the use of hedging would go some way to mitigate the long views. Given these circumstances and ability to condition extra planting, I am satisfied that the fencing does not harm the long distance setting of the Listed Hamsell and Hamsell Farm. As such I am satisfied on balance that the development preserves the setting of both Hamsell and Hamsell Farm listed buildings in line with policy EN4 of the ADMP and Section 66 of the 1990 Act.

- 35 Policy EN5 of the Allocations and Development Management Plan outlines that 'proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant management plan and associated guidance.'
- 36 The High Weald AONB Unit had initially advised that the use of close boarded fencing is a standardized material which does not reflect the local character and can undermine the High Weald's distinctiveness. As highlighted above, there is a mix of boundary treatments in this location, including the use of close boarded fencing, so it would not be out of keeping with the landscape character in this locality. Equally my comments regarding the visibility of the fence from long distance above are also relevant to the landscape character of the AONB. Following the applicant suggesting that they would plant hedging in front of the fencing, the High Weald AONB Unit considered this to be appropriate solution to address their previous concerns. The matter of extra planting can be controlled by condition. Therefore I am satisfied that the proposal will preserve as well as enhance the landscape character of the AONB, through the provision of additional native hedging.

#### *Impact on neighbouring amenity*

- 37 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN2 of the Allocations and Development Management Plan outlines that proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development, and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and where the build form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.
- 38 The development would not result in an unacceptable loss of privacy, light, overshadowing and would not be overbearing impact on the neighbouring properties.



## **Conclusion**

39 In light of the above considerations, I am satisfied that the development does not harm the landscape character the Area of Outstanding Natural Beauty nor harm the setting of the Listed Buildings Hamsell and Hamsell Farm. The development preserves these keys features and therefore is in accordance with development plan and therefore my recommendation is to grant planning permission.

## **Background Papers**

Site and Block Plans

Contact Officer(s): Hannah Weston Extension: 7387

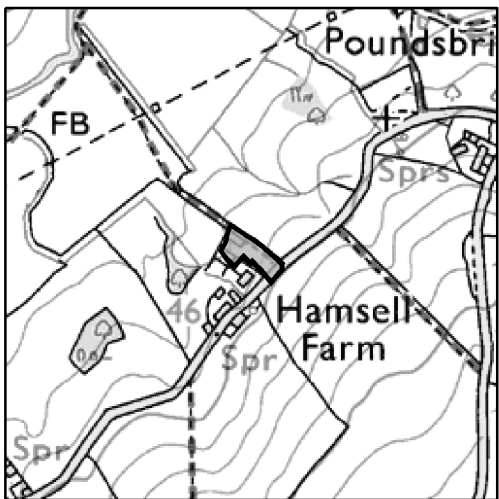
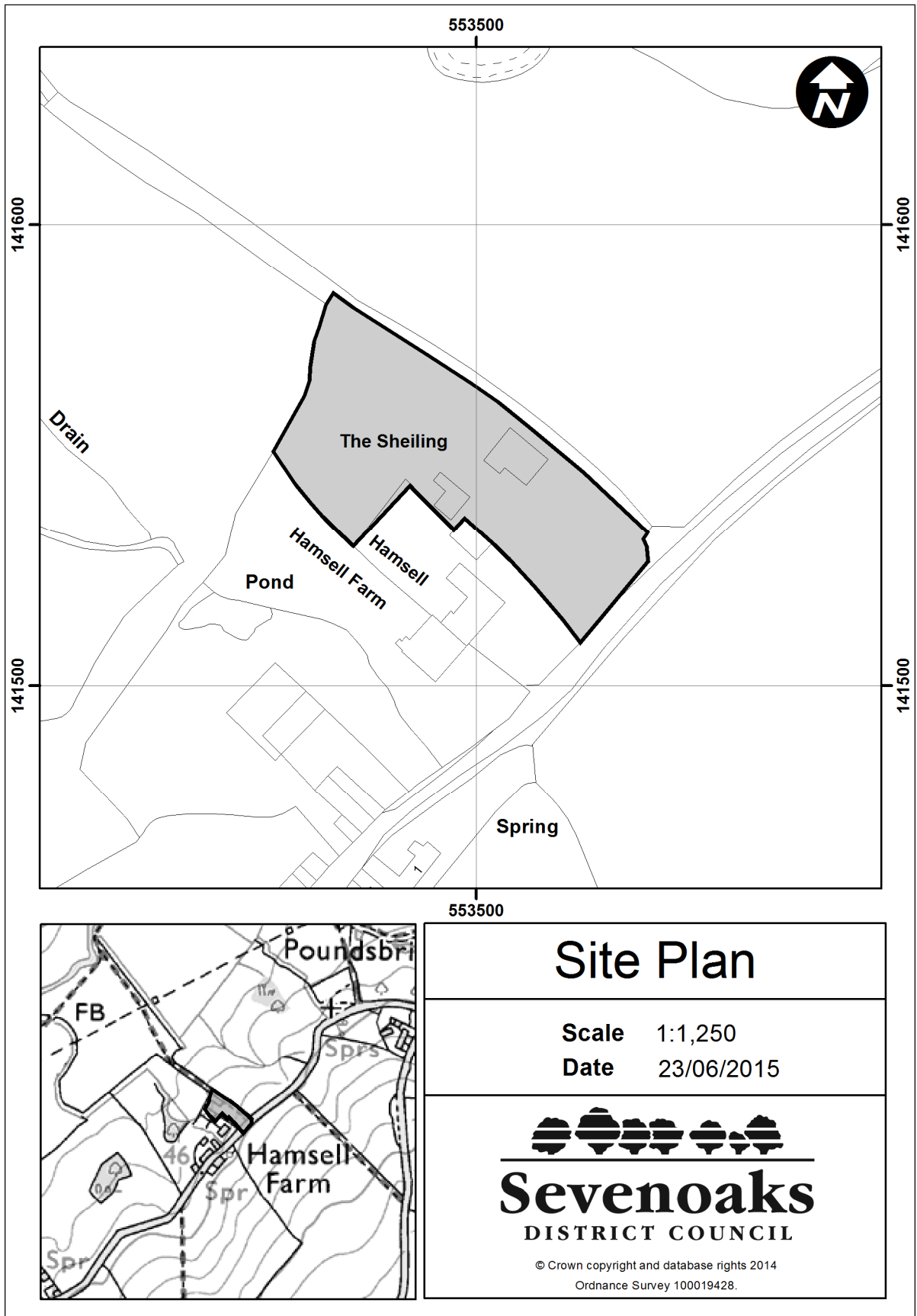
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NMG21YBKJA200>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NMG21YBKJA200>



# Site Plan

Scale 1:1,250  
 Date 23/06/2015



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 Ordnance Survey 100019428.

BLOCK PLAN

