

Application Number	PA/2023/1478	
Location	Cherry Orchard, Bower Road, Mersham, TN25 6NW	
Grid Reference	05546/39431	
Parish Council	Mersham	
Ward	Mersham, Sevington South with Finberry	
Application Description	Proposed 2m North East and North West boundary fence following the removal of an existing Leylandii hedge.	
Applicant	Mr & Mrs Strover	
Agent	N/A	
Site Area	0.1 ha	
(a) 6/-	(b) X	(c)

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member Cllr Bartlett.

Site and Surroundings

2. The application site comprises the residential garden area surrounding the property known as Cherry Orchard within Mersham. It is not within any designated areas. The site occupies a corner plot with the main Bower Road to the front and Cherry Glebe to the side. The main driveway to serve the property is on Cherry Glebe although there is also a gate set back within the hedging to the front along Bower Road which was granted permission in 2018. Leylandii hedging is to the entire side along Cherry Glebe with further leylandii to the front along Bower Road. However along Bower Road there is a gap in front of the leylandii with native hedging along the grass verge which is immediately in front of the leylandii.
3. Although a residential area, the immediate vicinity is rural in its appearance. The majority of the plots benefit from dense, attractive hedging as boundary features, particularly Bower Road to the front. These landscaping features contribute positively to the character of the area. Some have no boundary treatments to the front contributing to the open character of the area. Fencing

is rare and are either to the sides of properties or are of a post/rail style at heights of approximately 1m-1.5m. Where such means of enclosure are evident, they are not so prevalent as to be an overriding characteristic of the area.

4. Of note is a close board fence along the southwest boundary of Cherry Rose opposite the application site. This particular property was granted planning permission in 2022 for an extension with the approved plans showing a proposed native hedgerow and trees along the southwest border with no fence approved. The fence has therefore been erected without the benefit of planning permission and is currently subject of a live enforcement case.

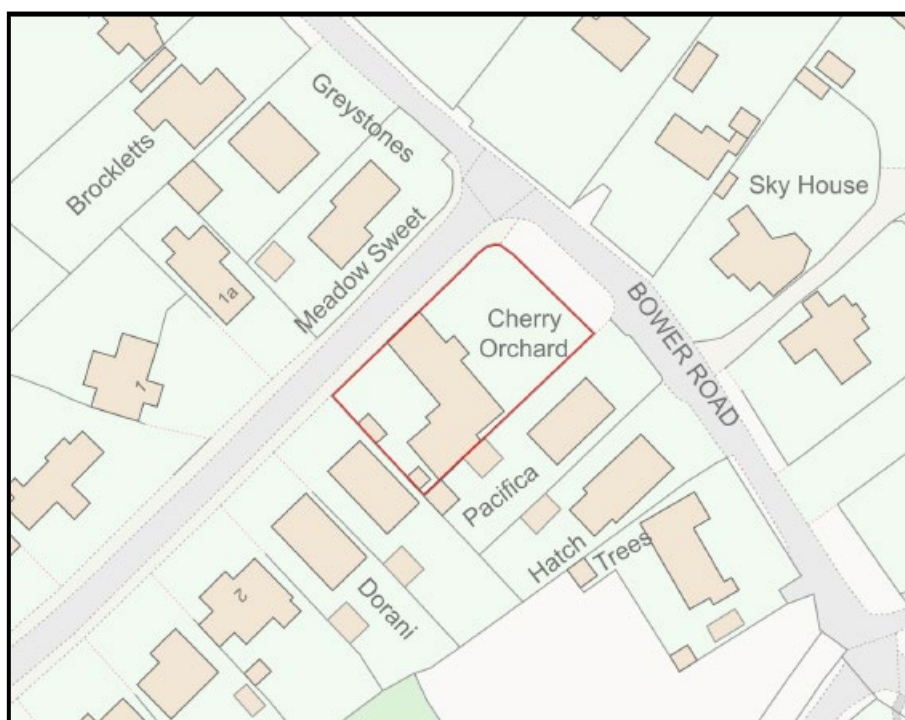


Figure 1 Site Location Plan

Proposal

5. Full planning permission is sought for the erection of a 2m high closeboard fence which is to run the entire front and side boundaries of the dwelling, approximately 63m in overall length.
6. During the course of the application, officers tried to work with the applicant to explain concerns and suggest solutions. It was suggested that the proposal be altered so that the fence would be 1.5m in height; the applicant did reduce 4 of the panels nearest to their driveway along Cherry Glebe but wishes the

application to be determined based on the plans provided and does not wish to reduce the fence any further.

7. The applicant intends to retain the native hedging to the front and whilst it is acknowledged that in itself would somewhat mitigate matters, the native hedge is located on the grass verge which is not within the ownership of the applicant, nor is it contained within the red line. The applicant was advised that in order for the retention of the hedge to be conditioned then the verge/hedge should be shown in the red line and relevant notice served. A land registry search was carried out to ascertain ownership and the grass verge is shown to be under the ownership of the “Mersham Development Corporation” who are no longer in business therefore ownership is not certain. The applicant was advised that the correct ownership certificate (Certificate D) would need to be completed in the application form along with the potential for publication in the local newspaper. None of this information has been recognised by the applicant. The requirement for the extent of high fencing is to provide security and privacy to the site.

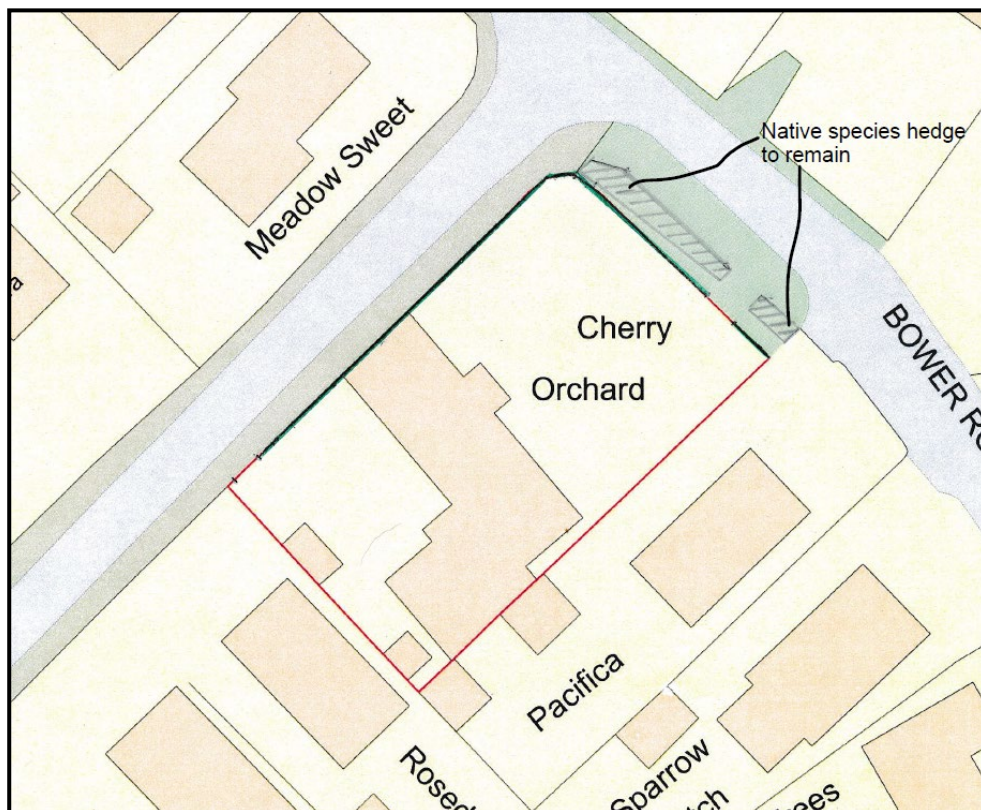


Figure 2 Black line showing extent of fencing; native species not within red line/ownership

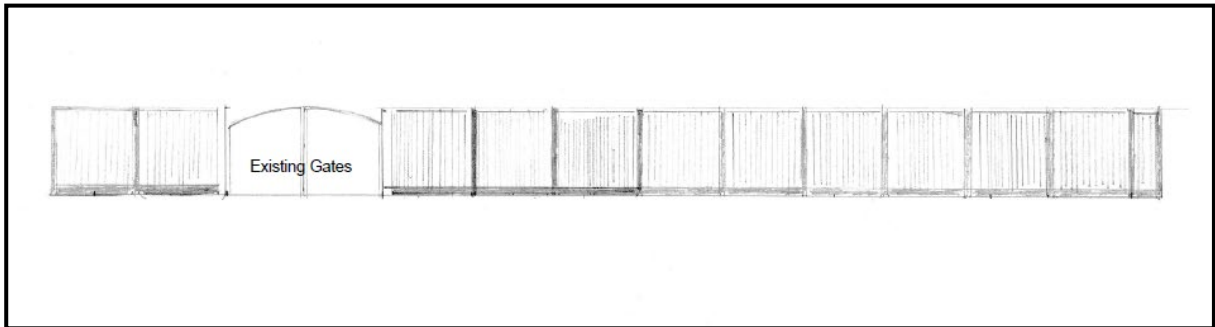


Figure 3 North East Boundary Fence (along Bower Road)

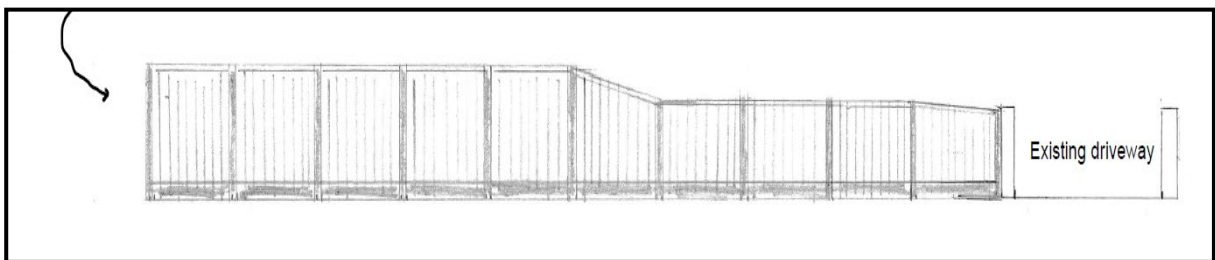


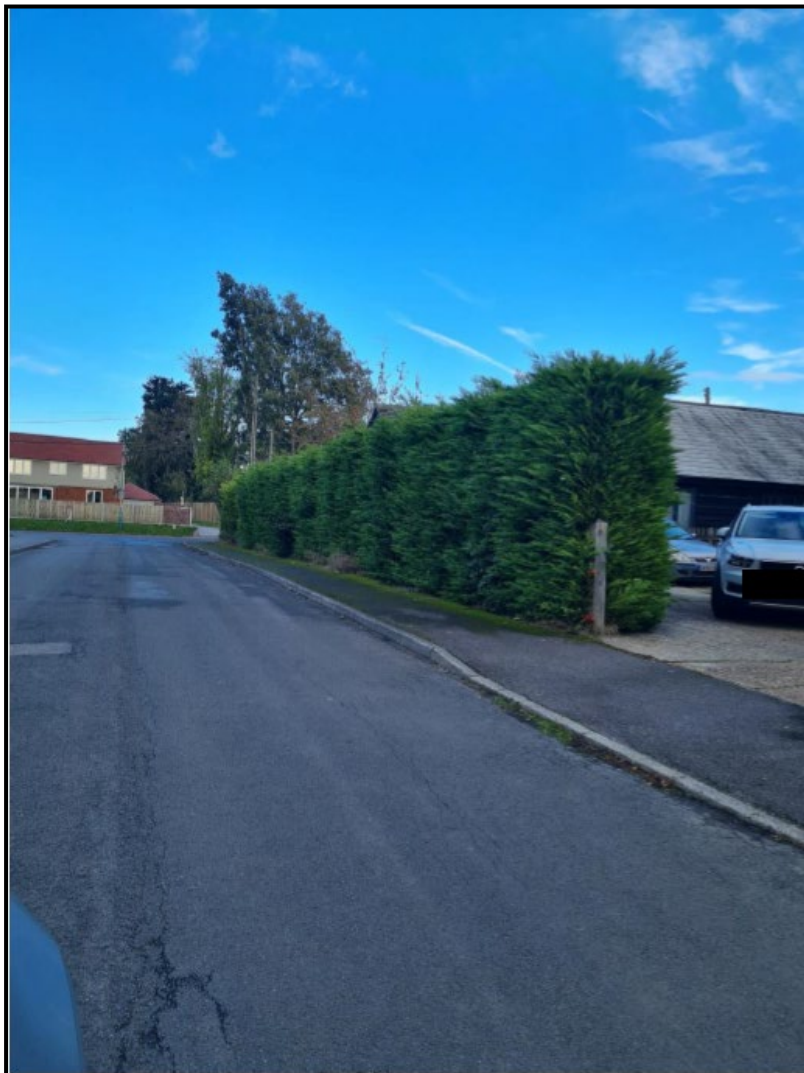
Figure 4 North West Boundary Fence (along Cherry Glebe)



Figure 5 Street scene; southeast along Bower Road



Figure 6 Northwest Along Bower Road



**Figure 7 Along Cherry Glebe - hedge to be removed
and replaced with the fencing panels**



Figure 8 Corner of site - Bower Rd/Cherry Glebe

Planning History

8. The following is relevant relating to the application:-

18/00016/AS New vehicular access with 2 no. 1.8m high gates - planning permission granted 05/03/2018

Consultations

Ward Member(s): Cllr Bartlett who has called the application in to be determined by the committee

Parish Council - "raises no objections but would suggest that a 6ft fence might be more appropriate for aesthetic reasons and to be in keeping with the immediate area" (*planning officer note: a 6ft fence would be 1.82m and therefore only 18cm less than that proposed*)

Neighbours – 6 neighbours consulted; no representations received

Planning Policy

9. The Development Plan for Ashford Borough comprises:-
- (i) the Ashford Local Plan 2030 (adopted February 2019),
 - (ii) the Chilmington Green AAP (adopted July 2013),
 - (iii) the Wye Neighbourhood Plan (adopted March 2016),
 - (iv) the Pluckley Neighbourhood Plan (adopted April 2017),
 - (v) the Rolvenden Neighbourhood Plan (adopted December 2019),
 - (vi) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
 - (vii) the Egerton Neighbourhood Plan (adopted March 2022)
 - (viii) the Charing Neighbourhood Plan (adopted July 2023)
 - (ix) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).
10. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
- (i) Tenterden Neighbourhood Plan currently at Examination
 - (ii) Pluckley Neighbourhood Plan Review currently at Examination
 - (iii) Aldington & Bonnington Neighbourhood Plan currently at Regulation 16 stage in the plan making process.
11. The relevant policies from the Development Plan relating to this application are as follows:-
- SP1 – Strategic Objectives
- SP6 – Promoting High Quality Design

Government Advice

National Planning Policy Framework (NPPF) 2023

12. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the NPPF. The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

National Planning Policy Guidance (NPPG)

Assessment

13. Visual Amenity

The erection of the fencing to surround the entire front and northwest side of the plot would result in the full enclosure of the plot by way of a 63m long, predominantly 2m high close-board fence together with posts and bases. The proposed fence would result in a high, visually impermeable, urbanised feature and would be a dominant and incongruous structure in a highly prominent position. The development would erode, and thus be harmful to, the attractive rural character of the area. Furthermore, given the fact Bower Road particularly is one of the main thoroughfares within the area, this form of development would be particularly visible from all directions. Therefore the proposed development would result in visual harm to the surrounding street scene to the detriment of the character and appearance of the surrounding area.

14. Furthermore with the uncertainty of ownership of the grass verge, and the inability to secure retention of the existing hedgerow via condition, no reliance can be placed upon this existing hedgerow to mitigate any visual harm along Bower Road. Without this hedging to Bower Road, a 2m timber fence would be much harsher especially set against the verge without any hedging to provide some visual relief. What is more, the corner plot of the application site forms part of the entrance into the wider aspect of Cherry Glebe, and the proposed fence at this location would alter the appearance of the area from an inviting one to one that would be harsh and uninviting.

15. The applicant wishes to erect the fence for privacy and security reasons but as can be seen from the photograph above privacy and security is already afforded to the property by the existing dense hedgerow.

16. Residential Amenity

Given the nature of the development there would be no harm caused to residential amenity as a result of the fencing.

17. Highway Safety

There would be no harm to highway safety

Human Rights Issues

18. I have taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

19. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

20. In light of the above assessment, I consider the proposed fencing would not comply with the requirements of Development Plan policy and Central Government guidance, resulting in a form of development visually harmful to the character of the surrounding area. No overriding justification for it has been provided. It would be contrary to policies SP1 & SP6 which, amongst other aims, seek to protect the high quality built environment and demonstrate a positive response to character, distinctiveness and sense of place. I therefore recommend refusal.

Recommendation

Refuse

on the following grounds:

The proposal would be contrary to policies SP1 & SP6 of the Ashford Borough Local Plan (2030) and to Central Government advice contained in the National Planning Policy Framework and would be considered development harmful to interests of acknowledged planning importance for the following reasons:

- The proposed fence to the northwest and northeast boundaries of the site by virtue of its solid appearance, height and siting adjacent to the highways would result in a visually impermeable, urbanised, dominant and incongruous

feature in a prominent position which would be out of character with the soft and rural character of the surrounding area to the detriment of visual amenity.

Note to Applicant

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,

In this instance

- the applicant was updated of any issues after the initial site visit,
- the applicant responded by submitting amended plans which did not address all the outstanding issues
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council website (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference PA/2023/1478)

Contact Officer: Sally Hodgson
Email: Sally.Hodgson@ashford.gov.uk
Telephone: (01233) 330724