

AGENDA ITEM NO: 8/1(g)

Parish:	Heacham	
Proposal:	Erection of 2.4m high stock proof fencing	
Location:	Woodland Land E of Hunstanton Road And S of Robin Hill Hunstanton Road Heacham	
Applicant:	Samphire Developments	
Case No:	15/00936/F (Full Application)	
Case Officer:	Clare Harpham Tel: 01553 616318	Date for Determination: 17 August 2015 Extension of Time Expiry Date: 11 September 2015

Reason for Referral to Planning Committee – The views of Heacham Parish Council is contrary to the Officer recommendation.

Case Summary

The application site is a long strip of land 57m in length and 1.5m wide which runs along the western side of the A149. The application site is to the eastern side of land which is within the ownership of the applicant to the south of Robin Hill.

The application seeks planning permission to erect a 2.4m high stock proof boundary fence which would consist of fence posts situated 2.4m apart and wire fencing between with barbed wire to the top strand.

Key Issues

Principle of Development
Visual Impact
Highways Issues
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site comprises a 57m long strip of land to the western side of the A149 which is 1.5m in width. The site is immediately adjacent (east) to a wooded area of land which is also in the applicant's ownership and upon which there is a Tree Preservation Order. The site currently has a post and wire fence which is not in a good state of repair and an existing access gate. The site is outside the existing development boundary and is within the countryside.

The application seeks full planning permission to replace the existing, relatively low, post and wire fence with a 2.4m stock proof fence which would be constructed of 2.4m timber posts which would be concreted into the ground with wire forming the fencing itself and a line of barbed wire to the top of the fence.

SUPPORTING CASE

There was no supporting case submitted by the agent, however it has been confirmed that the proposed fence will be erected on the boundary line where the existing dilapidated fence currently stands and that a new hedge will be planted to the western side within the application site with the intension that it will grow through the fence to reduce any visual impact.

PLANNING HISTORY

None

RESPONSE TO CONSULTATION

Parish Council: OBJECT

1. There has been no assessment of the biodiversity of the site or of the adverse effect such a fence would have on wildlife entering or leaving the site. For example, deer use this site as a 'green corridor' between Heacham Park and the AONB and also utilise it as a refuge.
2. The fence would detract from the visual amenity afforded by the site to both locals and visitors to the area. The fence would be an eyesore.
3. The proposed 2.4m high fence is located outside the boundary on the public side of the boundary hedge. A current fence, erected by the site owner, has already caused controversy with NCC for this reason. If planning permission is allowed despite the previous two points then it should be ensured that the fence must be within the site boundary and not on highway land.

Highways Authority: With regard to the deer population crossing the A149 the accident history (personal injury accidents only) shows that there are no recorded accidents involving deer or any other animal. This does not mean that there are not any, just that there have been no recorded injuries relating to accidents involving animals and any accidents would have involved damage only which are not recorded.

The fence itself seems to be a replacement between private and highway land and does not enclose highway land although I have not formally looked at how the fence may affect visibility at any existing accesses. In relation to the A149 corridor the wide verge negates concerns here; it would only be the old road where it may present concerns. Should the fence obstruct visibility repositioning would address this.

Norfolk Wildlife Trust: Norfolk Wildlife Trust do not have any knowledge of the deer populations in this area or their movements however it could well be the case that deer would be more impeded by a higher fence than a lower one.

If it is a safety issue with regard to animals crossing the A149 you may wish to gather information on the movement of deer in this area. No contact details are available for deer experts but an ecological consultant may be able to advise.

REPRESENTATIONS

Six letters of **OBJECTION**:

- The planning notice was only posted since 2nd July, not a normal time scale to let the public know?
- What is the reason for the 2.4m height, what will be behind it?
- Unusually high for a stock fence.
- The 2.4m height of the fence will be overbearing.
- Unsightly and inappropriate in a conservation area.
- Existing fencing is sufficient to keep trespassers out and stock in.
- The submitted photo doesn't accurately represent a 2.4m fence.
- There is deer activity in the wood and the fence will suppress wildlife movement and break up the 'green corridor'

One letter of **COMMENT**:

- Why is the fence required as there is an existing fence albeit not 2.4m high.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS12 - Environmental Assets

PLANNING CONSIDERATIONS

The application site is located within the countryside and the main issues to consider when determining this application are as follows:

- Principle of Development
- Visual Impact
- Highways Issues
- Crime and Disorder
- Other Material Considerations

Principle of Development

The erection of a 2.4m stock proof fence is acceptable in principle provided it does not adversely affect the intrinsic character and beauty of the countryside.

It is a material consideration that a 1m fence could be erected in this location under Class A.1 (a) (ii) Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015. The height would be limited to 1m in this location as it is adjacent to a highway used by vehicular traffic and whilst set back 2.5m from the hard surface of the road the fence would form the boundary to the site and the highway verge. Should the proposed fence be set back further into the site with hedging forming a boundary

to the vehicular highway it is possible that the applicant could erect a boundary treatment up to 2.0m. It is purely the height of the fence at 2.4m which requires planning permission.

Visual Impact

The design of the proposed fence, whilst tall at 2.4m, would not be out of character within the countryside where post and wire fencing is a feature. The fence would be viewed when travelling on the A149 in conjunction with a wood to its rear, which would help mitigate against any visual impact. It is also the intention of the applicant to position a laurel hedge to the rear (west) of the proposed fence which will grow through it and reduce any visual impact. Overall the proposal is not considered to materially harm the intrinsic character and beauty of the countryside.

Highways Issues

The proposed fence is set back 2.5 metres from the metalled part of the highway and would therefore not cause any highway safety issues. Whilst the proposal was not formally assessed by the Highways Officer he did state that given the wide verge along the A149 it would negate concerns. The proposed fence is not adjacent to any roads which access the A149. There is an existing five bar gate allowing access at the southern point of the proposed fence but this is set back over 2.5m from the metalled part of the road.

Notwithstanding the fact that the fence is unlikely to cause any visibility issues due to its position, it is also constructed of wire which would not impede visibility. The proposed hedge adjacent to the fence does not require consent as it is not development and could be planted in this position regardless of whether planning permission were granted for the 2.4m fence.

There have been objections that the proposed fence could impede the movement of deer within a 'green corridor' and whether there could be a potential highway safety issue with regard to the fencing. There have been no accidents reported involving deer or other animals on this stretch of the A149 although it should be noted that these accidents are only reported if they involve personal injury and not if an accident occurs that only involves damage to vehicles. Notwithstanding this it is a material consideration that a 1m fence could be erected and a hedge planted without requiring planning permission.

Crime and Disorder

There are no issues regarding crime and disorder which arise due to this application.

Other Material Considerations

A number of objections have been received some of which have been addressed in the report above and the others are addressed below.

The Parish Council have objected to the fact that the applicant did not assess the biodiversity on site and the potential impact upon wildlife entering and exiting the site. The impact of the fence itself would be minimal and it would be possible to erect a fence or a hedge on site without planning permission albeit at a lower height.

Objections have been received regarding a fence that was erected by the applicant on a different piece of land and the fact that it was not on the applicant's land. The fact that the applicant has erected a fence elsewhere is not a material reason to refuse this application.

Objections have been received questioning the reason a 2.4m fence is required and that the existing fence is sufficient. The application has to be considered on its own merits and it is the prerogative of the applicant to apply for a different boundary treatment should they wish. Should there be any change of use of the land within the applicants ownership (to the west of the proposed fence) then this would be subject to planning permission if necessary.

The visual impact of the fence is considered acceptable and it is not within the conservation area as stated within the objection.

The fence is not considered to be overbearing as it is some distance from any residential properties and in addition is a post and wire fence and not a solid structure.

Whilst the submitted photo does not accurately reflect the height of the proposed fence plans have been submitted which show the proposed fence to scale.

The site notice was placed on the gate which forms a part of the application site and was put up on 3rd July 2015. The site notice ran until 31st of July 2015 which was in excess of the 21 day consultation period required within the regulations.

CONCLUSION

The proposed stock fencing is considered acceptable with regard to its visual impact and complies with the National Planning Policy Framework and Policy CS06 of the King's Lynn and West Norfolk Adopted Core Strategy.

Consequently in light of National Guidance, Development Plan Policies and other material considerations it is recommended that the proposal be approved.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans 272/P/01 and 275/EX/03 received by the Local Planning Authority on 15th June 2015 and 275/EX/01 received by the Local Planning Authority on 21st July 2015.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.