



The Planning Inspectorate

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Your reference:
DWD/TG/HOBB
Council reference:
MAS.EN.97.0156
Our reference:
APP/L2820/C/98/1010691
Date:

- 9 JUL 1999

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
APPEAL BY MR S HOBBS
SITE AT WOODLAND CARS, 104 HIGH STREET, BURTON LATIMER

1. I have been appointed by the Secretary of State for the Environment, Transport and the Regions to determine your client's appeal against an enforcement notice issued by the Kettering Borough Council concerning the above mentioned site. I have considered the written representations made by you and the Council and also those made by Burton Latimer Town Council. I inspected the site and its surroundings on 30 June 1999.

THE NOTICE

2. (1) The notice was issued on 31 July 1998.
- (2) The breach of planning control as alleged in the notice is the erection of a boundary fence adjacent to the highway exceeding one metre in height.
- (3) The requirements of the notice are to (a) reduce the height of the fence so that it has a maximum height above ground level of one metre, where adjacent to highway between points A-B and B-C indicated on an attached plan, and (b) remove the resulting redundant materials from the land.
- (4) The periods for compliance with these requirements are (a) 4 weeks and (b) 6 weeks.

GROUND OF APPEAL

3. Your client's appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act as amended by the Planning and Compensation Act 1991.



4. The main issue is the visual impact on the street scene, in the context of local policies protecting the visual amenity of the area.

5. The 1989 Northamptonshire Structure Plan provides in Policy GEN 4 that development will be acceptable provided (inter alia) it is in keeping with the locality and does not detract from its amenities. The 1995 Kettering Borough Local Plan provides in Policy 30 that permission will be granted for development whose character is appropriate in terms of (inter alia) design, and which will not have an adverse impact on the character of the area. Policy B2 of the Local Plan provides for environmental improvements for sites in Burton Latimer. Priority for such improvement is to be given to areas in the town centre and on the former A6 through the town. The appeal site is in Burton Latimer town centre and on the former A6. It is also identified on a plan indicating land associated with properties out of character with surrounding development where redevelopment/refurbishment proposals would be welcomed from an environmental point of view.

6. The commercial centre of Burton Latimer comprises buildings and open spaces of varying types and appearance. The overall impression however is one which is pleasing to the eye, although there are some sites which could be improved from a visual aspect. I give significant weight to the Local Plan provisions which seek to achieve such visual improvements, and take note of the fact that attention is drawn to the area which includes the appeal site as one in which improvements are envisaged. It is true, as you say, that "welcoming" such proposals is not the same as requiring them. Nonetheless there is a clear policy indication that developments in such areas will be looked at particularly carefully to ensure that they will be visually appropriate.

7. The fence the subject of this notice is in my judgement not appropriate in that context. It is constructed of vertical black metal railings linked by similar horizontal rails, presenting a simple, uncluttered appearance which could be acceptable in other surroundings. In the street scene in this town centre, however, it stands out as a stark and visually incongruous feature. It is primarily the height of the fence, nearly 2m, together with its unrelieved length, which gives it what the council, rightly in my view, describe as a "fortress" appearance. It is appreciated that property protection is an important factor which calls for a secure fence, and reducing the height to one metre would reduce its efficacy for that purpose. A boundary feature of the required height does not need to have such an austere and utilitarian appearance, however, and I note that the council have already suggested how the design could in their opinion be made acceptable.

8. I have taken note of other fences in the town with which you compared the subject fence, but cases involving visual impact particularly have to be judged on their own facts and circumstances. I have read the petition which supports the development, but in my judgement it is in conflict with the

policies protecting the visual environment which have been cited. A decision to refuse the deemed application is therefore in accordance with the development plan, and I do not consider that there are any material considerations indicating otherwise. I have considered all other matters that have been raised, but I have found nothing important enough as to outweigh the planning considerations that have led me to my conclusions.

FORMAL DECISION

9. For the above reasons, and in exercise of the powers transferred to me, I dismiss your client's appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under S177(5) of the amended Act.

RIGHTS OF APPEAL AGAINST DECISION

10. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against my decision to the High Court are enclosed for those concerned.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'B. Partridge', with a long horizontal stroke extending to the right.

BRIAN PARTRIDGE, LL.B, Solicitor
Inspector

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