

COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/C/12/2179709

LPA REF: H/7/2011/0112/DM

ENFORCEMENT NOTICE APPEAL RELATING TO THE UNAUTHORISED ERECTION OF A FENCE ON LAND ADJACENT TO ST JOHN'S CHURCH, SHILDON, CO DURHAM

1. This appeal follows the serving of an Enforcement Notice in relation to the unauthorised erection of a 1.8 metre high timber boundary fence within the curtilage of St John's Church, Shildon (a Grade II Listed Building), and which followed the refusal of a retrospective application for planning permission in April 2012 (ref: 7/2012/0068/DM). The application was refused for the following reason:

In the opinion of the Local Planning Authority, the timber fence significantly adversely affects the character, appearance and historic interest of the adjacent Grade II Listed St Johns Church, thereby failing to preserve or enhance its setting, contrary to the NPPF, RSS Policies 8 and 32 and adopted Policy D1 of the Sedgefield Borough Local Plan.

2. The appeal proceeded on the basis that planning permission should be granted for the development and that the time period for compliance with the notice was insufficient. The appeal was **dismissed** and the notice **upheld**. In arriving at the decision, the Inspector considered the following issues:
3. The fence can be seen in various views and appears as an incongruous and inappropriate feature which materially detracts from the setting of the Church. The inappropriateness derives from both the use of timber and the location of the fence. Although not physically attached, the visual impression is of a jarring and incompatible extension completely at odds with the style and character of the Church. The Inspector found the fence harms not only the setting, but the building itself.
4. Whilst appreciating the need to provide some separation of public and private land uses, other more appropriate means could be used that would be far less harmful in visual terms. The Inspector therefore found the fence was contrary to part 12 of the NPPF and Policy D1 of the Local Plan and that planning permission should not be granted.
5. The appellants contend that four weeks is an inadequate period in which to appoint a contractor and agree an alternative way of providing a boundary between the two properties, and a period of six months should be given. However, the enforcement notice does not require that an alternative form of enclosure be provided, merely that the offending structure be removed. There is no reason the fence could not be removed within four weeks with any extension of this period considered to prolong the harm that has been created. The notice was therefore upheld.
6. No costs were awarded to either the appellant or the Local Authority.

RECOMMENDATION

7. That the decision is noted.



Erection of a fence on land adjacent to St John's Church, Shildon, Co Durham



Planning Services

Comments

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