The Planning Inspectorate

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Your Ref: PL/2023/06299
Our Ref: APP/Y3940/D/23/3334549

22 August 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Charlotte O'Toole
Site Address: 88, Lime Kiln, Royal Wootton Bassett, Wiltshire, SN4 7HG.

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Xavia McMillan
Xavia McMillan

https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

The Planning Inspectorate

Appeal Decision

Site visit made on 30 July 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/Y3940/D/23/3334549
88 Lime Kiln, Royal Wootton Bassett, Wiltshire, SN4 7HG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mrs Charlotte O'Toole against the decision of Wiltshire Council.
- The application Ref is PL/2023/06299.
- The development proposed is the erection of a new timber fence along the grass verge.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located within an established residential area characterised by mostly two storey dwellings with areas of open space and footpaths connecting to other parts of the Lime Kiln development. This results in an open and spacious character to this part of the estate. The appeal site itself is an area of land that has the boundary fence and side elevation wall of 88 Lime Kiln to one side and a footpath and open front garden areas to the other. This area is laid to grass, appears well maintained and appears to have previously been open to the adjoining footpath. During my site visit a temporary fence had been erected around the site. The site integrates well with its surroundings and positively contributes to the areas sense of openness which is experienced when walking along the footpath.

4. The area of land is to be subsumed into the garden of No 88 and bound by a 2-metre-high fence. The proposed boundary treatment would enclose an area of land that positively contributes to the openness of the area. Additionally, the enclosure would be brought closer to the footpath detracting from the openness users experience when walking through the area. The proposal would therefore erode the sense of openness harming the surrounding area.

5. Consequently, I find the proposal would be in conflict with Policy NE14 of the North Wiltshire Local Plan (2006), Policy 57 of the Wiltshire Core Strategy (2015) and Policy 7 of the Royal Wootton Bassett Neighbourhood Plan (2018). Together these seek to ensure that developments enhance local distinctiveness and respect local character. The proposed development would also be contrary to paragraph 135 of the National Planning Policy Framework that seeks good design sympathetic to the local character.

Other Matters

6. Although I observed other examples of fencing nearby, and the appellant has drawn my attention to other sites, these relate to fencing backing on to wider areas of green space, pavements or positioned next to a highway and has not resulted in such a narrow area of footpath as the proposal. As such, I do not consider that they provide any meaningful support in favour of the proposal. In any case, each development proposal should be considered on its own merits, with regard to its own individual context.

7. I appreciate the appellant's desire to provide a private, safe, and secure place for anyone using the garden. However, it has not been demonstrated that the proposed development is the only way to address the appellant's concerns.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR