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## Appeal Decision

Site visit made on 18 March 2025

**By G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 March 2025**

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**Appeal Ref: APP/B1605/D/24/3356696**

**3 Pittville Crescent Lane, Cheltenham, GL52 2RA**

- 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 Bradley Jacklin against the decision of Cheltenham Borough Council.
  - The application Ref is 24/00631/FUL.
  - The development is a wooden garden shed and a boundary fence.
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### Decision

1. The appeal is allowed, and planning permission is granted for a wooden garden shed and a boundary fence at 3 Pittville Crescent Lane, Cheltenham, GL52 2RA in accordance with the terms of the application, Ref 24/00631/FUL, subject to the condition that the garden shed development hereby permitted shall be clad in natural timber and be carried out in accordance with the following approved plans: 3PCL-EWC-011 and the unreferenced dimensioned plan showing floor plan and elevations.

### Preliminary matters

2. In the interests of clarity, I have used the description of the development utilised by the Council in its decision notice, rather than that in the application form. The garden shed is still to be built, but the fence subject of the appeal has been erected. The appellant wishes to retain the fence, and I shall proceed on this basis.
3. The application was originally due to be determined by officers but was transferred to Planning Committee at the request of the local ward councillor. I have been provided with the minutes of the Planning Committee which provides an account of the discussion at Committee.
4. The Council raise no objection to the proposed shed, but objects to the retention of the fence. I see no good reason to object to the erection of the shed.

### Main Issue.

5. This is the effect of the fence on the character and appearance of the surrounding area.

### Reasons

6. In 2023 planning permission was granted for alterations and extensions to the appeal property, which is a detached dwelling. This also involved the relocation of

the access and parking area from the side of the house to the front. To provide privacy and security to the side gardens, the appellant erected a fence said to be 1.8m high, manufactured in a composite material. As officers clarify in their report on the application, the fence, given its location at the back of footway, should be no higher than 1m high under permitted development rights, or no higher than 1.4m, which was the height of the replaced fence. Officers clarify that either way, there would be no control on materials.

7. The acceptability of the fence is a matter of subjective judgment, and I see from the representations made that public opinion is divided, but with more against than in favour. I note also that members of Planning Committee disagreed with the views of its officers, who recommended approval in their comprehensive report.
8. I saw a wide variety of fences and means of enclosure in the surrounding area comprised of brick, painted render, concrete blocks and timber fencing of various types. I also saw a great variation in the height and condition of the various means of enclosure. Some fences looked in relatively poor condition.
9. Viewed when approaching the site from the Windsor Street direction, I consider the erected fence fits into its visual context reasonably successfully. Otherwise, because of twists in the road and the screening afforded by intervening buildings and structures, the fence is sheltered from view from most parts of Pittville Crescent Lane. It was only when standing or walking close to it that the fence's regularity of form and its composite nature became apparent. I did not consider the fence's height to be excessive. The preference stated by some that a more sustainable material should be used is noted, but as pointed out by officers, there would be no impediment to the use of the chosen material had the fence been erected as a replacement and built 400mm or so lower.
10. I conclude that the fence has limited and very localised effects and does not materially harm the character and appearance of its surroundings. Whilst the site is close to the boundaries of the Pittsville Character Area of the Central Conservation Area, the fence does not materially affect its setting. Accordingly, no conflict arises with the provisions and objectives of policy D1 of the Cheltenham Plan (CP) and policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) directed to ensuring that new development should complement and respect the character of the locality and the site's surroundings.

### **Conditions**

11. The Council has suggested the imposition of some conditions in the event of planning permission being granted. Since the development as described has been commenced, there is no need for the normal time-limiting condition.
12. It is however necessary that the shed development is carried out in accordance with the approved plans, and a condition to this effect is imposed in the interests of certainty. For the avoidance of doubt and in the interests of amenity the condition also refers to materials.

### **Other matters**

13. All other matters raised have been considered, including the references to the *National Planning Policy Framework*, and all comments made by the public have

been taken into account. No other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.

14. Accordingly, the appeal is allowed, subject to conditions.

***G Powys Jones***

INSPECTOR