

STOCKLAND 06/1190/FUL 27.06.06
(Otterhead) (FULL)

Applicant: Mr Keifer, Greystones

Location: Kings Arms Inn, North Hill Lane
(GR: 24424 04662)

Proposal: Amended site for fence (variation to approved scheme 05/3028/FUL)

Consultations

County Highway Authority

No comment

Environment Agency

No comment

Planning History

App. No.	Year	Proposal	Date and Decision
3028/FUL	2005	Erection of fence	Approved 21.12.2005

Representations

None received.

Parish/Town Council

Approved

Ward Members

Councillor D Key supports the application. "Although slightly different style of fence, once covered by creeper vegetation it will not be noticed and can see no problem with the fence."

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

Location

The Kings Arms Inn is a grade II listed building located centrally within the Conservation Area of Stockland. The Inn dates from around 1600 with later additions. Constructed in stone rubble, it has a plastered front and thatched roof. There are two wings at the rear towards a rear garden that rises steeply via steps and terracing to a grassed area with mature shrub planting.

The proposed fence is located to the rear of the listed building, which is a public house. There is a mix of existing boundary treatments in the area and the most common is stone walling and hedging. The boundary would be seen by users of the adjacent pub car park and rear path to the pub.

The proposed division of the rear garden would not of itself harm the character of the listed building, but the boundary treatment is important. The applicant has agreed to a temporary hazel hurdle fence and the planting of a hedgerow. (see conditions below).

Planning Background

The principle of a new boundary in this approximate position has been established with the granting of permission 05/3028/FUL in December 2005. The proposed fence line proposed at that time was broken into two lengths at 160 degrees to one another, following existing natural garden contours. The proposed fence was submitted as a close boarded fence and was considered harmful to the historic interest and character of the listed building. Consequently the

applicant agreed to amend the proposal to hazel hurdles, details of which were conditioned in the permission. A condition was also added to secure the planting of a native hedgerow along the length of the hurdle fence.

A fence has subsequently been erected in a straight line with an entrance gap of six metres at the car park end (double the width of the approved gap). The fence is close boarded as originally submitted.

The Proposed Development

The current application is therefore in retrospect for the retention of the close boarded fence (22 metres long) that has been erected within 10 metres of the rear of the Inn. The applicant has stated that they would plant a beech and holly hedge along the length of the fence as it is.

Planning Policy

Adopted East Devon Local Plan 1995-2011

- EN13 Extension, Alterations or Change of Use of Building of Special Architectural and Historic Interest
- EN16 Preservation and Enhancement of Conservation Areas
- D1 Design and Local Distinctiveness

Devon Structure Plan 2001-2016

- CO7 Historic Settlements and Buildings

Government Planning Guidance

- PPG15 Planning and the historic environment

Observations

(This application comes before Committee at the request of Councillor Key and because Councillor Diviani has an interest in the site.)

The main issues are:

- Does the fence as erected preserve or enhance the special architectural or historic interest of the building;
- Does the development reinforce or adversely affect the distinctive historic character of the surrounding Conservation Area.

The principle of a new boundary has been established by the existing permission and the division of the rear garden would not of itself harm the character of the listed building. The boundary treatment is however important and the approved hazel hurdle fence was considered a traditional approach in this rural context. The close boarded fence that has been erected however is distinctly suburban in character and appears out of place in this historic rural context. Furthermore the new straight alignment of the fence creates a rigid six metre wide strip of land leading from the public car park and exposes the close boarded fence to clear view from outside the site. The planting and maintenance of a beech and holly hedgerow do little to hide the formal character of the boundary treatment.

Even the previous acceptance of a hazel hurdle fence in this location was viewed as a compromise to the character of the area. The close boarded fence is far more apparent than hurdles; and proprietary stains used to treat the timber are often incongruous with a rural and

historic setting. The fence as erected therefore harms the special historic interest of the listed building.

Stockland has a profusion of stone walls within the village centre and native hedgerows towards the periphery. The introduction of a suburban style fence in full public view is therefore harmful to the surrounding Conservation Area.

Whilst the adjacent car park itself conflicts with the wider historic setting of the listed Inn, the former boundary between the car park and Inn garden has now been breached to expose an unsympathetic inner boundary treatment.

Conclusion/Summary

The fence as erected is both harmful to the historic interest of the listed Kings Arms and detrimental to the character of the surrounding Conservation Area.

Recommendation

REFUSE for the following reasons:

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1. The fence erected, by reason of its suburban style, construction, height and unsympathetic alignment across the rear garden of the 17<sup>th</sup> Century Kings Arms Inn, is detrimental to the setting and historic interest of the grade II listed building contrary to the provisions of Policy EN13 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan 1995 -2011, Policy CO7 (Historic Settlements and Buildings) of the Devon Structure Plan 2001-2016 and contrary to the advice contained in Planning Policy Guidance 15: Planning and the historic environment.
2. The fence by reason of its modern suburban style within a rural historic context is detrimental to the distinctive historic character and qualities of the Stockland Conservation Area contrary to the provisions of Policies D1 (Design and Local Distinctiveness) and EN16 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan 1995 -2011 and Policy CO7 (Historic Settlements and Buildings) of the Devon Structure Plan 2001-2016 and contrary to the advice given in Planning Policy Guidance 15 (Planning and the Historic Environment).

**Further recommendation**

That the Chief Executive be authorised to take such legal action as is considered necessary to secure the removal of the unauthorised fence:

It being expedient to do so because the development is harmful to the historic setting of the grade II listed building and the distinctive character of the Conservation Area.

Compliance period 3 months

**Human Rights Legislation**

This provides a right to enjoyment of ones own property but the right is not absolute and the Council is entitled to pursue legal action if it is considered in the wider public interest. In this instance legislation has been passed to protect the setting and character of listed buildings and the proposal is contrary to the interest of that legislation.

**Note for Applicant**

The refused drawings are those listed below:  
1:1250 location plan received 2<sup>nd</sup> May, 2006  
1:500 Site Plan TW05104/02 received 2<sup>nd</sup> May, 2006  
Drawing TW05104/01 received 2<sup>nd</sup> May, 2006.

List of Background Papers

The file containing all letters, consultations, and documents referred to in the report.