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Ref: IC/1840
VIA PLANNING PORTAL

25th July 2022

Head of Planning
Gravesham District Council

Dear Sir/Madam,

APPLICATION FOR RETENTION OF FENCING AT THE ORCHARD, MELLIKER LANE, MEOPHAM, GRAVESEND DA13 0HY

We are instructed by our clients, **Mr and Mrs Singleton**, to submit an application for the retention of fencing on land around The Orchard, Melliker Lane, Meopham, Gravesend.

The property is a detached dwelling, located in the countryside to the south-east of Meopham and accessed at the end of a private drive off Melliker Lane.

A large area of land is associated with this property and this application concerns the installation of fencing to the western side as shown on the application plans.

The application is retrospective.

By way of introduction there are three layers of fencing and we explain precisely what is being applied for:

- A **2-bar low-level (1 metre high) ranch-style fence** runs around the perimeter of the land associated with the property;
- A **2-metre high close-boarded fence** lies on the outside of this;
- A **green wire mesh fence lies** on the inside.

The order is therefore: the close-boarded fence lies on the outer side, the ranch-style fencing in the middle and the wire mesh on the inner side.

Planting is part established and part beginning to become established on the outer side of the wire mesh fence.

The ranch-style fence has been on site for many years and so is outside the scope of this application, however, is shown on the plans as it is in situ.

The close-boarded fence has been installed in two components, the first installation is marked on the plan and this was pre 2016 and so over four years ago; the remaining component of

the close-boarded fence was installed in within the last four years, this period being relevant in respect of immunity.

For the avoidance of doubt we confirm that we are seeking planning permission for the entirety of the close-boarded fence.

This is simply to help simplify the planning process and not over complicate the application for what is such a benign proposal.

[For this reason we have formed the view that a separate LDC and planning application seem unnecessary. We would also add, however, that this would not preclude us from submitting an LDC at some stage in the future].

The green mesh fence has been constructed within the last four years so planning permission is sought for its entirety with no fall-back immunity case.

We note that there is a pre-existing access point at the junction of the B260 and Melliker Lane and there have been instances of drivers pulling in and scoping the property.

This is shown by means of the red cross on the image below:



Pre the installation of the property and the landscaping there were open views across the intervening field of the domestic property. The wish to protect the family and the property were the driving factors behind the installation of the fencing.

The strategy is to protect the property with the close-boarded fencing for a period of time to enable the vegetation to establish and grow into the green mesh fencing.

At that point the close-boarded fence would be removed.

The final response would therefore be vegetation but with the added security of the wire mesh to deter intruders. Visually the final scheme would simply be perceived as a landscaped boundary.

We note that the application has been prompted by an enforcement investigation and the letter of the local planning authority of 3rd May, 2022 pursuant reference **22/00057/ENF** applies.

The letter states as follows:

This land is subject to an Article 4 Direction (Ar/11/1 - Land at Melliker Lane and Longfield Rd Meopham,) withdrawing Permitted Development under Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This means that planning approval is required for the erection, construction, maintenance, improvement or alteration of a gate, fence wall or other means of enclosure.

This application follows an email trail with the relevant officer.

We did express a concern that we could not find the Article 4 online and the officer replied as follows:

I am afraid the Article 4 Directions are not currently available on line, this is an ongoing project and mostly we need to draw the hard copies from storage

It does therefore beg the question as to how anyone would know that the Article 4 was in place. If we were to undertake a planning history research of the property and look under "Constraints" it would simply advise "not available".

This is a relevant matter as ordinarily the erection of fencing would be permitted development by virtue of Class A to the GPDO which reads as follows:

Class A – gates, fences, walls etc

Permitted development

- A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.**

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—**
 - (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons**

- (ii) in any other case, 1 metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

There is a one-metre high limitation for a fence adjacent to a highway used by vehicular traffic.

We acknowledge that the fence borders the site and so the road however submit that in this case it is not adjacent to a highway as this is set back from it suitably. Logically the GPDO limitation is in place in respect of sightlines.

We do not, however, need to take this matter any further as the Article 4 is clear that permitted development rights are not in place for the erection of fencing regardless of any concerns as to the public availability of this Article 4.

The Development Plan comprises the Local Plan Core Strategy which was adopted in September 2014.

There is no policy specifically concerning fencing and to be fair we would not anticipate there being one.

The most relevant policy therefore being policy CS19 entitled "**Development and Design Principles**" and the most relevant section of this policy reads as follows:

Policy CS19: Development and Design Principles

5.15.14 New development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anticrime standards. The design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles, and be resilient to the effects of climate change. This will be achieved through the criteria set out below:

We have explained the purpose of the fence and also the associated strategy namely to protect the residential dwelling from longer distance views by the installation of the close-boarded fence as an interim measure in order to allow the vegetation to mature and subsume into the green mesh fencing.

The final aesthetic from all vantage points will be the vegetative screen.

This is clearly an appropriate and acceptable response for a rural location and context.

In the interim we submit that the close-boarded fence is acceptable. It is wooden and is beginning to weather appropriately and such fences are commonplace. If this is not accepted then this element can be the subject of a temporary planning permission for, say, two years, or any other period to be agreed in writing with the local planning authority.

This would enable the vegetation to mature and once matured the close-boarded fence could come down leaving the final scheme.

We would add that this is the applicants' intention in any event.

Either way the application boils down to a sensible proposal to protect the residential dwelling with the erection of appropriate fencing within its context.

Ian Coward from these offices is dealing with this matter.

Yours faithfully

Collins & Coward
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