

HOUSEHOLDER PLANNING APPEAL STATEMENT

Appellant: Mr & Mrs A Ferguson

Site Address: 5 Chapel Grove, Fernbank, Radcliffe, Manchester, M26 1YP

LPA: Bury Metropolitan Borough Council

Application Ref: 72535

Proposal: Retrospective application for replacement fence.

Decision Date: 01/04/2026

Appeal Type: Householder Appeal

1. Introduction

This statement supports an appeal against the refusal of planning permission for the retention of a 2.08m contemporary modern maintenance free boundary fence made of metal at 5 Chapel Grove. The fence is a modest, functional boundary treatment that provides necessary security and privacy for the occupants. The Local Planning Authority (LPA) refused the application on the basis of perceived harm to visual amenity and alleged conflict with UDP Policy H2/3 and SPD6.

This appeal demonstrates that the fence does **not** cause material harm to the character of the modern cul-de-sac, is consistent with boundary treatments in the wider area, and aligns with the aims of the development plan when read as a whole. The refusal overstates the visual impact and does not properly consider site context, proportionality, or material considerations.

2. Response to Reason for Refusal 1

LPA Reason:

“The appearance and height of the new metal fence is neither appropriate to, nor sympathetic with the residential cul-de-sac... and would be seriously detrimental to the visual amenity of the area.”

2.1 The fence does not harm visual amenity

Fernbank and Chapel Grove, Radcliffe are part of a modern residential cul-de-sac with a mix of boundary treatments, including timber fencing, hedging, brick walls, and metal railings. The appeal fence is simple, unobtrusive, and visually recessive. It forms part of the established residential setting rather than appearing than as an intrusive element and does not appear as a visually harmful feature within the street scene, a neighbouring property has even adopted the anthracite grey colour on their garage door.

The LPA provides **no evidence** of actual harm—only a subjective assertion. The Planning Inspectorate has repeatedly held that *subjective dislike is not a planning harm*.

2.2 The fence is consistent with the character of the wider area

Both Fernbank and Chapel Grove, Radcliffe contain various boundary treatments. The wider Chapeltown residential estate and the Radcliffe / Whitefield areas include numerous examples of metal fencing of a similar height and design. The fence therefore cannot reasonably be described as “inappropriate” or “unsympathetic”.

2.3 Compliance with UDP Policy H2/3

Policy H2/3 requires alterations to be “in keeping with the property and the surrounding area.” The fence meets this requirement because:

- It follows the established boundary line
- It does not obstruct sightlines or create enclosure harmful to the street
- It is of a height commonly found in residential areas
- It uses a simple, neutral metal finish that does not draw undue attention
- Head of Engineering and Street scene at Bury LA recorded on the Planning Application – I do not wish to restrict the granting of planning permission – in relation to the erection of 2m metal fence around boundary (dated 18/12/2025 – A Southgate).

The LPA has not demonstrated any measurable conflict with the policy.

2.4 SPD6 is guidance, not a strict rule

SPD6 provides design principles but recognises that context is key. It does **not** prohibit 2.0 m boundary fences, although the new fence is slightly over this height due to a raised patio area within the fence line which has been in situ for 15 years plus, nor does it require uniformity of materials. The fence respects the guidance by:

- Being proportionate to the plot
- Maintaining openness at the front of the property
- Avoiding overbearing impact on neighbours
- Endorsed by the Head of Engineering and Street scene at Bury LA

3. Crime Prevention (Policy EN1/5)

The decision notice lists EN1/5 as a relevant policy but does not explain how the proposal conflicts with it. In fact, the fence **supports** EN1/5 by improving natural

surveillance, deterring unauthorised access, and enhancing security for the occupants. These are material planning benefits that weigh in favour of approval.

4. Sustainable Development and NPPF Paragraph 38

The refusal states that the proposal “would not improve the economic, social and environmental conditions of the area.”

This is incorrect:

- **Economic:** The fence is a modest investment in property maintenance and security.
- **Social:** It provides privacy and safety for the family, contributing to the mental well-being of Mrs Ferguson who suffered mental distress following a previous burglary and subsequent knowledge of further burglaries in the locality.
- **Environmental:** It has no adverse environmental impact and preserves the existing layout.

The NPPF requires LPAs to work proactively with applicants.

During the application process the applicant can evidence that they were prepared to mediate with the author of the one objection and demonstrated to the LPA a willingness to screen the fence with the use of planters on the trellis with trailing foliage and were willing to compromise in terms of height by offering to remove two bars of the metal trellis to reduce the overall height to 2 m.

These amendments were blocked by the LPA, despite the fence being capable of minor design adjustments if required. This weighs in favour of the appellant.

5. Material Considerations Supporting Approval

- **Security:** The fence provides essential protection for the property, consistent with EN1/5.
 - **Privacy:** It prevents overlooking and reduces antisocial behaviour.
 - **Precedent:** Similar boundary treatments exist locally.
 - **Proportionality:** The fence is modest, functional, and visually recessive.
 - **No highway impact:** The fence does not obstruct visibility or access.
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6. Planning Balance and Conclusion

When assessed against the development plan as a whole, the proposal is acceptable. The LPA's concerns are overstated and unsupported by evidence. Any perceived visual impact is minor, subjective, and insufficient to justify refusal.

The fence:

- Complies with UDP Policy H2/3
- Aligns with SPD6 guidance
- Supports EN1/5 crime-prevention objectives
- Causes no material harm to visual amenity
- Provides clear security and privacy benefits

For these reasons, the appellant respectfully requests that the Inspector **allows the appeal**.