Planning Inspectorate

Appeal Decision

Site visit made on 30 July 2026

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2026

Appeal Ref: 6010073
10 Hangar Close, Witney, Oxfordshire OX29 7BN

- 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 Rina Doyle against the decision of West Oxfordshire District Council.
- The application Ref is 26/00373/FUL.
- The development proposed is change of use of amenity space to enlarge domestic garden, and erection of 1.8 metre fence (retrospective).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is referred to as being retrospective and it is clear from my site inspection that a fence is already in place. Nonetheless, for the avoidance of doubt, I have determined the appeal on the basis of the proposed plans.

3. I have taken the description of the development from the decision notice as this description omits words that are not an act of development.

Main Issue

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

Reasons

5. The site relates to an area of land to the east of 10 Hangar Close. No 10 is located at the eastern end of Hangar Close, a cul de sac located on a modern residential estate. The estate is characterised by modern residential development interspersed with areas of landscaping which gives the area a pleasant, verdant and spacious character. The site is located to the north of a bend in Mary Ellis Way and is highly visible from the street scene in views from the south and east. Permission is sought for a change of use of the land to the rear of the property to a private garden and the enclosure of this land with a 1.8m high close boarded fence.

6. The landscaping plan for the area approved in relation to reserved matters application 18/03206/RES shows the site as part of a landscaped area wrapping around the north and east of the appeal property, connecting Mary Ellis Way and Hangar Close. By virtue of its limited scale, I acknowledge that the land would unlikely hold significant value as a location for recreational activities by residents and I note that it is not formally designated as open space or recreational land.

Regardless of the ownership of and maintenance responsibilities for this land, nonetheless it was clearly intended for this land to form part of the integrated landscaping for the estate. It performs a visual function which, in combination with the other landscaped areas, softens and breaks up the estate's built form and contributes to the established character of the area.

7. It is the appellant's case that the land enclosed by the fence is not large enough to be of any public use, was underused in its original form and that it could not be used for recreational purposes due to the proximity to the host dwelling. Nonetheless, the permanent loss of land intended to form part of the wider landscaping for the estate results in a loss of openness and harm to the established character and appearance of the area. That other areas of open space would remain within the area fails to overcome the harm arising from the permanent loss of this space from the public realm and its role as part of the estate's planned layout.

8. By virtue of its scale, form and location, the fence enclosure forms a highly visible feature which appears prominent and incongruent in street scene views, detracting from the area's established character. It is stated that prior to the installation of the fence, the land was demarcated by a low level knee rail. However, the evidence indicates that, by virtue of its height and form, this knee rail permitted views across the site and did not result in the visual enclosure of the land or appear prominent in views from the street scene. That permission has been granted by the estate's developer and the estate management company for the erection of the fence does not overcome the identified harm to the character and appearance of the area.

9. In support of the proposal the appellant refers to other boundary enclosures within the estate. Many of these examples are not enclosures of a similar form and there is no suggestion that they are sited in comparable locations which are highly-visible from the street scene or that they enclose areas which formed part of the wider landscaping for the estate. I therefore afford these examples to which my attention has been drawn limited weight.

10. In support of the proposal the appellant references development that could be carried out under permitted development (PD) rights under Schedule 2, Part 2, Class A of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) which permits an enclosure up to 2 metres above ground level, or up to 1 metre above ground level where erected or constructed adjacent to a highway used by vehicular traffic. The term 'adjacent to a highway' is not defined in the GPDO. What constitutes 'adjacent to a highway' is a matter of fact and degree, depending on the circumstances of the case. Parts of the fencing are located adjacent to Mary Ellis Way, a highway used by vehicular traffic and, given the limited distance between the fencing and Mary Ellis Way, it is, in my view, adjacent to a highway used by vehicular traffic. Accordingly, as the enclosure exceeds 1 metre above ground level, it would not be PD.

11. The appellant submits that, should any minor details require refinement, she is willing to accept appropriately-worded conditions. However, I cannot be assured that appropriately worded conditions could address the identified harm.

12. There is no suggestion that the development results in any loss of light or noise disturbance to the occupiers of neighbouring properties. Nonetheless, for the reasons set out above, it results in harm to the character and appearance of the

area. Conflict therefore arises with those aims of policies OS2, OS4 and EH4 of the West Oxfordshire Local Plan 2031 (2018) which seek to ensure that development does not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area, is of a high quality design which respects the character of the locality and which require that existing areas of public space and green infrastructure will be protected and enhanced. I also find conflict with the West Oxfordshire Design Guide (2016) which has similar aims and which seeks to ensure that boundary treatments reinforce local character.

Other Matters

13. In support of the proposal the appellant sets out that the fence has been erected to prevent undesirable behaviour in proximity to the appeal property. To that end the development results in benefits to the living conditions of the appellant and her family including improved privacy and security. Nonetheless, there is no compelling evidence before me that these private benefits outweigh the harm I have identified in relation to the development's impact on the character and appearance of the surrounding area.

Conclusion

14. For the reasons given above the appeal should be dismissed.

N Robinson

INSPECTOR