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Simonstone
Lancs BB12 7JG
09/02/2025

Subject: Appeal Against Refusal of Retrospective Planning Permission for Side and Rear Fence at 2 Woodside Rd, Simonstone APPLICATION NO: 3/2024/0801

Dear Sir/Madam,

We are writing to formally appeal the decision of Ribble Valley Council to refuse retrospective planning permission for the side and rear fence at our property. The fence is vital for the safety, privacy, and well-being of our young son, [REDACTED] who has both mental and physical disabilities.

Our appeal is based in two parts:-

Part 1, is the objection to the council's decision to refuse the application under Policy DMG1 of the Ribble Valley Core Strategy.

Part 2, that council refuse to take into account the reason to why a fence is needed, which is for the safety and security of our son who has disabilities and special needs.

We have addressed both of these issues in detail in the following pages, and refer to supporting documents that have been submitted with this letter.

Part 1 – Objections to the decision based on DMG1 of the Ribble Valley Core Strategy.

1. Precedent in the Local Area

The council's decision notice states "*The proposed development would result in the introduction of an incongruous, unsympathetic and discordant feature that would be of detriment to the character and visual amenities of the area and contrary to the aims and objectives of Policy DMG1 of the Ribble Valley Core Strategy.*"

A review of properties situated on corner plots within a five-minute walking radius of our property shows that fences similar to ours are the most common feature in the area.

Of the 31 corner plots surveyed:

- 18 have similar tall wooden fences. (58%)
- 6 have mature foliage creating an enclosed effect. (19.5%)
- Only 7 remain open.(22.5%)

See *Supporting Doc_Exisitng Fencing.pdf*

And *Supporting Doc_Fencing Survey.pdf*

These statistics and photographs demonstrate that our fence is not "*an incongruous, unsympathetic and discordant feature*" but aligns with the existing character of the area. The refusal appears inconsistent when many comparable properties have been permitted to maintain similar boundary treatments.

2. Lack of Visual Harm and Public Objection

The decision to refuse planning permission is based on the claim of visual harm.

However:

- **No** objections or complaints have been raised by neighbouring property owners.
- The **majority** of neighbouring residents have even taken the time to provide letters of support, stating that they believe it is of benefit and has improved the street scene. See *Supporting Doc_Neighbours Letters.pdf*
- We have spoken to several local councillors about this matter, and they have expressed support for our application, and disappointment about the planning officer's decision.
- The planning officer's objection is the sole basis for refusal, despite the absence of wider community concern, and does not appear to take into account the opinions of anyone else.

3. Compliance with Policy DMG1

Policy DMG1 requires developments to contribute positively to the local environment.

Our fence:

- Is in keeping with the surrounding properties, as demonstrated by our local survey.
- Does not cause demonstrable harm to visual amenity or the streetscape.
- Has the support of neighbours and **has not received any public objections**.

4. Lack of Clear Standards in Policy DMG1

Policy DMG1 of the Ribble Valley Core Strategy does not set out specific written standards that can be referred to when assessing applications. This raises significant concerns about the basis of the council's decision. Without clear, objective criteria, the decision appears to rely solely on a single planning officer's personal opinion rather than measurable standards. This lack of transparency results in uncertainty and inconsistency in decision-making. We request clarification on the specific standards used to determine that our fence is visually harmful when similar fences have been approved elsewhere in the borough.

5. Relevance of Policy DMG1 to This Application

The only reason planning permission is required for this fence is because it is adjacent to a path next to a highway. However, the **highways agency has raised no objections** to the fence. If the road were slightly further away, planning permission would not be required, and we would be free to erect any type of fencing without issue. This raises a fundamental question: **Is Policy DMG1 even relevant to this decision?** The policy deals with general design and amenity considerations, but the core issue in this case—proximity to a highway—has already been deemed acceptable by the relevant authority. The application of DMG1 appears arbitrary in this context.

6. Lack of Individual Assessment in Decision-Making

It has come to our attention that the decision notice issued for our application is identical (an exact copy and paste) to a separate decision notice for a different property on the other side of the borough. (Application 3/2023/0927 - 3-2023-0927_1148619.pdf) This strongly suggests that our application has not been assessed on its own merits. Planning decisions should be made based on site-specific circumstances, and failure to do so raises concerns about the transparency and fairness of the decision-making process.

7. Unreasonable Alternative Suggested by the Council

The council has suggested that the fence be moved further back from the pavement. However, this is financially unviable as it would cost more than the original installation. Additionally, the disruption caused by relocating the fence would result in further distress for our disabled child. Given these factors, the council's suggestion is unreasonable and does not present a viable solution. The refusal of our application fails to take into account the disproportionate burden this alternative would place on our family, both financially and emotionally.

Part 2 – Objections to the decision based on failure to consider Extenuating circumstances, child with disabilities

Introduction

The fence is vital for the safety, privacy, and well-being of our young son, [REDACTED], who has both mental and physical disabilities. We believe the refusal of the application fails to properly consider our son's specific needs and does not comply with several important legal frameworks, including the **United Nations Convention on the Rights of the Child (UNCRC)**, **Planning Policy Statement 1 (PPS1)**, the **Families Act 2014**, the **Human Rights Act 1998**, and the **Equality Act 2010**.

For details of [REDACTED] circumstances, and professional opinions showing that the fencing is needed to support him, please refer to attached documents

[REDACTED]
[REDACTED]
[REDACTED]

We respectfully ask that these considerations be taken into account in this appeal.

1. Failure to Consider the Rights of the Child

As outlined in the **United Nations Convention on the Rights of the Child (UNCRC)**, the best interests of the child must be a primary consideration in all actions concerning children. The fence is not simply a boundary feature but a critical safety measure for our son, who requires additional protections due to his mental and physical disabilities. The council's refusal has not sufficiently considered the best interests of our son, which should be a paramount consideration in this case.

2. Human Rights Act 1998 – Article 8: Right to Private and Family Life

Under **Article 8 of the Human Rights Act 1998**, everyone has the right to respect for their private and family life, home, and correspondence. The refusal of this planning application infringes on our son's right to a private and secure environment, which is essential for his well-being, safety, and dignity. The fence is necessary to provide the privacy and security that enables our son to feel safe in his home, away from the risks posed by the highway and the intrusion of public view.

- **Article 8** guarantees the right to a private family life and home, and in this case, the refusal of the fence could be seen as a violation of this right, as it removes a necessary safeguard for our son's well-being.

3. Equality Act 2010 – Duty to Prevent Discrimination

The **Equality Act 2010** places a duty on public authorities to eliminate discrimination, advance equality of opportunity, and foster good relations between individuals. Sections **4, 5, and 6** of the Equality Act address the need to

make reasonable adjustments for disabled people and to ensure that they can enjoy their rights without facing disadvantage or discrimination.

- In our case, the fence is a reasonable adjustment to ensure our son's safety and well-being, especially given his disabilities. The refusal fails to adequately consider the duty to prevent discrimination against our son, as it places his safety and privacy at risk, potentially exacerbating his condition and causing unnecessary distress.
- By denying us the opportunity to retain the fence, the council has not taken the necessary steps to advance equality of opportunity for our son, who faces specific challenges due to his disabilities.

4. Families Act 2014 – Safeguarding Families and Children

The **Families Act 2014** emphasizes the importance of safeguarding children's well-being and ensuring that the needs of families, particularly those with vulnerable children, are met. The refusal of this application fails to acknowledge the specific needs of our family, and by not allowing us to retain the fence, the council is not adequately safeguarding our child's safety and privacy.

- The Act underscores the importance of considering the needs of vulnerable children and families when making decisions that affect their lives. The retention of the fence is a key factor in safeguarding our son's well-being, and its removal would be a direct detriment to his safety and privacy.

5. Planning Policy Statement 1 (PPS1)

This requires local planning authorities to consider the needs of vulnerable groups, including children and disabled people, when making planning decisions. The council's refusal of this application does not adequately take into account the specific needs of our son, and we believe it fails to meet the standards set out in PPS1 for promoting health, safety, and inclusion for all individuals, particularly those who are most vulnerable.

Conclusion

We respectfully request that the refusal be overturned. The fence is consistent with the character of the area, has not caused any public concern, and has support from neighbouring residents. We believe the decision does not fairly reflect the established local context, and is at odds with the public opinions and interests.

We respectfully request that the Planning Inspectorate consider the specific needs of our son and the essential role the fence plays in ensuring his safety, privacy, and overall well-being. The refusal of this application fails to comply with the United Nations Convention on the Rights of the Child, the Human Rights Act 1998, the Equality Act 2010, and the Families Act 2014, all of which underscore the importance of safeguarding vulnerable children and providing them with the necessary protections to live with dignity, security, and well-being.

We trust that the Planning Inspectorate will recognize the importance of this issue and grant permission for the retention of the fence.

We appreciate your careful consideration of this appeal.

Yours faithfully,
Steven and Joanne Woodcock