

Information on the erection of fencing

Under the provisions of the Town & Country Planning (General Permitted Development) Order 1995 planning permission is not required for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure provided it does not exceed one metre in height where adjacent to a highway used by vehicular traffic. Where the gate, fence, wall or other means of enclosure is not adjacent to a highway used by vehicular traffic it does not need planning permission if it does not exceed two metres in height. The exception to this allowance relates to a listed building, where any such gate, fence, wall or other means of enclosure or an alteration to it requires planning permission. These allowances apply to any land or property. Given the one metre height restriction where adjacent to a highway used by vehicular traffic, it is likely that the most prominent and visually damaging fencing will require planning permission. I will write to all the fencing contractors in the area drawing their attention to the limitations contained in the General Permitted Development Order, so that hopefully they will ensure their customers have planning permission where necessary.

In certain exceptional cases an Article 4 Direction has been made removing these “permitted development” rights, notably when rural land is being offered for sale in a number of small plots. The approval of the Secretary of State is required for the majority of Article 4 Directions and the advice in Circular 9/95 is that permitted development rights should only be withdrawn where there are exceptional circumstances, and a real and specific threat i.e. there is reliable evidence to suggest that permitted development is likely to take place which could damage an interest of acknowledged importance and which should therefore be brought within full planning control in the public interest.

The following advice is found in the Planning Handbook regarding walls and fences:

“Fences and walls can be prominent features, either from public viewpoints such as roads or footpaths, or from adjoining residential properties. In urban areas where boundaries adjoin roads or footpaths either walls or close boarded fencing would normally be required. In Conservation Areas brick walls will normally be required in publicly visible locations. In rural areas and the Area of Outstanding Natural Beauty use of fencing needs careful consideration and the type and height of fencing may be critical. Hedgerows form an important part of the character of the High Weald and if boundary security is required then the Local Planning Authority will normally seek to locate new fencing inside the existing hedges as opposed to the removal of the hedging. Alternatively new hedgerow planting may be required in front of new fencing. For the above reasons insensitive fencing proposals requiring hedge removal will not be acceptable. Again to prevent suburbanisation within the Area of Outstanding Natural Beauty new entrance gates should normally be of simple rural wooden design rather than ornate urban brick and metal structures. Similarly in rural areas wooden post and rail fencing is considered an appropriate method of boundary treatment.

In open plan housing estates there are often conditions restricting means of enclosure around front and side gardens. It is unlikely that permission would be granted for any means of enclosure in such front or side garden areas.”

Source: Rother District Council Planning Committee Agenda Item 6.2, 13th September 2007