

**Supplementary Planning Document**

**Walls and Fences**

**Adopted May 2019**





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## Supplementary Planning Document: Walls and Fences

### 1. About This Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.
- 1.3** The Council will not usually have any control over walls and fences which do not require planning permission. The only exceptions would be when the Council has a legal interest in the land or the wall or fence is considered dangerous.

### 2. When Is Planning Permission Required?

- 2.1** Planning permission is normally required to erect a wall or fence or other means of enclosure:-
1. Over 1 metre in height above ground level, adjacent to a highway used by vehicular traffic.
  2. Over 2 metres in height above ground level elsewhere.
  3. Your house is either listed or within the curtilage of a listed building.\*
  4. In a conservation area planning permission may be required to take down a fence, wall or gate
- 2.2** \*If a proposed wall or fence replaces a pre-existing structure and is physically attached to or is within the historic curtilage of a listed building, this may also require listed building consent.
- 2.3** In addition where the erection of a fence or wall would cause danger by obstructing the view of persons using a highway then planning permission will usually be required and is likely to be refused.
- 2.4** You are advised to check with Development Management before you start erecting a wall or fence to see if permission is required. Please contact Planning Services on (01226) 772595.

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### 3. Ground Level

- 3.1** This is generally taken to be the natural ground surface next to the wall or fence. If ground level is different on either side of the wall or fence the measurement is generally taken from the highest point. However, where the natural ground level has been raised, for instance to form a patio area the measurement may be made from the original ground level.

### 4. Open Plan Estates

- 4.1** If you live on an open plan estate you should contact Development Management to check whether the erection of a wall or fence to the front of your property needs permission. It would also be advisable to check your deeds for similar restrictions.

### 5. Considerations In Determining Applications

- 5.1** Where the erection of a wall or fence does require permission the main issues are likely to be:-
- Design, appearance and materials.
  - Highway safety.
  - The impact on your neighbours.

### 6. Design And Appearance

- 6.1** The design, the materials used and the height of the wall or fence should relate to the character of the area in which you live or work.
- 6.2** Particular care should be taken on site frontages, in other visually prominent locations, or in sensitive settings (close to listed buildings for example).
- 6.3** In urban and suburban areas the use of stone, artificial stone and brick walls, good quality timber fencing, iron railings or hedges will usually be appropriate depending on the type and colour of the materials used and the character of the area and the individual property.
- 6.4** The use of less appropriate materials such as blockwork, concrete panels, perforated blocks and industrial security fencing will often damage the appearance of a property and the area in which it is located.
- 6.5** In rural areas, dry stone or traditional stone coursed walls or hedges (for instance, hawthorn) will usually be most appropriate.

### 7. Your Neighbours

- 7.1** The erection of a new boundary fence or wall or replacement of an existing wall or fence can unfortunately sometimes give rise to concern from an adjoining neighbour and become a source of bad feeling. If you let neighbours know what you are intending to do at an early stage, such difficulties may sensibly be avoided, even if planning permission is not required.

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- 7.2** Where planning permission is required, your neighbours will be notified of your proposals by the Council and invited to make comments. Their views will be taken into account by the Council in reaching a decision.

### **8. Private Legal Matters**

- 8.1** The Council would not normally have any control over the obstruction of a private access unless the Council has a legal interest in the land. Similarly the Council cannot get involved in land ownership disputes between private individuals.
- 8.2** The extent of your land ownership may be shown in your property deeds (often retained by the Building Society). Information regarding land ownership may also be held by the Land Registry. For further information, contact: The Nottingham (East) District Land Registry, Robins Wood Road, Nottingham, NG8 3RQ (Tel. 0115 9065353).

### **9. Council Houses**

- 9.1** If you live in a Council or former Council house you will usually need the permission of the Head of Housing Services to erect a wall or fence regardless of size. It is advisable therefore to check your deeds for any such restrictions. For further information contact the Council's contact centre on (01226) 773555 who will put you into contact with the team who deal with Right To Buy /property queries on behalf of the Council.

### **10. Unsafe Walls**

- 10.1** The Council can take action under the Building Act 1984 to ensure dangerous walls or structures are made safe. For further information contact the Building Control Section on (01226) 772678.

### **11. Retaining Walls**

- 11.1** A freestanding retaining wall retaining over 1.5 metres of ground would need approval under the South Yorkshire Act 1980. Retaining walls forming part of a building will normally require approval under the Building Regulations. For further information you should contact the Building Control Section on (01126) 772678.

### **12. Demolition**

- 12.1** Permission is not usually required to take down a wall or fence unless:-
- i. the retention or erection of the wall or fence has been specifically required by previous planning approval;
  - ii. it lies within the curtilage of a listed building; or
  - iii. it is located within a Conservation Area.

### **13. Flood Risk**

- 13.1** The Planning Practice Guidance (PPG) on Flood Risk and Coastal Change: <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications> makes

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clear that a Flood Risk Assessment (FRA) is required for 'minor development' in flood zone 2 or 3. Walls and fences requiring planning permission would fall in this category. Flood Risk Standing Advice (FRSA) applies to minor development when it comes to the assessment of flood risks.

- 13.2** In the case of walls and fences particular attention should be paid to the potential to divert flood waters elsewhere / impede flood flows – the NPPF and PPG make clear that development which increases flood risk to others should not be permitted.
- 13.3** A flood risk activity permit may be required, under the Environmental Permitting Regulations, from the Environment Agency for any proposed works or structures in, under, over or within eight metres of a 'main river'. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

### 14. Further Information

- 14.1** Please contact Development Management on (01226) 772595.in the first instance.